The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. RADANOVICH).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The Speaker pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, April 18, 2005.
I hereby appoint the Honorable GEORGE RADANOVICH to act as Speaker pro tempore on this day.
J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
Lord God, giver of all good and last-
ing gifts, be with Your people today. Renew us in faith that by Your inspira-
tion and bold holiness we may accom-
plish Your purpose for us in our day.

People of faith have laid the founda-
tion of this democracy. May these same lasting values shape today both the private and public lives of all American citizens. Help Your people to focus on transcendent truths that will help them live and act as the free children of God, likely to reject any aspect of materialism or moral relativism that may undermine the common good of this Nation.

We humbly present ourselves and our needs to You, Almighty God, now and forever.
Amen.

THE JOURNAL
The Speaker pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.
Pursuant to clause 1, rule 1, the Jour-
nal stands approved.

PLEDGE OF ALLEGIANCE
The Speaker pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
WASHINGTON, DC, April 15, 2005.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the per-
mission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-
tives, the Clerk received the following mes-
 sage from the Secretary of the Senate on April 15 at 9:24 a.m.:
That the Senate passed without amend-
ment H.R. 787.
With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

BILL PRESENTED TO THE PRESIDENT
Jeff Trandahl, Clerk of the House, re-
ports that on April 14, 2005 he presented to the President of the United States, for his approval, the following bill.
H.R. 1346. To amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

ADJOURNMENT
The Speaker pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, April 19, 2005, for morning hour debates.
There was no objection.

Accordingly (at 2 o’clock and 4 min-
utes p.m.), under its previous order, the House adjourned until tomorrow, Tues-
day, April 19, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
1664. A letter from the Director, Regu-
ulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department’s “Major” final rule—2004 Livestock Credit Corporation, USDA (RIN: 0560–AH30) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1665. A letter from the Director, Regu-
ulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department’s “Major” final rule—2003 and 2004 Transition Payment Program (RIN: 0575–AH25) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1666. A letter from the Director, Regu-
ulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department’s “Major” final rule—Karnal Bunt; Regulated Areas (RIN: 0560–AH30) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1667. A letter from the Congressional Re-
view Coordinator, APHIS, Department of Ag-
riculture, transmitting the Department’s final rule—Classical Swine Fever Status of Mexican States of Campeche, Quintana Roo, Sonora, and Yucatan [Docket No. 02–002–1] Received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1668. A letter from the Congressional Re-
view Coordinator, APHIS, Department of Ag-
riculture, transmitting the Department’s final rule—Grapes Grown in a Designated Area of Southeastern California; Increased Assess-
ment Rate (Docket No. PV/95–225–1 FR) re-
ceived March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1669. A letter from the Acting Adminis-
trator, AMS, Department of Agriculture,
transmitting the Department’s final rule—
Dried Prunes Produced in California; In-
creased Assessment Rate [Docket No. FV05-
993-1 FR] received March 30, 2005, pursuant
to 5 U.S.C. 801(a)(1)(A); to the Committee on
Agriculture.

1670. A letter from the Acting Adminis-
trator, AMS, Department of Agriculture, trans-
mitting the Department’s final rule—
Marketing Order Regulating the Handling of
Spearmint Oil Produced in the Far West; Re-
vision of the Salable Quantity and Allotment
Percentage for Class 3 (Native) Spearmint Oil
for the 2004-2005 Marketing Year [Docket No.
FV04-965-2 IFR-A2] received March 30, 2005,
pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Agriculture.

1671. A letter from the Acting Adminis-
trator, AMS, Department of Agriculture, trans-
mitting the Department’s final rule—
Domestic Dates Produced or Packaged in
Riverside County, CA; Modification of the
Qualification Requirement for Approved
Manufacturers of Date Products [Docket No.
FV04-987-1 FR] received March 30, 2005, pur-
suant to 5 U.S.C. 801(a)(1)(A); to the Com-
mittee on Agriculture.

1672. A letter from the Acting Adminis-
trator, AMS, Department of Agriculture, trans-
mitting the Department’s final rule—
Onions Grown in South Texas; Decreased As-
essment Rate [Docket No. FV05-959-1 FR]
received March 30, 2005, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Agricul-
ture.

1673. A letter from the Acting Adminis-
trator, AMS, Department of Agriculture, trans-
mitting the Department’s final rule—
Vidalia Onions Grown in Georgia; Increased
Assessment Rate [Docket No. FV05-955-1 IFR]
received March 30, 2005, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Agricul-
ture.

1674. A letter from the General Counsel,
Department of the Treasury, transmitting a
draft bill “To authorize United States par-
ticipation in, and appropriations for the
United States contribution to, the eighth re-
plenishment of the resources of the Asian
Development Fund”; to the Committee on
Financial Services.

1675. A letter from the General Counsel,
Department of the Treasury, transmitting a
draft bill “To authorize United States par-
ticipation in, and appropriations for the
United States contribution to, the tenth re-
plenishment of the resources of the African
Development Fund”; to the Committee on
Financial Services.

1676. A letter from the General Counsel,
Department of the Treasury, transmitting a
draft bill “To authorize United States par-
ticipation in, and appropriations for the
United States contribution to, the four-
teenth replenishment of the resources of the
International Development Association”; to the
Committee on Financial Services.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of
committees were delivered to the Clerk
for printing and reference to the proper
calendar, as follows:

Mr. THOMAS: Committee on Ways and
Means. H.R. 1541. A bill to amend the In-
ternal Revenue Code of 1986 to enhance energy
infrastructure properties in the United
States and to encourage the use of certain
energy technologies, and for other purposes;
with amendment (Rept. 109-45). Referred
to the Committee of the Whole House on the
State of the Union.

Mr. BOEHNER: Committee on Education
and the Workforce. H.R. 739. A bill to amend
the Occupational Safety and Health Act of
1970 to provide for adjudicative flexibility
with regard to the filing of a notice of con-
test by an employer following the issuance of
a citation or proposed assessment of a pen-
alty by the Occupational Safety and Health
Administration (Rept. 109-46). Referred
to the Committee of the Whole House on the
State of the Union.

Mr. BOEHNER: Committee on Education
and the Workforce. H.R. 740. A bill to amend
the Occupational Safety and Health Act of
1970 to provide for greater efficiency at the
Occupational Safety and Health Review
Commission; with an amendment (Rept. 109-
47). Referred to the Committee of the Whole
House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself,
Mr. POMIO, and Mr. THOMAS):

H.R. 6. A bill to ensure jobs for our future
with secure, affordable, and reliable energy;
to the Committee on Energy and Commerce,
and in addition to the Committees on Edu-
cation and the Workforce, Financial Ser-
vices, Agriculture, Resources, Science, and
Ways and Means, for a period to be subse-
quently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. BOEHLERT (for himself, Mr.
INSLEER, Mr. EHRLERS, and Mr. WU):

H.R. 1674. A bill to authorize and strength-
en the tsunami detection, forecast, warning,
and mitigation program of the National Oce-
nic and Atmospheric Administration, to be
authorized and appropriated for the differ-
cial repair of damage resulting from the
December 26, 2004 tsunami.”

By Mr. BOSTANY (for himself, Mr.
MCCREARY, Mr. JEFFERSON, Mr. ALEX-
ANDER, Mr. JINDAL, Mr. MELANCON,
and Mr. BAKER):

H.R. 1675. A bill to provide for agreements
between Federal agencies to partner or
transfer funds to accomplish erosion goals
relating to the coastal area of Louisiana, and
for other purposes; to the Committee on
Transportation and Infrastructure, and in
addition to the Committee on Agriculture,
for a period to be subsequently determined
by the Speaker, in each case for consider-
ation of such provisions as fall within the
jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 1676. A bill to amend the Internal
Revenue Code of 1986 to provide for the dis-
losure to State and local law enforcement
departments and agencies of the identity of
dividends claiming Social Security benefits
through the improper use of Social Security
numbers of other individu-
als; to the Committee on Ways and Means.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 3 of rule XII,
Mr. TOWNS introduced a bill (H.R. 1677)
for the relief of Kuan He Wu; which was re-
ferred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Ms. HARRIS.
H.R. 47: Mr. McHENRY, Mrs. DRAKE, Mr.
SHUSTER, Mrs. J O ANN DAVIS of Virginia, Mr.
NEY, and Mrs. MYERICK.
H.R. 302: Ms. SCHAKOWSKY.
H.R. 606: Mr. STARK.
H.R. 739: Mr. SOUDER, Ms. FOXX, and Mr.
KUHL.
H.R. 740: Mr. SOUDER, Ms. FOXX, and Mr.
KUHL.
H.R. 741: Mr. SOUDER, Ms. FOXX, and Mr.
KUHL.
H.R. 742: Mr. SOUDER, Ms. FOXX, and Mr.
KUHL.
H.R. 880: Mr. BOUCHER.
H.R. 867: Ms. ROS-LEHTINEN, Mrs. JONES of
Ohio, Mr. CONYERS, Mrs. MALONEY, and Mr.
BURTON of Indiana.
H.R. 1159: Ms. UDALL of Colorado.
H.R. 1299: Mr. HERSETH and Mr. BROWN of
South Carolina.
H.R. 1313: Mrs. WILSON of New Mexico, Mr.
BRAUERF, Mr. PORTER, Mr. WELDON of Flor-
da, Mr. MURPHY of Kansas, Mr. SESSIONS, Mr.
SAM JOHNSON of Texas, Ms. HARMAN, and Mr.
HOEKSTRA.
H.R. 1357: Mr. MANZULLO.
H.R. 1389: Mr. HINCHRY.
H.R. Res. 10: Mr. KANJORSKI, Mr. ISTOOG,
and Mr. McNULTY.
H. Con. Res. 99: Mr. EMANUEL.
H. Res. 67: Mr. BISHOP of Georgia, Ms. ZOE
LOFSEGREN of California, Mr. RANGEL, Mr. KEN-
nedy of Rhode Island, Mr. SCHIFF, Mr. EMAN-
uel, and Mrs. TAUNCHER.
H. Res. 84: Mr. BOSWELL.
H. Res. 85: Mr. TERRY and Mr. CUNNINGHAM.
H. Res. 184: Mr. GARRETT of New Jersey.
H. Res. 185: Mr. HERGER, Mr. CALVET, Mr.
BONNER, Mr. SINGH, Mr. PRICE of Georgia,
and Mr. DRAF of Georgia.
The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who causes our hearts to overflow with beautiful thoughts, You are so glorious, so majestic. We think of the gifts of life, of love, of meaningful work. We think of the blessings of the gift of friendship, of family, of fertile fields. We think of the power of Your throne which endures forever and ever. Grant that these beautiful thoughts will be transformed into loving service to those who need it most. Inspire our Senators to labor for a harvest that will transform lives and provide a shield for freedom. Teach them to disagree without being disagreeable and to safeguard friendships regardless of the issues. May they seek to understand before being understood. Make them quick to listen, slow to speak and slow to anger. Give them the wisdom to love what is right and hate what is wrong. May their work so honor Your name that nations will praise You forever. We pray this in Your blessed Name.

Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF ACTING MAJORITY LEADER

The President pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today we open with a 1-hour period for morning business. At 2 today, we will resume consideration of the emergency supplemental appropriations bill. As we announced at the close of last week, Members can expect one or two votes this evening in relation to the appropriations bill. Chairman COCHRAN will be here when we resume the bill, and we will be consulting with the two managers and the Democratic leader as to exactly what votes we can expect today at approximately 5:30.

On Friday, cloture was filed on the two pending amendments relating to AgJOBS. In addition to these two cloture votes, we have cloture votes scheduled on the Mikulski amendment on visas, as well as the underlying bill. To remind all of our colleagues, the two AgJOBS cloture votes are scheduled for 11:45 a.m. tomorrow. The cloture vote on the Mikulski amendment and the cloture vote on the bill will occur later tomorrow afternoon. I hope we can invoke cloture on the bill tomorrow. That will be the only way to ensure that we finish our work this week on this extremely important funding legislation. Therefore, Senators can expect votes each day this week as we work our way through the issues related to the supplemental appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The President pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia.

BLUE CARD ALTERNATIVE TO H–2A GUEST WORKER PROGRAM

Mr. CHAMBLISS. Mr. President, I rise to discuss an amendment that I, along with my friend from Arizona, Senator Jon KYL, have introduced. This amendment represents a practical alternative to S. 339, which has been introduced by Senator CRAIG, commonly known as the AgJOBS bill. My hometown of Moultrie, GA, is located in Colquitt County. It is one of the most diversified agricultural counties in the country and often referred to as the most diversified agricultural county east of the Mississippi River. During my 26 years of practicing law, before I came to Congress I represented farmers who grow almost every kind of crop there is. These farmers, as do most farmers in America, depend very heavily upon migrant labor for their means of planting, harvesting, and getting their crops to market.

Up the road from my hometown is the Georgia peach growing area, which also produces most of the pecans that are grown in the country today. These farmers, as do most farmers in America, depend very heavily upon migrant labor for their means of planting, harvesting, and getting their crops to market.

From my perspective as a former member of the House Permanent Select Committee on Intelligence and my present position as chairman of the Senate Agricultural Committee, I understand that our country’s need for a secure and reliable domestic food supply is an issue of national security. This legislation addresses those needs without providing amnesty to our current illegal agricultural workforce. Instead, we take a two-pronged approach. First, this legislation modernizes and streamlines the current H–2A program. Secondly, it creates a temporary agricultural guest worker program called the blue card program.
Let me give a little background on the present H-2A program and why so few agricultural employers utilize it.

The H-2A program is a program for non-immigrant, work-related, temporary visas authorized by the Immigration and Nationality Act. It is regulated and administered by the United States Department of Labor. Although its purpose is to allow employers to have access to an adequate legal seasonal workforce when domestic workers are unavailable, participation in the H-2A program is time-consuming, bureaucratic, and inefficient.

A producer must complete a complicated application process which involves sequential approval by a State agency and three Federal agencies. As presently designed, administered, and enforced, H-2A employers must complete a great deal of paperwork during the application process. They must then coordinate and track their workers through a Bureau of Customs and Immigration Services and State Department visa approval system. Once the workers are present on the farm, these employers must also comply with all aspects of the Immigration and Naturalization Act, the Migrant Seasonal Agricultural Worker Protection Act, the Fair Labor Standards Act, and various OSHA regulations regarding housing and field sanitation.

Redtape aside, another serious issue with the current H-2A program is that it requires employers to pay the Adverse Effect Wage Rate, which is determined by an archaic survey conducted since the 1930s. This survey was never designed to capture prevailing wages within a specific geographical area nor does it specify the type of work that is being done for that wage. In my home State of Georgia, the present wage an employer must pay for an unskilled farm worker is $3.30 per hour. This wage is in addition to free housing and reimbursement for all transportation costs. All of these expenses make it very difficult for these H-2A employers to compete with producers who do not or cannot use the program and who then pay workers they are able to find between $5.15 and $6.15 per hour.

We have millions of illegal workers on farms in this country. We have a program that will allow growers to use legal workers. The fact so few agricultural employers take advantage of H-2A is too complicated, too costly, and much too litigious.

The legislation that Senator KYL and I have introduced simplifies the H-2A program by streamlining the application process to involve fewer Government entities in the final approval. Under this bill, employers who wish to use H-2A workers will go through an attestation process, rather than a lengthy bureaucratic labor certification process. Employers will be allowed to use the Department of Homeland Security that they have conducted the required recruitment and were unable to find an adequate number of domestic workers to fill their labor needs. The Department of Labor will maintain its role as an auditor to punish those employers who willfully violate the conditions that must be met in the attestation process to obtain H-2A workers. We have increased the time permitted for the completion of this process to two years, rather than the current one year, time to employ illegal workers rather than utilize this updated program will pay the costs.

This legislation also addresses the Adverse Effect Wage Rate, which many contend has discouraged employers from using the H-2A program. Instead, we move to a wage rate that is more market-oriented and a prevailing wage for each region of the country.

Another important aspect of this legislation is the clear demonstration that the Legal Services Corporation cannot represent or provide services to a person or entity representing any alien, unless that alien is physically present in the United States. This clarification is needed because of the longstanding and widespread belief that the Legal Services Corporation is used by illegal aliens to file frivolous lawsuits against producers who employ H-2A workers.

By streamlining and modernizing the H-2A program, we can make it easier to attract workers to U.S. agricultural employers and minimize the attraction of using illegal labor.

The second part of our legislation targets the illegal population in this country with the creation of a blue card program. The blue card program is also innovative, a new temporary guest worker program. The idea of it is to allow employers who cannot find an adequate domestic workforce to petition on behalf of an immigrant who is currently illegal here to receive a blue card or a temporary status in this country. The petitioning process will require the alien to submit his or her biographical information along with two biometric identifiers to the Department of Homeland Security. This way, we can be sure we are not bestowing the blue card status on a potential terrorist or an alien with a criminal past.

The blue card itself will be a machine-readable, tamper-resistant document that will be capable of confirming, for any immigration official who needs to know, the person holding the blue card is who the card claims he or she is, and the blue card worker is authorized to work in agricultural employment in the United States and the authorization has not expired.

Because the blue card workers will maintain these secure identification documents, they can freely travel between the United States and their home countries. This will allow the blue card workers to maintain ties to their lives and families at home.

It is important to note that by setting the Blue Card Program up on an employer-petition basis, the program is not related to the Blue Card program that responds to the U.S. market and our agricultural labor needs. Employers will only petition for as many workers as needed to fill their labor needs. This is unlike the AgJOBS bill which allows illegal aliens to self-petition.

Once an alien receives a blue card, he or she is eligible to work in the United States for up to three years. The blue card program is national in scope, and each at an employer’s petitioning. At the end of the second renewal, the blue card worker must return to his or her home country, or country of last residence. This is important. The blue card program does not provide a pathway to U.S. citizenship, which is contrary to what the AgJOBS bill does. Any blue card worker who wishes to become a U.S. citizen is certainly allowed to do so. All that employer has to do is revoke his or her blue card, return to his or her home country or country of last residence for at least 1 year and apply through the normal process just like everyone else.

An approved blue card worker will receive all the protections U.S. workers will receive. While blue cards are available to those who work in the agricultural field, this legislation expands a traditional definition of agriculture in recognition of the interdependence on various occupations within the field of agriculture. By including truckers, packagers, and landscapers, we not only encourage a larger percentage of our illegal population to come forward, submit to Homeland Security background checks, and get legal work authorization, we also provide some relief to those occupations that have traditionally relied on H-2B visas for foreign workers. As we all know, H-2B visas are in short supply and high demand.

This legislation is important, and I urge the support of my colleagues.

The President pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I first wish to express appreciation to the Senator from Georgia for explaining very well the need for improvement of the legislation on which we will be voting tomorrow, which is our version of the legislation that will help employers in our agricultural sector by including immigration reform which will make it easier for them to obtain workers from both the illegal immigrants who are in the country today as well as those legal immigrants who would be applying under our legislation.

Let me go back to kind of a 30,000-foot elevation view here and describe the reasons we put this legislation together and are offering it at this time. As we have said before, the supplemental appropriations bill, which will be debated again tomorrow as well as later today and which will help pay for our war efforts in Iraq and Afghanistan, is not the appropriate place to be debating immigration. Unfortunately, some of our colleagues saw fit to bring amendments to the Senate floor which relate to the AgJOBS Bill. One of those amendments is this amendment that deals with agricultural labor. It was at that point that Senator Chambliss and
I had no alternative but to present the alternative view of how to serve those agricultural needs.

The basic difference between the bill Senator Chambliss just described and the other bill, the bill that is primarily offered by Senators Kennedy and Craig, is the difference between a bill that provides amnesty, in the case of their legislation, for illegal immigrants here, and our bill, which provides the workforce within the legal constraints of the law but does not grant amnesty to the illegal immigrants who are here. There are a lot of other differences, but that is the prime difference.

Both of us recognize that there is a significant need for a workforce in this country, willing and able to work in agriculture and related occupations, and that cannot be satisfied solely with people who are American citizens today.

The difference is in the way we treat those people who are here illegally today. What the Craig and Kennedy legislation does is to grant those people, very early on, a legal status which permits them to become legal permanent residents. ‘Legal permanent resident’ starts under our immigration law. Some people refer to it as a green card. As little as 100 hours’ work for 3 months entitles someone under their legislation to get a green card. A green card is like gold because it enables you to live for the rest of your life in the United States of America and work here.

But it also means something else. If you have a green card, you can also apply to become a citizen of the United States of America. It is a wonderful thing for people from other countries to get to be citizens of the United States of America. We are very much in support of immigration to this country. As my grandparents came here and as all of us in this body, our relatives who came to this country from another country, we all support legal immigration. But we do not believe that great opportunity to become a citizen of the United States should be granted to someone on the basis of their illegality; because they came here illegally, because they used counterfeit documents, because they got a job illegally—that on the basis of those factors they should get an advantage over those who are abiding by the law and who want to become U.S. citizens. It is that with which we disagree.

What we say is if a person who is in the country illegally today wants to work in U.S. agriculture or related industries, and the employer needs that person—and there are certainly a lot of them in that category—the employer petitions and that individual can get a different kind of status, a blue card, as Senator Chambliss said. That blue card allows them to work here, to live here, to travel back and forth to their country of origin. They can go back and forth every weekend, if they desire. There are no restrictions there.

They are in the Social Security system. They are protected by our laws. They have to be paid a specific kind of wage, and they have all of the other kinds of protections one would think of in this context, but their status is different from that of a legal permanent resident, a green card.

Not only are they not entitled to live here the rest of their lives—eventually they are going to have to return home—but if they want to become citizens, they have to go through an application for just anybody else. What does that mean? They have to be petitioned for by somebody, an employer in this country. It takes about a year for them to acquire this status of legal permanent resident. That is how long it takes to get it. But once you get it, you can apply to become a U.S. citizen.

We are not punishing people for having violated our laws. Some would say you should not give them the opportunity to become citizens because they broke our laws. Senator Chambliss pointed out, we are not saying that. If they want to become legal permanent residents and apply for U.S. citizenship, they would have that right. All we ask is that they be treated just like anybody else who wants that right, which is to say they apply from their own country, not from the United States; that they wait the same period of time you would have to wait otherwise, a year; and then, if it is granted, they are treated like for citizenship, and all of the rest of it works just the same as it would for anybody legal.

What we say is that you cannot use the fact that you came to the United States illegally to get to stay here and stay here during the entire process that you are applying for legal permanent residency and U.S. citizenship. That gives you a big advantage, a leg up over those who are abiding by the law and who did not violate the law in the first place. There are other differences, but that is the most critical difference.

From our colleagues’ standpoint, what we are saying is you can vote for a bill which grants a very simple, convenient, economical way for us to get the agricultural labor we need in this country, with all the protections for the laborers which one would expect, without having to grant amnesty to these individuals, and that is a big deal.

The second way the Kennedy-Craig legislation provides for amnesty is that it even provides for someone who came to this country illegally and is employed illegally here and who then went back to their home country to come back into the United States and get those same advantages as those who would otherwise have to wait a year for legal permanent residency and then later for citizenship. So it not only would apply to those who are here illegally today; those who claimed they worked in the United States illegally in the past. And who knows what kind of claims we are going to get there? Because, of course, the counterfeit documents, Social Security cards, driver’s licenses, and other kinds of documents used to gain employment in the first instance can also be used to demonstrate the previous status of having illegally worked in the United States of America.

(Mr. Chambliss assumed the chair.)

Mr. KYL. One of the reasons I believe our bill has more support is that it is more likely to become law, whether it is a stand-alone provision that relates only to agricultural workers or is part of a broader kind of immigration reform. I do not think many people believe the House is going to pass a bill with amnesty, so we are trying to be practical about it. We would like to get something done, not simply run an ideological position up the flag pole in order to get a vote on it here in the Senate. That is why the American Farm Bureau is so strongly in support of our legislation and in opposition to our colleagues’ legislation.

I ask unanimous consent to have printed in the RECORD a letter from the American Farm Bureau Federation dated April 13 to the Presiding Officer and myself.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 13, 2005.
Hon. Saxby Chambliss,
U.S. Senate,
Washington, DC.
Hon. Jon L. Kyl,
U.S. Senate,
Washington, DC.

DEAR SENATORS CHAMBLISS AND KYL:

The American Farm Bureau Federation strongly supports the Chambliss-Kyl Amendment and urges its adoption when it is considered on the Senate floor.

This amendment would provide U.S. agriculture a clear, simple, timely and efficient way to fill seasonal and temporary jobs for which there is a limited U.S. labor supply. In order to recruit a worker from abroad, an employer would first have to make every reasonable effort to find an American worker. This is exactly the kind of meaningful reform that is necessary to provide all sectors of agriculture with a workable program while protecting American workers.

The measure also deals sensibly and fairly with illegal immigrants who are now working in agriculture, who meet strict criteria and who pose no security threat. Employers would petition to have such workers granted ‘blue card’ temporary worker status. Once granted, a blue card would be valid for three years and could be renewed a maximum of two times (exceptions may be considered for supervisory employees.)

This amendment does not grant amnesty to illegal aliens. Blue card workers would have the right to change jobs, earn a fair wage and enjoy the same working conditions the law requires for American workers. Blue card workers would be protected by all labor laws. Blue card workers could travel freely and legally back and forth to their home country.

The Chambliss-Kyl proposal strikes a reasonable balance among hard-working employees who are striving to better themselves and the need and obligation
of our country to control the flow of immigrants.

AFBF supports the Chambliss-Kyl amendment and we urge your fellow Senators to vote for this proposal when it is considered in the Senate.

Sincerely,

BOB STALLMAN,
Chairman, AFBF

Mr. KYL. Let me read the opening to give a flavor of what the American Farm Bureau Federation is saying:

The American Farm Bureau Federation strongly supports the Chambliss-Kyl amendment and we urge your fellow Senators to vote for this proposal when it is considered in the Senate.

In summary, we are going to have two proposals before us, one offered by the Senators from Massachusetts and Vermont. We are going to have a good, workable system for agricultural labor. It can pass both bodies and it does not include amnesty for illegal immigrants here. The other is our proposal, which enables us to have a good, workable system for agricultural labor. It can pass both bodies and it does not include amnesty for illegal immigrants here.

I note when we begin debate on the supplemental appropriations we will have more of an explanation of what we have offered to our colleagues, but at least this way we have opened up the subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

CHANGING SENATE RULES

Mr. NELSON of Florida. Mr. President, I have had the pleasure of working with the Senator from Arizona in the finest tradition of the Senate, in bipartisanship, and we are working together on an issue that is of great concern to the country, and that is the estate tax and whether it should be eliminated; if not totally eliminated, we are working on the prospect of having a significant exemption and doing something about the balance of a taxable estate as to what would be the actual rate at which the remainder of the estate would be taxed.

I raise this issue, although this is not the subject of my statement to the Senate, because following the distinguished junior Senator from Arizona. It has been my privilege to work with him in trying to achieve a bipartisan consensus. What I wish to talk about is achieving consensus in a town that is increasingly polarized by excessive partisanship and excessive ideological rigidity. This is a town in which it has gotten to the point, as told by Lesley Stahl, the CBS reporter, the other night, we had individuals at an all-night, nonstop dinner party with nonofficials—just normal folks at a dinner party in New York. The discussion turned to matters having to do with the subjects we are dealing with here in the Congress. The mood in that salubrious dinner party turned hostile. People were starting to shout at each other, and any sense of civility was suddenly gone.

I worry about that here in the most collegial of all parliamentary bodies in the world—this one, right here, the Senate. It has been such a great privilege for me to be a part of it. Yet, as I see, as the debate is approaching, everything is so partisan and everything seems to start talking about it’s either my way or the highway. That is not only not how this Nation has been governed under the Constitution for 217 years, that is, indeed, the very birthright we have had in this Nation—promises, compromise, and bringing together consensus in order to have a governing ability to function. That was how we came out with the Constitution that we did in that hot summer session of the Constitutional Convention in Philadelphia back in 1787. Yet I wonder if we are lost in that sense that brings us together and has us start drawing up consensus by reaching out to the other Senators and molding our ideas together in order to govern a very large country, a broad country, a diverse country, a complicated country.

You can’t do it with just one opinion. I have heard some of the statements when I have been interviewed on programs such as FOX. These were other Senators on these programs with me. I shake my head, wondering how someone could say those things. Is this question this Senate is going to face, whether the rules of this body are going to be changed in order to cut off the ability of a Senator to stand up and speak for as long as he or she wants on a subject of importance to that Senator, and whether that ability, known as a filibuster, is going to be taken away from them?

What is the history of the filibuster? If you think about how the filibuster works in the Senate, 217 years ago there was no limitation on a Senator being able to stand up and speak. For over a century, the rules provided a Senator could not be cut off. Early in the last century, that was changed so that if 67 Senators voted to cut off debate, then the debate would be closed. That was a supermajority.

Later on—sometimes I believe, in the 1960s—that threshold of 67 was lessened to 60. That is the rule we operate under now. A Senator can stand up and talk and talk and talk. The ability to speak in this body is such that the filibuster helps to encourage compromise. It is saying to the majority that because they have an idea, they can’t force that idea unless they get 60 votes, and that causes the majority to have to listen to the minority. It brings about encouragement of compromise.

I don’t think we ought to do away with the filibuster. Yet that is what the Senate is about to do, if the rules are amended.

Interestingly, the rules of the Senate say it takes 67 Senators to amend the rules. But we all have been told of a plan whereby the Presiding Officer, the Vice President of the United States—and the majority leader would make a motion and the Chair, the Vice President, the President of the Senate, would rule, and a 51-vote majority would change the rules of the Senate. It is my understanding that the Parliamnetarian of the Senate has in fact said you can’t change a rule that way. Yet it looks as though the majority leader, encouraged by the majority, is going to try to change the rules—not according to the Senate rules. In other words, it seems the majority is breaking the rules in order to change the Senate rules.

I don’t think that is right. I don’t think we ought to be changing the rules in the middle of the game. I don’t think it is right to overrule the Parliamnetarian of the Senate, who is not a partisan official.

I think this starts to verge on the edges of riskiness, if we start operating the Senate under this kind of rules, rules that are breaking the rules in order to change the rules.

Another way you could put it is that we talk about the majority is threatening to break the rules to win every time. Is that what the Senate is all about? Isn’t the Senate about the majority having to consult the minority, because under the rules of the Senate, minority rights are protected so the majority cannot completely run over the minority? Isn’t it the history and precedent of 217 years in the Senate? I think the history of this body would show that is the case, especially if we get to the point that this body is going to overrule the Parliamnetarian. I think that is verging on an abuse of power of the majority.

Remember also a truth—that today’s majority will be tomorrow’s minority, and the minority should always be protected.

There is another reason; that is, this group of political geniuses who happened to gather in Philadelphia back in that hot summer of 1787 created a system that had indeed separation of powers. That no one person in one person in the Government of the United States could become so all powerful as to mow over other persons in the institution.
in any one person’s hands. Thus, in the Congress they created a House of Representatives which represents the population, and a Senate, which was the Great Compromise in the Constitutional Convention of 1787—the Senate that represented each State equally with two Senators. In the rules that evolved from that body, the checks and balances arose to protect the minority.

Let us look in the separation of powers, the executive, the legislative, and the judicial that was created, and created at a time when the value of an independent judiciary, a judiciary that was going to be appointed in a two-step process. A one-step process that the Constitutional Convention rejected was that the appointment be only by the President. The Constitutional Convention created a two-step process in which the President nominates and the Senate confirms or rejects. That is part of the checks and balances.

I must say, as a senior Senator from Florida, I have been absolutely bewildered at statements I have heard on the floor of the Senate as well as I have heard from some of my colleagues when we have been interviewed on these news programs in which it is claimed that we are rejecting all of these judges. Let me tell you what this Senator from Florida has done. Of the 215 nominations before the Senate, this Senator has voted for 206 of them. That means there are only 9 this Senator has not voted for. In other words, under the administration of President George W. Bush, I have voted for 206 of his 215 nominations. That is 96 percent I voted for.

Does that sound as though this Senator is not approving all of the conservative judges? Every one of those judges who have come forth to us was a conservative judge. I have voted for 96 percent of them. I can tell you that the 9 I have not voted for—by the way, I voted for a majority of my colleagues voted against, and that was Miguel Estrada. But I had reasons, because I called him in and asked him if he would obey the law as a court of appeals judge. He said he would. I said that is good enough for me. But the remaining nine, I have plenty of reasons why I do not think they are entitled to a lifetime appointment as a Federal judge.

That is my prerogative as a Senator, and it is no different than the pressure of the administration under the rules of the Senate to stand up and to speak as long as this President has breath in order to get that opinion across.

I have been amused to hear some of my colleagues say here on the Senate floor as well as in some of these television interviews that we have done—and sometimes done together—that utilizing the filibuster has never been used, they say, against a judge nominee. My goodness, all you have to do is look at Abe Fortas. In 1968,9 Abe Fortas was nominated by President Johnson to be Chief Justice of the United States Supreme Court, and he was filibustered.

Since the start of the George W. Bush administration in 2001, 11 judicial nominations have been voted on in order to end a filibuster. That is before President Bush’s term which started in 2001.

How people can come with a straight face and say a filibuster has not been used on judicial appointments, I simply don’t understand. It defies the historical record of the Senate.

I think there are several principles that are very important as we consider this. It is my hope—and I have reached out to colleagues, dear personal friends who are friends regardless of party—that we can avoid this constitutional clash which should not be and changing the rules by breaking the rules.

Remember, a filibuster is to help encourage compromise. We shouldn’t be changing the rules in the middle of the game. The underlying principle I want our Senators to remember as we get into this debate—hopefully it will be headed off by cooler minds. As the Good Book says, come now and let us reason together. Remember these principles.

The Constitution stands for an independent judiciary. There are very necessary checks and balances in our form of government to keep the accumulation of power from any one agency, or executive branch, or person’s hands. We should not be overruling the Parliamentarian. We must encourage compromise. To change the rules in the middle of the game is bordering on an abuse of power. Surely the Senate can rise above this partisan, highly ideological set of politics and come together for the sake of the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. KYL. Mr. President, I will speak in morning business to the point discussed by my colleague from Florida. I understand another Senator was going to be here; when he arrives, I will yield the floor.

It is important for my colleagues and for the American people to appreciate a little bit of the background of this issue with respect to judges. My colleague from Florida makes a point that has a measure of truth, which is that this President’s judicial nominees, indeed, that has been the case with every Senator for every President.

But until the last 2 years, we have voted both for district court nominees and circuit court nominees. Two years ago, the Democratic minority began filibustering circuit court nominees. That is why President Bush has had a lower percentage of his nominees approved than any President since Franklin Roosevelt for the important Supreme Court or circuit court judge.

In 2001, the third of President Bush’s circuit court nominees were filibustered or could not be brought to a vote because they would have been filibustered: fully 17 out of around 35.

So when our colleagues on the other side of the aisle talk about the large number of judges they have approved, they are folding in all of the Federal district court nominees. That number has always voted for. That is not the appropriate measure. The question is, how many circuit court nominees?

Never before, in the history of our country, have we seen circuit court nominees or district court nominees rejected. In that matter, but circuit court nominees filibustered in this manner—ten separate judges could not come to a final up-or-down vote, seven more who would have had the same fate had they been voted for. That has never happened before in the history of the country.

Our colleague from Illinois was discussing the fact that a former Senator from New Hampshire had, in this Senate, talked about filibuster, following a vote on circuit judges for the Ninth Circuit Court of Appeals. In fact, that Senator had said that. The interesting point is, even though he, a single Senator, wanted to filibuster the nominees—their names were Berzon and Paez—the Republican leader, Thad Daschle from South Dakota, that they would not be filibustered, and we filed cloture, which is the petition to bring the matter to a close so we could take a final vote. Senators on both sides of the aisle supported the cloture motion, so they supported getting to a final vote on those two judges. Of course, cloture was invoked, meaning they were not filibustered.

They were brought up for a vote. Some voted against them—I voted for Berzon and against Paez—but the net result is they are both sitting on the Ninth Circuit Court of Appeals today. They are not filibustered.

Second, the only other situation in which it is alleged a filibuster occurred was with Abe Fortas, whose name was withdrawn by Lyndon Johnson the day after a cloture vote failed to succeed. As Senator Griffin from Michigan, who was then leading that opposition to Abe Fortas, has told me and others, there was no effort to filibuster be- cause they had the cloture. They simply had not had time to debate him, which is why they voted against the cloture, but as a result of the President acknowledging he had no support in the Senate, his name was withdrawn.

There has never been a filibuster of a Supreme Court or circuit court judge in the United States—it simply is erroneous to suggest there has been—and nor is it correct to say we have been voting on all of these different judges. If you take the district court judges out, about whom there is no controversy, there is a huge issue because fully a third of the President’s circuit court
nominees were not voted on because of this new filibuster by the Democratic minority.

We need to have some perspective. Who is changing the rules? Until 2 years ago, all the judges got up-or-down vote that could not even get out of the Judiciary Committee with a majority vote were granted the privilege or courtesy of a vote in the Senate. During the debate when Clarence Thomas was being confirmed, several leading Democratic Senators did not come to the Senate to oppose Judge Thomas. They said they actually had thought about trying to filibuster his nomination but that would be wrong because filibustering a judicial nominee is wrong. Senator Lautenberg, Senator Kerry, and others came to this floor and said, we do not know whether we will defeat Clarence Thomas or not, but we are not going to defeat him with a filibuster, practice which has never been. If they could get 51 votes for confirmation, they became a circuit court judge or a Supreme Court justice. That is what happened in the case of Clarence Thomas.

Now, all of a sudden, it has been turned around, and the Democratic minority, almost to a person, has said they believe judges should be filibustered, and the President's nominees are not going to get an up-or-down vote if they do not want to filibuster a particular nominee.

As I said, at least a third of these circuit court nominees so far have been filibustered. It is our understanding that practice will continue unless we can get back to the way it has always been, the traditional role of the Senate in providing advice and consent with a majority vote, up or down.

It has also been suggested the President has a new, wild variety of lawyers and judges to be circuit court judges, way out of the mainstream kind of people. This, of course, is absolutely ludicrous. The kind of people that President Bush has nominated are respected jurists or lawyers.

The American Bar Association, which used to be the Democrat's gold standard for approving the judicial nominees, has judged all of these candidates qualified. Yet somehow some of our colleagues on the left say they are out of the mainstream. My colleague on the Judiciary Committee, the Senator from New York, for example, has made this charge on several occasions. I do not think anyone would say Senator George Bush is out of the mainstream. Our constituents sent us here to get work done, to pass a budget, to pass the appropriations bill, to pass the bill that is before the Senate right now, the supplemental appropriations bill that will literally fund our troops' effort in Afghanistan and Iraq, to pass an energy bill, to pass a defense authorization bill, all of the other important things we want to do here.

Yet we have some colleagues suggesting, if they do not get their way on these judges, like the bully who has a call go against him by the referee and picks up his ball and goes home so the rest of the kids cannot play. Is that the threat here: pick up your ball and go home so the rest of us cannot do the business we were sent here to do?

Let me make one final prediction. Last time we met as members of the Judiciary Committee, we could not get a quorum to do business. Not one member of the minority party showed up. We have to have at least one quorum. This was not the last meeting but the penultimate meeting. They said there were three members going to the funeral of the Pope. I opened the debate by predicting, at another meeting on Thursday—and we need to pass the judges out to consider them on the floor—they will not give a quorum then, they will not show up or, if they do show up, they filibuster it so we cannot get the judges adopted. I predict right now the judges that are on the agenda for that meeting this coming week will not be passed out. They might pass out one or two, but they are not going to allow us to pass all of those judges so they can be considered by the full Senate.

It was Members of the minority party who complained, while Republicans never filibustered, they did keep some of President Clinton's judicial nominees bottled up. We will see whether they are willing to pass these nominees—I think there are 6 or 7 pending—we will see whether or not they are willing to show up for the meeting so there is a quorum and enable the committee to get it out to the full body so we can debate the nominees or whether they talk and talk and talk until the meeting has to end, no one else is around, and we no longer have a quorum or they simply do not show up for a quorum.

We will see what they do. I predict right now my colleagues are not going to allow us to get those judges to the Senate so we can begin the debate and a full vote. I believe Clarence Thomas was in this situation. The committee passed him to the Senate to see what the full body would do to give its advice and consent which is what the Constitution calls upon us to do.

I close by urging my colleagues not to confuse this discussion with erroneous information or talk about things
that are in a history that never was but, rather, to approach it on the basis of moving forward, in a bipartisan way, to fill our constitutional responsibilities to grant these judges an up-or-down vote by our advice and consent so we can put people on the court in these very important positions to serve the American people.

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

The PRESIDING OFFICER (Mr. Burr). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to speak in morning business for not to exceed 14 minutes.

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

The Senator from Vermont.

MARLA RUZICKA

Mr. LEAHY. Mr. President, this is a matter which I and my friend from California, Senator Boxer, will be speaking about later this afternoon, and that is the tragic death of a remarkable young Californian, Marla Ruzicka.

Marla was the founder of a humanitarian organization devoted to helping the families of Afghan and Iraqi civilians who have been killed or suffered other losses as a result of U.S. military operations. She died in Baghdad on Saturday from a car bomb while she was doing the work she loved and for which so many people around the world admired her.

In fact, Tim Rieser, in my office, has worked closely with her. We received e-mails about the work she was doing, and even photographs of people she was helping arrived literally minutes before she died.

I will speak later today about this. But she was a remarkable person. When I spoke with her family in California yesterday, I told them this was a life well worth living, that most people would not accomplish in their lifetime what this 28-year-old wonderful woman accomplished in hers.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I am going to speak on another matter. We have learned that those who are intent on forcing confrontation, breaking the Senate rules, and undercutting our democratic checks and balances plan to take their previous outrageous allegations of religious McCarthyism one step further and accuse Democrats of being “against people of faith” because we object to seven—seven—of the President’s more than 200 judicial nominations.

If you followed the sick logic of this venom being spewed by some of the leaders in this Chamber, we would have to say that 205 judicial nominees forwarded by the President, whom the Democratic Senators have helped to confirm, would seem not to be people of faith, even though that is as false and ridiculous as the charge leveled at Democratic Senators.

This disgusting spectacle, this smear of good men and women as “against faith” is expected to happen, in, of all places, New York, according to a front-page article last week in the New York Times. It will involve twisting history, as well as religion, because according to the report, those involved will claim that Democratic Senators are using the filibuster rule to keep people of faith off of the Federal bench.

This slander is so laden with falsehoods, so permeated by the smoke and mirrors of partisan politics, and so intertwined with one man’s personal political aspirations that it should collapse of its own weight. But too many who should speak out against it remain silent.

Republicans on the Senate Judiciary Committee began blatantly to invoke obscene accusations like this one earlier in the Bush administration. They hurled false charges against Senators saying they were anti-Hispanic or anti-African American, anti-woman, anti-religion, anti-Catholic, and anti-Christian for opposing certain judicial nominees.

They never bothered to mention the same Senators who were making these slanderous statements had blocked, themselves, many—over 60—Hispanics, women, certainly people of faith. And they never bothered to say the Senators they were slandering had supported hundreds of nominees, including Hispanics, African Americans, women, and people of faith—Catholic, Christian, and Jewish. They never hesitated to stoke the flames of bigotry, and to encourage their supporters to continue the smear in cyberspace or on the pages of newspapers or through direct mail.

Actually, to the contrary, they seemed to like the way it sounded. Maybe it tested well in their political polls. Now they have decided to up the ante on such “religious McCarthyism,” as a way to help them tear down the Senate and do away with the last bastion against this President’s most extreme judicial nominees. It is crass demagoguery, and it is fueled by the arrogance of power.

They now seek to make a connection between the dark days of the struggle for civil rights, when some used the filibuster to try to defeat equal rights laws, and the situation we find ourselves in today, where the minority struggles to be heard above the cacophony of daily lies and misrepresentations. This tactical shift follows on the rhetorical attacks aimed at the judiciary over the past few weeks—a line that has been likened to the KKK and “the focus of evil.”

In the last few weeks, we have heard that, at an event attended by Republican Members of the Congress, people called for Stalinist solutions to problems, referring to Joseph Stalin’s reference to killing people he disagreed with, and calling for mass impeachments. Wouldn’t you think the Members of Congress, who have taken an oath to uphold the Constitution, would speak up or at least leave with their heads bowed in shame, instead of, apparently, enjoying it?

Last week, the Senate Democratic leadership called upon the President and the Republican leadership of Congress to denounce these inflammatory statements against judges. This week, I renew my call to the Republican leader and, in particular, to Republican moderates, to denounce the religious McCarthyism that is again pervading the side of this debate.

I ask my friends on the other side of the aisle to follow the brave example of one of Vermont’s greatest Senators, Republican Ralph Flanders. Senator Flanders recognized this political opportunist when he saw one. He knew Senator Joseph McCarthy had exploited his position of power in the Senate to smear hundreds of innocent people and win headlines and followers, and that his tactics and his false charges and innuendo, without regard to facts or rules or human decency.

Senator Flanders spoke out during this dark chapter in the history of this institution. He resolved to denounce the conduct of Senator McCarthy. Now, in our time, a line has again been crossed by some seeking to influence this body. I ask my friends on the other side of the aisle to follow Senator Flanders’ lead in condemning the crossing of that line.

I have served with many fair-minded Republican Senators. I am saddened to see Republican Senators stay silent when they are invited to these abuses. Where are the voices of reason? Will the Republicans not heed the clarion call that Republican Senator John Danforth sounded a few weeks ago? And he is an ordained Episcopal priest.

What has silenced these Senators who otherwise have taken moderate and independent stands in the past? Why are they allowing this religious McCarthyism to take place unchallenged? The demagoguery that is so cynically and corrosively being used by supporters of the President’s extreme judicial nominees needs to stop.

Not only must this bogus religious test end, but Senators should denounce the launching of the nuclear option, the Republicans’ precedent-shattering proposal to destroy the Senate in one stroke, while shifting the checks and balances of the Senate to the White House.

I would like to keep the Senate safe and secure and free to be the President’s referrer. Even the current Parliamentary Affairs office and our Congressional Research Service has said the so-called nuclear option would go against Senate
precedent and require the Chair to overrule the Parliamentary. Is this how we want to govern the Senate? Do Republicans want to blatantly break the rules for some kind of a short-term political gain?

Just as the Constitution provides in Article V for a method of amendment, so, too, the Senate Rules provide for their own amendment. Sadly, the current crop of zealot partisans who are seeking to limit debate and minority rights in the Senate have no respect for the Senate, its role in our government as a check on the executive or its Rules. Republicans are in the majority in the Senate and chair all of its Committees, including the Rules Committee. If Republicans have a serious proposal to change the Senate Rules, they should introduce it. The Rules Committee should hold serious hearings on it and consider it and create a full and fair record so that the Senate itself would be in position to consider it. They then could be used to coordinate in a "legislative order." That is how the Senate is intended to operate, through deliberative processes and with all points of view being protected and being able to be heard.

The other way the "nuclear option" will work is it is intended to work outside established precedents and procedures as explained by the Congressional Research Service report from last month. Use of the "nuclear option" in the Senate is aimed at undermining the Constitution not by following the procedures required by Article V but by proclaiming that 51 Republican Senators have determined that every copy of the Constitution shall contain a new section or different words—or not contain some of those troublesome amendments that Americans like to call the Bill of Rights. That is wrong. It is a kind of lawlessness that each of us should oppose. It is rule by the majority, by brute force.

The recently constituted Iraqi National Assembly was elected in January. In April it acted pursuant to its governing law to select a presidency council by the required vote of two-thirds of the Assembly, a super-majority. That same governing law says that it can only be amended by a three-quarters vote of the National Assembly. Use of the "nuclear option" in the Senate is akin to the majority in the Assembly saying that they have decided to change the law to allow them to pick only members of their party for the government and to do so by a simple majority vote. They might feel justified in acting contrary to law because the Kurds and the Sunni were driving a hard bargain and because governing through consensus is not as easy as ruling unilaterally. It is not supposed to be, that is why our system of government is the world’s example.

If Iraqis and Kurds can cooperate in their new government to make democratic decisions, so can Republicans and Democrats in the United States Senate. If the Iraqi law and Assembly can protect minority rights and participation, so can the rules and United States Senate. That has been the defining characteristic of the Senate and one of the principal ways in which it was designed to be distinct from the House or Representatives.

This week, the Senate is debating an emergency supplemental appropriations bill to fund the war efforts in Iraq and Afghanistan. The justification for these funds being spent each week is that we are seeking to establish democracies. How ironic that at the same time we are undertaking these efforts at great cost to so many American families, some are seeking to undermine the protection of minority rights and checks and balances represented by the Senate through our own history. Yet that is what I see happening.

President Bush emphasized in his discussions earlier this year with President Bush about "essential elements of democracy include protecting minority rights and an independent judiciary. The Republican "nuclear option" will undermine our values here at the same time we are preaching our values around the world."

I urge Senate Republicans to listen carefully to what their leaders are saying, here in the Senate, and out across the country to their most extreme supporters. Consider what it is they are trying to accomplish by using the procedures they use to justify it. Both are wrong. It would steer the Senate and the country away from democracy, away from the protections of the minority and away from the checks and balances that ensure the freedoms of all Americans.

I would also like to talk for a moment about the independence of the judiciary. I have expressed my concern that members of Congress have suggested judges be impeached if they disagree with the majority. Republicans rushed through legislation telling federal judges what to do in the Schiavo case, and then criticized the judges when they acted independently, judges appointed by President Reagan, by former President Bush, and by President Clinton. They were all criticized for that, although there are still those who are saying we should impeach the judges, or as I mentioned earlier in my speech, one speaker at a conference in California, he left the room in anger, because some suggested Joseph Stalin’s famous “No man. No problem” solution, because he killed those who disagreed.

I remember a group of Russian parliamentarians came to see me to talk about federal judiciary, and they asked, “Is it true that in the United States the government might be a party in a lawsuit and that the government could lose?” I said, “Absolutely right.” They said, “People would dare to sue the government?” I said, “We have an independent judiciary, yes, that they could.” They said, “Well, if the government lost, you fire the judges, of course?” I said, “No, they are an independent judiciary.” And I remember the discussion around the conference room in my office. This was the most amazing thing to them, that the people who disagreed with the government could actually go to a federal court or a state court, bring a suit and seek redress even if it meant the government lost. Sometimes it wins, sometimes it loses. I was a government prosecutor. I know how that works. I think they finally understood that freedom which we are such a great democracy is that we have an independent judiciary.

I would call out to my friends on the other side of the aisle to stop slamming the federal judiciary. We don’t have to agree with every one of their opinions but let’s respect their independence. Let’s not say things that are going to bring about further threats against our judges. We’ve had a lot more judges killed than we’ve had U.S. Senators killed for carrying out their duties. We need to uphold the independence of our judiciary. If we disagree with what they’ve done in a case where we can pass a law and we feel we should, then pass a law and change it. Don’t take the pot shots that put all judges in danger and that attacks the very independence of our federal judiciary.

We remember our own oath of office. Part of upholding the Constitution is upholding the independence of the third branch of government. One party should not control the judiciary, whether by removing judges appointed by a previous president or by the other political party. No political party should control the judiciary. It should be independent of all political parties. That was the genius of the founders of this country. It is the genius that has protected our liberties and our rights for well over 200 years. It is the genius of this country that will continue to protect them if we allow it to. To lose the independence of the judiciary would be one of the most threatening things to our whole democracy if we were to remove the independence of our federal judiciary. That would do things that no armies marched against us have ever been able to do. None of the turmoil, the wars, all that we’ve gone through in this country has ever been able to do. If you take away the independence of our federal judiciary, then our whole constitutional fabric unravels. We would lose the rule of law. If that happens, one day, years ago, on the floor of this Senate, there was an attempt, in a court-stripping bill, to remove jurisdiction of the Federal courts because one Senator did not like a decision they came down with. It was decided if there had not been a vote by 4 o’clock on a Friday afternoon, we would not vote on it. So three Senators took the floor to talk against it—myself, former Republican Senator, Lowell Weicker of Connecticut, and one other. We spoke for several hours, and the bill was drawn down.

Now, I do not remember what the decision was of their opinions.
I may have agreed with it. I may have disagreed. I did not want to see us making the Senate into some kind of a supreme court that would overturn any decision we didn’t like. On the way out, the third Senator came up to Lowell Weicker and myself. And I linked his arm in our arm, and he said: We are the only true conservatives on this floor because we want to protect the Constitution and not make these changes.

I turned to him and I said: Senator Goldwater, you are absolutely right.

I turned to Goldwater, Lowell Weicker, and I stood up for the Constitution, stood up for the independence of the Federal judiciary. It probably was unpopular to do so, but I think Senator Goldwater, Senator Weicker, and I all agreed it was the right thing to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Senate recessed, to reconvene upon the return of the Senate.

The PRESIDING OFFICER. The Sergeant at Arms will proceed to close the doors.

The PRESIDING OFFICER. The Sergeant at Arms will report.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will resume consideration of H.R. 1268, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification documentation security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

PENDING

Mikulski amendment No. 377, to revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants.

Permanently amendment No. 375, to express the sense of the Senate that the text of the REAL ID Act of 2005 should not be included in the conference report.

Bayh amendment No. 376, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation.

Durbin amendment No. 427, to require reports on Iraqi security services.

Salazar amendment No. 375, to express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families.

The Secretary of Homeland Security, please:

Dorgan/Durbin amendment No. 349, to prohibit the continuation of the independent counsel investigation of Henry Cisneros past June 1, 2005 and request an accounting of costs from 1998 to 2005.

Reid amendment No. 445, to achieve an acceleration and expansion of efforts to reconstruct and rehabilitate Iraq and to reduce the number of United States Armed Forces personnel and future costs to United States taxpayers, by ensuring that the people of Iraq and other nations do their fair share to secure their country.

Frist (for Chablis/Mikulski) amendment No. 432, to simplify the process for admitting temporary alien agricultural workers under section 1(a)(15)(H)(ii)(A) of the Immigration and Nationality Act, to increase access to such workers.

Frist (for Craig/Kennedy) modified amendment No. 375, to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under title 8 Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers.

DeWine amendment No. 340, to increase the period of required TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

DeWine amendment No. 342, to appropriate $10,000,000 to provide assistance to Haiti using Child Survival and Health Programs funds, $21,000,000 to provide assistance to Haiti using Economic Support Fund funds, and $10,000,000 to provide assistance to Haiti using International Narcotics Control and Law Enforcement funds, to be designated as an emergency requirement.

Schumer amendment No. 451, to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall oil profits.

Reid (for Reed/Chafee) amendment No. 452, to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent resident.

AMENDMENT NO. 418

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside be in order that I may offer an amendment.

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

Mr. CHAMBLISS. I call up amendment No. 418.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. Chambliss], for himself, Mr. Isakson, Mr. Pryor, Mr. Inhofe, Mr. Lugar, Mrs. Dole, Mrs. Lincoln, Mr. Bayh, Mr. Reed, Mr. Chafee, and Mr. Byrd] proposes an amendment numbered 418.

Mr. CHAMBLISS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the termination of the existing joint service multiyear procurement contract for C/KC-130J aircraft)

On page 169, between lines 8 and 9, insert the following:

PROHIBIT ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC-130J AIRCRAFT

SEC. 1122. During fiscal year 2005, no funds may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC-130J aircraft that is in effect on the date of the enactment of this Act.

AMENDMENT NO. 418, AS MODIFIED

Mr. CHAMBLISS. Mr. President, I send a modification to the desk and I ask unanimous consent that Senator Allen be added as a cosponsor.

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

The amendment is so modified. The amendment, as modified, is as follows:

On page 169, between lines 8 and 9, insert the following:

PROHIBIT ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC-130J AIRCRAFT

SEC. 1122. During fiscal year 2005, no funds may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC-130J aircraft that is in effect on the date of the enactment of this Act.

Mr. CHAMBLISS. Mr. President, this amendment will prohibit any fiscal year 2005 funds from being used to terminate the C-130J multi-year procurement contract.

In hearings before this body over the past several weeks Department of Defense personnel have admitted that when they made the decision to terminate this contract in December of last year that they did not have all the information needed to make that decision. Since PBD 753 was drafted in December 2004, we have learned that the cost to terminate this contract is approximately $1.6 billion.

Also over the past several months we have seen the C-130J, KC-130J, as well as C-130s operated by our coalition partners in Iraq perform superbly throughout OSCENTCOM. To date, C-130Js in Iraq have flown over 400 missions, with a mission capable rate of 93 percent and have performed all assigned missions successfully. KC-130Js have flown 789 hours in Iraq with mission capable rates in excess of 95 percent. Nevertheless, the Department of Defense has not yet submitted the amended budget request for this program that they discussed during hearings. That is why this amendment is necessary.

I am introducing this amendment to make sure that this program, which is performing extremely well, which meets validated Air Force and Marine Corps requirements, is not prematurely cancelled, and that the Department of Defense follows through with their commitment to complete the multiyear procurement contract.

There are some issues with the current contract being a commercial contract versus a traditional military contract that my colleague Senator McCain, and I agree that a traditional contract is more appropriate in this case and applauded the Air Force’s decision to begin
transitioning the program in that direction. However, I think we can all agree, that regardless of how these plans are procured, that the United States military needs them and they are demonstrating their value to the warfighter, and to the taxpayer today.

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. KYL. 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. KYL. Mr. President, I think we are now ready to begin a conversation. There are several colleagues here, including the Senators from Georgia, Alabama, and Arizona, who want to discuss this issue we are going to be voting on tomorrow. Our colleagues need to have a clear picture of what we will be voting on.

There are two basic versions of legislation to try to make it easier for agricultural employers to hire people who are temporary workers or who have been in the United States illegally and can be employed under the bills proposed here. There are two different approaches. One is the approach of the Senator from Idaho—I will defer to him in a moment to have him discuss his approach—and the other approach Senator CHAMBLISS and I have offered. There are key differences. They both approach the problem from the standpoint of broadening the way in which legal immigrants can come to the country and be employed legally in agriculture and taking illegal immigrants who are currently not working within the legal regime, using counterfeit or fraudulent documents—and everybody knows, being employed illegally—and enabling them to work for a temporary period of time legally in this country.

The primary difference between the approaches is over the question of amnesty. Regarding that, I think everybody would have to admit—and different people have different definitions of what amnesty is—everybody would have to agree, if there is a difference in how you can become a legal, permanent resident in this country or a citizen, you would have to agree, if someone is granted an advantage over an applied for—even permanent residency or citizenship status in another country, if they are given an advantage because they came here illegally and counterfeited documents to get employment and worked here illegally, to give them an advantage over people who are seeking to come here legally is giving them an advantage that would amount to amnesty. You should not be able to use, in other words, your illegal status to bootstrap yourself into a position of legal, permanent residency or citizenship.

I pointed out before, under the bill of the Senators from Massachusetts and Idaho, there would be an ability for people not in the United States but who would like to come here to claim they worked in the country illegally, and that would give them an ability to come here and apply for this same status. So, I don't think we would be turning a blind eye to people here that have come here with documents—they could be fraudulent and you could have defrauded us before—and claim that you worked in the country illegally, and we will let you come back. I don't know how you give people an advantage on the basis they violated our law. You would think you would want to give people an advantage who have played by the rules. That is the second way in which this bill grants amnesty and is not the right approach. As my colleague from Georgia talked about, we would be changing, for the first time, a law to allow the Legal Services Corporation to represent these illegal immigrants, which is something we have not been willing to do in the past. We have to be careful because the reason illegal immigrants are working here is the current H2-A law is so cumbersome to use, it is so subject to abuse and time costs might take time and you can be sued, and so on, that employers don't like to use it. It is just not worth it to them. If we are going to have a bill that is not easy to use, there is not going to be any advantage over the current law, and as a result, it is going to be difficult for farmers to utilize this new provision if they have to look over their shoulder and wonder if the Legal Services Corporation is going to file a lawsuit.

Mr. CHAMBLISS. Will the Senator yield?

Mr. KYL. Yes.

Mr. CHAMBLISS. Mr. President, I ask the Senator, doesn't the AgJOBS bill, as well as the Chambliss-Kyl amendment, recognize there is a need in this country for agricultural workers to do the job that is not being done by American workers today, and are we not displacing American workers?

Mr. KYL. Mr. President, that is a very good question. I think all of us would agree that we cannot be displacing American workers. We are currently not doing that today. There is a need for these employees, and it is really a question of which approach is the better one, to ensure we can match a willing worker with a willing employer without granting amnesty.

Mr. CHAMBLISS. Would the Senator from Arizona yield for another question?

Mr. KYL. Yes.

Mr. CHAMBLISS. Does the Chambliss-Kyl amendment not take the current law which is very cumbersome and requires a lot of paperwork and requires the adverse effect wage rate to be paid, and streamline that program to where it is more easily usable by farmers who now simply don't understand the process? Does it alleviate some of the problems?

Mr. KYL. Yes. We change the wage rate to the prevailing wage. We make it easier for the farmer to demonstrate that there are not American workers available to do the jobs. We make it easier, cheaper, faster, but with protections for the employees.

I think all of that is why the American Farm Bureau Federation has endorsed our legislation as the best way for them to satisfy these employment needs.

Mr. President, I will close and allow my colleagues the opportunity to speak. Senator CRAIG wants to disagree with us, and I want to give him that opportunity. Let me allow him to describe his bill, and we can have a debate back and forth as to which bill better satisfies our employment needs or requirements but doing so in a way that we can actually get a bill passed and sent to the President; I.e., a bill that doesn't include amnesty.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I appreciate the Senator from Arizona finally coming to the floor with a piece of legislation. For the last several years, I have challenged the Senate to deal with what I believe, and I think most colleagues believe, is a very urgent problem. Our borders, as much money as we have poured into them and as many new border patrols as we have put along them—primarily our southern border today—are still being overrun substantially by illegal people crossing.

While we have been trying, since 9/11, to understand and reform our immigration laws, there has been a great deal of talk, but very little done—some 1,300 days now of high-flying political talk about the dramatic problem that we awakened to post-9/11, and that was that there were between 8 million to 12 million undocumented illegal people in our country—most of them here and working hard to help themselves and their families. But it was obvious there were a few here with the evilest intent in mind: to destroy our country and to destroy us, too.

While I accept the argument, as most do, that comprehensive immigration reform is critical, right now we have a critical situation in front of us as it relates to agriculture. Starting about 5 years ago, and before 9/11, American agriculture was attempting to get the necessary access to look at their plight. The plight was obvious and simple—and criticize it if you will—but the reality was that 50 to 70 percent of their workforce was undocumented, and the law we had given them, as the Senator from Arizona has so eloquently spoken to, was so cumbersome, costly, and so untimely—and the key to timeliness is when the crop is in the field and ripe, it has to come out or it rots—that American agriculture could not depend on it. The workforce who was seeking to work in that industry began to recognize it. If you will, the black market or the illegal processes began.
It should not be a surprise to any of us that when government stands in the way of commerce, stands in the way of an economy, usually people find a way around it. Tragically enough, it happened. But, by definition, it was an illegal way.

Last year, in our country, there were 2 months in which we were a net importer of food. This year, it is guesstimated it could be in as many as 6 months that we will be a net importer of food. This will be the first time, in the history of American agriculture, that becomes the situation. So why we are here on the floor today debating a piece of a much broader overall immigration problem is because it is urgent, it is important we deal with it, and we deal with it now as thoughtfully and as thoroughly as we can. That is why I insisted that the Senate come to this issue.

I am glad my colleagues have come up with an alternative. I think the provisions we quickly thought up, had it been an amnesty issue, is that it is no longer viewed as that, that we recognize there is a legitimate need for an American agricultural workforce, and it is critically necessary we make it a legal workforce and do it for the sake of our borders, and for the sake of American agriculture.

That is what this debate will be all about in the next several hours and tomorrow morning before we vote on this issue. Both sides have accepted a rather unusual procedure, Mr. President—a supermajority procedure. Why? Well, we are germane to this supplemental bill because of what the House did earlier with a Sensenbrenner amendment dealing with illegal immigration. As I now know that amendment did have 60 votes. It dealt with immigration and, as a result of dealing with immigration in the House, we were legitimized to do so, in a germane way, in the Senate. We will do that.

At the same time, we all understand that in legislative procedures, on closure 60 votes are required. We have agreed to do so. Tomorrow, we will vote—first on the Chambliss-Kyl amendment and then on the Craig amendment. We require 60 votes to proceed. Whether we succeed or fail—and I think I can succeed—what is most important is that the American people are beginning to hear just a little bit about what they have been kept from hearing. The news media has been going on for well over two decades, it was so typical of a Congress that wanted to talk a lot about it but do very little about it. The Senate from Arizona and I and the Senator from Georgia, without question, agree on the critical nature of American agriculture today. What we also agree on—symbolic by their presence on the floor today, debating the issue and offering an alternative—is that we cannot build the wall high enough along our southern border, we cannot dig its foundation deep enough to close this loophole. That requires good, clear, simple, understandable, functioning law, not unlike the old Bracero Program of the 1950s when we had a guest worker program, when we identified the worker with the work, and they came, they worked, and they went home. Up until that time, illegal immigration was astronomically high. It dropped precipitously during that period of time when we were identifying and bringing about work to about 500,000 workers who were foreign national in American agriculture. It was a law that worked.

Then somehow, in the sixties, Congress got it all wrong again. Why? Because the law was protecting an American workforce. But what the AFL-CIO found out and why they support my legislation is that there are unique types of employment in this country with which the American workforce cannot compete.

I am pleased to hear that the Chambliss-Kyl bill, along with mine, provides a first-hire American approach. We create a labor pool. The employer must first go there, but if that workforce is not available, they do not have to languish there because, in essence, they have a crop to harvest, and the crop is time sensitive. We understand all of that.

I will get to the detail of my bill over the course of the afternoon and tomorrow. This is a bill that for 5 years has been worked out between now over 509 organizations. It is interesting that the Farm Bureau supports the Kyl-Chambliss approach, but they do not oppose it. They did last year, but they supported my approach. In other words, they are as frustrated as all of us are about this very real problem of immigration. First they are here and then they are there. What is most important is that we are here on the floor of the Senate this afternoon talking about an issue on which this Senate has been absent way too long.

What the Senator from Arizona, the Senator from Georgia, and I and others do is agree to proceed to deal with the bill that I call AgJOBS and that 509 organizations across the country that have worked with us for the last 5 to 6 years call AgJOBS. It is a major reform in the H-2A program that is timely, that is sensible, and understandable and provides a temporary and earned way of providing a legal framework in transition, and it ought to be viewed as that.

You will hear the rhetoric that it will allow millions of people to become legal. The Bureau of Labor Statistics, the Department of Labor, does not agree with that at all. The Department of Labor says there are about 500,000 who they think will responsibly and legitimately come forward, and of that, there may be dependence of around 50,000 or so. The American agriculture began to rely on a foreign workforce. They had better jobs and alternative economics that most Americans would not do it. They had better jobs and alternative jobs. So American agriculture began to rely on a foreign workforce.

I say this most directly, and I mean it most sincerely. Either foreign workers will harvest America’s agricultural produce for America’s consumers or foreign workers will harvest America’s agricultural produce in another country to be shipped to American consumers. Ask an American today what they want. They want a safe food supply. They
want an abundant food supply. They hope it would be reasonably priced. But most assuredly, they want to know that it is safe and it is reliable. The only way to guarantee that is that it be harvested in this country, as it has been from the beginning history of our agriculture. That is the goal. It may not be for 2 months last year and possibly not for 6 months this year.

We have a choice to make. We either create a legal workforce, a workforce that is identifiable, or we keep stumbling in this road that no American wants us to go down, and that is to not control our borders, to not identify the foreign nationals within our borders, and to not have a reasonable, legal, and timely process. That is what the debate is all about.

I am pleased to see the other side, having been in opposition for so long, finally say, Whooa, I think maybe we ought to try to get this right. We disagree on process, we disagree on their approach, we disagree on so many instances on reform of the H-2A program. We will work over the course of this afternoon, evening, and tomorrow to break all those differences out so all of our Senators can see these differences and sense the importance of this issue. If we could work out an orderly arrangement, that would be good.

Mr. KYL. Let me propose this unanimous consent, Mr. President, if I may. The Senator from Oregon is speaking right now. I ask unanimous consent that after the Senator from Oregon is finished, so there would have been two Members speaking on behalf of the legislation of the Senator from Idaho, that at that point, the debate next go back and forth between Members of the Chambliss-Kyl amendment and then back to Kennedy-Craig, and anyone offering an amendment can obviously seek to ask unanimous consent to lay the pending business aside, but in the meantime the debate on these two provisions that will both be voted upon tomorrow proceed with speakers on either side rotating.

Mr. KYL. That is accommodated in the unanimous consent request which I submitted the AgJOBS amendment. It had been at that point, the debate next go back and forth between Members of the Chambliss-Kyl amendment and then back to Kennedy-Craig, and anyone offering an amendment can obviously seek to ask unanimous consent to lay the pending business aside, but in the meantime the debate on these two provisions that will both be voted upon tomorrow proceed with speakers on either side rotating.

Mr. KYL. Let me propose this unanimous consent request again, if I can. I ask unanimous consent that in 15-minute blocks of time Senator Wyden proceed without any of this time coming off his, there then be two 15-minute blocks for the Senator from Alabama and the Senator from Georgia, followed by a 15-minute block for the Senator from Massachusetts. In the meantime, Senator Bingaman be able to offer his amendments.

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

The Senator from Oregon.

Mr. KYL. Mr. President, I rise in strong support of the proposal offered by Senators Craig and Kennedy. I see Senator Kennedy on the floor and Senator Craig on the floor. Their work is testimony to their persistence and the staying power of a handful of agricultural workers and employers who have been willing to set aside ideology and partisanship to hammer out a reasonable and workable program. We will work over the course of this afternoon, evening, and tomorrow to break all those differences out so all of our Senators can see these differences and sense the importance of this debate.

There are many others who have come to the floor to discuss this legislation this afternoon. I yield the floor so the debate can proceed.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in strong support of the proposal offered by Senators Craig and Kennedy. I see Senator Kennedy on the floor and Senator Craig on the floor. Their work is testimony to their persistence and the staying power of a handful of agricultural workers and employers who have been willing to set aside ideology and partisanship to hammer out a major overhaul of our law in this area.

Mr. WYDEN. Mr. President, will the Senator from Oregon yield for a procedural question?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. KYL. Mr. President, I ask the Senator from Oregon, we have the Senator from Massachusetts here, and the Senator from Alabama has been here, as has the Senator from Georgia been on the floor when there was no one else present if we can get some general agreement of going back and forth between proponents or opponents or proponents of the two separate bills so the Chair has some idea of order and the debate participants do as well.

I offer this as a suggestion. I have not proposed a unanimous consent request, but perhaps some of the staff can work this out while the Senator from Oregon is speaking.

Mr. CRAIG. Will the Senator yield?

Mr. KYL. Yes.

Mr. CRAIG. Because our debate time, as I understand it, is actually tomorrow, and I think we will go off and on this issue today, and because the chairman of the Appropriations Committee is on the floor managing the supplemental and may have other amendments he wants to deal with, I would hope we can rely on the Chair for moving us back and forth in a balanced way from side to side before we look at a structured way to proceed. I have difficulty with that.

Mr. SESSIONS. Mr. President, I join the Senator from Arizona in his request. I think it is important if we are to spend an evening or a morning on the issue. If we could work out an orderly arrangement, that would be good.

Mr. KYL. Let me propose this unanimous consent, Mr. President, if I may. The Senator from Oregon is speaking right now. I ask unanimous consent that after the Senator from Oregon is finished, so there would have been two Members speaking on behalf of the legislation of the Senator from Idaho, that at that point, the debate next go back and forth between Members of the Chambliss-Kyl amendment and then back to Kennedy-Craig, and anyone offering an amendment can obviously seek to ask unanimous consent to lay the pending business aside, but in the meantime the debate on these two provisions that will both be voted upon tomorrow proceed with speakers on either side rotating.

Mr. KYL. That is accommodated in the unanimous consent request which I submitted the AgJOBS amendment. It had been at that point, the debate next go back and forth between Members of the Chambliss-Kyl amendment and then back to Kennedy-Craig, and anyone offering an amendment can obviously seek to ask unanimous consent to lay the pending business aside, but in the meantime the debate on these two provisions that will both be voted upon tomorrow proceed with speakers on either side rotating.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend from New Mexico who was here before I was here. Let him proceed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I have two amendments to offer, and it will take a total of about 3 minutes. I do not expect votes on them today, of course, but I would like a chance to very briefly explain them and then have them set aside, if I can do that after the Senator from Oregon concludes his remarks and before the rest of the debate continues.

Mr. KYL. That is accommodated in the unanimous consent request which I proposed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I welcome the opportunity to work this out. Can we perhaps get some time understanding as well? The Senator from Oregon mentioned he will probably need 15 minutes. Could we get some kind of understanding about the length of time? Generally we go from Republican to Democrat, and then have them set aside, if I can do that after the Senator from Oregon concludes his remarks and before the rest of the debate continues.

Mr. KYL. That is accommodated in the unanimous consent request which I proposed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I welcome the opportunity to work this out. Can we perhaps get some time understanding as well? The Senator from Oregon mentioned he will probably need 15 minutes. Could we get some kind of understanding about the length of time? Generally we go from Republican to Democrat, and then have them set aside, if I can do that after the Senator from Oregon concludes his remarks and before the rest of the debate continues.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask the unanimous consent to intervene, and obviously it will be granted.

Mr. KYL. Thank the Senator.

Mr. KYL. Let me propose the unanimous consent request again, if I can. I ask unanimous consent that in 15-minute blocks of time Senator Wyden proceed without any of this time coming off his, there then be two 15-minute blocks for the Senator from Alabama and the Senator from Georgia, followed by a 15-minute block for the Senator from Massachusetts. In the meantime, Senator Bingaman be able to offer his amendments.

To a great extent, we see so many who feel we have lost control of our borders. The system surely does not work for the honest agricultural employer, and the vast majority certainly meet that test, and for many farm workers who work hard and contribute every single day. The system simply does not work for anyone. So what Senator Smith and I tried to do that July day in 1998 was to begin to address the foundation of a sensible immigration policy based on the proposition that what we have been doing does not work for anybody. It does not work for our country.

We live under a contradiction every day with respect to immigration. We say we are against illegal immigration. One can hear that in every coffee shop in the United States. Then we look the other way so as to deal with agriculture or perhaps motels, hotels, restaurants, and a variety of other establishments. We have to resolve that contradiction. We ought to resolve it by making the kind of start the Craig-Kennedy legislation does by saying we
are going to put our focus on legal workers who are here in compliance with the law. That is what we sought to do that July day in 1998, requiring the growers to hire U.S. farmworkers first before they could seek alien workers. Then we took steps to try to ensure that Congress would continue required in our legislation for the migrant farmworkers by providing employment, housing, transportation, and other benefits, access to Head Start. I think Senator KENNEDY remembers this. One would have thought Western civilization was going to end when that amendment offered by Oregon’s two Senators got 68 votes in the Senate. I think it was an indication of how the animosity and fear that has surrounded this issue has enveloped the whole debate over the last few years, and that is why I commend Senator CRAIG and Senator KENNEDY for the thoughtful way they have worked since 1998 in order to build a coalition for this idea and to refine what the Senate voted for in 1998.

For example, in 1999, the National Council of Agricultural Employers, the employer group that helped start the process that led to the first AgJOBS bill of 1999, started reaching out directly to the Hispanic community representing agricultural workers, as well as churches and community groups. A dialog was begun then about how reform could benefit everyone. In 1999, the agricultural employer community and those representing the farmworkers started talking more publicly about some of the issues that were particularly contentious. All of a sudden, there was an extended and thoughtful debate among people who were avowed enemies with respect to the topic of H-2A reform. Those people who had fought each other so bitterly began to come together and form a coalition that is behind the Craig-Kennedy amendment today.

In 1996, I formulated certain beliefs with respect to this issue that still hold true today. First, I believe willing and able American workers always should be given a chance to fulfill the needs of employers seeking agricultural labor. This was addressed in 1998 and it remains in the language before the Senate today. The amendment offered by Senator Craig and Senator KENNEDY requires employers seeking to use the H-2A program to first offer the job to any eligible U.S. worker who applies and who is equally or better qualified for the job, and then issue notice to local and State employment agencies, farmworkers organizations, and also through advertising. We also said back then we wanted to have recommendations for a more straightforward, less cumbersome, less unwieldy process to address the short-age of primary foreign workers. I commend Craig and Senator KENNEDY because what we had been concerned about then—the need for simplicity and certainty—is now embodied in a number of aspects in this amendment. Employers are required to provide actual employment to the worker, a living wage and proof of that employment so the worker can move freely between jobs. The employer is required to show proof of legal temperature. The United States to the employer before becoming employed. Each party shoulders the burden of ensuring their documentation is legal. That is the way we said it ought to be in 1998. That is the way it is in the Craig-Kennedy proposal.

Third, I have always maintained and still maintain that a farmer using the H-2A program should not be able to misuse it to displace U.S. agricultural workers or make U.S. workers worse off. The language before us today meets that test by ensuring that H-2A workers must be paid the same wage as the American worker. There is no incentive to seek a guest worker because there is no opportunity to indenture that worker to work for lower wages or not providing enough work.

Fourth, and perhaps most important, we said then and it is clear in this amendment as well that any program must not encourage the illegal immigration of workers. This bill addresses that by requiring agricultural workers to show they are legally in the United States in order to collect the benefits available under this program, such as housing, transportation, and the civil rights of our workers for back wages or for wrongful dismissal.

So the goal of this legislation is to take out some of the uncertainty and the lack of predictability that has been in this program, and that uncertainty would be removed for both growers and workers.

Certainly my State has a great interest in agriculture. There are certainly billions of dollars of direct economic output in this sector and there is a need for the H-2A programs for my State, where 60 percent of the crops we grow a lot of things well, but what we do best is we grow things, and the need for enacting this program is as great today as it was in 1998. Both sides in this debate are going to continue to have their differences, and my guess is, as the Senator from Idaho knows, there are probably some residual and historical grudges. This Craig-Kennedy proposal shows that in a very contentious area that has been gridlocked in the Senate since a July date in 1998, we can still find a creative process that brings people together to solve mutual problems.

I hope my colleagues will support this historic effort. I look forward to working with Senators on both sides of the aisle on this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the pending business? Is there an amendment pending?

The PRESIDING OFFICER. The pending amendment is the Chambless amendment.
No. 417, the Grassley-Baucus amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. GRASSLEY, for himself, Mr. BAUCUS, and Mr. BINGAMAN, proposes an amendment numbered 417.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide emergency funding to the Office of the United States Trade Representative)

On page 200, between lines 13 and 14, insert the following:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

For an additional amount for necessary expenses of the Office of the United States Trade Representative, $2,000,000, to remain available until expended:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

(Amendment No. 483)

Mr. BINGAMAN. I yield the floor.

Mr. SESSIONS. Mr. President, I do not see Senator CHAMBLISS, but I would like to express my objection. We will be voting tomorrow on the AgJOBS bill and the Kyl-Chambill bill, and maybe other bills—the Mikulski bill and who knows what else—in the next few days as we are debating the emergency supplemental. These amendments filed to the emergency supplemental, legislation to provide funding for our magnificent soldiers who are ably serving our country in harm’s way to carry out a national policy that we sent them to carry out.

We have been told that since the House of Representatives, when they passed their emergency supplemental, added several provisions to enhance our border security, recommendations that were included by the 9/11 Commission to provide greater protection to our country against attacks by terrorists, such action by the House has opened the door to any immigration language and bill that we want to offer, that any Member may favor, to be added right into a supplemental for our soldiers. There is a tremendous difference between those provisions, in my view. The Sensenbrenner language in the House bill is narrow, based on recommendations of the 9/11 Commission, related to our national defense and should have broad-based support. I hope it does. The President supports it. The AgJOBS bill, however, is controversial. It deals with a very large and complex subject that affects our economy and our legal system in a significant way. We absolutely should not be attempting to slip such legislation of such great importance, and on which our country is so divided, onto the emergency defense supplemental.

Let me speak frankly on the issue. There is no legislative or national consensus about how to fix our immigration system. I serve on the subcommittee on immigration of the Senate Judiciary Committee. We have been having a series of important hearings on this subject. Our chairman, Senator JOHN CORNYN, has been working very hard and providing sound leadership, but our subcommittee and the full Judiciary Committee and this Senate are nowhere near ready to develop a comprehensive immigration proposal. This is made clear when we see that a number of outstanding Senators who worked on immigration over the years—such as Senator KS, Senator DIANNE FEINSTEIN, Senator SACHS CHAMBLISS—are working on legislation, also.

Surely no one can say this AgJOBS bill that really kicked off this debate is not a colossally important piece of legislation. Every one of us in this body knows that immigration is a matter of great importance to our country and one that we must handle carefully and properly. After the complete failure of the 1986 amnesty effort, surely we know we must do better. If we absolutely can do that. Many first applicants are accepted, applicants who could enrich our Nation.

Further, as a prosecutor of 15 years, a Federal prosecutor for almost that long, without hesitation I want to say this: If we improve our fundamental immigration laws and policies, and if at the same time we work to create an effective enforcement system, then we can absolutely eliminate this unconscionable lawlessness that is now occurring in our country and improve immigration policies across the board, serving our national interests and being certainly more sensitive to the legitimate interests of those who would like to come here, live here, work here, own even become citizens.

Any such legislation we pass should, in addition, protect our national security. Of course, we need to keep an eye on our national security—Have we forgotten that? Surely not—and allow increased approval for technically advanced, educated and skilled persons and students, as well as farm labor.

More importantly, under no circumstances should we pass bad legislation that will further erode the rule of law, that will make the current situation worse and will violate important principles that are essential for an effective national immigration policy.

Some will say, Well, Jeff, it is time to do something, even if it is not perfect and that it is past time to pass laws that improve the ability of our country to protect our security from those who would do us harm. That is our duty. But we simply are not ready to legislate comprehensively on the complex issue of immigration.

We have not come close to completing our hearings in the appropriate subcommittees and the Judiciary Committee.

It is importantly still, time or not, we must not pass bad legislation. The Nation tried amnesty for farmworkers in 1986 and few would deny it was a failure. That legislation, the Immigration Reform and Control Act, established within it section 304. The Commission’s duty was, after the act had been in effect for some time, to study its impact on the American farming industry. The Commission issued its report and found, in every area, farm labor problems had not been improved and many as 50 percent of all applications for amnesty were fraudulent.

I wish that weren’t so. I wish we could pass laws that people conjure up
which would solve the complex problems and it will all just work like we think it might. I am sure those people, in 1986, heard the exact same argument we are hearing today why this kind of legislation is so critical. They tried it. But they put in a commission to study it.

The Commission was clear. The Commission said:

In retrospect, the concept of worker specific and industry specific legislation was fundamentally flawed.

That is exactly what the AgJOBS bill is, industry and worker specific. Indeed, it is the same industry and the same workers—agriculture—that the 1986 sponsors said would be fixed by their bill. It was an amnesty to end all amnesty. That is what they said. Now we are at it again in the same way.

Later, in 1997, former Congresswoman Barbara Jordan, an African-American leader of national renown, was a 1996 immigration commission report. She said: The Commission recommended to President Clinton on the status of existing immigration law. The Jordan Commission found that the guest worker programs do not reduce unauthorized migration. To the contrary, research consistently shows that they tend to encourage and exacerbate illegal migrations by setting up labor recruitment and family networks that persist long after the guest programs end.

The Commission further concluded that what was needed was an immigration system that had integrity where laws were enforced, including employer sanctions. I will quote from their report. They stated:

Illegal immigration must be curtailed. This should be accomplished with more effective border controls, better internal apprehension mechanisms, and enhanced enforcement sanctions. The U.S. Government should also develop a better employment eligibility and identification system, including a fraud-proof work authorization document for all persons legally authorized to work in the United States so that employer sanctions can more effectively deter the employment of unauthorized workers.

Our enforcement efforts remind me of the man who builds an 8-foot ladder to try to reach across a 10-foot chasm. While he may have been close, close doesn’t count in such an event. He is heading for disaster.

We are not as far away as most people think from an effective enforcement mechanism. It is absolutely not hopeless for this country to gain control of its borders, especially with the new technology we have today—biometrics and that kind of thing. We are spending billions of dollars, but we are spending that money very unwisely. The solution to our immigration situation is to review the procedures by which people come to our country, and the procedures by which people become citizens, and to then steadfastly plan a method to do that, but enforce the rules. Without that enforcement, no matter what changes we make in our current law, we will be right back here discussing Amnesty III for agricultural farmworkers before this decade is out. This is plainly obvious to anyone who would look at our current system.

By all means, this Nation should not, in response to this current failure, pass a bill like what has been offered which builds on a system that has failed and we intend to give up and do nothing to fix it. It says we have failed, our system is not working so we are just going to quit trying and let everybody stay in. The American people are not going to be happy if they learn that is what we are about here. They surely will learn about it sooner or later.

Polls show huge majorities, upwards of 80 percent, want a lawful system of immigration. Why are we resistant to that?

It has been amazing to me, anytime a piece of legislation is offered that might actually work to tighten up the loopholes we have, it is steadfastly opposed and seems never to become law. I feel very strongly about this. If it is not amnesty, I don’t know what amnesty is.

This bill will bestow legal status and a guaranteed pass to citizenship for millions of individuals, perhaps 3 million, perhaps even more. The Commissioners who studied the last bill all agreed the number that actually obtained amnesty was far greater than anticipated.

In addition, it makes no provision whatsoever for commensurate improvement of law enforcement.

It hurts me, as somebody who spent a thousand hours working on a law that did not pass, what we would do to return to another bill, perhaps the equivalent of placing a neon sign on our borders. To make a few hundred thousand who will try to sneak into our country, and if you are found, you are released. If you are found, you are fined and then for 100 hours within 18 months, you are eligible to apply for a temporary resident. They then apply for permanent resident status and that the Secretary of Homeland Security shall grant them this permanent resident status if they work 2,000 hours in a 6-year period. That is about 1 year of work period. Then they apply for a permanent resident status. In 5 years, if they have not been convicted of a felony or have not been convicted of three misdemeanors, the Secretary shall confer citizenship on them if they apply.

If they become a permanent resident citizen, they can call for their family, who may be out of the country. A family who never had any thought to come to this country is allowed to come in free. All of them are put on a guaranteed track for citizenship.

Also, there has already left the country not intending to return, but did work 575 hours in 18 months before that period, or if they are willing to say they did—true or not—they get to come back in and bring their families with them. May we ever intended to bring their family, but faced with this offer, they bring them in.

I am not sure we know how broad this bill is, how dangerous this language is.

I have a host of specific complaints about the provisions within the statute. I will talk about them later today or tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I concur in about everything my friend from Alabama has said. Initially, he made a comment relative to debating immigration law out of order and I concur. We have been dictated to by the rules of the Senate relative to this issue. That is why we have both of these amendments up for discussion today.

The Senator from Alabama is exactly right. He is also right on one other thing. There are two amendments we are debating, AgJOBS, filed by the Senator from Idaho and Senator Kennedy from Massachusetts, and the Chambliss-Kyl amendment. Both of these amendments recognize, as the Senator from Alabama said, we have a problem. We have a problem in the agriculture community relative to providing our farmers all across America a stable, secure, and lawful pool from which to choose for their labor needs.

We can argue over how many hundreds of thousands or how many millions of individuals are illegally in this country today working on our farms. The Senator from Idaho said the Department of Labor says there will only be a few hundred thousand who will try to take advantage of this. I don’t think that is right. I don’t have a lot of faith in the numbers coming out of some of the studies that have been done.

For example, there was a study by GAO a couple of years ago which said there were some 600,000 farmworkers in the United States today who are here illegally. In my State, there are hundreds of thousands of illegal aliens who are working in agriculture as well as working in other industries today.
Those who are working in other industries probably started out working in agriculture. That is 1 out of 50 States. Our number is dwarfed by Texas, New Mexico, Arizona, California, by those States that are on the border with our friends to the South in Mexico, where thousands of illegal aliens are crossing the border every day.

However, we do recognize there is a certain number—and it is not material as to what that number is—but the fact is we agree there are hundreds of thousands or millions of folks here illegally. The basic difference between the Senator CRAIG and Senator KENNEDY AgJOBS amendment and the Chambiss-Kyl amendment is this: Which direction do we want to go with regard to identifying those folks here illegally? Do we want to reward those folks here illegally, as the AgJOBS amendment proposes to do, or do we want to identify those people and those who currently here and are making a valuable contribution to the economy of the United States and who, most significantly, are not displacing American workers—and I emphasize that—and who have not broken the law in this country in order to make accommodations for those folks so they can continue to contribute to the economy of the United States by virtue of working in the agriculture community?

We both agree we ought to regulate these folks. The difference is the Craig-Kennedy AgJOBS amendment gives those individuals who are in this country illegally a direct path to citizenship. The Chambiss-Kyl amendment recognizes those folks are here illegally and it says to them, we are going to grant you a temporary status to remain here if you are not displacing American workers, if you are law abiding, and if your employer makes an attestation that needs you—what it is for a short period of time, as the -2A reform portion of our amendment calls for, or whether it is the longer term, or the blue card application. Unlike in the AgJOBS amendment where the illegal alien can make the application, in our amendment the application has to be made by the employer who does have to say he needs that individual in his employ.

Another significant difference between the amendments is this: Under the AgJOBS bill it is pretty easy in the scheme of things to become legal—not maybe an American citizen off the bat, but to position yourself to be placed in line ahead of other folks who are going through the normal course as set forth in our Constitution today to become a citizen, for these folks to make that type of application.

Here is why. The AgJOBS bill says if you are an illegal alien, you shall be given status as one lawfully admitted for temporary residence if the illegal alien has worked 575 hours, or 100 workdays, whichever is less, during an 18-month period ending on December 31, 2004. Mr. President, 575 hours is 14.3 weeks of labor if they work 40 hours, or 71.8 days, or approximately 3’s months. An alien can get immigration status after working only 3½ months of full-time employment.

Under Senate Bill 359, section 2, paragraph 7, a workday means a day in which an individual has worked as little as 1 hour. So 100 workdays can amount to, literally, 1 hour per day for 100 straight days which would amount to 2½ weeks. That may not be the practicality of the individual, that is what the bill says.

Coming from a very heavy agriculture area, as I do, these people for the most part who are here working in agriculture are here for the reason they want to improve the quality of life for themselves as well as their families. They are basically law-abiding people who are simply hard workers and are here because they have that opportunity to better themselves in this country versus their native country.

But still, are we going to recognize those folks for what they are—and that is an illegal alien—or are we going to grant them this legal status after being here for 3½ months, and start as I do not think the American people ever intended for the Constitution of the United States, and for us operating under that Constitution, to grant legal status to anybody who breaks the law, to come in illegally, and who may break the law not once, not twice, but three times during that 3½-month period under the AgJOBS bill, as they can do, and get legal status. I cannot conceive that America wants us to enact that type of legislation.

A basic difference between the AgJOBS bill and the Chambiss-Kyl amendment relative to those issues is we do not put anybody on a path to legal status. We grant them temporary status to work in the farm—whenever the employer comes in and says, “I need 100 workers for 90 days to work on my farm, and here is what they are going to do,” we will have that application processed in a streamlined fashion, compared to the way the application would have to be processed today, and those workers can come in, and whether they are cutting lettuce or cutting cabbage or picking cucumbers, they will be able to come in for that 100 days, and at the end of that 100 days, they will return to their native land.

If there are other operations, other farming operations, whether it is a landscaper or somebody in the nursery business, that need individuals 12 months out of the year, they will have the opportunity under our bill to apply for the blue card—again, a temporary status. It must be applied for by the employer, not the illegal alien, as you can do under the AgJOBS bill. The employer must make the application for those individuals. No preferential status toward citizenship is given.

They can have that blue card for 3 years, and reapply on two separate occasions following that first application. Technically, they could stay here for 9 years, if they continue to be law abiding and if their employer makes the proper attestation that says he needs them, that they have been important to the economy of this country, and that we want to reward those American workers. It is significantly different from actually the legal status given after 3½ months under the AgJOBS bill.

Where does the AgJOBS bill move this individual relative to the pathway to citizenship? What current immigration law says is for somebody who is here illegally if they work for 2,060 hours under the AgJOBS bill, at the end of that 1 year, which is approximately 2,060 hours of work, they can apply for a green card, and they are going to be given preferential treatment in getting that green card.

What current immigration law says is anybody who has maintained a green card for 10 years, and are here because they have that opportunity to better themselves in this country versus their native country? Do we want to make an accommodation for those folks here illegally, as the AgJOBS bill suggests? Or do we conceive that America wants us to provide preferential treatment over those individuals who are outside of this country who want to become citizens of the United States, who want to come here legally and do it the right way.

It simply is not fair. It is not equitable. I cannot believe the American people want to see us enact a law that will reward those individuals who have come into this country illegally in that way.

Lastly, let me mention one other point that is critically different between the AgJOBS bill and the Chambiss-Kyl amendment; and that is the issue relative to control of the border. The AgJOBS bill is silent when it comes to control of the border. But what it does do is it says if you have previously worked in the United States, and you are now back in your home country, you can come and make application for the adjusted status by saying you did work 575 hours within a certain period of time and, therefore, you should be given legal status in this country. And that will happen.

The difference in our provisions relative to control of the border is we mandate that the Department of Homeland Security come back to Congress within 6 months after the effective date of this legislation and report to us on a plan they are going to put in place to control our borders. Because, let me tell you, I don’t care what bill we pass, which of these amendments we pass, or any future bill we may pass relative to the immigration laws of this country, if we do not control our borders, we have not made one positive step in the right direction.

We simply must figure out a way to control our borders. We think rather than us legislating a way in which that
AgJOBS a reality. They have demonstrated true statesmanship by putting aside strongly held past differences to work together for the common good. We have our own responsibility to join in a similar way to approve this needed reform that is years overdue.

I commend Senator CRAIG and Congressmen Berman and Cannon for their leadership. I urge my colleagues to wholeheartedly endorse the AgJOBS bill.

Our bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry to meet this urgent need, and Congress should make the most of this unique opportunity for progress.

Our bill has strong support from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups. More than 500 organizations across the country support it.

AgJOBS is a bipartisan compromise reached after years of negotiations. Both farmworkers and growers have made concessions to reach this agreement. The Senate side has obtained important benefits.

In contrast, opponents offer a one-sided proposal that has failed to win the broad support AgJOBS has received. I urge my colleagues to oppose it. It vastly favors employers at the expense of farmworkers. It makes harsh revisions to the current agricultural guest worker program and creates a new blue card program for undocumented workers without a path to permanent residence, and without any meaningful governmental oversight to prevent labor abuses.

Agricultural employers would have the freedom to avoid hiring U.S. workers, displace U.S. workers already on the job, and force both U.S. workers and guest workers to accept low wages. They could do all this by claiming they can’t find any U.S. workers. Even when the few labor protections are violated, workers would have no meaningful ability to enforce their legal rights.

This program would return us to the dark and shameful era of the Bracero Program where abuses were rampant and widely tolerated. That is unacceptable. We must learn from our mistakes and not repeat them.

The Chambliss amendment also ignores the needs of many growers and farmworkers. It offers no solution to the basic problem faced by agricultural employers—the problem that an overwhelming majority of the workers are undocumented and are, therefore, easily exploited by unscrupulous employers.

Our AgJOBS bill corrects these festering problems. It gives farmworkers and their families the dignity and justice they deserve and it gives agricultural employers a legal workforce.

Impressive work has been done by many grassroots organizations to make
In September 2000, a breakthrough occurred, and both sides agreed to support compromise legislation that won broad bipartisan congressional support. Unfortunately, attempts to enact it were blocked in the lame duck session that followed the re-election of President Bush in 2000. The dynamics of the agreement, and the compromise fell apart.

A compromise was finally reached in September 2003 which led Senator Craig and me to introduce the AgJOBS bill. After an amendment offered by Senator Craig has pointed out, 63 Senate cosponsors, nearly evenly divided between Democrats and Republicans. Despite such strong bipartisan support, the leadership last year blocked our attempt to obtain a vote on this legislation. This is the second Congress in which Senator Craig and I have introduced the AgJOBS bill. Congress has had extensive discussions of this legislation in the past, and it is long past time for a vote.

Opponents of our amendment have offered no workable solutions. We cannot be complacent any longer. It is time for a new approach.

The American people want commonsense solutions to real problems such as immigration. They want neither open borders nor closed borders. They want smart borders. They are neither anti-immigrant nor anti-enforcement. Instead, they are anti-disorder and anti-hypocrisy. They want the Federal Government to get its act together, to set rules that are realistic and fair, and to follow through and enforce these realistic rules effectively and efficiently.

AgJOBS meets these goals. It addresses our national security needs, reflects current economic realities, and respects America’s immigrant heritage.

The status quo is untenable. In the last 10 years, the U.S. Government has spent $50 billion to enforce our immigration laws. We have tripled the number of border security agents, improved surveillance technology, installed other controls to strengthen border enforcement, especially at the southwest border. None of these efforts have been adequate. Illegal immigration continues.

The proof is in the numbers. Between 1990 and 2000, the number of undocumented immigrants doubled from 3.5 million to 7 million. Today that number is nearly 11 million, with an average annual growth of about 500,000. Those already here are not leaving, and new immigrants keep coming in. Massive deportations are unrealistic as a policy, impractical to carry out, and unacceptable to businesses that rely heavily on their labor.

Obviously, we must control our borders and enforce our laws, but we first need realistic immigration laws that we can actually enforce. The AgJOBS bill is a significant step. By bringing these illegal workers out of the shadows, we will enable law enforcement to focus its efforts on terrorists and violent criminals. We will reduce the chaotic, illegal, all too deadly traffic of immigrants at our borders by providing safe opportunities for farmworkers and their families to enter and leave the country.

The AgJOBS bill enhances our national security and makes our communities safer. It brings the undocumented farmworkers and their families out of the shadows and enables them to pass through security checkpoints. It shrinks the enforcement targets, enables our offices to train their sights more effectively on the terrorists and the criminals. The undocumented farmworkers eligible for this program will undergo rigorous screening. They serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

Undocumented farmworkers are clearly vulnerable to abuse by unscrupulous labor contractors and growers. They are less likely than U.S. workers to complain about low wages, poor working conditions, or other labor law violations. Their illegal status deprives them of bargaining power and depresses the wages of all farm worker legal status. Future temporary workers will be carefully screened to meet security concerns.

The AgJOBS amendment provides a fair and reasonable way for undocumented agricultural workers to earn legal status. It reforms the current visa program so that agricultural employers unable to hire American workers can hire needed foreign workers. Both of these elements are critical. They serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

To be eligible for legal status, applicants must be persons of good moral character and present no criminal or national security problems. Whether they are applying here or at U.S. consulates abroad, all applicants will be required to undergo rigorous security clearances. Like all applicants for adjustment of status, their names and birth dates must be checked against criminal and terrorist databases operated by the Department of Homeland Security, the FBI, the State Department, and the CIA. Applicants’ fingerprints would be sent to the FBI for a criminal background check, which includes comparing the applicants’ fingerprints with all arrest records in the FBI’s database.

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Opponents of AgJOBS claim that this bill includes nothing direct about it. To be eligible for legal status, applicants must be persons of good moral character and present no criminal or national security problems. Whether they are applying here or at U.S. consulates abroad, all applicants will be required to undergo rigorous security clearances. Like all applicants for adjustment of status, their names and birth dates must be checked against criminal and terrorist databases operated by the Department of Homeland Security, the FBI, the State Department, and the CIA. Applicants’ fingerprints would be sent to the FBI for a criminal background check, which includes comparing the applicants’ fingerprints with all arrest records in the FBI’s database.

Contrary to arguments made by detractors of AgJOBS, terrorists will not be able to exploit this program to obtain legal status. Anyone with any ties to terrorism will be denied legal status under our current immigration laws, and would be ineligible under the AgJOBS bill. Our proposal has no loopholes for terrorists.

Opponents of AgJOBS claim that this bill is soft on criminals. Wrong again. AgJOBS has the toughest provisions against those who commit crimes—tougher than current immigration law. Convictions for most crimes will make them ineligible to obtain a green card. Generally, these convictions include violent crimes, terrorism, espionage, and domestic violence. AgJOBS goes even further. Applicants can be denied legal status if they commit a felony or three
misdemeanors. It doesn’t matter whether the misdemeanors involve minor offenses—three misdemeanors and you are out, no matter how minor the misdemeanors. In addition, anyone convicted of a single misdemeanor who serves a sentence of 6 months or less would also be ineligible. These rules are additional requirements that do not apply to other immigrants and they cannot be waived by DHS.

There are those who would prefer to disqualify a farm worker who commits even a single minor misdemeanor, with no jail time. But that goes too far. In some States, it’s a misdemeanor to put trash from your home into a roadside trash can. It’s a misdemeanor to park a house trailer in a roadside park, or have an unleased dog in your car on a State highway, or go fishing without a license.

If we’re serious about this proposal, minor offenses like these shouldn’t have such harsh consequences. We’d be setting a hard and fast standard and women for minor mistakes, and tearing these immigrant families apart.

It’s hard to imagine any public purpose that would be served by such a severe penalty. It’s easy to imagine all the heart-wrenching stories and nightmares created by this proposal for people caught by its provisions. Many of these farm workers have lived in America with their families for many years. They’ve established strong ties to their communities, paid their taxes, and contributed to our economy. They deserve better than a punishment out of all proportion to their offense.

Opponents of AgJOBS also claim that it will be a magnet for further illegal immigration. Once again, they are wrong. To be eligible for the earned adjustment program, farm workers must establish that they worked in agriculture in the past. Farm workers must have entered the United States prior to October, 2004. Otherwise, they are not eligible. The magnet argument is false. New entrants who have not worked in agriculture won’t qualify for this program.

Hard-working migrant farm workers are essential to the success of American agriculture. We need an honest agricultural policy that recognizes the contributions of these men and women, and respects and rewards their work.

Our bill will modify the current temporary agricultural worker program, while preserving and enhancing key labor protections. It strikes a fair balance. Anything else would undermine the jobs, wages, and working conditions of U.S. workers.

For many Americans, the current program is a bureaucratic nightmare. Few of them use the program, because it is so complicated, lengthy, uncertain, and expensive. Only 40,000-50,000 guest workers are admitted each year—barely 2 to 3 percent of the estimated total agricultural workforce.

To deal with these problems, the bill streamlines the H-2A program’s application process by making it a “labor attestation” program similar to the H-1B program, rather than the current “labor certification” program. This change will reduce paperwork for employers and accelerate processing.

Employers seeking temporary workers will file an application with the Secretary of Labor containing assurances that they will comply with the program’s obligations. The application will be accompanied by a job offer that the employer will post on an electronic job registry at least 28 days before the job begins. In addition, the employer must post the position at the work site, notify the collective bargaining representative if one exists, make reasonable efforts to contact past employees, and advertise the position in newspapers read by farm workers.

Longstanding worker protections will continue in force. For example, the three-fourths minimum wage guarantee will remain in effect. Employers will be required to guarantee work for at least three quarters of the employment period or pay compensation for any shortfall. The “50% rule” will also continue. Qualified U.S. workers who are hired as long-term plaintiffs that apply during the first half of the season. No position could be filled by an H-2A worker that was vacant because of a strike or labor dispute. Employers will continue to reimburse workers for transportation costs and provide workers’ compensation insurance coverage. Employers will be prohibited from discriminating in favor of temporary workers.

The bill will modify some current requirements in important ways. Employers must provide housing at no cost, or a monetary housing allowance in which the State governor certifies that sufficient farm worker housing is available. Employers will also be required to guarantee that the rate of the State of Federal minimum wage, the local “prevailing wage” for the particular job, or an “adverse effect” wage rate.

For many years, the adverse effect wage rate has been vigorously debated, with most farm worker advocates arguing that the rate is too low, and most growers complaining that it is too high. The bill will freeze adverse effect wage rates for three years at the 2003 level. AgJOBS amendments to make adjustments to the H-2A program and provide additional legal protections for migrant workers who hold H-2A visas. AgJOBS amendments would provide protections for the Department of Labor to enforce their wages, housing benefits, transportation cost reimbursements, minimum-wage guarantee, motor vehicle safety protections, and other or under their job offer.

Our bill will also unify families. When temporary residence is granted, a farm worker’s spouse and minor children will be able to remain legally in the United States, but they will not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children will also gain such status.

Mr. President, I have a letter from the AFL-CIO that calls AgJOBS a recombination of previous positions that was offered by Senate Appropriations bill offered by Senators Craig and Kennedy—the Agricultural Job Opportunity, Benefits and Security Act (AgJOBS). I also strongly urge you to oppose amendment of the Chambliss-Kyl proposal of the AFL-CIO I urge you to support cloture on passage of an amendment to the FY 2005 Supplemental Appropriations bill offered by Senators Chambliss and Kyl as a substitute to AgJOBS. This amendment has inadequate worker protections and must be defeated. AgJOBS bill is a creative compromise between farm worker advocates and agricultural employers. AgJOBS enjoys strong bipartisan support and would provide an avenue for 500,000 undocumented farm workers to qualify for an earned adjustment program that has a path to permanent residence. AgJOBS would streamline the current H-2A agricultural guest-worker program and provide additional legal protections for migrant workers who hold H-2A visas. AgJOBS addresses the growing concern over the high number of undocumented farm workers and the need for adjustments to the H-2A program so that we do not confront a similar crisis in the future. The Kennedy-Craig AgJOBS amendment is necessary immigration reform that will protect the rights and economic well-being of both immigrant and U.S. workers. The Chambliss-Kyl proposal would radically change the H-2A program—stripping it of all labor protections and government oversight. This amendment would create a new year-round guest worker program with no meaningful labor protections and no role for the Department of Labor to enforce housing, transportation, or other labor protections. The Chambliss-Kyl proposal would tie workers to particular employers and require...
them to leave the country if their jobs ended and no other employer petitioned for a visa for them within 60 days. It would allow employers to bring in a large numbers of vulnerable guest workers to fill year-round jobs no other employer petitioned for a visa for them within 60 days and no other employer petitioned for a visa for them within 60 days and no other employer petitioned for a visa for them within 60 days.

Also troubling is that the Chambliss-Kyl amendment strips the definition of seasonal agricultural workers to include "related industries," which could include landscaping and food processing. Currently, the use of guest workers in these industries is capped and subject to additional labor market tests. The H-2A program is not subject to a cap. This further jeopardizes essential labor for a broader segment of the U.S. workforce. The Chambliss-Kyl proposal is bad for both U.S. and immigrant workers, bad for employers who want to employ a stable workforce, and it is a dangerous precedent in immigration and labor policy.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation

Mr. KENNEDY. Mr. President, this mentions:

The Chambliss-Kyl proposal would radically change the H-2A program, stripping it of all labor protections and Government oversight. This amendment would create a new year-round guest worker program with no mechanisms and no monitoring role for the Department of Labor to enforce housing, pay, or other essential worker protections. The Chambliss-Kyl proposal would tie workers to particular employers and require them to leave the country if their jobs ended and no other employer petitioned for a visa for them within 60 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 94

(Purpose: To express the sense of the Senate on future requests for funding for military operations in Afghanistan and Iraq)

Mr. BYRD. Mr. President, from the moment our military first attacked Osama bin Laden's hideouts in Afghanistan, through the time that our first soldiers set foot inside Iraq, continuing right up until the present day, the war in Afghanistan and the war in Iraq have been entirely funded by what the American people might call a series of stopgap spending measures. These measures, which are called emergency supplemental appropriation bills in the parlance of our Nation's capitol, take the form of last-minute requests by the White House for Congress to approve tens of billions of dollars on an accelerated timetable.

President George W. Bush, on November 1, 2001, until today, Congress has approved $201 billion in these appropriations bills, the great majority of which the President has applied to the wars in Afghanistan and Iraq. If this bill on the Senate floor is approved, it will add another $79.3 billion to that staggering total.

With the cost of the two wars approaching $280 billion—that is a lot of money; that is your money, Mr. and Mrs. American Citizen—the American people are beginning to ask how much more will these two wars cost our country? The Congressional Budget Office estimated, in February 2005, the cost of the wars in Iraq and Afghanistan will cost the American people $458 billion over the next 10 years. The $74.4 billion in military spending contained in this supplemental appropriations bill is but a small downpayment on that staggering sum.

How accurate is this estimate of nearly half a trillion dollars more in war costs? How accurate is it? Amazingly, the administration has flatout refused to provide any estimates for the cost of the war in its annual budget requests. That is right, despite the administration's budget policies, our troops are forced to continue to rely on the stopgap spending measures that are known as emergency supplemental appropriations bills.

I know the term "supplemental request" or "emergency appropriations" mean almost nothing to the average American. But each time the White House sends a supplemental request to Congress for more funds that have never appeared in the President's budget—so, it might be many Americans pull a credit card out of their wallet when faced with unexpected costs.

Like a credit card, emergency supplemental appropriations requests can be responsibly used to cover costs that could not have been foreseen. But most Americans know, if someone starts using a credit card for everyday expenses, watch out, because that person is on the path to financial ruin. Mr. President, I have had a credit card in my life. I don't use one. My wife doesn't use one. Using that little piece of plastic means avoiding the tough choices and tradeoffs that are necessary for fiscal responsibility, while reckless spending and increasing interest payments cause a family's debt to spiral out of control. That, in a nutshell, is exactly what is happening in Washington, DC. Just like the slick advertising slogan for credit cards, the administration's repeat requests for supplemental appropriations for the war exemplify the phrase "buy now, pay later.

Over the last 3 1/2 years, at a time when the Government is swimming in red ink, the White House has charged an additional $280 billion—that is right, $280 billion—on the national credit card, without proposing a single dime of that spending in its annual budget proposal: not one thin dime is allocated in the President's annual budget proposal. This is a reckless course the administration has plotted. It is fiscal irresponsibility at the highest level. This "take it as it comes" approach to paying for the cost of the war in Iraq ignores sound budgetary principles, and it is a grave disservice to our troops who are serving in Iraq.

By separating the regular budget of the Defense Department and other Federal agencies from the wartime costs of military operations, the White House has effectively denied Congress the ability to get the whole picture of the needs of our troops and the other needs of our Nation, such as education, highways, and veterans medical care. Instead, Congress receives only piecemeal information about, on the one hand, what funds are required to fight the war—this unnecessary war, I say, in a thoroughly disjointed and discomfounded Federal budget. This hand-me-down process does not serve our troops well.

A unified, coherent budget for our military would allow Congress and the administration, as well as the American people, to focus on the future to evaluate what our troops might need to fight two wars—the war in Afghanistan and the war in Iraq—in the next 6, 12, or 18 months.

I am fully supportive of the war in Afghanistan because in that case our country was attacked, our country was invaded by an enemy. We fought back. I fully supported President Bush in that war and I do not support the troops in both wars, but I do not support the policy that sent our troops into Iraq.

Instead of looking forward, however, the misuse of the supplemental appropriations process means the Congress and the administration are constantly—constantly—looking backward over our shoulder to fix the problems that might have been addressed had the cost of the war been included in the President's budget.

Congress has had to add money to prior supplements to buy more body armor, to buy more ammunition, to buy more armored humvees. All of these costs should have been included in earlier administration regular unified budget requests for the entire Federal Government.

What is more, this disjointed manner of paying for the wars in Iraq and Afghanistan has a tremendous effect on the entire Federal budget. By refusing to budget for the cost of the war, the President is submitting annual budgets to Congress that are downright inaccurate. These budget requests are inaccurate. They understate the actual amount of our annual deficits by scores of billions of dollars.

If the President's emergency request for 2005 is approved, the Congress will have approved over $300 billion for the war in Iraq. While the budget deficit grows to record levels, the President tells us we have to cut domestic programs by $192 billion over the next 5 years. The President tells us we have to cut grants for firefighters and first responders, that we cannot adequately fund the No Child Left Behind Act, and that we should cut funding for the National Institutes of Health. The list goes on and on.

Since the President took office, he has taken a Federal budget that was in

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surplus for 4 straight years and produced deficits as far as the human eye can see. For 2006, the President is projecting a deficit of $390 billion, but that deficit estimate does not—does not, does not—include new spending for the war in Iraq. Why? Why does that deficit estimate not include new spending for the war in Iraq? Because the President pretends he cannot project what the war will cost in 2006. Well, Mr. President, I assure you the costs will not be zero.

The President will not tell the American people what the war in Iraq will cost. By understating the deficits, the American people are being led down a primrose path. That is dishonesty. Neither the White House nor Congress is making any tough choices about how to pay for the cost of the war because the administration is not telling Congress how much it thinks the war might cost in the next year. And as a result, there is no talk of raising taxes or cutting spending in order to pay for the costs of the wars.

The United States is sinking deeper and deeper into debt, and the administration’s failure to budget for the wars in Iraq and Afghanistan is sending our country even deeper into red ink. For as brilliantly as our troops have performed on the battlefield, as brilliantly as they have fought and died on the battlefield, the administration’s budgeteers are creating a budgetary catastrophe. But the executive branch has not always been so neglectful of the need to include in its budget the cost of ongoing wars. According to the Congressional Research Service, there is a long history of Presidents moving the cost of military operations into their annual budget requests rather than relying completely on supplemental appropriations bills.

For example, the Congressional Research Service reports President Franklin D. Roosevelt included funds for World War II in his fiscal year 1943 budget request. President Lyndon B. Johnson included funds for the Vietnam war in his fiscal year 1966 request. Military operations in Bosnia and the U.S. occupation of Kuwait were initially funded through supplemental appropriations. But in 1995, Congress forced President Bill Clinton to include those costs in his fiscal year 1997 budget, which he did. Upon assuming the Presidency, George W. Bush began to include the cost of the peacekeeping mission in Kosovo in his fiscal year 2001 budget request. I supported President Bush on that initiative because it made good fiscal sense. This evening, I have offered amendments to the Defense Appropriations bills to urge the President to add the costs of the wars in Iraq and Afghanistan to his budget.

These amendments were approved by strong bipartisan majorities of the Senate. The first time I offered the amendment on July 17, 2003, it was approved 81 to 15. The second time I offered the amendment on June 24, 2004, it received even broader support and was approved by a vote of 90 to 5. Moreover, the Senate’s sense-of-the-Senate provision was included in the Defense Appropriations Act and signed into law by the President.

Today, I offer an amendment that follows up on the Senate’s call for the President to budget for the costs of the wars in Iraq and Afghanistan. Let us just have truth in accounting. This is honest accounting. We are letting the American people know how much they are paying for these wars.

This amendment builds on the sense-of-the-Senate language that has been approved by strong bipartisan majorities of the Senate in each of the last 2 years. Once again, this provision urges the President to budget the cost of the war in Iraq and the war in Afghanistan. However, my amendment today goes further and urges the President to submit an amended budget request for the cost of the wars to Congress no later than September 1, 2005. Although the White House should have budgeted for this war long ago, this provision ratchets up the pressure on the administration to submit to Congress an estimate of the cost of the war for fiscal year 2006. Hopefully, this will be the first step in restoring some sanity to the President’s budget request that has so far ignored the enormous costs of military operations in Iraq and Afghanistan.

This amendment also contains a section of findings that illustrate many of the points I have already made in urging the President to budget for the war. These findings emphasize the legislative history of the Senate urging the President to budget for the wars in Iraq and Afghanistan. The findings also present some of the conclusions reached by the Congressional Research Service about the funding of previous military operations through the regular appropriations process.

Finally, this amendment includes a reporting requirement that would help keep Congress informed—help keep us informed. We are selected by “we the people.” The first three words in the preamble of the Constitution are “We the people.” We are hearing a lot about the Constitution these days, and we are going to hear more. I am going to have a few things to say about it before it is over.

As I said, this amendment includes a reporting requirement that would help keep Congress informed about the real costs of the wars in Iraq and Afghanistan. This provision would require the Department of Defense to provide Congress with the specific amounts that have been spent to date, what is on the books and what is spent to date—what is spent on the books—for each of the wars in Iraq and Afghanistan. Currently, the Pentagon prefers to report only a single figure that combines the cost of these two wars, but Congress and the American people ought to know the exact cost of the war in Afghanistan. They ought to know the exact cost of the war that was forced upon our country in Afghanistan, and they need to know the cost of the war in Iraq. The war that the administration chose to begin, the invasion that the administration chose to set forth. These wars should not be confused one with the other. They are two different wars, and we should say so right up front. We should know the amount of money we spend in each.

In addition, this report would require the Pentagon to keep the Congress continuously informed about the costs of military operations in Iraq and in Afghanistan for the next year so that Congress can have the better lens with which to look upon future budgets for our military.

This is nothing but right. The elected representatives of the people sitting in this body ought to know these things. We are representing the American people in our States and throughout the country. What is at stake with our telling them right up front? We need to know these things. I have a responsibility to my children, my grandchildren, and to their children. Each of us has that responsibility, and we ought to ask for this information. We ought to insist on it.

Once again, the Senate should send a message to the administration that it ought to budget for the costs of the wars in Iraq and Afghanistan. My amendment sends that message in clear terms. I urge my colleagues to join me in approving this sense-of-the-Senate amendment with another strong bipartisan vote.

I call up my amendment No. 464. The PRESIDING OFFICER. Without objection, the pending amendment will be considered. The assistant legislative clerk reads as follows: The Senate from West Virginia [Mr. Byrd] proposes an amendment numbered 464.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows: On page 168, between lines 8 and 9, insert the following:

SEC. 1122. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108-47) and the Department of Defense Appropriations Act, 2005 (Public Law 108-287) each contain a sense of the Senate provision urging the President to provide in the annual budget request of the President for a fiscal year under section 1036(a)(6) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

The budget for the fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year
2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for the concurrent resolution of the costs of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005; and

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, an estimated $50,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1106(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1106(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations in Afghanistan and Iraq, and should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1106(a) of title 31, United States Code;

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the application, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred in the subsequent 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Title 128 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghan-


The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise to speak about immigration and the issue that will be before us for two very important votes tomorrow. My colleague from Idaho is here today. I believe that I will take the allotted time under the unanimous consent, and then I think he wants to spend more time on these issues.

What I find very fascinating is that everyone who has come to the Senate floor this afternoon to talk about immigration agrees that our country is in near crisis at this moment for our inability to control our borders, to stem the tide of illegal movement into our country, and to fashion comprehensive or targeted immigration law that effectively works. Simply put, our Federal Government has to do better. It has to move faster in improving our border security and meeting this phenomenally large and important issue of illegal immigration.

Congress is no further along today on a comprehensive bill than it was a year ago at this time when my bill, the AgJOBS bill, had a thorough hearing before the Judiciary Committee. It is now over 8 months since we woke up after 9/11 with thousands of our country men and women dead and a phenomenal frightening awakening on the part of the American people that there were millions of undocumented foreign nationals living in our country.

As I said earlier, while most of them are law-abiding, are here to work, and are extremely hard-working people, we found out tragically enough that there were some here with evil intent, and, I do believe, we will find more. I think that is why Congress then again started beefing up border patrol and buying high-tech verification systems for the Department of Homeland Security, and that is why, whether one agrees on the specific methods or not, the House and the Senate have been here to offer them. We are simply taking time in the debate. We will have those votes tomorrow. If Senators SAXBY CHAMBLISS and Jon KYL do not get the necessary 60 votes, or I do not get the necessary 60 votes, then we will not move forward in our border security. But they will not go away, because I do believe, as I think most Americans believe, somehow we have to get this right. Somehow it is necessary to do so.

I am committed to making this debate as brief as possible. That is why I agreed to a unanimous consent request to conform it and to shape it, but to allow a full and fair and necessary debate. That is why I am concerned, a thorough debate on AgJOBS does not need to take a multiple of days or months. Every Senator knows this issue. Every Senator knows his and her constituents are upset at this moment because Senate and Congress have failed to deal with this issue. I have received my fair share of criticism from some of my constituents for offering AgJOBS. I smiled and said: You sent me to work in Washington to solve a problem. I brought the solution to that problem. I believe it is the right one. No one else, except for those this afternoon, has brought a second solution. I welcome all Senators to get involved in this debate and understand the issues. But more importantly, what has past Congresses done or what have we done for 2004 or whatever, or 2005? Look over our shoulder and say: Oh, boy, that is a big problem; and, oh, boy, our borders are at risk and, yes, some of those illegal could do us harm, but we can't seem to get our hands around it because it is such a complicated issue.

I do not dispute its complications. But I am frustrated that the Senate and the House have not been able to act. I believe the Senate has had enough time. As I mentioned earlier, we have seen this bill when it was
Mr. SESSIONS. Mr. President, I think it makes the point rather simply. They didn’t come here to work for not being paid. They came for a salary. They are willing to accept. They work here for 100 hours. Then they become a lawful, temporary resident. Then all of a sudden someone who was here unlawfully is now converted to a lawful resident.

A number of things occur after that. If they have family here, a spouse or children—one, two, three, four, five, six—and that spouse or those children may have been here 6 weeks, the spouse and children are entitled to stay as long as the person who now has a lawful, temporary resident status. And within the next 6 years, if that person is employed in agriculture for 2,060 hours—the average worker works about 2,000 hours a year, so that would be about 10 years—then they have therefore earned legal permanent resident status. That is pretty significant, legal permanent residency, because if you become a legal permanent resident, then you are no longer an indentured servant. You can go out and work in any occupation, in any line of work, lawfully.

You can work on any job you want. It might be this court reporting job right here. I don’t know what they want to work on. They became a legal, permanent resident. They can wait for 5 years, and then they are virtually guaranteed a citizenship unless they are convicted—charged, convicted—of a felony or convicted of a misdemeanor. A misdemeanor can be a pretty serious offense sometimes.

I am not sure we want somebody to want to come here to commit a bunch of misdemeanors. You don’t usually get caught for all of them. People do things and half the time they do not get caught at all. If you catch a victim twice on a misdemeanor, that can be very serious.

Then they are given citizenship. By the way, if their children are not here, have never been here, and they became a lawful, permanent resident, they can send for them—one, two, or five members. They can come on down and be a part of the United States and be on the road to citizenship, even though maybe that was never the intention. Maybe it was never the intention, to begin with, for their family to come here.

Mr. CRAIG. Mr. President, will the Senator yield? Mr. SESSIONS. Yes. Mr. CRAIG. The Senator is making a very interesting point. Has the Senator looked at the Bureau of Labor Statistics’ numbers of those they believe—if the law were passed—are AgJOBS eligible?

Mr. SESSIONS. About a million. Mr. CRAIG. About 500,000 is what they estimate. Well, do all of the very thorough background checks we have within it that are consistent with immigration law today, they figure a certain number would fail out, and then there are the wives and dependents, a very large group who are not married. They have no immediate family—about 200,000 more. It is reasonable to say the Department of Labor is looking at a total number of workers, spouse, and dependents of upwards of possibly 700,000. I know millions and millions are talked about. I believe that is unrealistic based on the Bureau of Labor Statistics.

Does the Senator disagree with those figures?
Mr. CRAIG. I thank my colleague for yielding. What is important is the bill be read very thoroughly. Extrapolations can be made. But when it says 100 hours of work, I think it is important to assume you would only work 1 hour a day for 100 days. That is not a very logical process.

I thank the Senator for yielding.

Mr. SESSIONS. I agree with the Senator on that. I will disagree with the concept that somehow, by working here, coming here, and getting a job you get to be automatically eligible to come into the country. I don't think there is any dispute about that.

If a person came here illegally, if they worked here 12 months and met those qualifications of 100 workdays, or if they worked here 18 months and met those qualifications of 100 workdays, or they worked here 12 months and met those qualifications of 200 workdays, and you want to come or you want to come back, then they are getting a legal status.

That is what I would point out. Then, a family would be automatically eligible to come into the country. I don't think there is any dispute about that.

If a person came here illegally, if they worked here 18 months and met those qualifications of 100 workdays, or if they worked here 12 months and met those qualifications of 200 workdays, and you want to come or you want to come back, then they are getting a legal status.

I am not sure that is what we want to do. I don't think it is what we want to do. That is the fundamental of this legislation.

I think that is what you call amnesty. Not only does it give the person what they wanted in terms of being able to come in and get a legal status to come here, coming here, and getting a job, and you need to lay off one person, and you have two working for you, and one alien granted temporary resident status under subsection A may be terminated from employment by any employer during the period of temporary resident status except for just cause.

Then they set up a big process for this. There is a complaint process. The subsection sets out a process for filing complaints for termination without just cause. If reasonable cause exists, the Secretary shall initiate binding arbitration proceedings and pay the fee and expenses of the arbitrator. Attorneys' fees will be the responsibility of each party. The complaint process does not preclude “any other rights an employee may have under applicable law.”

That means they could file under this process for unjust termination and hire a plaintiffs lawyer and sue the business for whatever else you want to sue them for.

Any fact or finding made by the arbitrator shall not be conclusive or binding in any separate action—

That is the action filed in the court by plaintiffs' lawyer— or subsequent action or proceeding between the employee and the employer.

I submit to you, by the language of this statute, it would appear they intend for that to be admissible, if not binding. It says not binding but the implication would be it would be admissible.

This means an employer cannot allow that arbitration proceeding to go without an attorney. He will have to hire an attorney and go down there because things will go wrong and that will be used against him in any civil action that might take place. They have to pay counsel in both places.

This section will override State laws in America. In Alabama, unless you enter into a contract that states otherwise for employment, your work for an employer is at will. Contracts of employment are not just that; it is the will of either party. Employees can quit at will and employers can terminate at will, with cause or without cause, and for no reason, good or bad reason.

That is the way I think it is in most States. Certainly that is true in my State. This provision will mean illegal aliens who file for amnesty under the AgJOBS amendment, after coming here illegally in violation of our law, are guaranteed employment unless they are terminated for just cause. If the AgJOBS amendment passes, employers of aliens given amnesty will be subject to forced and binding arbitration regarding the termination of the alien, and they will have to cover their legal bills for the defense in arbitrations even if the arbitrator finds they had just cause to terminate the alien.

I suggest what we are about here is a provision for greater protection for a foreign worker, one not only who is foreign who previously violated American law. If you were an employer and you need to lay off one person, and you have two working for you, and one would have the ability to take you through arbitration and argue that you did not have just cause, and the other one had no such rights, you might fire the American citizen first, not the foreigner.

If there is another provision I will talk about later that deals with the filing of the application. The Senator says they will be doing background checks. I see nothing in here that provides for background checks. It requires an application to be filed to become a temporary resident. Get this: It can be filed with two groups who are called “qualified designated entities.” That can be an employer group who wants workers to come here to work for them, or a labor group, and they are qualified entities. The application is filed with them.

It prohibits giving the application to the Secretary of Homeland Security unless a lawyer has read it first. It says the entities that receive this application cannot give it to anyone unless they are conducting a fraud investigation. How would they know to conduct one if they haven't seen the documents? It might be fraudulent.

It is a rather strange idea, is antigovernment, and seems to be far more concerned with protecting an applicant who may be committing fraud than protecting the security and the laws of the United States.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I would like to express my opposition to the AgJOBS bill as it is currently drafted.

This is a very complicated bill. It is a magnet for illegal immigration. It has not been reviewed by the Judiciary Committee. We do not know how many people would be affected by it.

Rather, it has come to the floor as an amendment to the supplemental appropriations bill.

This is not the place for this bill. I believe it is a mistake to pass this bill on an emergency supplemental that is designed to provide help for our military fighting in extraordinary circumstances.

That is why I cosponsored an amendment with Senator CORNYN saying that the place to do these amendments is through the regular order, beginning in the Immigration Subcommittee of the Judiciary Committee. This amendment passed by a vote of 61 to 38.

And that is why I will vote against cloture on the AgJOBS bill and on the other complicated immigration amendment, the Chambliss-Kyl amendment.

If, however, cloture is invoked, then I plan on offering several amendments that I believe will improve the bill.

If these amendments are approved by the full body, or are later incorporated into the bill through an appropriate Judiciary Committee markup, then I would be prepared to support the bill.

But otherwise, it is my intention to vote against the bill. I simply cannot support the bill in good conscience as it is.

I believe the bill as drafted is a huge magnet. The Judiciary Committee has
not had a chance to review it, amend it, mark it up. And it does not belong on a supplemental appropriations bill.

We know that people come to this country illegally.

The come for many different reasons. Some out of fear of persecution, some for work, all for opportunity.

In 2000, it was estimated that there were 7 million unauthorized aliens in this country. And by 2002, this number had grown to 9.3 million. These are Census numbers reported in the CRS Report on Immigration, updated 4/08/05.

In agriculture, approximately 1.25 million, or about 50 percent of the agricultural work force, are illegal workers—illegal agricultural workers—here in California. These numbers are from the Department of Labor.

Many of these workers have been here for years, have worked hard, brought their families here, and have built their lives here.

With respect to agricultural work. I know that it is extraordinarily difficult, if not impossible, to get Americans to work in agricultural labor.

I do not believe it. Several years ago we contacted every welfare office in the State. And every welfare office in the State told us that once they put a sign up, no one responded.

So I think it is the right thing to do to give the workers who have been here for a substantial period of time, who have been working in agriculture, who have been good members of society, and who will continue to work in agriculture, a way to adjust their status.

What I do not support is creating a magnet that draws large additional numbers of illegal immigration. Not only would this have a detrimental effect on our society, but it would harm the people we are trying to help: They have children, they have been working in agriculture for many years, they have been living in fear, and constantly worried about being removed from this country.

It is time for the Government to recognize that these people have made a substantial contribution to our country and offer them a way to adjust their status.

Remember, there are already 1.25 million agricultural workers here illegally, 600,000 in California.

Similarly, amendments would concentrate on their adjustment of status, thereby moving the workers and their families from the shadows and allowing them temporary, and subsequently, permanent legal status.

So I think that we have to be careful in how we proceed—if we do it the right way, we can help those who have been working in agriculture for many years and who have been good, upstanding members of society.

These are the people we should be trying to help: They have children, many of whom are born here and are U.S. citizens. They have paid taxes. Some have bought homes. They have worked hard for everything they have gotten. They have been good, productive members of society.

But if we do it the wrong way—we will actually cause great harm to the agriculture workers who have been here so many years—this will create a magnet, flooding the borders, pushing down wages, and making it more difficult to find work.

These are simple, commonsense amendments.

As I said before, I would have preferred to do this in committee where we could have the time necessary to consider such complicated legislation.
But if we are to pass an agricultural workers bill, let it be one that helps those who have contributed to our society and one that will not cause great harm to our Nation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I was looking on our desks at the bill that is actually supposed to be the subject of this debate. It is 231 pages long. It provides an emergency appropriation to help pay for the ongoing global war on terror. I remind my colleagues that is the stated purpose for this Senate time.

Indeed, last week 60 of my colleagues joined me in saying that national security demands the passage of this bill unencumbered by a premature debate on immigration reform.

Listening to our colleagues from Alabama and others who have spoken to this subject, we are getting a better sense of how complicated this issue is and why it is so important, as 61 of us said last week, that we proceed with this emergency appropriation for the ongoing global war on terror and reserve enactment of comprehensive immigration reform for a few months hence. Indeed, I had a chance to go through the appropriate committees of the Congress, the Subcommittee on Immigration, Border Security, and Citizenship that I chair in the Judiciary Committee. Chairman SPECTER of the full committee has promised a scheduled markup once we are able to go through the regular order and develop a comprehensive plan.

Notwithstanding the sense of the Senate by 61 Members that we should not engage in this premature debate and risk bogging down this important bill to provide financing to our troops in the battlefield, here we are.

What is it that the problem of this bill, the so-called AgJOBS amendment, seeks to fix? I suggest it does not purport to fix our porous borders. It does nothing to provide additional resources to our beleaguered Border Patrol and others who are doing the very best they can to try to secure our borders. We know not only do people come across those borders to work, but the same people who will smuggle those workers across the border are the same people who can smuggle terrorists or criminals or others who want to do us ill. That is my concern.

This bill does not purport to deal with any of those other industries and thus chooses one over the other in a way that I think violates one of the fundamental principles of American law, and that is that persons similarly situated ought to be treated as equally as possible and not in any favorable or discriminatory fashion.

So I think this bill, as premature as it is, as well intended as it may be, does not purport to deal with the problems that can only be addressed by comprehensive immigration reform. It actually does harm by violating some of our basic principles of equal justice under law. It is important we deal with these problems.

I failed to mention one of the problems is we have approximately 400,000 absconders present in the country now and we simply do not have the adequate facilities to deal with them. Nor does this bill purport to deal with the problem. Nor does this bill provide an emergency appropriation to help pay for our ongoing global war on terror. I remind my colleagues that is the stated purpose for this Senate time.

Therefore, after we have had a chance to go through the appropriate committees of the Congress, the Subcommittee on Immigration, Border Security, and Citizenship a guess that if the AgJOBS bill were to be successful, there would be approximately 6 million people who constitute the illegal workforce currently in the United States.

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of us to see, if we take the time to look at it.

Well, besides dealing with one industry, the AgJOBS bill also has some very troublesome provisions which I think undermine its claimed status as a temporary worker provision. An estimated 860,000 illegal alien agricultural workers could qualify, and it also permits them to bring their spouses and children, which could bring the total number of AgJOBS beneficiaries to as many as 3 million people.

Now, the interesting thing about that is it does not stop at the people who are already here who came into the country in violation of our laws. Another startling provision of this bill actually invites back to the United States certain aliens who were here illegally and who performed the requisite 100 hours of agricultural work but who have already left. These aliens would be allowed, under this AgJOBS bill, to drop off a “preliminary application” at a designated port of entry along the southern land border, pick up a work permit, and reenter the United States.

So not only are we dealing with people who are here now but people who were here illegally and who have left. We are now saying: Come on back and provide a work permit and reenter the United States.

Another provision of this bill which I have some concerns about is entitled “Eligibility for Legal Services,” which requires free, federally funded legal counsel be afforded—that is, paid for—by American taxpayer dollars through the Legal Services Corporation to assist temporary workers in the application process for legal permanent residency.

Not only does this bill deal with a specific industry and ignore the rest of the labor force, it excludes in a few moments the 860,000 people who are playing by the rules and waiting in line. That is wrong.

Another provision of this bill which I have some concerns about is entitled “Eligibility for Legal Services,” which requires free, federally funded legal counsel be afforded—that is, paid for—by American taxpayer dollars through the Legal Services Corporation to assist temporary workers in the application process for legal permanent residency.

There is a difference between an approach that says we will set up a framework for people to come and work but then return to their country, which is truly a temporary worker program, and one such as this which says, don’t just work and return, but work and stay and break in ahead of the line of all the workers who have not been legally admitted to come to this country legally, even though you have chosen to do so otherwise. Beyond that, we are going to provide you with a free lawyer.

It think it is not a stretch to say the AgJOBS bill will invite even more lawsuits since it expands the ability of the Legal Services Corporation to sue growers in several areas.

The reasons the current provisions of the law which deal with agricultural workers have been unsuccessful are, No. 1, because the caps are set too low and, No. 2, because it has become so bureaucratic and burdened by regulation that it is not a viable alternative for the agricultural industry, and growers have come to expect excessive litigation as a result, which this AgJOBS bill would do nothing to fix but would aggravate.

Let me speak briefly about the bill Senators Kyl and Chambliss have offered today. It does compare favorably with some of the provisions in the AgJOBS bill because it does not provide for amnesty. It does not provide a path to U.S. citizenship automatically ahead of all of the other people who have played by the rules and who have applied in the regular course of our laws. It has many of the same failings I mentioned earlier about being a partial solution to a real and comprehensive problem.

I hope my colleagues will recall the vote they cast just last week, when 61 of us voted on a sense of the Senate to say that this appropriations bill, providing emergency funds for the warfighters, the people risking their very lives to defend us in the global war on terrorism, ought to take out the front seat and that we ought to reserve comprehensive immigration reform to a later date and not slow this bill down because of this.

Having not resisted the temptation to getembroiled in an immigration debate, I hope my colleagues will listen carefully to the half solutions and the special interest legislation this represents. I don’t begrudge employers who need workers from trying to find a legal solution to that. I am for doing that but on a comprehensive basis, not just an industry-specific basis and particularly not on a basis that provides additional benefits to these workers in the form of amnesty that they would not otherwise be entitled to and denies other people equal opportunity to participate in a temporary worker program.

As complicated as this issue is and as important as the debate is, now is not the time to be engaging in it. Certainly now is not the time to pass a partial solution which will undermine our ability to get comprehensive immigration reform done.

It is my distinct impression that there is a big difference between the thinking on the part of the advocates of the AgJOBS bill in this Chamber and our colleagues on the other side of the Capitol. Realistically, as part of this emergency appropriations bill, to get the warfighters what they need in order to do the job we have asked them to do and which they volunteered to do, I cannot see the other Chamber agreeing to this ill-considered and premature immigration legislation at this time.

I urge my colleagues to vote against both the AgJOBS bill, to vote against the alternative offered by the Senators from Georgia and Arizona, but at the same time to say, you are more than welcome, as we work together for comprehensive reform, to work with us. We will try to meet you halfway in working out a consensus on this very tough and complex but important issue that should not be handled in the way they have proposed to handle it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 429

Mr. ISA KSON. 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. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is printed in today’s Record under “Text of Amendments.”

Mr. COCHRAN. Mr. President, given the pending time prior to the vote we will have in a few minutes, I ask unanimous consent to address the Senate as in morning business for 2 minutes.

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

The remarks of Mr. ISAKSON are printed in today’s Record under “Morning Business.”

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

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

AMENDMENT NO. 464

The PRESIDING OFFICER. The question is on agreeing to amendment No. 464 offered by the Senator from West Virginia, Mr. Byrd.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.
The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. The following Senators were necessarily absent: the Senator from Missouri, (Mr. BOND), the Senator from Montana, (Mr. BURNS), and the Senator from Kentucky, Mr. MCConnell.

Further, if present and voting, the Senator from Montana (Mr. BURNS) would have voted “nay.”

Ms. STABENOW. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois, (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA), are necessarily absent today.

They, or their designees, are necessarily absent today to attend the dedication and opening of the Abraham Lincoln Presidential Library and Museum in Springfield, IL.

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 96 Leg.]

The amendment (No. 463) was agreed to, and the amendment (No. 464) also was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote. Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the Senators from Illinois, Mr. DURBIN and Mr. OBAMA, are necessarily absent today to attend the dedication and opening of the Abraham Lincoln Presidential Library and Museum in Springfield, IL.
to unsubstantiated costs and to sloppy accounting. Fortune magazine’s analysis of Government reports found $2 billion of unjustified or undocumented charges. The Pentagon’s Defense Contract Audit Agency has cited inadequacies and deficiencies in contractor billing and cost justification with unreasonable and illogical cost justification. The Wall Street Journal reports that Pentagon auditors are investigating whether Halliburton overcharged taxpayers by $212 million for delivering fuel to Iraq.

Questions have arisen in the House of Representatives about why these costs had been concealed from international auditors. The Government Accountability Office has cited the risks of inadequate cost controls for contractors in Iraq. The Coalition Provisional Authority’s inspector general cited millions of dollars in overcharges from Halliburton employees indulging themselves at the Kuwait Hilton. Imagine U.S. soldiers in the field forced to survive on military rations and suffering the unbearable heat of the desert while Halliburton employees enjoy the breakfast buffet in an air-conditioned Hilton.

The House Government Reform Committee reported hundreds of millions of dollars in waste by some contractors. A glance at the committee Web site reveals tens of millions of dollars in questionable charges—task order after task order showing $86 million in unsubstantiated costs, $34 million in unsupported costs, $36 million in unjustified expenditures, and so on and so on. Incredibly, the Defense Department’s inspector general cited inadequate cost controls for contractors in Iraq. The American people ought not to be paying for services that have not been rendered. The American people ought not to be paying more than a fair market price. The American people ought not to allow contractors to think they can hoodwink the American citizen and get away with it.

The American public is being asked to sacrifice to pay for this war. The President’s budget cuts investments in education, in healthcare, in domestic priorities that impact every State of the Union in order to pay for these military and reconstruction activities. Congress ought to ensure—that is us—we ought to ensure that sacrifice is not wasted. We ought to view these charges as a knucklehead—Knuck—knuckleheadUES—and slap them hard—of any contractor, whether because of sloppy accounting or because of outright fraud, that results in the American taxpayer being bilked.

I urge my colleagues to support the amendment. I urge its adoption. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia?

Mr. WARNER. Mr. President, I ask my distinguished colleague from West Virginia if it would be in order to lay the amendment aside so I can send to the desk another amendment.

Mr. BYRD. The amendment is in order.

AMENDMENT NO. 499.

Mr. WARNER. Mr. President, I send amendment No. 499 to the desk.

The PRESIDING OFFICER. The clerk will report.

The clerk will report.

The Senator from Virginia [Mr. WARNER], for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. TALENT, Ms. COLLINS, and Mr. WARNER, proposes an amendment numbered 499.

Mr. WARNER. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Relating to the aircraft carriers of the Navy)

SEC. 1122. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Defense Department of the Navy by this Act, and by the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), an aggregate of $288,000,000 may be available only for repair and maintenance of the U.S.S. John F. Kennedy, and available only for repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following: (1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code. (2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including facilitating the permanent forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

Mr. WARNER. I am joined by the distinguished Senator from California, Mrs. BOXER, and I am prepared to give my statement in support.

Mr. LEAHY. Mr. President, if the Senator from Vermont [Mr. LEAHY] and the Senator from California [Mrs. BOXER], and I are waiting to speak about the tragic death of Marla Ruzicka over the weekend in the form of eulogies. I don’t want to interrupt the work of the distinguished Senator from Virginia, but when he is through I am going to ask the floor—both Senator BOXER and I—to give the eulogies, which will not take a great deal of time, but they are important.

Mr. WARNER. I think the Senator is asking that he be recognized at the conclusion of the introduction of this amendment. Senator NELSON and I will be brief to accommodate our colleagues.

Mr. President, this amendment ensures that all necessary repair and maintenance be accomplished on the USS John F. Kennedy to keep that ship in active status. The amendment also requires the Navy to keep 12 aircraft
carriers until the later of several situations comes to the attention of the Senate and the Congress: 180 days after the next Quadrennial Defense Review is delivered to Congress, or the Secretary of Defense has certified to Congress the necessary agreements have been entered into for the permanent forward deployed aircraft carriers deemed necessary to carry out the mission in their area of responsibility.

The ship, the USS Kennedy, was scheduled to start overhaul this coming summer. There was $334.7 million authorized and appropriated in the fiscal year 2005 for that purpose. So none of the funds in the underlying bill in any way are garnered by this amendment.

In the last-minute budget cut in late December, the decision was made by the Department of Defense to defer maintenance and to decommission the Kennedy.

The Chief of Naval Operations testified before the Senate Armed Services Committee on February 10 of this year that all 12 aircraft carriers were in their original budget request. He stated, however, that “this action was driven by guidance” from the office of Management and Budget that “led to the reduction of our overall budget.”

That repair and maintenance should go forward, starting this summer as originally planned. It is premature to decommission this ship, which was until this past December scheduled to remain in the fleet until 2018.

The great ship, the John F. Kennedy, returned from deployment on December 13, 2004. I understand the ship is in good shape. In fact, in the words of the battle group commander, whose flagship was the Kennedy, the ship returned from deployment in “outstanding material condition.”

The primary analytical document on military force structure is the Quadrennial Defense Review, or QDR. The QDR is, in the end, a compilation of detailed analyses of what the Nation requires to execute the National Military Strategy.

I believe Congress should show restraint when it comes to making force structure decisions, and only do so in the context of the reports and the analyses produced by the Department of Defense and such other reports that may be relevant. In this case, however, the analyses that are available to us supports a force structure of 12 aircraft carriers, not 11.

I also believe that, at some point, the number of aircraft carriers matters. If the aircraft carrier is what the President means, it is what a crisis erupts, its capabilities, however awesome, are not very meaningful.

The deliberations on the next QDR have already begun, in accordance with the law, and it should be delivered by this time next year. In analytical rigor, that the number of aircraft carriers can be reduced. It may not.

Nowhere is naval power more important to the National Military Strategy than in the Pacific Command Area of Responsibility.

After retirement of the USS Kitty Hawk in fiscal year 2008, the Kennedy, if retained, would be the last remaining conventionally powered nuclear aircraft carrier that carries the port facilities for the permanent forward deployed aircraft carriers deemed necessary to keep this area of the world covered until such time that the QDR, the Global Posture Review, and other uncertainties have been resolved.

I ask my colleagues to support this amendment.

Mr. President, the CNO appeared before our committee here of recent.

Now I will yield to my distinguished colleague from Florida, who was present during the course of that testimony, to insert that part which was in open session, which I think we should share with our colleagues. Mr. President, see the distinguished Senator from Florida, my principal cosponsor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. Nelson of Florida. Mr. President, because Senator Leahy is waiting to speak, I make very brief comments. The comments to which the distinguished chairman of the Senate Armed Services Committee has referred is the Chief of Naval Operations saying it is absolutely essential that he have a carrier home ported in Japan. The United States, he says, his forces in the defense of our country in the Pacific area of operations, he needs a carrier in that region so if it has to respond to an emergency, say, off of the coast of Taiwan, it is within a day and a half of sailing to respond to the emergency instead of a week’s sailing from a port on the west coast of the United States.

Now, how all this ties in to the John F. Kennedy is that we do not know at this point that the Government of Japan—since so much of this decision is influenced by the municipal government in the region of the port—is going to receive a nuclear carrier. Therefore, when the present, conventionally powered carrier, the Kitty Hawk, in Japan, is ready to go out of service in 2008, if Japan’s posture is they will not accept a nuclear carrier, then we do not have another one that could replace it.

So what the distinguished chairman of the Armed Services Committee is suggesting in this amendment that many of us are sponsoring with him is to keep alive the John F. Kennedy through its drydocking, with the funds that have already been appropriated, the $335 million, of which there are some $287 million left, to go on through the overhaul process so we have it as a backup.

This, of course, also keeps us then with two major ports for carriers on the east coast so that all of our east coast assets are not in one port. In this era of terrorism, that clearly is one of the lessons we should have learned way back in December of 1941 in the experience of Pearl Harbor: Keep your assets spread out.

I am very grateful to Senator Warner, who has offered this amendment for the sake of the defense of our country. And for the sake of those of us who have been working this problem, we are very grateful in order to get this in front of the Senate so a policy decision can be made.

Mr. President, I yield the floor.

Mr. Warner. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The Senator from Vermont.

Mr. Sessions. Will the Senator from Vermont allow me the opportunity to offer an amendment? I do not know how long he will be speaking.

Mr. Leahy. Mr. President, am I correct that the Senator from Alabama only needs a minute or so?

Mr. Sessions. Less than that.

Mr. Leahy. Mr. President, I will withhold my recognition so he can do that.

Mr. Sessions. Mr. President, I thank the distinguished Senator. The PRESIDING OFFICER. The Senator from Alabama is recognized to offer an amendment.

Mr. Sessions. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 456

Mr. Sessions. Mr. President, I call up amendment No. 456.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. Sessions] proposes an amendment numbered 456.

Mr. Sessions. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for accountability in the United Nations Headquarters renovation project)

On page 183, after line 23, insert the following:

UNITED NATIONS HEADQUARTERS RENOVATION LOAN

SNC: 2105. (a) Notwithstanding any other provision of law, and subject to subsection (b), no loan in excess of $600,000,000 may be made available by the United States for renovation of the United Nations headquarters building located in New York, New York, until after the date on which the President certifies to Congress that the renovation project has been fairly and competitively bid and that such bid is a reasonable cost for the renovation project.

Mr. Sessions. Mr. President, I ask unanimous consent that the amendment be set aside.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I join my good friend, the Senator from California, in paying tribute to a remarkable young woman from Lakeport, CA, Marla Ruzicka.

There are times when we are called upon to give speeches such as this on the floor. They are never easy. Sometimes they are speeches given about someone at the end of a long and full life. Here we are speaking about a young woman at the beginning of a life already full but with promise for decades to come.

Marla was the founder of a humanitarian organization called Campaign for Innocent Victims in Conflict which is devoted to helping the families of Afghan and Iraqi citizens who have been killed or suffered other losses, such as their homes destroyed, businesses destroyed, to get help from U.S. military operations. We know such suffering occurs no matter how careful the military may be. But Saturday, Marla died in Baghdad. She died from a car bomb, a car bomb not directed at her but directed at a convoy. She was doing the work she loved and which so many people around the world admired her for. She was on her way to help somebody else. It was the case of being at the wrong place at the wrong time. But it was not unusual because she had risked her life so many times in Afghanistan and Iraq.

I met Marla 3 years ago when she first came to Washington. She was barely 26 years old. She had been in Afghanistan. She had seen the effects of the U.S. bombing mistakes that destroyed the homes and lives of innocent Afghan citizens. In one or two incidents, wedding parties had been bombed. In others, the bombs missed their targets and instead destroyed homes in neighboring neighborhoods.

I remember one incident she spoke of where every member of a family—16 people—was killed except a young child and that child’s grandfather. These were the cases Marla spoke about. She spoke about them passionately because she felt passionately that the United States should help those families put their lives back together.

She met with me. She met in my office with Tim Rieser, who works on appropriations for me in the Foreign Operations Subcommittee. It did not take her long to convince either Tim or myself that she was so obviously right. We knew we not only had a moral responsibility to those people who had suffered because of the mistakes of the United States, we also had an interest in mitigating the hatred, the resentment toward Americans that those incidents caused.

It was Marla’s initiative—going to Afghanistan, meeting those families, getting the media’s attention, coming back here and meeting with me and Tim and others—that led to the creation of a program that has contributed more than $38 million for medical assistance, or to rebuild homes, provide loans to start businesses, and provide other aid to innocent Afghan victims of the military operations.

From Afghanistan, Marla went to Iraq. She arrived, as I recall, a day or two after Saddam’s statue fell. She and her Iraqi colleague, Fazel Ali Salem, who died at the same time, the same place as Marla, organized dozens of Iraqi volunteers to conduct surveys around the country of civilian casualties. Then she returned to Washington and again her efforts—I have to emphasize, her efforts, her personal efforts, her pounding on doors, her going person to person with her irrepressible energy, to sell as a program, now known as the Civilian Assistance Program which has provided $10 million to the families and communities of Iraqi citizens killed by the U.S. and other coalition forces—another $10 million was allocated for this program last week—all by this happy, young woman you see depicted here, sitting with the people she helped.

To my knowledge, this is the first time we have ever provided this type of assistance to civilian victims of U.S. military operations. It would never have happened without the initiative, the courage, the incomparable force of character of Marla Ruzicka.

In my 31 years as a Senator, I have met a lot of accomplished people from all over the world, as all of us do—Nobel Prize recipients, heads of State, people who have achieved remarkable and even heroic things in their lives. I have never met anyone like Marla. She made sure we knew what she was doing and how we could help. Tim Rieser received an email from her within an hour of the time she was killed. He sent it on to me during the middle of the night, Saturday night, with the photographs of Marla and the letter she had helped write.

I know how both my wife Marcelle and I felt, looking at those pictures, knowing we would never see another. There are so many stories about her, and some of them are being recounted now in the hundreds of press articles that have appeared in just the past 48 hours.

One story I remember the day after Marla arrived in Washington from Kabul. She had heard there was a hearing in the Senate where Secretary Rumsfeld and General Franks were going to testify. Thinking, perhaps a bit naively, that they might talk about the problem of civilian casualties, she decided to go hear what they would say. After the hearing was over, obviously disappointed that the issue she cared so deeply about hadn’t even been mentioned, Marla walked straight up to Secretary Rumsfeld and General Franks and started talking to him.

He headed down the hallway; she headed down the hallway with him. I can imagine what the security people felt. She followed him into his office and to his car, and she did not stop talking to him about the families of civilians she had met who had been killed and injured and the need to do something to help them.

Anybody who knew Marla can see that. Secretary of Defense? Secretary of State, Senator, it didn’t make any difference. She had a story to tell and, by golly, you were going to hear that story. You couldn’t run down the hall, you would go to the elevator, but you were going to hear her story. She was not someone who was easy to say no to.

Not easy? It was almost impossible to say no to her. That was not simply because she was so insistent people who come to our offices. We have all developed ways to say no. But in her case, she was not just insistent, she was credible. She had been there. She knew what the war was like. She had seen the tragic results, and she was not about blaming anyone. She wasn’t there to blame others. She just said: Look, there are people who need help, I want to help in whatever way I can.

What is that made it different. She saw her work as part of the best of what this country is about. It was the face of a compassionate America she believed in. She wanted the people of Afghanistan and Iraq, Middle Eastern citizens, to see America she believed in, a compassionate, humanitarian face.

It took time for some of us to realize she was not just a blond bundle of energy and charisma, which she was, but she was also a person of intellect and courage who realized she wanted to help more victims. It wasn’t enough to protest; that you can do easily. She needed to work with people who could help her do it. Of course, that meant the Congress, the U.S. military, the U.S. Embassy, the press, everybody else involved. She understood that. So she put aside politics and focused on the families of civilians who had met who had been killed and in her story. She was not someone who was easy to say no to. She was not just insistent, she was credible. She had been there. She knew what the war was like. She had seen the tragic results, and she was not about blaming anyone. She wasn’t there to blame others. She just said: Look, there are people who need help, I want to help in whatever way I can.

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I think one of the reasons so many people around the world feel Marla’s loss so deeply is because we saw how important her work was, and that meant taking risks the rest of us are unwilling to take. In a way, she was not only helping the families of Iraqi war victims, but also helping Iraq itself. She became an innocent victim of war herself. Yesterday, my phone rang so many times, people calling from Baghdad, calling me at home. Every one of them had a different story of someone she had done, some way in which she had made somebody’s life different. She has been called many things: an angel of mercy, a ray of sunshine in an often dangerous and dark world.

One person who knew her well described Marla as being as close to a living saint as they come. I suspect that is how many of us feel. She probably didn’t feel that way herself. Many of us feel that way.

I didn’t think I have ever met, and I probably will never meet again, someone so young who gave so much of herself to so many people and who made such a difference doing it. Our hearts go out to her parents, Cliff and Nancy. I talked to her father yesterday. I said: Think how much she did in her short lifetime, more than most of us will get to do in a lifetime. But I thanked them for having the courage to let her be the person she wanted to be—not that I suspected anybody could have stopped her from what she wanted to be.

One of the articles talks about her going to a checkpoint and the guard stopping her and she didn’t have the proper papers. She stuck her head forward and pulled back the scarf. They saw the blond hair. She started talking to them about why she had to go here and there. Next thing you know, she is being sent on her way.

So our job is really to carry on the work Marla started not just in memory of the wonderful, heroic young woman, although that should be enough reason, but because the work is so important. That is what I am committed to. I know I will work with my friend from California to honor Marla in that way. I think it would be safe to say to my friend from California, I know I will work with my friend from California to honor Marla in that way. I think it would be safe to say to my friend from California, I know I will work with my friend from California.

Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so I can call up amendment No. 444.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself and Mr. BINGAMAN, proposes an amendment numbered 444.

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

The amendment is as follows:

(Purpose: To appropriate an additional $35,000,000 for Other Procurement, Army, and make the amount available for the fielding of Warlock systems and other field jamming systems.)

At the appropriate place, insert the following:

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS.

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading “OTHER PROCUREMENT, ARMY” is hereby increased by the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 85 (106th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading “OTHER PROCUREMENT, ARMY”, as increased by subsection (a), $60,000,000 shall be available under the Tactical Intelligence and Related Activities (TIARA) program to facilitate the rapid deployment of Warlock systems and other field jamming systems.

Mrs. BOXER. Mr. President, I ask unanimous consent that the amendment be agreed to. The amendment is as follows:

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Mrs. BOXER. Before I make further remarks, I ask unanimous consent that the pending amendment be temporarily laid aside so I can call up amendment No. 444.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself, and Mr. BINGAMAN, proposes an amendment numbered 444.

Mrs. BOXER. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

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Mrs. BOXER. Mr. President, I get back to the tribute I want to give to Marla. I thank Laura Schiller, my staff member, who is sitting here with me. She helped me put together these remarks. She was a friend of Marla’s, and it was very hard for her to get through writing these remarks.

This morning, in northern California, where I was—just got here—people woke up in the San Francisco Chronicle’s front page. It is this magnificent picture of Marla and a little girl she helped, along with an Iraqi woman who had clearly also been working with this little child.

It is interesting because on either side of this beautiful photograph of Marla and this little girl are two very negative stories about the world we live in. Medicare companies trying to lower their taxes in light of their highest profits ever—and it just spoke to me about Marla because there she was in the middle of all these negative forces, while by the function of negative forces—war, hatred, sectarian violence, all these things, there she was right in the middle, something good for us to cling to.

My heart breaks for Marla’s family and her friends. Some of them were here, so many whose lives she touched. One of Marla’s friends was my daughter Nicole who called me with the news of Marla’s death on Saturday night. It was hard to understand her at first, so many lives served other people in the way that truly makes a difference. How many 25-year-olds can say that?

Imagine, in this the most powerful and greatest country in the world, it was this remarkable woman who went door to door counting Iraqi civilian victims, when nobody else would. It was this young woman who lobbied the Senate for assistance for these families, and we heard from Senator LEAHY about how incredible she was when she made the case. She risked her own life to make sure they received the support they deserved.

“Marla was something close to a saint,” one friend wrote this morning, “a rare very realist saint.” I personally met Marla for the first time recently when she and her mother came to my home in California to celebrate an occasion for my daughter. When Marla walked through our front door with a huge smile, and my daughter’s face lit up. “This is the amazing woman I’ve been telling you about, Mom,” she said.

This is how it always was for the thousands around her who were lucky enough to call Marla a friend. It didn’t matter if you lived in the streets of Baghdad or the dusty villages of Afghanistan or the corridors of power in
Washington, D.C. It didn’t matter whether you knew Marla. She would come up to you and you would feel as if you had known her for a lifetime.

She treated every conversation as a chance to tell you about the righteousness of her cause, and she treated everyone with the same respect, openness, and unconditional love.

We so often hear:

And now three remain: faith, hope, and love. But the greatest of these is love.

My office was flooded today with e-mails and phone calls from the people whose lives were touched by Marla’s faith, hope, and love. Everyone has a story to tell, and I brought a few photos to share with you because words are not enough.

In this photo she sent hours before her death, we see her holding tightly an Iraqi child who was thrown from a vehicle just before it was blown up in a rocket attack. The child’s entire family was killed. Marla saved that child. Here we see the image of the countless civilians brutally injured and now beamng and healthy next to the person, Marla, who helped her heal.

We see Marla’s trusted Iraqi colleague, Faiz, whom she wrote, “was sent down to earth from the sky.” He worked tirelessly beside her, and he died bravely beside her.

And we see this beautiful, vibrant, young woman, red scarf around her neck, surrounded by the soldiers she befriended and entreated in her quest to help Iraqi civilians. Senator LEAHY made the point that everyone wanted to help Marla—everyone. The U.S. military wanted to make up for the damage that was caused. They desperately wanted to do that, but they needed someone who could give them accurate information, and she did that.

Inside the green zone—

One friend wrote last night—

she would encourage military officers and U.S. officials to hug each other—just to remember that they were still human, and reaward them with a big smile if they actually did it.

There are many other pictures that her friends wanted to share of a woman who was a great friend to all and a beloved Ambassador for the United States at a time when our actions may not be so popular.

There were images of the notes she sent, when their spirits were at their lowest, how beautiful they are, how much their work mattered, how much she cared.

I think we are going to leave this picture up because it is exquisite. There are other pictures of Marla sleeping on the floor for nights on end so she could use her limited resources to help Iraqi victims. Behind her happy-so-lucky demeanor, there was a picture of an effective advocate cornering a Defense Secretary, a general, or, yes, a U.S. Senator, and refusing to go away until our country helped care for the innocent victims of war.

There was a picture of the room full of journalists waiting that last night for their host to show up for another party she had planned to buy their spirits, and no doubt try to persuade them to write about the victims she saw suffering terrible damage—not collateral damage but critical damage. Days after she died, Marla wrote her own op-ed for the Washington Post. She talked about her most recent discovery—that the U.S. military was counting Iraqi civilian casualties in some places, despite its claims to the contrary. She ended with these words:

...To me, each number is a story of someone who hopes, dreams, and potential will never be realized, and who left behind a family.

The same can be said of Marla. Her hopes, her dreams, and her potential will never be realized, and she left behind a family. In all the years I have lived, I do not know too many people who have made an impact the way she has in those 28 short years. But I guarantee she would not want us to weep, she would not want us to hide our heads. She would want us to keep fighting for the people and causes she had championed even before she was old enough to drive a car. She was not a member of any cause, she was not a member of any nation, and she lived the words of encouragement and action she sent constantly to friends and colleagues. Once she wrote, “Their tragedies are my responsibilities,” and now her work must be ours.

I hope a message goes out to the suicide bombers to stop what they are doing, to stop it now, and to those who would put together these roadside bombs to stop it now because everyone who is injured by this—everyone—has hopes and dreams and families and potential.

So her work must be ours. She was the voice of these victims to whom no one seems to pay much attention. We need to be her voice now.

“And now these three remain: Faith, hope and love: But the greatest of these is love.”

Mr. President, may we join the grieving Ruzicka family and thousands around the world in paying tribute to a young woman of great faith, hope, and love by finishing the work she so courageously began and by working to make sure this war will soon come to an end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. First, I commend my colleagues from California and Vermont for recognizing such a remarkable woman, someone who represents everything that is good and peaceful about America and who set an example in such a tumultuous time and place but clearly giving all of the love she had to give at a time when it was needed the most. I thank my colleagues for taking the time to recognize that.

AMENDMENT NO. 481

Mrs. LINCOLN. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 481.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 481.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the accumulation of leave by members of the National Guard.)

SEC. 1122. Section 701(a) of title 10, United States Code, is amended by adding at the end the following new sentence: “In the case of a member of the Army National Guard of the United States or the Air National Guard of the United States who serves on active duty for more than 179 consecutive days, full-time training or other full-time duty performed by such member during the three period ending on the 180th day of such service under a provision of law referred to in the preceding sentence, while such member was in the grade of a commissioned officer in the National Guard, and for which such member was entitled to pay, is active service for the purposes of this section.”

Mrs. LINCOLN. Mr. President, I rise today to offer an amendment of great importance to the returning guardsmen and reservists in my home State and in many other States, I think many of my colleagues would agree.

When our soldiers return home, some of them are finding they might only have a week or less before they are expected to reenter the workforce and return to civilian life. It is confusing at best to know what they are going to be faced. The price of gasoline has gone up tremendously since they deployed almost 2 years ago. They have seen a lot of changes in their communities, perhaps changes in their work, changes in their family, the loss of loved ones, certainly the growing of their little biddies. But many of the soldiers of Arkansas’s 38th Infantry Brigade found they had absolutely no leave left when they returned to our home State of Arkansas. This left them with very few options other than to return to work immediately or, in some cases, to begin looking for work immediately. Some expected to encounter but willingly accepted as part of their mission in service of this great Nation. It is part of
Our job as legislators to make sure they return home, that we honor their sacrifices, their duty, and their courage. We are not doing our job if soldiers are forced to return to civilian life within a week of returning home from theater. I have spoken to Senator Warner and Senator Wyden, and have many of my colleagues, and seen our soldiers recovering from horrific wounds suffered in this conflict. One of the soldiers from Arkansas has taken a rocket-propelled grenade directly to his chest, yet he would not have known it, though, from talking to him. He was proud of the work he and his fellow soldiers had been doing in Iraq. He missed his unit and was ready to return to them and finish the rebuilding process they had begun.

As I left his room, one of the nurses approached one of my staffers and said that while many of the soldiers were doing very well, she was very concerned for them once they got back to their communities. She was trying to readjust themselves to a way of life from which they had been absent while they were in Iraq, while they were experiencing events that often-times only they could think of in their own hearts.

Many of them underwent daily therapy sessions where they discussed these experiences with their fellow soldiers. Unfortunately for our guardsmen and reservists, they do not come back to a normal way of life. They are still surrounded by people who have had a similar experience, people to whom they can talk, people with whom they can empathize, those who can understand the unbelievable circumstances and situations they experienced in Iraq.

The nurse was also concerned that what they were receiving in the hospital there would all end once they returned to their hometowns—the therapy, the discussions, certainly the medical treatment.

Imagine you are a soldier who, thankfully, has made it home from Iraq or Afghanistan without serious injury, the joyousness of coming home to your home, to your family, to your community, and upon returning to a pace of life 180 degrees from anything you have witnessed within the last year and a half, you are expected to turn on a dime and adjust immediately to the world you left behind. This is a great injustice and one that cannot be ignored by Congress.

My amendment is very simple. It would allow a guardsman to accrue bonus leave when he or she was placed on active status for a period of 180 consecutive days. Upon that 180th consecutive day of active duty, all previous days spent training in the past 5 years, no matter their duration, would be counted for the purpose of determining how many days of leave the guardsmen due would have. This would effectively give the guardsmen a bonus period of leave when they were deployed for longer than 6 months.

The look-back period for determining the new leave, as I mentioned, would be capped at 5 years. This would prevent substantial disparities in accrued leave from occurring between a guardsman with 20 years of service and a guardsman with only 3, perhaps.

We must do all we can to ensure our guardsmen are given every opportunity to readjust to life outside of the combat zone. When they return to our arms, we must embrace them and give them the time and the elements they need to readjust themselves. For some, it may be as simple as getting their finances in order or perhaps spending time with their family. They may be struggling with their children or their extended family. Maybe it is getting re-equipped back in their household or in their community. Maybe it is getting re-engaged, remembering those people who surround them who provide them the unconditional love and support they need to put behind them the experiences they may have had, so they can look forward and be proud of the service they have given and know their country embraces them.

For others, it may be more difficult. Either way, they deserve an opportunity to deal with these issues without having to worry about returning to or finding work in order to put food on the table so soon after giving so much in service to this great country.

Our guardsmen found themselves in two circumstances where they were given passes, but were required to take leave the next time when they have returned now in the service. Of course, of giving their heart and soul to make sure the freedoms we enjoy are protected.

We should do all we can to make sure as they come back into our American communities, they come back into their families, they can do it with dignity and the support of this great country and the military service they have served.

I urge the Senate to adopt my amendment. I ask my colleagues to take a look at it. It is very simple and something we could do without much folderol. We could get it done and make sure all these soldiers are well taken care of.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to talk a little bit regretfully about the issue of immigration—regrettfully about the supplemental Defense bill that came out of the House of Representatives included the issue of immigration and therefore has opened it up for discussion here in the Senate.

Tonight I rise in support of the Craig amendment which will enact important reforms to the H-2A program that will help ensure Ohio's agricultural industry remains strong and vibrant. That has a lot to do with immigration. Agriculture is the largest industry in the State of Ohio, contributing $73 billion to our economy each year. I would like to keep it that way. My State ranks sixth nationally in the production of nursery and greenhouse crops, with a value of over a half billion dollars. We grow almost a quarter of a billion dollars worth of fruits and vegetables each year.

I want to stress how important these businesses are to Ohio and how vulnerable they are. These industries live and die in a very competitive marketplace, and having a stable and sufficient workforce is vital to their competitive-ness in the global marketplace. Unfortunately, right now they have a major labor crisis. Without the guest workers they need, this work is simply not done. Our country lost over a billion dollars in foreign trade between 1997 and 2004. It lost $1.4 billion dollars in 2003 alone. We are losing $7.5 billion dollars per year to foreign countries for crops not worked by Americans. I have heard how important it is to our workers to have the H-2A program which is failing and it needs fixing.

I want to take a moment to explain this program. The H-2A program started in the 1930s, and its purpose is to provide agricultural employers with temporary workers. These workers are called H-2A workers. The program is expensive, bureaucratic, and a litigation nightmare—but that is the current program. The program is failing and it needs fixing. Many agricultural employers would like to use the program but do not because of the uncertainty associated with the program. Not having access to legal, timely workers hurts these businesses and workers are not available for the harvest. I understand from my colleague Senator CRAIG that out in California lettuce is...
rotting in the field because there are not workers there to pick it. Many of my H-2A user growers and producers have been closely involved in the negotiations of AgJOBS, the amendment before us. They know immigration and workers reform cannot be a partisan undertaking. They have been creative and determined in finding common ground and producing bipartisan legislation. Their survival depends on this Senate passing AgJOBS.

The toughest issue is what to do about the trained and trusted farm workforce, 70 percent or more working without proper documents. Their labor is critical to Ohio and America. These farmworkers are hard-working, law-abiding people. They are paying Federal and State taxes and Social Security. They are part of the fabric of our society already in so many ways.

AgJOBS allows them to come forward and rehabilitate their status over time, get a clean record of hard work and good behavior. The failure of this country to create a practical agricultural guest worker program has forced most of the country’s agribusiness to live between a rock and a hard place. It has been said, our farmers have one foot in jail and the other in the bankruptcy court. Every day, each time my constituents open the door in the morning, they know this much, if and when the Government decides to get serious about Social Security mismatch letters, about enforcement, it is all over.

They tell me: We are following the law in our hiring. Yet we know if Immigration enforcement came in tomorrow, our business would be irreparably damaged. My constituents and yours could lose their workforce tomorrow.

Some of my colleagues are critical of this legislation because they claim it provides amnesty. I disagree. Amnesty is an unconditional pardon to a group of people who have committed an illegal act, and Webster’s Dictionary agrees that is the definition. There is nothing unconditional about the path to rehabilitation provided in AgJOBS. To earn adjustment to legal status, a worker must have worked in U.S. agriculture before January 1, 2005. Accordingly, this legislation imposes conditions on obtaining adjustment to legal status, including, more importantly, a work history.

The tens of people who have worked in the United States, many of them for many years. A lot of them are not legal. What this legislation does is it provides an opportunity for them to become legal, after supporting certain conditions.

If you believe that any forgiveness at all constitutes amnesty, then every serious proposal that comes forward to solve this problem will be amnesty. But in the end, isn’t the worst amnesty of all the status quo? Ignoring and tacitly condoning this problem will not provide a solution. It has been going on too long. Let us take a step forward now toward reconciling our laws with reality.

This legislation will help illegal immigrants working in agriculture to come clean and become part of our legal workforce, allowing this country to focus its efforts on more serious immigration problems. Furthermore, providing a means for such workers to obtain legal status provides a real incentive for them to participate in this program.

I read a portion of a letter Senator Craig and Congressman Cannon received from Grover Norquist, chairman of the Americans for Tax Reform. He said:

I’d like to take this opportunity to commend you for your introduction of S. 1846 and H.R. 3142. AgJOBS would make America more secure. Fifty to seventy-five percent of the agriculture workforce in this country is underground due to the highly impractical worker quota restrictions. Up to 600,000 workers would be given approval to work temporarily by the Department of Homeland Security and accounted for while they are here. Any future workers coming into America looking for agriculture work would be screened at the border where malcontents can most easily be turned back. The current H-2A agriculture worker program only supplies about 2 to 3 percent of the farm workforce.

It goes on to say:

Workers that are here to work in jobs Native Americans are not willing to do must stay if food production is to remain adequate. However, those already here and new workers from overseas should have a screening system that works, both for our States’ safety and for their human rights. Your bill does just that.

Mr. President, I would also like to point out that AgJOBS is endorsed by a historic bipartisan coalition of 500 counting, national, State, and local organizations, including 200 agricultural organizations representing 1 million fruit and vegetable growers, dairy producers, nursery and landscape, ranching and others, as well as the National Association of the State Departments of Agriculture; that is, the national association of all of the 50 States’ agriculture departments have come forward to support this. There is bipartisan support of this legislation by elected and appointed State directors of agriculture.

Yesterday I received a letter from Ambassador Clayton Yeutter. Clayton Yeutter has been a tireless advocate for American agriculture. You will remember that he served as Secretary of Agriculture under Ronald Reagan and as U.S. Trade Representative under George H.W. Bush. In his letter, he started out by saying:

History demonstrates that there are moments in time when special opportunities arise for political action that successfully addresses multiple challenges. Today is one of those occasions.

I agree.

He went on to describe the substance and the partisanship of the AgJOBS bill.

He ended as follows:

As President Bush has stated, we can and must do better to match a willing and hard-working immigrant worker with producers who are in desperate need of a lawful workforce. It is in our country’s best interest to enact these reforms and reap the harvest of political action at a special moment in time.

That is what our President had to say.

Again, I agree.

I stand ready to take a first and most important step on this difficult issue that has plagued this Nation for too long.

As I stated, I would have preferred that immigration would not have been a part of this legislation that is before us. But as I mentioned, it came before us because of the fact that the House decided to make immigration a part of the emergency supplemental bill.

Those of us who have been concerned about immigration are taking this opportunity to clearly state what we think needs to be done. I am hopeful that tomorrow 59 of my colleagues will vote for cloture so we can get on and deal with this issue and bring the relief to thousands of people, thousands of businesses, and agribusiness in this country.

I yield the floor.

Mr. INHOFE. Mr. President, Edmundo Garcia said he had heard that the new Bush immigration plan, which would grant work visas to millions of illegal immigrants inside the United States and to others who can prove they have a job, was ‘amnesty,’ and he wondered why he was arrested.

He said he would try to cross (the border from Mexico to the U.S. through the Sonoran Desert) again in a few days.

This quote from the New York Times on May 23, 2004, shows just how bad things have gotten since the administration’s initial immigration policy proposal was announced.

The New York Times article goes on to say:

Apprehensions of crossers in the desert south of Tucson have jumped 60 percent over the previous year.

Nearly 300,000 people were caught trying to enter the U.S. through the desert border since last October 1st (that’s October 2003)."

It continues:

After a four-year drop, apprehensions which the Border Patrol uses to measure human smuggling are up 30 percent over last year along the entire southern border, with over 660,000 people detained from October 1st through the end of April.

There are an estimated 8 to 12 million illegal immigrant in this country, with about 1 million new illegal aliens coming into this country every year. Legal immigration is even at unprecedented levels about five times the traditional levels. We now have about 1.2 million legal immigrants coming into this country each year, as opposed to the more than 250,000 legal immigrants before 1976.

S. 359, the AgJOBS bill, could offer amnesty to at least 800,000 more illegal
aliens, and if they all bring family members, which they would be eligible to do, it could be up to 3 million more, according to Numbers USA.

I greatly respect my friend and colleague, the Senator from Idaho, Mr. CRAIG, and I understand he has many cooperators for his bill, but I firmly believe S. 359 has some major flaws and is not the way to remedy our problem with illegal immigration.

Even though there are certain criteria these illegal aliens must meet to qualify for temporary work status under the eventual citizenship under this bill, it still rewards them by allowing them to stay in this country and work rather than penalizing them for breaking the law this is amnesty.

I also agree with my colleague from Texas, Senator CORNYN, the chairman of the Immigration Subcommittee, who said in Tuesday’s Congress Daily when asked about the supplemental bill H.R. 1268, said that he did not want it to be a magnet for other unrelated immigration proposals... . regular order is the best way...”

I agree with my colleague and think we should focus on the supplemental and debate immigration reform separately.

Furthermore, in section 2, paragraph 7, the AgJOBS bill defines a workday as “any day in which the individual is employed one or more hours in agriculture.”

In order for an alien to apply for temporary work status, section 101, subparagraph A states that the aliens “must establish that they have performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months...”

So if a workday is defined as working at least 1 hour and the alien only has to work 100 work days a year in a quality temporary agricultural job under the AgJOBS bill, then illegal aliens only have to find some kind of agricultural work, and not necessarily be paid, for 100 hours, or merely 2 weeks, in a year in order to stay temporarily, while robbing Americans of these jobs.

An article from May 18, 2004, by Frank Gaffney, Jr., from the Washington Times entitled “Stealth Amnesty” states that once an illegal alien has established lawful temporary residency, “they can stay in the U.S. indefinitely while applying for permanent resident status.”

“From there it is a matter of time before they can become citizens, so long as they work in the agricultural sector for 675 hours over the next 6 years.”

Furthermore, in referring to the REAL ID Act, which was attached to the supplemental in the House, and I believe is true reform, another article from the week of April 6, appeared in the Washington Times stating... “REAL ID is a bill that will strengthen homeland security, while Mr. CRAIO’s AgJOBS bill will not.

One more article in the Washington Times, again by Frank Gaffney, Jr., from April 5 refers to the REAL ID Act as well as AgJOBS says:

The REAL ID legislation is aimed at denying future terrorists the ability exploited by the 9/11 hijackers, namely, to hold numerous valid driver’s licenses, which they used to gain access to airports and their targeted aircraft.

It is no small irony, therefore, that the presence of the REAL ID provisions on the military’s supplemental funding bill is being cited by the Senate parliamentarian as grounds for Senator Larry Craig, Idaho Republican, to try to attach to it legislation that would help eviscerate what passes for restrictions on illegal immigration.

The article continues:

The agriculture sector of the US economy needs cheap labor.

So let’s legalize the presence in this country of anyone who can claim to have once worked for a little more than three months in that sector. We must not reward lawbreakers especially while we have so many people coming to the border legally.

Last summer, I had an intern in my office from Rwanda. She flew during the genocide in 1994. She then came to this country as a refugee and became a legal permanent resident. It took her a year to get all her paperwork for becoming a legal resident and she will probably have to wade through similar bureaucracy to become a citizen as well. It frustrates me that people like her follow the rules and have to wait in the lines and wade for all the paperwork to be processed, while the illegal aliens can sneak into our country, and then, if they do apply for legal status, they slow down the process for those who came here legally. Not only does AgJOBS reward lawbreakers, it also robs many Americans of jobs they are willing to do.

Roy Beck from Numbers USA in his testimony on March 21, 2004, before the Subcommittee on Immigration, Border Security and Claims, quoted Alan Greenspan from last year as saying that America has an “over-supply of low-skilled, low-educated workers.” In fact, according to Mr. Beck’s testimony, the Bureau of Labor Statistics reports that the number of unemployed American workers includes a majority of workers without a high school diploma.

Basically, we have a great supply of lower educated American workers without jobs, while ironically, the main purpose of the AgJOBS bill is to bring in low-educated, low-skilled foreign workers for jobs that these Americans are able and willing to fill.

A recent article from March 31 of this year in the San Diego Union-Tribune entitled “Importing a Peasant Class”, written by Jerry Kammer, emphasizes this point by saying:

Nearly two decades after a sweeping amnesty for illegal immigrants (referring to the 1986 Amnesty) gave Gerardo Jimenez a ticket out of the San Diego County’s migrant labor camps, the destructive potential of the guest-worker program: that the United States has a dearth of low-skill workers.

This is not true, we do not have a dearth of low-skill workers.

Not only does S. 359 keep able Americans from performing these jobs; it also drives down wages and stifles innovation and technology for these jobs.

The same San Diego Union-Tribune article I just quoted from continues saying:

In Atlanta, house painter Moises Milano says competition for jobs is so stiff among immigrants that house painters’ wages have been flat since he came to the United States in the late 1980s.

They’re still $9 an hour, he said, which would mean they’ve actually fallen significantly when adjusted for inflation.

And yet many more aspiring house painters arrive every day from Latin America.

Similar concerns can be heard throughout low-wage industries that Latino immigrants have come to dominate during recent decades, including housekeeping, landscaping, janitorial, chicken processing, meat packing, restaurants, hotels and fast food.

The article goes on to say:

Jimenez says his company competes for contracts against subcontractors using illegal workers who are prepared to work for less and who don’t expect health insurance, overtime or other employment benefits.

“It puts pressure on his employer to cut labor costs, he said.”

Jimenez explains how the migrants come and how it hurts current immigrants: “The migrants come because of hunger, because of necessity... but I would benefit if someone imposed order;” he says. “My work would be worth more.”

Jimenez says that he won’t be able to compete with companies that hire illegal workers so that they can pay lower wages.

Not only are workers like Jimenez facing tough competition from companies who hire illegals, but a GAO study from 1988 found that other fields, such as cleaning office buildings, were also experiencing lower wages and more competition as a result of foreign workers.

Cleaning office buildings used to pay a decent wage, however as more foreign workers entered the field, wages, benefits and working conditions began to collapse.

Cleaning low-intensive fields, such as the construction and the meatpacking industry, have also experienced a drop in pay after an influx of foreign workers. By allowing employers to flood the
labor market with foreign workers in these sectors, wages and working conditions have gone down drastically and made these jobs much less attractive to American workers; while making them much more attractive to alien workers.

As for stifling technological advances, according to a February 9, 2004, article appearing in National Review:

- The huge supply of low-wage illegal aliens encourages American farmers to lag technologically behind farmers in other countries.
- A cutoff of the illegal-alien flow would encourage American farmers to adopt many of these technological innovations, and come up with new ones.

Another, and possibly more important problem with S. 359, is the risk it poses to our homeland security. It has some of the same loopholes that the 1986 Immigration Reform and Control Act, IRCA, contained.

It is well known that the already burdened immigration system, not to mention that there are no criminal or terrorist records for these people. For example, an Egyptian illegal immigrant named Mahmud Abouhalima came to America on a tourist visa in 1985. The visa expired in 1986, but Abouhalima stayed here, working illegally as a cab driver.

Abouhalima received permanent residency, a green card, in 1988, after winning amnesty under the 1986 IRCA law. Although he had never worked in agriculture in the United States, Abouhalima acquired legal status through the special agricultural workers program—which is essentially what the AgJobs bill does. Once he had become Abouhalima was able to travel freely to Afghanistan. He received combat training during several trips there. Abouhalima used his amnesty/ legalization and his terrorist training as a lead organizer of the 1993 plot to bomb the World Trade Center and other New York landmarks.

The special agricultural worker amnesty program enacted as part of the 1986 Amnesty saw many ineligible illegal aliens fraudulently apply for, and successfully receive, amnesty. Up to two-thirds of illegal aliens receiving amnesty under that program had submitted fraudulent applications, just like Abouhalima. We cannot afford to allow ourselves to be vulnerable to terrorists by allowing these people to stay in our midst.

Over the last century, several Presidential and congressionally mandated Commissions including the 1997 Roosevelt Commission on Country Life to the 1996 Commission on Immigration Reform have been appointed to study immigration to the United States. These seven Commissions each possessing different mandates, membership, studies and historical context in which their work was performed had some similar findings including: U.S. policy should actively discourage the dependence of any industry on illegal alien workers.

Dependence on a foreign agricultural labor force is especially problematic because of the seasonal nature of the work, which leads to high un- and under-employment and results in the inefficient use of labor. Strict immigration laws and labor laws is the key to a successful immigration policy that benefits the nation. Unfortunately, AgJOBS violates each of these principles.

It ensures the dependence of the agricultural industry on foreign workers by eliminating any possibility that wages and working conditions in agriculture will improve sufficiently to attract U.S. workers, whether citizens or lawful permanent residents. AgJOBS produces wages statutorily by freezing the required wage rate for new foreign workers, known as H-2A nonimmigrants, at its January 1, 2003, level for 3 years. In Oklahoma it is currently $7.89.

It also accuses agricultural employers from pursuing innovations, such as mechanization, that would reduce their reliance on seasonal labor.

AgJOBS guarantees employers an "indentured" labor force for at the first 6 years after enactment. Employers can pay as little as minimum wage while the newly amnestyed workers have no choice but to accept whatever the employer offers them since they are required to continue working in agriculture in order to get a green card.

Additionally, AgJOBS requires the American taxpayer to foot the bill for maintaining this large, seasonal workforce by allowing: Illegal aliens who apply for amnesty under AgJOBS to receive taxpayer-funded counsel from Legal Services Corporation to assist them with filling out their applications; the amnestyed aliens to be eligible for unemployment insurance benefits if they are unable to find other unskilled work during the off-season, the amnestyed aliens to use publicly funded services like education and emergency health care is this almost free since many of these aliens have artificially low wages, making their tax contributions extremely low.

Finally, AgJOBS does not contain any provisions to tighten enforcement of U.S. immigration or labor laws. In fact, by rewarding illegal aliens with amnesty, AgJOBS would encourage even more illegal immigration.

By the time the amnestyed aliens are released from "indentured servitude" under AgJOBS, agricultural employers will have access to a whole new population of illegal- alien workers and the cycle will be well on its way to repeating itself, just as it did after the "one-time-only" amnesty for agricultural workers in 1986.

I also believe both the REAL ID Act, sponsored by my colleague in the House, Congressman SENSENBRENNER, as well as a bill I supported in the last Congress, are sound ways to strengthen our immigration system. The REAL ID Act would make it more difficult for people who are violating our laws by being in our country illegally, as well as engaging in terrorist activities, to stay in the United States. Unfortunately, I was forced to vote against the intelligence bill in December because the provisions that are in the REAL ID Act were excluded from the intelligence bill.

One such provision in the current REAL ID Act has to do with a mile gap in a border fence between San Diego and Tijuana. People are able to come and go as they please. This is where many illegal immigrants are coming through; some of them could even harbor terrorists.

Apparently, this gap has been left open because of a maritime succulent shrub, which is the environment in which two pairs of endangered birds live. These two pairs of birds, the vireo and the flycatcher, might be harassed—not killed—but harassed if the fence is completed.

I checked with the U.S. Geological Survey and found that there are an estimated 2,000 to 3,000 vireos and 1,000 flycatchers in existence today, and at the most, not building the fence prevents two pairs of birds from being harassed. Is it better to harass two pairs of birds or leave this 3.5-mile gap open for terrorists or other law-breakers to come through? I assume that not building the fence, leaving it open for aliens to trample on this environment, the home to these birds causes more harassment than actually building a fence.

Another provision in the REAL ID Act is the requirement for proof of lawful presence in the United States. This requirement applies to immigration law provisions passed in 1996, which I supported.

The temporary license requirement, including a requirement that the license term should expire on the same date as a visa or other temporary lawful presence-authorizing document, is in the REAL ID Act. This means if you are here on a document—such as a visa—and it expires, your driver’s license should expire at the same time. Under current law, this is not the case.

The REAL ID Act requires official identification to expires on the same date as a person’s visa or other presence-authorizing document. Electronic confirmation by various State departments of motor vehicles to validate other States’ driver’s licenses is an important part of the REAL ID Act. Had Virginia officials referenced the Florida records of Mohammed Atta, one of the hijackers and masterminds behind 9/11, when he was stopped in Virginia, it is likely they would have discovered that his license was not current. The REAL ID Act will make it more difficult for instances such as this to take place.
While I strongly support the steps taken in the REAL ID Act to strengthen
our immigration laws, I remain vigi-
lant, and look forward to working with
my colleagues to ensure that American
citizens' individual liberties are not in-
fringed upon.
I also want to be aware of and oppose
efforts to explicitly create a national ID
card which could contain all of a
person's personal information.
Finally, in the 108th Congress, I co-
sponsored S. 1906, the Homeland Secu-

rity and American Travel Act, which
was introduced by my colleague from
Alabama, Senator Sessions, and my
former colleague from Georgia, Sen-
ator Miller, and was also cosponsored
by my colleague from Idaho, Senator
Craig. S. 1906 would give our law en-
f orcement and immigration and border
officers the tools and funding they need
to do their jobs. More specifically, S.
1906 would: clarify for law enforcement
officers that they have the legal au-
dority to deport illegal aliens; require
state and local officials to requisition
facilities and beds to retain criminal aliens once they have been ap-
prehended, instead of releasing them,
which occurs quite frequently; require
the Federal Government to either take
illegal aliens into custody or pay the
locality or State to detain them, in-
stead of telling those officials to re-
lease the aliens because no one is avail-
able to take custody; require that
criminal aliens be retained until depor-
tation under the Immigration Removal
Program, so that they are not released
back into the community; mandate
that States only give driver's licenses
to legal immigrants and make the li-
cense expire the same day the alien's
permission to be in the country ex-
pires.
In conclusion, let's work to improve
and enforce our laws and not reward
those who break them.
I ask unanimous consent that several
pertinent articles be printed in the
RECORD.
There being no objection, the mate-
rial was ordered to be printed in the
RECORD, as follows:

From the New York Times, May 23, 2004

Border Death Proves Deadly for Migrants
(By Timothy Egan)

At the bottleneck of human smuggling
here in the Sonoran Desert, illegal immi-
grants are dying in record numbers as they
try to cross from Mexico into the United
States in the wake of a new Bush adminis-
tration amnesty proposal that is being per-
ceived by some migrants as a magnet to
cross.

"The season of death," as Robert C.
Bonner, the commissioner in charge of
the Border Patrol, calls the hot months, has
already seen at least 61 people die in the
Arizona border region since last
Oct. 1, according to the Mexican Interior
Ministry—triple the pace of the previous
year.
The Border Patrol, which counts only bod-
ies that it processes, says 49 people have died
this year in the first part of its
fiscal year on Oct. 1, more than in any other
year in the same period.
Leon Stroud, a Border Patrol agent who is
part of a squad that has the dual job of ar-
resting illegal immigrants and trying to save
their lives, said he had seen 34 bodies in the
last year. In Yuma, Arizona, a Border Patrol
agent said a car and a dead migrant are the same
thing—a "10-7”—but Mr. Stroud said he had never
gotten used to the loss of life.

"The death would be with this 15-
year-old kid next to the body of his dad," said Mr. Stroud, a Texan who speaks fluent
Spanish. "His dad had been a cook. He was too
fat to be trying to cross this border. We
built a fire and I tried to console him. It
was tough."

If the pace keeps up, even with new initia-
tives to limit border crossings by using un-
maned drones and Blackhawk helicopters in
the air and beefed-up patrols on the ground,
the nation's busiest smuggling corridor.
The 154 deaths in the Border Patrol's Tucson
and Yuma sectors this fiscal year,
"This is unprecedented," said the Rev.
John Fife, a Presbyterian minister in Tucson
who is active in border humanitarian efforts.

"Ten years ago almost no deaths were
recorded on the southern Arizona border. What
they've done is created this gauntlet of
death. It's Darwinian—only the strongest
survive.

For years, deaths of people trying to cross
the border usually occurred at night on high-
ways near urban areas, killed by cars. But
now, because there are hospitable places in
San Diego and El Paso have been nearly sealed
by fences, technology and agents, illegal im-
migrants are forced to try to cross here in
southern Arizona, one of the most unin-
hospitable places on earth.

They die from the sun, baking on the
prickly floor of the Sonoran Desert, where
it is 120 degrees or more in daytime tem-
peratures, and 90 degrees or more at night.
They die from bandits who prey on them,
in cars that break down on them, and from
hearts that give out on them at a young age.
The most common place between
Yuma in the west and Nogales in the east, is
the top smuggling entry point along the
texas border. They point to a new $10 million
border initiative and indications in recent
weeks that apprehensions have leveled off
evidence that they are getting the upper
hand on the Arizona border. It is the last un-
controlled part of the line between Mexico
and the United States, they said.

"Unfortunately, there have always been
debates about the border," said Mario Villareal,
a spokesman for the Border Patrol in Wash-
ington.

It was 3 years ago this month that 14 peo-
lple died trying to walk cross the desert near
this small tribal hamlet, dying of heat-re-
lated stress in what the poet Luis Alberto
Urrea called "the largest death event in bor-
der history." Mr. Urrea is the author of
"The Devil's Highway" (Little, Brown and
Company), an account of the crossing and border police.

He wrote that the Sonoran Desert here is
"known as the most terrible place on earth,"
where people die of "heat, thirst and mis-
adventure.

"To curb deaths, the American government
has been running an advertising campaign in
Mexico, warning people of the horrors.

"Unfortunately, this message is, ‘no more on la
frontera,’ "no more crosses on the border."" Commissio
Bonner said in unveiling the

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new plan earlier this month in Texas. He said 80 percent of the deaths in a given year happen between May and August.

The government has also increased staffing of Border Patrol, Search Trauma and Rescue Units, called Borstar, which deploys emergency medical technicians like Mr. Stroud, to assist people found in desperate condition in the desert.

The publicity campaign seems to have had little effect, say border agents and illegal immigrants.

Raminia Bermúdez, 26, walked for four days in 100-degree heat, and said she knew full well what he was getting into. He had been caught four times before his apprehension this week.

Though he has a 25-acre farm in southern Mexico, Mr. Bermúdez said he could earn up to $200 a day picking cherries in California. He was distressed, though, at getting caught and at the failure to meet a coyote, or smuggler, who had agreed to pick him up and members of his group for $1,200 each.

Mr. Stroud has developed a ritual to cope with the increased number of bodies he has seen among the mesquite bushes and barrel cacti. He has seen young children as young as 10, their bodies bloated after decomposing in the heat, and mothers walking next to them.

"I hold a little prayer for every body," he said. "You try not to let it get to you. But every one of these bodies is somebody’s son or daughter, somebody’s mother or father."

(From the Washington Times, May 18, 2004)

STEALTH AMNESTY

(By Frank J. Gaffney, Jr.)

The issue that has the potential to be the most volatile politically in the 2004 election is not Iraq, the economy or same-sex marriage. It appears unlikely to help him much with Hispanics, for whom Mr. Bush is not viewed positively.

Mr. Bush’s support for legalizing as many as 12 million illegal aliens, an act that would have massive adverse effects on American citizens and on immigration reform, plus the fact that Americans are facing competition from Chile and Turkey among others, will have displaced Washington Golden Delicious from most Asian markets—and whose orange juice has swamped the United States— is cutting into American farmers’ markets for garlic, broccoli and a host of other crops.

So while President Bush advances a plan to provide legal status for an estimated 10 million aliens who are in this country illegally, one of his closest friends in the U.S. Senate, Republican conservative Larry Craig of Idaho, is poised to saddle the president with legislation that will extend the opportunity to those who otherwise qualified but had previously left the United States.

One no knows how many illegal aliens will want to return as legal workers. But, a safe bet is that there are hundreds of thousands of them.

If any were needed, S. 1645 offers a further incentive to the illegals: Your family can stay, as well. Alternatively, if they are not with you, you can bring them in, too—cutting in line ahead of others who made the mistake of abiding by, rather than ignoring, our laws. And just in case the illegal aliens are daunted by the prospect of filling out such paperwork as would be required to effect the changes in status authorized by the AgJobs bill, S. 1645 offers still more:

• Free legal counsel
• The protection of a little-known body of humanitarian law
• Money for workers
• Taxpayers’ protection

Needless to say, such provisions seem unlikely to be well-received by the majority of law abiding Americans. Nor, for that matter, do they appear to have much prospect of passage in the less-self-destructive House of Representatives.

Yet, if Mr. Craig presses for action on his legislation, the Senate leadership might be more amenable to a compromise Bush can itself the predictable blow-back: As of today, the Senate Web site indicates the Idahoan has 61 cosponsors, two more than are needed to cut off debate and bring the legislation to a vote; 11 more than would be needed for its passage.

In short, thanks to intense pressure from an unusual coalition forged by the agricultural industry and illegal alien advocacy groups, the Senate might endorse the sort of election altering initiative that precipitates voter turnout responsibility as shown by the movie “Network News”: “I am mad as hell and I am not going to take it anymore.”

Some, perhaps including the normally cautious Mr. Craig, might conclude that such voters will have nowhere to go if the alternative to Republican control of the White House and Senate would be Democrat who are, if anything, even less responsible when it comes to amnesty (and social services, voting rights, etc.) for illegal aliens.

The truth of the matter, though—as President Bush’s political operatives apparently concluded after they trotted out their amnesty-light initiative last January—is voters don’t have to make political change. Washington’s political line-up. They just have to stay home on Election Day. And S. 1645 could give them powerful reason to do so.

(From the New York Times, March 22, 2004)

IN FLORIDA GROVES, CHERRY LABOR MEANS MACHINES

(By Robert Porter)

IMMOKALEE, Fla.—Chugging down a row of trees, the pair of canopыш shakers in Paul Meador’s orange grove here seem like a cross between a bulldozer and a hairbrush, their steelature poked through the fruit tree crowns as if untying colossal heads of hair.

In under 15 minutes, the machines shake loose 36,000 pounds of oranges from 100 trees, catch the fruit and drop it into a large storage car. “This would have taken four pickers all day,” Meador said.

Canopy shakers are still an unusual sight in Florida’s orange groves. Most of the crop is harvested by hand, mainly by illegal Mexican workers and day laborers. Migrant workers shuffle through the groves, their backs, perched atop 16-foot ladders, they pluck oranges at a rate of 70 to 90 cents per 90-pound box, or less than $75 a day.

As globalization creeps into the groves, it is threatening to displace the workers. Facing increased competition from Brazilian groves and the cost of overtime and injured workers, alarmed growers here have been turning to labor-saving technology as their best hope for survival.

Florida industry has to reduce costs to stay in business,” said Everett Loukonen, agribusiness manager for the Barron Collier Company, which uses shakers to harvest about half of the 40.5 million pounds of oranges reaped annually from its 10,000 acres in southwestern Florida. “Mechanical harvesting is the only way available to do that task.

Global competition is pressing American farmers on many fronts. American raisins are facing competition from Chile and Turkey in fresh and dried markets.

"The rest of the world hand-picks everything, but their wage rates are a fraction of ours,” said Galen Brown, who led the mechanical harvesting program at the Florida Department of Citrus until his retirement last year. Lee Simpson, a raisin grape grower in California’s San Joaquin Valley, is more blunt. “The cheap labor,” he said, “isn’t cheap enough."

Mr. Simpson and other growers have devised a system that increases yields and cuts labor costs. They have installed electronic harvesting machines into their fields at least since the mid-19th century, when labor shortages during the Civil War drove a first wave of mechanical harvesting. Mechanization grew pace for the following 100-plus years, taking over the harvesting of crops including wheat, corn, cotton and sugar cane.

But not all crops were easily adaptable to machines. Whole fruit and vegetables—the most lucrative and labor intensive crops, from the end of the row to the field workers—require delicate handling. Mechanization sometimes meant rearranging the fields, planting new types of vines or trees and investing millions of dollars.

Rather than make such investments, farmers mostly focused on lobbying government
Last year, machines harvested 17,000 acres of the state’s 600,000 acres planted in juice oranges, said Fritz M. Roika, an agricultural economist at the University of Florida.

Mr. Craig. Mr. President, our Federal Government has got to do better, in improving our border security and the growing problem of illegal immigration.

That is why I have supported Senator Byrd on an amendment to this bill to beef up the border patrol and hire more investigators and enforcement agents, and boost resources for detention.

That is why I am cosponsoring a bill to help States deal with undocumented criminal aliens.

That is why I have worked to bring the AgJOBS—bill the Agricultural Job Opportunities, Benefits, and Security Act—to the Senate floor.

I truly wish we did not have to have this debate on this bill on the Senate floor.

However, the House of Representatives has forced this opportunity upon us. By putting border, identification, and asylum provisions in the supple-

ments, the House has turned this bill into an immigration bill.

I am committed to making this debate as brief as possible, and as full and fair as necessary. As far as I am concerned, a thorough debate on AgJOBS does not need to take more than a couple hours, if we can get agreement from Senators who oppose the amendment.

The Senate has enough time for this amendment. If anyone is going to un-thrown this bill, it would be the Senator.

As a member of the Appropriations Committee and on this floor, I fully support prompt appropriations for our men and women in uniform and for operations necessary in the war on terrorism.

AgJOBS is only an installment toward an overall solution to our nation’s growing problem of illegal immigration. However, it is a significant installment, a logical installment, and one that is fully matured and ready to go forward.

I have worked with my colleagues and numerous communities of interest on AgJOBS issues for several years. The amendment I bring forward this week has been, in all its major essentials, well-known and much discussed in the Senate and the House for more than a year and a half.

This bipartisan effort builds upon years of discussion and suggestions from agricultural advocates, Latino and immigration issue advocates, Members of both parties in both Houses of Congress, and others.

We have now built the largest bipartisan coalition ever for a single immigration bill. This letter was just delivered this week to Senate offices. There are about 100 more signatures on this letter than a similar letter delivered a year ago. Support for AgJOBS is growing.

That support reflects the fact that, in agriculture as in other sectors, the current immigration and labor market system is profoundly broken.
An enforcement-only policy is not the answer and doesn’t work. The United States has 7,458 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers well but not perfectly. As we have stepped up border enforcement, we have locked out immigrants in this country at least as effectively as we have locked any out.

With an estimated 10 million undocumented persons in the United States, to fight them this year, to throw out of homes, schools, churches, and workplaces would mean an intrusion on the civil liberties of Americans that they will not tolerate. We fought our revolution, in part, over troops at our doors and in our homes.

History has shown us what does work: A coupling of more secure borders, better internal enforcement, and a guest worker program that faces up to economic reality.

The only experience our country has had with a legal farm guest worker program—used widely in the 1950s but repealed in the 1960s—taught us conclusive lessons. While it was criticized on other grounds, that program dramatically reduced illegal immigration from high in the mountains to the lowest nothing, while meeting labor market needs.

AgJOBS is a groundbreaking, necessary part of this balanced, realistic approach. American agriculture has boldly stepped forward and admitted the problem. AgJOBS is a critical part of the solution.

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The United States is on the verge of becoming a net importer of agricultural products. To keep American-grown food on our families’ tables, we need a stable, legal, labor supply. To keep suppliers, processors, and other rural jobs alive, American agriculture needs a stable, legal, labor supply. It has been said, foreign workers are going to harvest our crops. Where they do it here or in another country.

Whatever the case is in other industries, in agriculture, we really are talking about jobs that Americans can’t or won’t take. This physically demanding labor is seasonal and migrant in nature. Farm workers must leave home and family behind, to travel from State to State, crop to crop, for only part of the year, living in temporary structures. The planting, growing, and harvesting seasons occur at different times in different States—usually when students are not available.

AgJOBS is also part of a humane solution. Legal workers can demand a living wage and assert legal rights that undocumented workers—smuggled into the country and kept “underground”—cannot. Every year, more than 300 persons die in the desert, the boxcar, or the back of a truck trailer. For a civilized, humane country, that is intolerable.

For the long term, AgJOBS reforms and streamlines the profoundly broken H-2A program that is supposed to provide legal, farm guest workers. It is now so bureaucratic and burdensome, it admits only about 40,000 workers a year—2 to 3 percent of farm workers. However, we cannot expand the H-2A program overnight. A system of con- sulate system, a Homeland Security bureaucracy, and a Department of Labor bureaucracy that, today, chokes on processing 40,000 workers a year will need several years to ramp up to several times that amount. Growers, almost all of which do not use H-2A today, will need time to get into the system. It will need time to build housing and prepare for the other labor standards that H-2A has always required to prevent foreign workers from taking jobs from Americans.

As a bridge to stabilize the workforce while H-2A reforms are being implemented, AgJOBS includes a one-time-only earned adjustment program, to let about 500,000 trusted farm workers, with a proven, substantial work history here, continue working here, legally. The H-2A reforms would make future farm worker adjustments unnecessary.

AgJOBS is not amnesty or a reward for illegal behavior. Requiring several years of demanding, physical labor in the fields is an opportunity to rehabilitate to legal status—to earn the adjustment to legal status. Adapting AgJOBS workers would have to meet a higher standard of good behavior than other, legal immigrants, in the future. Once a worker is in the adjustment program, he or she has to obey all the laws that other, legal immigrants have to. In addition, an adjusting worker would be deported for conviction of one felony; or three misdemeanors, however minor; or, in the amendment before, a single serious misdemeanor, defined as an offense that results in 6 months of jail time.

Part of earning adjustment involves the permanent H-2A reforms. The worker is rendering to some limits on his or her legal rights—including a substantial prospective work requirement in agriculture and meeting a higher legal standard of good behavior than other, legal immigrants.

The adjusting worker can apply for permanent residence—a green card—at the end of the adjustment process. As a practical matter, obtaining a green card would take about 6 to 9 years after the worker enters the adjustment process. For the work involved, the waiting periods, and the diligence required over a long period of time, this is fair. Sharing the American dream with persons who want to be—and will be—law-abiding members of the community, is fair.

AgJOBS workers, both adjusting and H-2A, would be free to leave the country at the end of the work season and not be locked in the country, between jobs.

Finally, AgJOBS is good for our homeland security.

With background checks, AgJOBS would let American families know who is putting the food on our tables. That means ensuring a safe and stable food supply for American families.

When we stop sending investigators and enforcement agents into the potato fields and apple orchards, we will be able to devote critical resources where they are most needed: to real criminals and stopping terrorists.

AgJOBS is a win-win-win, for growers, workers, taxpayers, and homeland security. I urge my colleagues to support this amendment.
Good for homeland security: Hundreds of thousands of undocumented workers would be brought out of the shadows and given background checks. DHS could re-focus more resources on fighting more dangerous threats.

Good for American consumers: American families would be more certain of a safe, stable, food supply grown in America, and we would know who is growing our food.

Not a “magnet” for new illegal immigration: Only workers with a substantial, proven work history could legally stay for at least 160 days per year. Every year, millions of dollars to be transported into and around this country, often under inhumane and perilous conditions. Reports continue to mount of horrible conditions faced by smuggled workers.

Humbler, good for workers: It is intolerable that American workers are not being treated fairly. The work force is being scattered. The work force is being underbid — the Adverse Effect Wage Rate would be suspended until a worker completes a substantial work history in U.S. agriculture. The adjustment would be limited to incumbent workers already here, but working without legal authority. DHS could re-focus more on the hiring of legal, temporary, non-agricultural workers. New adjustments to H-2A workers would have new attestation requirements, speeding up certification of H-2A workers.”

AGJOBS IS A WIN-WIN-WIN APPROACH

Workers would be better off than under the status quo. Legal guest workers in the H-2A program need the assurance that government would not take away their jobs. For workers not now in the H-2A program, every farmerworker who gains legal status finally will be able to assert legal protection — which leads to higher wages, better working conditions, and safer travel. Growers and workers would get a stable, legal work force. Consumers would get better assurance of a safe, stable, American-grown, food supply — not an increased dependence on imported food. Law-abiding Americans want to make sure the legal right to stay in our country is earned, and that illegal behavior is not re-warded now or encouraged in the future. Border and homeland security would be improved by bringing workers into the ground economy and registering them with the DHS AGJOBS adjustment program. Overall, AGJOBS takes a balanced approach, and would work to benefit everyone.

FREQUENTLY ASKED QUESTIONS ON AGJOBS AND EARNED ADJUSTMENT

Q. Amnesty doesn’t work. Why try it again? Most Americans don’t work. That’s why I never have supported it. The country has tired amnesty in the past and it’s failed. Our current immigration laws are flawed and en-forced. Congress has been tasked to come up with a plan that works. The government has pretended to control the borders while the country has looked the other ground.
other way and ignored the problem. That’s precisely why we need to try a new, innovative approach like AgJOBS.

Q. How can you justify rewarding people who came here illegally by allowing them to become legal?

A. The only workers who apply for the adjustment program will be those who want to become legal. Everyone else will have to register with the government and verify their continued employment. Their adjustment to legal status will be complete only after they earn income, demanding labor in agriculture for the next 3–6 years. If an adjusting worker breaks another law, he will be out. The Adjustment Program would then become hand-working, known, trusted farm workers who did and will obey our laws in every other way. They will be a reward, not a rehabilitation.

Q. Won’t the legalization and status adjustment encourage more illegal immigration?

A. Not in our AgJOBS bill. If someone wants to enter the United States to take advantage of our bill, they are already too late. To begin applying for adjustment, the worker must have been here before January 1, 2005—3 weeks before the bill was introduced—with a substantial record of work in agriculture. We are talking about stabilizing the current farm work force—working with persons who are already here.

Q. Why should agriculture get this special treatment?

A. That’s the sector of our economy most impacted by illegal immigration. The crisis in agriculture must be addressed immediately—and it took us years just to get agreement between growers and labor, between unions and Democrats and Republicans on this new approach. If AgJOBS works—and I believe it will—it will help us figure out how to solve the more serious problem of millions of undocumented workers in this country.

Q. Illegal aliens have broken the law. Why not just round them up and deport them?

A. (1) We can’t, as a practical matter. The official 2000 Census estimated that there are more than 8.7 million illegal aliens in the United States. There are more than that. The consequence of looking the other way for decades. Finding and forcibly removing all of them would make the War on Terrorism look cheap and would disrupt communities and work places to an extent most Americans can’t even imagine because it would simply not tolerate. If a law has failed, you can ignore it or fix it. Looking the other way only encourages more disrespect for the law, more violence, and a more illegal work force. AgJOBS is the pilot program.

(2) Up to 85 percent of all farm workers are here illegally. If we could round up and deport every illegal farm worker, that would be pretty much the end of American agriculture—the end of our safe, secure, home-grown food supply. That’s how I first got involved in immigration. Voluntary enforcement seems the most reasonable.

Q. Won’t more illegals sneak across the border, claim they were already here as farm workers, and get away with it?

A. Unlike the 1986 program—which was amnesty and was very different—our bill requires workers to provide documentation restating that they already were here as farm workers—for example, tax records or employers’ records.

Q. Once this wave of “adjusting workers” settle in, what’s to prevent the demand for ANOTHER amnesty program in a few years?

A. Our bill would stabilize the farm work force in the long term so that American farmers can adjust to the economy of the 21st Century for the long term. The Adjustment Program would give us the time we need to reform and significantly grow the other program in the bill, the H-2A Program, which employs legal, temporary “guest workers” under government supervision and leave when the work is done. Because the H-2A Program has been broken for decades, there’s been no effective screening of workers who legally work in agriculture. We need to be able to work in agriculture when domestic workers aren’t available.

Q. Aren’t these illegals stealing jobs from Americans?

A. I hear about that in other industries. I don’t know that I’ve ever received one complaint from a farmer who wanted us to do the physically demanding labor of a migrant farm worker and felt an alien alien had kept him or her out of that job. But it would be a major step forward out of business because they couldn’t find a legal work force. This is many of the reasons why our legal visa programs are industry-specific—because agriculture and labor markets are significantly different for different industries. This is precisely the reason to try the AgJOBS solution in agriculture.

Q. How will this bill help control our borders?

A. We can’t possibly seal off thousands of miles of borders and coastlines. But we can make it easier to find a legal work force and control them better and improve our homeland security. Thousands of AgJOBS workers would be registered with, and in a job program supervised by, the Federal Government. This would be a major step forward toward a longer-term, more comprehensive solution.

Q. Who’s going to pay for the medical bills and social services for adjusting workers?

A. Remember, in the AgJOBS Adjustment Program, we are talking only about workers who already are here, with substantial jobs in agriculture. So AgJOBS does not add one bit to this burden. In fact, if anything, it starts helping to provide relief. When these workers gain legal status, they will be in a better position to earn more and do more to provide for themselves than they can today.

NEW ENGLAND APPLE COUNCIL, Inc.

Hon. Senator Craig,

U.S. Senate,

Washington, DC.

Dear Senator Craig: The New England Apple Council was formed more than 35 years ago, at the end of the Bracero program. Our 185 growers, have used H2A workers or workers under previous programs for more than 50 years. The first foreign workers to come to New England to harvest crops were in the 1940s and we have been struggling to keep the H2A program working. I don’t need to tell you the program is broken and in order for our growers to keep a legal workforce the program needs fixing.

I listened to Senators Sessions and Byrd speaking against Ag-Jobs on Friday and was extremely disturbed by what they were saying. They read from letters sent by a few associations and agents who are opposed to Ag-Jobs. The growers using the H2A program ARE IN FAVOR OF AG-JOBS! Some associations and agents are not. Why? Because if we reform H2A so that it really works many growers will be able to use it without an association or agent. That’s what H2A reform is all about, and we are in favor of it!! Workers who have held H2A jobs and meet the required months of employment will be rewarded. Rep. Sessions stated Friday that ‘‘only people who break the law will be rewarded’’, that is not true!! We have many workers who for many years, some that have been coming yearly and going home at the end of their contract. Nationwide between 7 and 10% of the adjusting workers will be those H2A workers who have obeyed the law, and they will finally be rewarded. Some agents and some associations see that as a bad move, which will cause distrust among the workforce, most growers say it’s time to reward those workers who have obeyed the law.

As a long-time user of H2A workers and Executive Director of New England Apple Council and past President of the National Council of Agricultural Employers I believe I have the feel of most agricultural employers in this country. We are overwhelmingly in favor of Ag-Jobs. The Jamaica Central Labour Organization, which supplies most of the H2A workers to employers in the Northeast, supports the National Association of Employers of Jamaican Workers, which I am Chairman of, supports Ag-Jobs. And lastly the 520 Organizations who signed the letter to the President in support of Ag-Jobs.

Thank you for your support on this very difficult issue.

Sincerely,

Grover G. Norquist
President.

The Ag-Jobs bill is a great first step in bringing fundamental reform to our nation’s broken immigration system.

AgJobs would make America more secure. 50% of the agricultural workforce in this country is underground due to highly-impractical worker quota restrictions. Up to 500,000 workers would be given approved worker status, screened by the Department of Homeland Security, and accounted for while they are here. Any future workers coming into America looking for agricultural work would be screened at the border, where malcontents can most easily be turned back.

The current H-2A agricultural work program supplied about 2-3 percent of the farm workforce. That means that the great majority of workers who pick our fruit and vegetables have never been through security screening. In a post-911 world, this is simply intolerable. Workers that are here to work in jobs native-born Americans are not willing to do must stay if food production is to remain adequate. However, those who are here and new workers from overseas should have a screening system that works, both for our safety and for their human rights. Your bill doesn’t do that.

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Grover G. Norquist
President.

April 18, 2005

CONGRESSIONAL RECORD—SENATE

403

POTOMAC, MD, April 13, 2005.

Hon. Larry Craig, U.S. Senate,

Washington, DC.

Dear Senator Craig: I would like to take this opportunity to commend you for the introduction of S. 1665 and H.R. 3142, “The Agricultural Job Opportunity, Benefits, and Security Act of 2005”. The “Ag-Jobs” bill is a great first step in bringing fundamental reform to our nation’s broken immigration system.

Ag-Jobs would make America more secure. 50% of the agricultural workforce in this country is underground due to highly-impractical worker quota restrictions. Up to 500,000 workers would be given approved worker status, screened by the Department of Homeland Security, and accounted for while they are here. Any future workers coming into America looking for agricultural work would be screened at the border, where malcontents can most easily be turned back.

The current H-2A agricultural work program supplied about 2-3 percent of the farm workforce. That means that the great majority of workers who pick our fruit and vegetables have never been through security screening. In a post-911 world, this is simply intolerable. Workers that are here to work in jobs native-born Americans are not willing to do must stay if food production is to remain adequate. However, those who are here and new workers from overseas should have a screening system that works, both for our safety and for their human rights. Your bill doesn’t do that.

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American jobs lost to off-shore competition, long-term funding of the Social Security system, and a seemingly irreversible pattern of increasing illegal immigration. A significant opportunity for the agricultural sector, however, is the opportunity to address all of these challenges within reach.

That opportunity, if taken, will strengthen American labor-intensive agriculture and ensure its future role as a major U.S. export industry. A growing agriculture sector will keep jobs in America, because studies show that every laborer in production agriculture generates 3.5 additional jobs in related businesses. The workers in all these jobs will be participating in the social security system that is dependent upon a large workforce. Perhaps most significantly, reputable studies confirm that the best solution for stemming illegal immigration is guest worker programs that function.

Government statistics and other evidence suggest that at least 50 percent and perhaps 70 percent of the current agricultural workforce is not in this country legally. The immediate question of some is to say that these workers have broken the law and should be deported. Former farm laborers do not want to hire illegal immigrants. What they want is a stable, viable workforce that does not have a labor problem if wages were increased.

That "easy" answer ignores the reality that for Americans are drawn to highly seasonal and physically demanding work in agriculture. At chaotic harvest times, a stable, dependable workforce is essential. My experience tells me that agricultural employers do not want to hire illegal immigrants. What they want is a stable, viable program with integrity that will meet their needs and fit their timetables in a timely, effective way. What they do not want is a program with major shortcomings, for which they will inevitably be blamed. Unfortunately, that is what our laws have imposed upon them.

As a Nation, we can and must do better— for agricultural employers, for immigrant workers, and as insurance to secure a strong agriculture business sector. Many of these workers have come to the U.S. on a regular basis. Many have lived here for years doing our toughest jobs, and some would like to earn the privilege of living here permanently. Why not permit them to do so, over a specified time period, thereby keeping the best workers here? That has the additional advantage of permitting our government to better focus its limited monitoring/enforcement efforts, especially where security may be a concern. Let's use entry/exit tracking, tamper proof documentation, biometric identification, etc. where it will truly pay security dividends, and let's stop painting all immigrants with the same brush.

A limited, earned legalization for agricultural workers, temporary worker system, and as insurance to secure a strong agriculture business sector. Many of these workers have come to the U.S. on a regular basis. Many have lived here for years doing our toughest jobs, and some would like to earn the privilege of living here permanently. Why not permit them to do so, over a specified time period, thereby keeping the best workers here? That has the additional advantage of permitting our government to better focus its limited monitoring/enforcement efforts, especially where security may be a concern. Let's use entry/exit tracking, tamper proof documentation, biometric identification, etc. where it will truly pay security dividends, and let's stop painting all immigrants with the same brush.

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the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 473) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 536

Mr. COCHRAN. Mr. President, I send to the desk an amendment on behalf of Mr. BOND regarding insurance fee requirements.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BOND, proposes an amendment numbered 536.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Make technical correction to mortgage insurance fee requirements contained in the FY 2006 Omnibus Appropriations bill)

Insert the following (and renumber if appropriate) on page 231, after line 3:

``SEC. 6047. (a) Section 222 of title II of Division I of Public Law 108-147 is deleted, and (b) Section 203(c)(1) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking “subsections” and inserting “subparagraphs”;

(2) striking “or (k)” each place that it appears.”.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 491) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 492

Mr. COCHRAN. Mr. President, I call up amendment No. 492 on behalf of Mr. LEAHY regarding Nepal.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 492.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide deferral and rescheduling of debt to tsunami affected countries)

On page 194, line 19 after the colon insert the following:

``Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts due to the agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka; Provided further, That of the funds appropriated under this heading, up to $500,000,000 made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered “assistance” for the purposes of provisions of law limiting assistance to any such affected country.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 492) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask unanimous consent that it be in order that three amendments en bloc be called up.

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

AMENDMENTS Nos. 388, 443, 459, AND 537

Mr. REID. Mr. President, I send to the desk amendments on behalf of Mr. DURbin, No. 443; Mr. BAYH, No. 338; Mr. BIDEN, No. 537; and Mr. FEINGOLD, No. 499; and I ask unanimous consent that they be set aside.

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

The amendments en bloc are as follows:

AMENDMENT NO. 388

(Purpose: To provide an additional $742,000,000 for Other Procurement, Army, for the procurement of up to 3,300 Up Armored High Mobility Multipurpose Wheeled Vehicles (UHMMVs))

On page 169, between lines 8 and 9, insert the following:

``UHMMVs

The Senator from Mississippi [Mr. COCHRAN], for Mr. MCCONNELL, proposes an amendment numbered 491.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Whereas, the King has thwarted efforts of member of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

Whereas, the Maoists have committed gross violations of human rights.

Whereas, King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

Whereas, Nepal needs an effective military strategy to counter the Maoists and protect the lives of the Nepalese people.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 492) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask unanimous consent that it be in order that three amendments en bloc be called up.

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

AMENDMENTS Nos. 388, 443, 459, AND 537

Mr. REID. Mr. President, I send to the desk amendments on behalf of Mr. DURbin, No. 443; Mr. BAYH, No. 338; Mr. BIDEN, No. 537; and Mr. FEINGOLD, No. 499; and I ask unanimous consent that they be set aside.

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

The amendments en bloc are as follows:

AMENDMENT NO. 388

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On page 169, between lines 8 and 9, insert the following:

``UHMMVs

The Senator from Mississippi [Mr. COCHRAN], for Mr. MCCONNELL, proposes an amendment numbered 491.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Whereas, on February 1, 2005, Nepal’s King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

Whereas, despite condemnation of the King’s actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy in Nepal.

At the appropriate place in the bill, insert the following:

NEPAL

SEC. (a) FINDINGS.—The Senate makes the following findings—

Whereas, on February 1, 2005, Nepal’s King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

Whereas, despite condemnation of the King’s actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy in Nepal.

At the appropriate place in the bill, insert the following:

NEPAL

SEC. 1122. (a) ADDITIONAL AMOUNT FOR DEFERRAL AND RESCHEDULING OF DEBT TO TSUNAMI-AFFECTED COUNTRIES.

WHEELED VEHICLES (UHMMVs)

On page 169, between lines 8 and 9, insert the following:

``UHMMVs

Whereas, the Maoists have committed gross violations of human rights.

Whereas, King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

Whereas, Nepal needs an effective military strategy to counter the Maoists and protect the lives of the Nepalese people.

Whereas, an effective strategy to counter the Maoists also requires a political process that is inclusive and democratic in which constitutional rights are protected, and government policies that improve the lives of the Nepalese people.

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

AMENDMENTS Nos. 388, 443, 459, AND 537

Mr. REID. Mr. President, I send to the desk amendments on behalf of Mr. DURbin, No. 443; Mr. BAYH, No. 338; Mr. BIDEN, No. 537; and Mr. FEINGOLD, No. 499; and I ask unanimous consent that they be set aside.

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

The amendments en bloc are as follows:

AMENDMENT NO. 388

(Purpose: To provide an additional $742,000,000 for Other Procurement, Army, for the procurement of up to 3,300 Up Armored High Mobility Multipurpose Wheeled Vehicles (UHMMVs))

On page 169, between lines 8 and 9, insert the following:

``UHMMVs

The Senator from Mississippi [Mr. COCHRAN], for Mr. MCCONNELL, proposes an amendment numbered 491.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Whereas, on February 1, 2005, Nepal’s King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

Whereas, despite condemnation of the King’s actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy in Nepal.

Whereas, there are concerns that the King’s actions will strengthen Nepal’s Maoist insurgency.

Whereas, while some political leaders have been released from custody, there have been new arrests of human rights activists and representatives of other civil society organizations.
PURPOSE: To affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment under any circumstances.

On page 231, after line 3, insert the following:

AMENDMENT NO. 459

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, Army", as increased by such amendment, $50,000,000 shall be available for the procurement of up to 3,300 Up Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMVs).

(c) Notwithstanding any other provision of law, of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1224) under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE" and under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", $50,000,000 shall be available to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234). Such amount shall be in addition to any other amount available for such purpose and available from the date of the termination of the Office of the Special Inspector General for Iraq Reconstruction.

AMENDMENT NO. 437

(Purpose: To provide funds for the security and stabilization of Iraq and Afghanistan and for other defense-related activities by suspending a portion of the reduction in the highest income tax rate for individual taxpayers)

At the appropriate place, insert the following:

"In the case of taxable years beginning during calendar year:

<table>
<thead>
<tr>
<th>Year</th>
<th>25%</th>
<th>31%</th>
<th>36%</th>
<th>39.6%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>25.5%</td>
<td>30%</td>
<td>35.5%</td>
<td>39.1%</td>
</tr>
<tr>
<td>2002</td>
<td>27.0%</td>
<td>30.5%</td>
<td>35.5%</td>
<td>38.6%</td>
</tr>
<tr>
<td>2003, 2004, and 2005</td>
<td>27.0%</td>
<td>30.0%</td>
<td>35.0%</td>
<td>38.0%</td>
</tr>
<tr>
<td>2006 and thereafter</td>
<td>25.0%</td>
<td>28.0%</td>
<td>33.0%</td>
<td>36.6%</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SUPPLEMENTARY TAX PROVISION.—Nothing in this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as provided in such Act to which such amendment relates.

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

THE PRESIDING OFFICER. The clerk will call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that there now be a period of 10 minutes for the Senators permitted to speak for up to 10 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.
There is no question in my mind that the highly trained judges and lawyers who sit on and argue before our Nation’s Federal appellate courts would continue to conduct themselves with dignity and professionalism if cameras were not recording them.

Let me sum up then, I believe the arguments against allowing cameras in the courtroom are least persuasive in the case of appellate proceedings, including the Supreme Court. In fact, I had the opportunity to watch the oral arguments before the Supreme Court and considered the constitutionality of the McCain-Feingold bill in 2003. It was a fascinating experience, and one that I wish all Americans could have. Of course, the entire country was able to hear the delayed audio feed of the two Supreme Court oral arguments in Bush v. Gore and the arguments on affirmative action. This allowed the public and important look at the making of decisions that affect them in a profound way. Seeing the arguments live would have been even better. I do not believe that a discreet camera in the courtroom would have changed the character or quality of the arguments one iota.

My State of Wisconsin has a long and proud tradition of open government, and it has served us well. Coming from that tradition, I look with skepticism on any remnant of secrecy that lingers in our governmental processes. Trials and court hearings are public proceedings, paid for by the taxpayers. Except in the most rare and unusual circumstances, the public is entitled to see what happens in those proceedings. The bill that my friends from Iowa and New York have proposed is a responsible and measured bill. It gives discretion to individual Federal judges to allow cameras in their courtrooms. At the same time, it assures that witnesses will be able to request that their identities not be revealed in televised proceedings, paid for by the taxpayers. Except in the most rare and unusual circumstances, the public is entitled to see what happens in those proceedings.

Iowa has one of the lowest loss experience rates in the United States. Medical malpractice insurance companies collected over $60 million in premiums from Iowa physicians and paid out $41 million for direct losses, defense and cost containment expenses. The Iowa loss ratio is 67.4%, one of the lowest in the country.

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

**MEDICAL MALPRACTICE**

Mr. GRASSLEY. Mr. President, one of my constituents, James W. Carney, an attorney practicing in Des Moines, IA, recently requested that I bring to the attention of my colleagues in the Senate some aspects of the medical malpractice problem he believes should be more widely known. I ask unanimous consent that his March 30 letter to me, and his e-mail to John Whitaker, a Representative in the Iowa State House of Representatives, be printed in the RECORD.

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


Re medical malpractice reform.

Senator CHARLES GRASSLEY, Federal Building, Des Moines, IA.

DEAR SENATOR GRASSLEY: I was just listening to WHO and heard your comment that if we had medical malpractice reform we wouldn’t have to perform all the tests that are unneeded. As a supporter of yours going back to the days when you were in the Iowa Capitol, I cry foul. I am attaching an email which we sent to all members of the Iowa Legislature.

I would request that you make known to the US Senate the true facts of what is going on in real Iowa. There have been only 12 medical malpractice cases tried in the entire state of Iowa last year. Verdicts are down.

Meanwhile, guess what? Our physicians are having their malpractice premiums increased by 10, 15 and 20%. It is ridiculous to blame lawyers.

Doctors perform tests because they believe it is the best patient care they can give. They need to perform tests that are necessary. I have yet to talk to a doctor who is willing to admit that the only reason they perform a test is because they fear they are going to be sued or it might be malpractice. Doctors perform tests because their patients deserve the best medical care they can give them. I believe they are motivated from an altruistic point of view and they truly care about their patients. I have heard it said many times that it might also be in their best financial interest to order tests, as they could get sued for not doing them. Blaming Iowa lawyers for unnecessary medical tests is like blaming a farmer for drought or floods. I am attaching the civil filing statistics from the Supreme Court of the State of Iowa. I hope these come in handy for your reference the next time you are asked about medical malpractice. You have always been a very no-nonsense guy and a person driven by the facts. These are the facts. As my mentor, Mr. Jones, used to say “end of report.”

Sincerely yours,

JAMES W. CARNEY.

Although you hear all sorts of stories about lawsuits and anecdotes about litigation, you should know what the facts are here in Iowa. It is the farthest thing from the truth to argue that Iowa is a litigious state. Consider the following:

Fact 1: Medical malpractice lawsuits are down 29.6% over the last three years.

Fact 2: According to the Iowa Association of Insurance Commissioners own reporting, Iowa has one of the lowest loss experience in the United States. Medical malpractice insurance companies collected over $60 million in premiums from Iowa physicians and paid out $41 million for direct losses, defense and cost containment expenses. The Iowa loss ratio is 67.4%, one of the lowest in the country.

Fact 3: Independent rating services substantiate that capping recoveries will not have any effect on insurance premiums or the availability of insurance.

Fact 4: Iowa has already adopted significant tort reform measures, and because of this, is rated as having one of the most reasonable and fair litigation systems in the United States by the U.S. Chamber of Commerce.

Iowa’s civil justice system, conservative jurors and low verdicts are not the cause of high insurance rates for Iowa physicians. Caps on non-economic damages will not do anything to help Iowa physicians obtain lower insurance premiums. Caps will hurt innocent Iowa citizens who, through no fault of their own, have been severely injured. Iowa professional societies and organizations representing patients are now considering changes in the civil laws to help innocent patients be responsible for their negligent conduct?

ADDITIONAL STATEMENTS

HONORING STUDENTS FROM WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, from April 50 to May 2, 2005, there were 1,200 students from across the United States who will visit Washington, D.C., to take part in the national finals of “We the People: The Citizen and the Constitution.”

An educational program developed specifically to educate students about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the “We the People” program is funded by the U.S. Department of Education by an act of Congress.

I am proud to announce, because of their knowledge of the U.S. Constitution, the following students from West Warwick High School from the
city of West Warwick will represent the State of Rhode Island in this national event: Mikaela Condon, Ahmad Elshanawany, Michelé Fleury, Katelyn Grandchamp, Jaclyn Henry, Katelyn Kelly, Shaina Lamchick, Adam Larocque, Lyndsay Miller, Johnathon Myers, Matthew Nary, Amanda Simas, William Strahan, Larissa Swenson, and David Yates. Led by their teacher Mr. Marc Leblanc, these outstanding students won their statewide competition and earned the chance to come to Washington and compete at the national level.

The three-day “We the People” National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of judges while they evaluate, take, and defend positions on relevant historical and contemporary issues.

I wish the students of West Warwick High School the best of luck at the “We the People” National Finals and applaud their achievement. I am sure this valuable experience will encourage these young Rhode Islanders to remain engaged with government and public policy issues in the future.

HONORING ANNE L. BLUMENBERG

Mr. SARBANES. Mr. President, I rise today to pay special tribute to Anne L. Blumenberg, one of Baltimore’s most skillful and equalitarian admissions of its most dedicated and visionary citizens. Anne recently retired as executive director of the Community Law Center, which develops innovative legal strategies to assist Baltimore’s community organizations and neighborhoods.

Anne was born and raised in Baltimore’s Waverly neighborhood, and she returned to Baltimore after receiving her law degree from Catholic University’s Columbus School of Law. In 1976, she and a group of like-minded lawyers and community activists founded the Community Law Center. In its early days the center focused primarily on public safety as the path to neighbor survival, depending on volunteer lawyers to carry out its work. Under Anne’s leadership, the center’s attorneys pioneered the use of nuisance laws as a litigation strategy to address quality-of-life issues, including housing conditions and activity, Baltimore neighborhoods. The center had such great success with these suits that in 1996, the Maryland General Assembly passed the community rights bill—developed in large measure by the center—granting Baltimore City community associations legal standing to seek direct enforcement of housing, building, zoning, and health codes as a remedy to a public nuisance.

Recognizing that creating healthy neighborhoods begins but does not end with public safety, Anne Blumenberg expanded the Community Law Center’s programs to include economic development and real estate issues. Today the center has successful projects to end predatory lending and flipping practices and to end the blight of vacant properties in city neighborhoods. Further, the volunteer spirit that gave the center its start lives on in its pro bono project, which currently has 185 active pro bono lawyers who have opened over 500 cases serving hundreds of organizations in the Baltimore area.

In addition to the hours she has dedicated to the Community Law Center, Anne Blumenberg has generously donated her time to serve as a board member to numerous other community organizations, including Civil Justice, Inc., Empowerment Legal Services, the Coalition to End Childhood Lead Poisoning, and the Lawyer’s Clearinghouse. And she has literally “written the book” on starting a nonprofit organization: her manual, “Starting a Non-Profit Organization: A Practical Guide,” is now in its fourth edition.

Anne Blumenberg was truly a visionary. She pioneered the use of nuisance laws, how legal tools could be used to improve the lives of some of the city of Baltimore’s poorest and most vulnerable citizens, and she transformed her vision into a creative, vigorous and effective public service law firm.

As a result of the programs Anne Blumenberg built at the Community Law Center, Baltimore’s neighborhoods have come alive again. Residents now have the tools they need to fight the flipping of homes by unscrupulous lenders; to move drug dealers from their corners; to acquire vacant houses, renovate them, and put them up for sale; and more broadly, to promote citywide policies that will improve the quality of their lives. In short, thanks to Anne Blumenberg’s hard work and dedication, Baltimoreans are once again in control of their neighborhoods, and the neighborhoods, which do so much to define Baltimore’s character, are blooming.

HONORING THE RETIREMENT OF ROBERT H. MCKINNEY

Mr. LUGAR. Mr. President, I inform my colleagues of the retirement of a remarkable figure in my home State of Indiana, Robert H. McKinney.

Bob McKinney has been a friend of mine since my days as Mayor of Indianapolis. During that time he was critical of local politics, and he had massive restructuring of the boundaries and governmental structure of the City of Indianapolis. His bipartisan support of this shared vision was instrumental in allowing for the progress and prosperity of Indianapolis.

Bob’s commitment to public service began at an early age. After graduating from the United States Naval Academy, he served for 3 years in the Pacific Theater. Additionally, he served two tours in Vietnam as a naval aviator. Bob’s role in the military was his introduction to both the Naval Justice School and the Indiana University School of Law. Bob also holds Honorary Doctorates of Law from Marian College and Butler University.

Supplementing his impressive academic and military careers, Bob remains a consistent voice in public service throughout the State of Indiana and nationally. From 1976 he returned to the Indiana University School of Law and was Professor at Indiana University—Purdue University at Indianapolis and formerly a director and Chairman of the Board of Trustees of Marian College. Additionally, as a trustee of the Hudson Institute, the U.S. Naval Academy Foundation, the Indiana University Foundation, and the Sierra Club Foundation, Bob continues to encourage sound public policy.

During the administration of President Carter, he served as Chairman of the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, the Federal Savings & Loan Insurance Corporation, and the Neighbor- hood Reinvestment Corporation. Currently, he is a member of the Presidential Advisory Board for Cuba.

Bob has likewise achieved numerous successes in the private sector. After co-founding one of the largest law firms in Indianapolis, Bose McKinney & Evans LLP, Bob served as Chairman of The Somerset Group, Inc., a publicly traded financial services company. In 2000, The Somerset Group merged into the First Indiana Corporation, a publicly traded bank holding company that operates First Indiana Bank, the largest bank based in Indianapolis. Now, Bob is preparing to turn those duties over to his able daughter, Marni McKinney.

I am pleased to have had this opportunity to call to the attention of my colleagues the extraordinary accomplishments of Bob McKinney. I admire his idealism and sustained energy and I join his wife, Arlene, his five children and five grandchildren, in wishing him every continuing success as he enters this new chapter of his life.

ACCOLADES TO REVEREND T.F. TENNEY

Mr. VITTER. Mr. President, I thank the Reverend T.F. Tenney for more than 25 years of guidance, service and leadership throughout the great state of Louisiana.

I recognize Reverend T.F. Tenney, United Pentecostal Church District Superintendent for the State of Louisiana. Reverend Tenney retired on March 31, 2005, after 28 years of service in central Louisiana and throughout the state. More than 4,000 people came to offer heartfelt appreciation and best wishes at his retirement ceremony.

Through his role as district superintendent, he was responsible for overseeing 1 of Louisiana’s United Pentecostal Churches. During his 26 years of service, he created a level of stability in the church and brought the United
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Pentecostal Church to a new level. His professionalism and guidance in handling Louisiana’s churches and their congregations will be missed, as well as his great wisdom and leadership.

I personally commend, honor and thank Secretary Roemer on the occasion of his retirement from service to the people of Louisiana after 26 years as United Pentecostal Church District Superintendent for the State of Louisiana.

CONGRATULATIONS TO “WE THE PEOPLE” FINALISTS FROM THE STATE OF ARKANSAS

Mr. PRYOR. Mr. President, I congratulate students from Valley View High School in Jonesboro, AR for winning their statewide competition and earning the chance to come to our Nation’s capital to compete in the national finals of “We the People: The Citizen and the Constitution.” Led by their teacher Dana Shoemaker, students Jarrett Clark, Virginia Gray, Tyler Isbell, Zachary Lesley, Ryan McCormack, Ashley Perryman, Whitney Phillsme, Olga Redko, Elizabeth Renshaw, Laura Stahl, and Molly Throgmorton will join more than 1,200 students from across the country to take part in the weekend-long competition.

“We the People” is a nationwide program developed specifically to educate young people about the U.S. Constitution and Bill of Rights. The program is funded by the U.S. Department of Education, and it provides a unique and valuable opportunity for high school students to learn about the foundations of the Federal Government while spending time in Washington, D.C., the center of American civic engagement.

It is a wonderful thing that these students have taken such an interest in government and the political system. The vibrancy of our democracy depends on the active participation of its citizens. And with every new generation, we are faced with the challenge of educating our future leaders in the value of civic engagement. I am happy that the parents and teachers of these students from Jonesboro are meeting that important challenge and that the students are taking an active role in their own education by participating in such an enriching program.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing, in which they testify before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate and debate positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service—ETS, the world’s largest private educational testing and research organization, characterizes the “We the People” program as a “great instructional success.” Independent studies by ETS have revealed that “We the People” students “significantly outperformed comparison students on every topic of the tests taken.” I am delighted that the Valley View Blazers can take advantage of such a great opportunity.

These 11 students from Jonesboro certainly deserve recognition for their hard work and talent. Through their knowledge of the U.S. Constitution and our political system, they have earned the right to compete at the highest level. I am proud that such fine young ladies and gentlemen will be representing my state on the national stage, and I am honored to acknowledge their accomplishment.

I wish these students the best of luck at the “We the People” national finals, and I applaud their outstanding achievement.

WORLD WAR II REMEMBRANCE

Mrs. MURRAY. Mr. President, I rise today to share with you a remarkable story from World War II and the remembrance shown by our friends in Germany.

Lindlar, Germany is a small town outside of Cologne. I have just learned that my uncle, Victor Rutkowski, was a crew member on the memory of an American war hero who lost his life during WWII. First Lieutenant Victor Rutkowski was a 24 year old, B-17 co-pilot assigned to the 390th Bombardment Group stationed in England. Lindlar will be dedicating a monument to Victor tonight to hold a memorial service to honor him this weekend.

Doug Johnson was the pilot of the B-17 during Victor’s last mission. The following is his account of that final mission.

Oct 15, 1944: My 35th and final mission started about like most of the others we had flown during the previous few months. Two of our earlier missions had extended all the way from England to Germany landing in Russia for a short stay. Leaving Russia and bombing in Poland and Rumania before bombing in Poland and Rumania before proceeding on to Italy for a couple days before our final leg back into Framlingham, England. But this time we were going on a relatively short mission to Cologne, Germany. We were to fly the lead position, high element of “B” squadron. Take off went according to schedule and we were airborne at about 6534. Climbing out and assembly was simply routine. We reached the IP and turned toward the target area. No enemy fighters were sighted and it looked like the flak was going to be light and inaccurate. Hey, this was going to be a piece of cake.

Just before bombs away the flak became moderate and their gunners were beginning to home in on us. Suddenly we received a burst right under the right wing. We lost number 4 engine and Victor Rutkowski, my co-pilot, feathered it immediately then informed me that number three engine was on fire. Now things were beginning to get pretty tense. We attempted to extinguish the fire with no success and it’s about time for bombs away. We continued and dropped our bombs in the target area. We notified the squadron leader and immediately pulled away from the formation. I called out on the intercom that “we had better have the other three engines up.” Things looked pretty bad. I called back later to the crew but got no answer because all of them except the copilot, engineer and myself had already bailed out.

The fire continued in number 3 engine so the engine bailed out and Victor followed him. I climbed down to bail out but decided to take one last look at number 3. The fire appeared to have gone out. The plane was in a right bank which I thought was a mistake. The fire was revealing itself and I dropped out of the plane. When the plane was about 4000 feet above the ground I released the seat. Upon returning the plane to level flight I noticed that the fire re appeared. I then put the plane in a fairly steep dive. I remember saying to myself “come on baby we’ve got this thing now.” I did not blow out shortly thereafter. My luck was still holding.

I was down to about 4000 feet by now and found myself flying through some more flak, and small arms fire. I didn’t realize at the time that I was flying directly over the ground fighting between our troops and the Germans somewhere north of Aachen. I really did not know who was shooting at me but luckily I was out of it in a minute or so. I finally contacted a P-47 fighter pilot in the area who led me into St. Trond, Belgium, Site A92, where the landing was not the best I had ever made. A flat right tire that had been shot out must have blown because all of them except the co-pilot had already bailed out. After exiting the plane and walking around to inspect the damage, I noticed that the tail gunner was still at his post. A flak burst had killed him. The plane had about 200 holes in it and the fuel was still smoking. I took the number 3 engine. I still can’t figure out why that plane didn’t blow up.

I later learned that my co-pilot was killed on the ground by German civilians and that my bombardier had been wounded but evaded capture and returned to base. The rest of my crew spent the balance of the war as POW’s.

A truly remarkable story that speaks vividly to the sacrifice soldiers such as Victor made fighting for their countries.

I would like to commend the citizens of Lindlar for honoring the memory of Victor Rutkowski and all those who died during World War II. I would like to add the thanks of the Rutkowski family and the United States Senate to Lindlar for this special tribute.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on Friday, April 15, 2005, she had presented to the President of the United States the following enrolled bill:

S. 256. An act to amend title II of the United States Code, and for other purposes.
EC-1766. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County” (FRL NO. 7897-6) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1767. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County” (FRL NO. 7897-3) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1768. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone; Substitutes for Chlorofluorocarbons: Amendment to the Definition of Refrigerant” (FRL NO. 7899-3) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1769. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Strategic Environmental Air Quality Program: Final Rule” (FRL NO. 7901-1) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1770. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Air Regulations Consistency Update for California” (FRL NO. 7886-2) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Cigarette Smoke and Protection of the Interior’s Air Resources” (FRL NO. 7899-1) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Texas: Agreed Orders in the Beaumont/Port Arthur Ozone Nonattainment Area” (FRL NO. 7899-7) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Appropriation of Implementation Plans; Texas; 15% Rate-of-Progress Plan and Motor Vehicle Emissions Budgets, Dallas/Fort Worth Ozone Nonattainment Area” (FRL NO. 7901-3) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan” (FRL NO. 7898-38) received on April 13, 2005; to the Committee on Environment and Public Works.

EC-1775. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the District of Columbia Family Court Act; to the Committee on Homeland Security and Governmental Affairs.


EC-1777. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on April 13, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-1778. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Absence and Leave; SES Annual Leave” (RIN3206-AK72) received on April 13, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-1779. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report entitled “Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2004”; to the Committee on Finance.

EC-1780. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Health Reimbursement Arrangement Guidelines: Maquiladora Operations” (Rev. Rul. 2005-24) received on April 11, 2005; to the Committee on Finance.

EC-1781. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fair Market Value in a Section 412(i) Plan” (Rev. Proc. 2005-25) received on April 11, 2005; to the Committee on Finance.

EC-1782. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fair Market Value in a Section 412(i) Plan” (Rev. Proc. 2005-25) received on April 11, 2005; to the Committee on Finance.

EC-1783. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Health Reimbursement Arrangement Guidelines: Maquiladora—Section 183(g)” (U.I.L. 168.29-66) received on April 11, 2005; to the Committee on Finance.

EC-1784. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Weighted Average Interest Rate Update Notice—Pension Funding and Multiemployer Plans” (TD 9194) received on April 11, 2005; to the Committee on Finance.

EC-1785. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Procedures for the Extended Period of Limitations on Assessment for Listed Transactions” (Rev. Proc. 2005-26) received on April 13, 2005; to the Committee on Finance.

EC-1786. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Bureau of Labor Statistics Price Indexes for Department Stores—February 2005” (Rev. Rul. 2005-25) received on April 13, 2005; to the Committee on Finance.

EC-1787. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Russia and Kazakhstan; to the Committee on Foreign Relations.

EC-1788. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report relative to the Assistance and Child Survival and Health Programs Allocations; to the Committee on Foreign Relations.

EC-1789. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the tenth replenishment of the resources of the African Development Fund, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1790. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the fourteenth replenishment of the resources of the International Development Association, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1791. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the eighteenth replenishment of the resources of the Asian Development Fund, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1792. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the twentieth replenishment of the resources of the African Development Fund, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1793. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the eighteenth replenishment of the resources of the Asian Development Fund, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1794. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to, the eighteenth replenishment of the resources of the Asian Development Fund, received on April 11, 2005; to the Committee on Foreign Relations.

EC-1795. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the web site address of reports entitled “The U.S. Record 2004–2005” and “Country Reports on Human Rights Practices” prepared
by the Bureau of Democracy, Human Rights and Labor, Department of State; to the Committee on Foreign Relations.

EC-1796. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Update on Progress Toward Regional Nuclear Nonproliferation in South Asia” to the Committee on Foreign Relations.

EC-1798. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Overseas Surplus Property”; to the Committee on Foreign Relations.

EC-1799. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drivable Operations (Including 4 Regulations)” [CGD01-04-129], [CGD01-04-127], [CGD01-04-147], [CGD01-04-184], [RIN1625-AF93] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1800. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones (Including 2 Regulations)” [CGD05-05-019], [CGD05-05-017], [CGD05-05-023], [CGD05-05-018] [RIN1625-AA09] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1801. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones (Including 2 Regulations)” [CGD05-05-019], [CGD05-05-017], [CGD05-05-023], [CGD05-05-018] [RIN1625-AA09] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1802. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones (Including 2 Regulations)” [CGD05-05-019], [CGD05-05-017], [CGD05-05-023], [CGD05-05-018] [RIN1625-AA09] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1803. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Terma Imposed by States on Numbering of Vessels; Electronic Submission (USCG-2005-15078)”; [RIN1625-AA75] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1804. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Terma Imposed by States on Numbering of Vessels; Electronic Submission (USCG-2005-15078)”; [RIN1625-AA75] received on April 12, 2005; to the Committee on Commerce, Science, and Transportation.

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. BURNS:
S. 823. A bill to provide for the establishment of summer health career introductory programs for high school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:
S. 824. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elder care expenses; to the Committee on Finance.

By Mr. CANTWELL:
S. 835. A bill to require accurate fuel economy testing procedures; to the Committee on Environment and Public Works.

By Mr. INHOFE:
S. 837. A bill to amend the Safe Drinking Water Act to clarify the definition of the term ‘underground water’; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 44
At the request of Mr. HAGEL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 44, a bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $100,000.

S. 58
At the request of Mr. INOUYE, the name of the Senator from Kansas
(Mrs. LINCOLN) was added as a cosponsor of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner as retired members of the Armed Forces are entitled to travel on such aircraft.

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

At the request of Mr. BUNNING, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

At the request of Mr. SANTORUM, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. REID, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers’ Group Life Insurance program.

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DeWINE) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. BUNNING, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 473, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

At the request of Mr. WARNER, the names of the Senator from Alabama (Mr. SHELDON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. BYRD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

At the request of Mr. SESSIONS, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 518, a bill to provide for the establishment of a controlled substance monitoring program in each State.

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 536, a bill to make technical corrections to laws relating to Native Americans, and for other purposes.

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 551, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area.

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer’s disease research while providing more help to caregivers and increasing public education about prevention.

At the request of Mr. TALENT, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 610, a bill to amend the Internal Revenue Code of 1986 to provide for a small agri-biodiesel producer credit and to improve the small ethanol producer credit.

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New Jersey (Mr. CORZINE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America’s small, rural towns, and for other purposes.

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 749, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 767, a bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

At the request of Mr. ENNSH, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 9, a concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. Res. 82, a resolution urging the European Union to add Hezbollah to the European Union’s list of terrorist organizations.

At the request of Mr. ALLEN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 82, supra.

AMENDMENT NO. 338

At the request of Ms. SNOWE, the name of the Senator from Arizona (Mr.
McCain) was added as a cosponsor of amendment No. 338 intended to be proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 340

At the request of Mr. DeWine, the names of the Senator from Minnesota (Mr. Dayton) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 340 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 397

At the request of Ms. Mikulski, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of amendment No. 397 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 418

At the request of Mr. Schumer, the names of the Senator from Nevada (Mr. Reid) and the Senator from Minnesota (Mr. Dayton) were added as cosponsors of amendment No. 418 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. Feingold, the names of the Senator from Vermont (Mr. Leahy), the Senator from Oregon (Mr. Wyden) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of amendment No. 459 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Corzine (for himself and Mr. Lautenberg):

S. 825. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. Corzine. Mr. President, today, along with Senator Lautenberg, I am introducing legislation, the Crossroads of the American Revolution National Heritage Area Act, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey. I am proud to be joining my New Jersey colleagues, Representatives Rodney Frelinghuysen and Rush Holt, who have introduced this legislation in the House of Representatives, with the support of the entire New Jersey delegation.

This legislation recognizes the critical role that New Jersey played during the American Revolution. In fact, New Jersey was the site of nearly 300 military engagements that helped determine the course of our history as a Nation. Many of these locations, like the site where George Washington made his historic crossing of the Delaware River, are well known and preserved. Others, such as the Monmouth Battlefield State Park in Manalapan and Freehold, and New Bridge Landing in River Edge, are less well known and are threatened by development or in critical need of funding for rehabilitation.

To help preserve New Jersey's Revolutionary War sites, this legislation would establish a Crossroads of the American Revolution National Heritage Area, linking about 250 sites in 15 counties. This designation would authorize $10 million to assist preservation, recreational and educational efforts by the State, county and local governments as well as private cultural and tourism groups. The program would be managed by the non-profit Crossroads of the American Revolution Association.

Simply put, we are the Nation that we are today because of the critical events that occurred in New Jersey during the American Revolution and the many who died fighting there. By enacting the Crossroads of the American Revolution National Heritage Area Act of 2005, we will pay tribute to the patriots who fought and died in New Jersey so that we might become a Nation free from tyranny.

In the 107th Congress, I was proud to see the Senate approve this legislation as part of a bipartisan package of heritage area bills. Unfortunately, the bill was not approved by the House of Representatives. I will work even harder in the 109th Congress to see that this important legislation passes both houses and goes to the President's desk for his signature. I hope my colleagues will support this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-
bled, SECTION 1. SHORT TITLE. This Act may be cited as the “Crossroads of the American Revolution National Heri-
gage Area Act of 2005”.

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress finds that—
(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British forces and the Continental Congress; and
(2) General George Washington spent almost half of the period of the American Rev-
olution personally commanding troops of the Continental Army in the State of New Jer-
y, including 2 severe winters spent in encampments in the area that is now Morris-
town National Historical Park, a unit of the National Park System;
(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Wash-
ington, after retreating across the State of New Jersey from the State of New York to the State of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 26, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;
(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as “the times that try men’s souls”; and
(5) the sites of 296 military engagements are located in the State of New Jersey, in-
cluding—
(A) several important battles of the American Revolution that were significant to—
(i) the outcome of the American Revolution; and
(ii) the history of the United States; and
(B) several national historic landmarks, including Washington’s Crossing, the Old Trenton Barracks, and Princeton, Mon-
mouth, and Red Bank Battlefields;
(6) additional national historic landmarks in the State of New Jersey include the homes of—
(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;
(B) Elias Boudinot, President of the Conti-
tental Congress; and
(C) William Livingston, patriot and Gov-
ernor of the State of New Jersey from 1776 to 1790;
(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—
(A) retain the integrity of the period of the American Revolution; and
(B) present opportunities for con-
servation, education, and recreation;
(8) the National Register of Historic Places lists 251 buildings and sites in the National Park System in the heritage area for the Crossroads of the American Revolution that are associ-
ated with the period of the American Rev-
olution;
(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships be-
cause of—
(A) the continuous conflict in the State;
(B) foraging armies; and
(C) marauding contingents of loyalist To-
ries and rebel sympathizers;
(10) take into consideration that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—
(A) preserving and protecting cultural, his-
toric, and natural resources of the period; and
(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citi-
zens of the United States; and
(11) the National Park Service has con-
ducted a national heritage area feasibility study in the State of New Jersey that demon-
strates that there is a sufficient assem-
blage of nationally distinctive cultural, his-
toric, and natural resources necessary to es-

call the Crossroads of the American Revo-

tution National Heritage Area.
(b) PURPOSES.—The purposes of this Act are—
(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—
(A) the special historic identity of the State; and
(B) the importance of the State to the United States;
(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;
(3) to provide for the management, preser-
vation, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspira-
tional benefit of future generations;
(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—
(A) establishing a network of related his-
toric resources, protected landscapes, edu-
cational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and
(B) establishing partnerships between Mor-
ristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and
(5) to authorize Federal financial and tech-
nical assistance for the purposes described in paragraphs (1) through (4).

SEC. 3. DEFINITIONS.
In this Act:
(1) ASSOCIATION.—The term “Association” means the Crossroads of the American Revo-

tution Association, Inc., a nonprofit corpora-
tion in the State of New Jersey;
(2) HERITAGE AREA.—The term “Heritage Area” means the Crossroads of the American Revo-

tution National Heritage Area established by sec-

tion 4(a);
(3) MANAGEMENT ENTITY.—The term “man-

agement entity” means the management entity for the Heritage Area designated by sec-

tion 4(d);
(4) MANAGEMENT PLAN.—The term “man-

agement plan” means the management plan for the Heritage Area developed under sec-

tion 5;
(5) MAP.—The term “map” means the map entitled “Crossroads of the American Revo-

tution National Heritage Area”, numbered CRREL04000, and dated April 2002.
(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior;
(7) STATE.—The term “State” means the State of New Jersey.

SEC. 4. CROSSROADS OF THE AMERICAN REVO-

ULTION NATIONAL HERITAGE AREA.
(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.
(b) BOUNDARIES.—The Heritage Area shall consist of—
(1) water; and
(2) the boundaries of the Heritage Area, as depicted on the map.
(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. MANAGEMENT PLAN.
(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to carry out this Act, the manage-
ment entity shall submit to the Secretary for approval a management plan for the Her-
itage Area;
(b) REQUIREMENTS.—The management plan shall—
(1) include comprehensive policies, strate-
gies, and recommendations for conservation, funding, management, and development of the Heritage Area;
(2) take into consideration existing State, county, and local plans;
(3) describe actions that units of local gov-
ernment, private organizations, and individ-
uals have agreed to take to protect the cul-
tural, historic, and natural resources of the Heritage Area;
(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and
(5) include—
(A) an inventory of the cultural, educa-
cational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;
(B) recommendations of policies and strate-
gies for resource management that result in—
(i) application of appropriate land and water management techniques; and
(ii) development of intergovernmental and interagency cooperative agreements to pro-
tect the cultural, educational, historic, nat-
ural, recreational, and scenic resources of the Heritage Area;
(C) a program of implementation of the management plan that includes for the first 5 years of implementation—
(i) plans for resource protection, restora-
tion, and recreation; and
(ii) specific commitments for implementa-
tion that have been made by the manage-
ment entity or any government, organiza-
tion, or individual;
(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the Na-
tional Park Service, may be best coordinated to promote the purposes of this Act; and
(E) an interpretive plan for the Heritage Area;
(c) APPROVAL OR DISAPPROVAL OF MANAGE-
MENT PLAN.—
(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan;
(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—
(A) the Board of Directors of the manage-
ment entity is representative of the diverse interests of the Heritage Area, including—
(i) governmental;
(ii) natural and historic resource protec-
tion organizations;
(iii) educational institutions;
(iv) businesses; and
(v) recreational organizations;
(B) the management entity provided ade-
quate opportunity for public and govern-
mental involvement in the preparation of the management plan, including public hear-
ings;
(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make available for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) PRIORITY FOR ASSISTANCE.—Funds made available under this Act shall not be expended by the management entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this Act shall be made available to the management entity only for implementation of the approved management plan.

SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE MANAGEMENT ENTITY.

(a) AUTHORIZED.—For purposes of preparing and implementing the management plan, the management entity may use funds made available under this Act to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain and provide services from any source (including a Federal law or program); and

(4) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semi-annually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the recipient keep and make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the management entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the management entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the management entity, the Secretary may provide technical assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area;

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area;

(C) preserving of historic properties—To carry out the purposes of this Act, the Secretary may provide assistance to a State or local government, nonprofit organization, or 501(c)(3) organization to provide for the appropriate treatment of—

(i) historic objects; or

(ii) structures listed or eligible for listing on the National Register of Historic Places.

(3) ORGANIZATIONS.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the management entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this Act, the Secretary may provide assistance to a State or local government, nonprofit organization, or 501(c)(3) organization to provide for the appropriate treatment of—

(i) historic objects; or

(ii) structures listed or eligible for listing on the National Register of Historic Places.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the management entity regarding the activity;

(2)(A) cooperate with the Secretary and the management entity in carrying out all of the activities of the Federal agency under this Act; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of other Federal activities; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this Act shall not be more than 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide any assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. BURNS:

S. 826. A bill to provide that the conveyance of the former radar bomb scoring site to the city of Conrad, Montana, is not subject to reversion; to the Committee on Armed Services.

Mr. BURNS. Mr. President, I take the floor today to ask that we finally help the town of Conrad, MT continue its successful program of providing affordable housing for our seniors. I renew my commitment to making sure this occurs.

In the defense authorization act of 1994, the Air Force conveyed an unused 42-acre parcel of land to the city of Conrad, which then built a retirement home for Montana veterans. The home has been a great success, and the city of Conrad has begun the process of expanding the facility.

When the city proposed using the land as collateral for the home, it ran into a problem. In the quasitax deed where we conveyed the land to the city, we included a customary reversion clause that would transfer the property back to the Department of Defense in the event that the land stopped being used for the purpose of housing or public recreation.

While the intent of this clause is and will continue to be met, a small city like Conrad must use the title to the land to secure construction loans, rather than issuing a municipal bond or some other measure to raise funds used by larger cities. The reversion clause prevents banks from using the land to secure the loan, as the city does not have clear title to the land.

Therefore, I ask the Senate to approve this modification to public law 103–160, section 2316 regarding the 42 acre site of the Blue Sky Villa, which removes the reversion clause for this
land, giving the city of Conrad clear title. I thank the Senate for its consideration of this important matter for our senior citizens in Montana.

By Mr. FINGOLD (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 827. A bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FINGOLD. Mr. President, I am pleased to introduce the Dairy Cheese Act of 2005. This legislation will protect the consumer, save taxpayer dollars and provide support to America’s dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese. But some in the food industry have pushed the Food and Drug Administration (FDA) to change current labeling laws that could allow unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats, some cheese labels saying “domestic” and “natural” will no longer be truly accurate.

If the Federal Government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, some cheese labels saying “domestic” and “natural” will no longer be truly accurate.

If USDA and FDA allow a change in Federal rules, imitation milk proteins known as milk protein concentrate, casein, or dry ultra filtered milk could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other parts of the U.S.

I was deeply concerned by these efforts to change America’s natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole that could allow unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

While the industry proposal was withdrawn, my legislation would permanently prevent a similar back-door attempt to allow imitation milk as a cheese ingredient and ensure that consumers could be confident that they were buying natural cheese when they saw the natural label.

Over the past decade, cheese consumption has risen at a strong pace due in part to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

These proposals to change our natural cheese standards, however, could decrease consumption of natural cheese by raising concerns about the origin of casein and milk protein concentrate. Use of such products could significantly tarnish the wholesome reputation of natural cheese in the eyes of the consumer and have unknown effects on quality and flavor.

This change could seriously compromise decades of work by America’s dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America’s farmers or to consumers. After all, consumers have a right to know if the cheese that they buy is unmistakably and clearly identified as milk protein concentrate milk into supposedly natural cheese, we are denying consumers the entire picture.

Allowing MPCs or dry ultra-filtered milk into natural cheeses would also harm dairy farmers across the country. Year after year, dairy farmers have seen the natural label.

While the industry proposal was excluded in America’s dairy industry; and

(4) changing the labeling standard for domestic natural cheese would be misleading to the consumer.

(b) Prohibition.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking “Whenever” and inserting “(a) Whenever”;

(2) by adding at the end the following:

(b) The Commissioner may not use any food standard, or any corresponding regulation or ruling, to include dry ultra-filtered milk, milk protein concentrate, or casein in the definition of the term ‘milk’ or ‘nonfat milk’, as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding regulation or ruling) .

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. CORNYN, Mr. LEAHY, Mr. CRAIG, Mr. FINGOLD, Mr. ALLEN, Mr. DURBIN, Mr. GRAHAM, Mr. DEWINE, and Mr. ALLARD):

S. 829. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the “Sunshine in the Courtroom Act.” This bill will give Federal judges the discretion to allow for the photographing, electronic recording, broadcasting and televising of Federal court proceedings. The Sun-

Title 1. SHORT TITLE

SEC. 1. SHORT TITLE.

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Quality Cheese Act of 2005”.

SEC. 2. NATURAL CHEESE STANDARD.

(a) FINDINGS.—Congress finds that—

(1) (A) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would result in increased costs to the dairy price support program; and

(B) that change would be unfair to taxpayers, who would be forced to pay more program costs.

(2) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would result in lower revenues for dairy farmers;

(3) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would cause dairy products containing dry ultra-filtered milk, milk protein concentrate, or casein to become vulnerable to contamination and would compromise the sanitation, hydrosanitary, and phytosanitary standards of the United States dairy industry; and

(4) changing the labeling standard for domestic natural cheese would be misleading to the consumer.

(b) Prohibition.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking “Whenever” and inserting “(a) Whenever”;

(2) by adding at the end the following:

(b) The Commissioner may not use any food standard, or any corresponding regulation or ruling, to include dry ultra-filtered milk, milk protein concentrate, or casein in the definition of the term ‘milk’ or ‘nonfat milk’, as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding regulation or ruling) .

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. CORNYN, Mr. LEAHY, Mr. CRAIG, Mr. FINGOLD, Mr. ALLEN, Mr. DURBIN, Mr. GRAHAM, Mr. DEWINE, and Mr. ALLARD):
are served by using electronic media in Federal courtrooms.

There are many benefits and no substantial detrimental effects to allowing greater public access to the inner workings of our Federal courts. Fifteen States have already studied video coverage at the educational benefits derived from camera access courtrooms. They all determined that camera coverage contributed to greater public understanding of the judicial system. Moreover, in State court proceedings show that still video cameras can be used without any problems, and that procedural discipline is preserved. According to the National Center for State Courts, all 50 States allow for some modern audio-visual coverage of court proceedings under a variety of rules and conditions. My own State of Iowa has operated successfully in this open manner for over 20 years. Further, at the Federal level, the Federal Judicial Center conducted a program in 1994 which studied the effect of cameras in a select number of Federal courts. That study found "small or no effects of camera presence on participants in the proceeding, courtroom decorum, or the administration of justice." I would like to note that even the Supreme Court has recognized that there is a serious public interest in the open airing of important court cases. At the urging of Senator Schumer and myself, Chief Justice Rehnquist allowed the delayed audio broadcasting of the oral arguments before the Supreme Court in the 2000 presidential election dispute. The Supreme Court's response to our request was an historic, major step in the right direction. Since then, the Supreme Court has allowed for audio broadcasting in other landmark cases. Other courts have followed suit, such as the live audio broadcast of oral arguments before the D.C. Circuit in the Micron case and the televising of appellate proceedings before the Ninth Circuit in the Napster copyright case. The public wants to see what is happening in these important judicial proceedings, and the benefits are significant in terms of public knowledge and discussion.

We've introduced the Sunshine in the Courtroom Act with a well-founded confidence based on the experience of the States as well as State and Federal studies. In order to be certain of the safety and integrity of our judicial system, we have included a 3-year sunset provision allowing a reasonable amount of time to determine how the process is working before making the provisions of the bill permanent.

It is also important to note that the bill simply gives judges the discretion to use cameras in the courtroom. It does not require judges to have cameras in their courtroom if they do not want them. The bill also protects the anonymity of non-party witnesses by giving them the right to have their voices and images obscured during testimony.

So, the bill does not require cameras, but allows judges to exercise their discretion to permit camera in appropriate cases. The bill protects witnesses and does not compromise safety. The bill preserves the integrity of the judicial system. The bill is based on the experience of the States and the Federal courts. And the bill's net result will be greater openness and accountability of the nation's Federal courts. The best way to maintain confidence in our judicial system, where the Federal Government holds tremendous power, is to let the sun shine in by opening up the Federal courtrooms to public view through broadcasting. And allowing cameras in the courtroom will bring the judiciary into the 21st century. I urge my colleagues to join me in supporting the Sunshine in the Courtroom Act.

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

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

SEC. 1. SHORT TITLE. This Act may be cited as the "Sunshine in the Courtroom Act of 2005".

SEC. 2. DEFINITIONS. In this Act:
(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—
(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the Chief Justice participates; and
(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.
(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

SEC. 3. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.
(a) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.
(b) AUTHORITY OF DISTRICT COURTS.—
(1) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.
(2) OBSCURING OF WITNESSES.—
(A) IN GENERAL.—Upon the request of any witness in a trial proceeding other than a criminal case, the court, and in the case of a criminal proceeding, the presiding judge, in the discretion of that judge, may order the image and voice of that witness to be obscured during the witness' testimony.

The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, in the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under subsections (a) and (b).

SEC. 4. SUNSET.
The authority under section 3(b) shall terminate 3 years after the date of the enactment of this Act.

By Mr. BINGAMAN:
S. 831. A bill to provide for the establishment of a Health Workforce Advisory Commission to review Federal health workforce policies and make recommendations on improving those policies; to the Committee on Health, Education, Labor, and Pensions.
Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will help address the nation's health workforce shortages we will be facing in this country. Health care expenditures represent 15.3 percent of U.S. gross domestic product. These expenditures are expected to rise to 18.7 percent by 2014. As health care needs grow, society faces increasing challenges related to the health care workforce. By 2020, 29 percent nursing positions are projected to be vacant. From 2000–2010, an additional 1.2 million aides will be needed to cover projected growth in long-term care positions and replacement of departing workers. An aging health care workforce means that by 2008, almost half of the workforce will be 45 years of age and older. Currently, U.S. providers face a shortage of medical and foreign trained nurses to fill some critical roles, while continuing to face a shortage of providers in health professional shortage areas. Health workforce challenges need to be analyzed, understood, and alleviated, to ensure better access and better quality of care.

The Health Workforce Advisory Commission Act of 2005 will help to create a national vision to serve as a roadmap for investing in the health workforce. Through analysis and recommendation, an 18 member commission of national workforce and health experts will provide insight regarding the solutions necessary to enhance our health workforce. Key areas for commission focus will include planning, supply and distribution of physicians, nurses and other health professionals, studying the national and global impact of workforce policies related to the utilization of internationally trained practitioners, and developing appropriate policies to ensure diversity of the U.S. health workforce. The commission will make recommendations to Congress on health workforce policy.

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It is vital that the U.S. take new measures to ensure that workforce challenges are met and overcome for current and future generations. By undertaking and overcoming the challenges before us, we will enhance both the quality of our care and the quality of life, provide access nationwide, and build a health care system that is consistent with our current and future health and economic needs. The Health Workforce Advisory Commission can serve a new and integral role for our health care system and our society, now and in the future.

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

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

S 831

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 “Health Workforce Advisory Commission Act of 2005”.

SEC. 2. HEALTH WORKFORCE ADVISORY COMMISSION.

(a) Establishment.—The Comptroller General shall establish a commission to be known as the Health Workforce Advisory Commission (referred to in this Act as the “Commission”).

(b) Membership.—

(1) IN GENERAL.—The Commission shall be composed of 18 members to be appointed by the Comptroller General not later than 90 days after the date of enactment of this Act, and an ex-officio member who shall serve as the Director of the Commission.

(2) QUALIFICATIONS.—In appointing members to the Commission under paragraph (1), the Comptroller General shall ensure that—

(A) the Commission includes individuals with national recognition for their expertise in health care workforce issues, including workforce forecasting, graduate and undergraduate training, economics, health care and health care systems financing, public health policy, and other fields;

(B) the members are geographically representative of the United States and maintain a balance between urban and rural representatives;

(C) the members includes a representative from the commissioned corps of the Public Health Service;

(D) the members represent the spectrum of professions in the current and future health care workforce, including physicians, nurses, and other health professionals and personnel, and are skilled in the conduct and interpretation of health care workforce measurement, evaluation, health services, economic, and other workforce related research and technology assessment;

(E) at least 25 percent of the members who are health care providers are from rural areas; and

(F) a majority of the members are individuals who are not currently primarily involved in the creation or management of health professions education and training programs.

(3) TERMS AND VACANCIES.

(A) Terms.—The term of service of the members of the Commission shall be for 3 years except that the Comptroller General shall designate staggered terms for members initially appointed under paragraph (1).

(B) VACANCIES.—Any member who is appointed to fill a vacancy on the Commission that occurs before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.

(4) CHAIRPERSON.

(A) DESIGNATION.—The Comptroller General shall designate a member of the Commission, at the time of the appointment of such member, to serve as the Chairperson of the Commission; and

(B) TERM.—A member shall serve as the Chairperson or Vice Chairperson of the Commission under subparagraph (A) for the term of such member.

(C) VACANCY.—In the case of a vacancy in the Chairpersonship or Vice Chairpersonship, the Comptroller General shall designate another member to serve for the remainder of the vacant member’s term.

(d) DUTIES.—The Commission shall—

(1) review health workforce policies implemented—

(A) under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1396, 1396 et seq.);

(B) under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292, 296 et seq.);

(C) by the National Institutes of Health;

(D) by the Department of Health and Human Services;

(E) by the Department of Veterans Affairs; and

(F) by other departments and agencies as appropriate;

(2) analyze and make recommendations to improve the methods used to measure and monitor the health workforce and the relationship between the number and make up of such personnel and the access of individuals to appropriate health care;

(3) review the impact of health workforce policies and other factors on the ability of the health care system to provide optimal medical and health care services;

(4) analyze and make recommendations pertaining to Federal incentives (financial, regulatory, and otherwise) and Federal programs that are in place to promote the education of an appropriate number and mix of health professionals to provide access to appropriate health care in the United States;

(5) analyze and make recommendations about the appropriate supply and distribution of physicians, nurses, and other health professionals and personnel to achieve a health care system that is safe, effective, patient centered, timely, equitable, and efficient;

(6) analyze the role and global implications of internationally trained physicians, nurses, and other health professionals and personnel in the United States health workforce;

(7) analyze and make recommendations about appropriate policies with respect to the health workforce in the United States health workforce;

(8) conduct public meetings to discuss health workforce policy issues and help form the agenda for Congress and the Secretary of Health and Human Services;

(9) in the course of meetings conducted under paragraph (8), consider the results of staff research, presentations by policy experts, and comments from interested parties;

(10) make recommendations to Congress concerning health workforce policy issues;

(11) not later than April 15, 2006, and each April 15 thereafter, submit a report to Congress containing the results of the reviews conducted under this subsection and the recommendations developed under this subsection;

(12) periodically, as determined appropriate by the Commission, submit reports to Congress containing the results of the reviews conducted under this Act or under other arrangements; and

(13) carry out any other activities determined appropriate by the Secretary of Health and Human Services.

(e) ONGOING DUTIES CONCERNING REPORTS AND REVIEWS.

(1) COMMENTING ON REPORTS.—

(A) SUBMISSION TO COMMISSION.—The Secretary of Health and Human Services shall transmit to the Commission a copy of each report that is submitted by the Secretary to Congress if such report is required by law and relates to health workforce policy.

(B) REVIEW.—The Commission shall review a report transmitted under subparagraph (A) and, not later than 6 months after the date on which the report is transmitted, submit to the appropriate committees of Congress written comments concerning such report. Such comments may include such recommendations as the Commission determines appropriate.

(2) AGENDA AND ADDITIONAL REVIEWS.—

(A) IN GENERAL.—The Commission shall consult periodically with the chairman and ranking members of the appropriate committees of Congress concerning the agenda and progress of the Commission.

(B) ADDITIONAL REVIEWS.—The Commission may, from time to time, determine reviews and submit additional reports to the appropriate committees of Congress on topics relating to Federal health workforce-related programs and activities, as determined by the chairman and ranking members of such committees.

(3) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary of Health and Human Services a copy of each report submitted by the Commission under this section and shall make such reports available to the public.

(f) POWERS OF THE COMMISSION.—

(1) GENERAL POWERS.—Subject to such review as the Comptroller General determines to be necessary to ensure the efficient administration of the Commission, the Commission may—

(A) employ and fix the compensation of the Executive Director and such other personnel as may be necessary to carry out its duties;

(B) seek such assistance and support as may be required in the performance of its duties;

(C) enter into contracts or make other arrangements as may be necessary for the conduct of the work of the Commission;

(D) make advance, progress, and other payments that relate to the work of the Commission;

(E) provide transportation and subsistence for personnel who are serving without compensation; and

(F) prescribe such rules and regulations at the Commission’s determination with respect to the internal organization and operation of the Commission.

(2) INFORMATION.—To carry out its duties under this section, the Commission—

(A) shall have unrestricted access to all deliberations, records, and nonproprietary data maintained by the General Accounting Office;

(B) may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under this section, on a schedule that is agreed upon between the Chairperson and the head of the department or agency involved;

(C) shall utilize existing information (published and unpublished) collected and assessed either by the staff of the Commission or under other arrangements;

(D) may conduct, or make grants or contracts for the conduct of, original research and experimentation where information
available under subparagraphs (A) and (B) is inadequate;
(E) may adopt procedures to permit any interested party to submit information to be used by the Commission in making reports and recommendations under this section; and
(F) may carry out other activities determined appropriate by the Commission.
(i) ADMINISTRATIVE PROVISIONS.—
(1) COMPENSATION.—While serving on the business of the Commission a member of the Commission entitled to compensation at the per diem equivalent of the rate provided for under level IV of the Executive Schedule under title 5, United States Code.
(2) MEETINGS.—The Commission shall meet at the call of the Chairperson.
(3) EXECUTIVE DIRECTOR AND STAFF.—The Comptroller General shall appoint an individual to serve as the interim Executive Director of the Commission until the members of the Commission are able to select a permanent Executive Director under subsection (e)(1)(A).
(4) ETHICAL DISCLOSURE.—The Comptroller General shall establish a system for public disclosure by members of the Commission of financial interests and financial conflicts of interest relating to such members.
(5) AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.
(g) FUNDING.—
(1) REQUESTS.—The Commission shall submit requests for appropriations in a manner as the Comptroller General submits such requests. Amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.
(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, $6,000,000 for fiscal year 2007, and such sums as may be necessary for each subsequent fiscal year, of which—
(A) 80 percent of such appropriated amount shall be made available from the Federal Hospital Insurance Trust Fund under section 1395i; and
(B) 20 percent of such appropriation shall be made available for amounts appropriated for the Comptroller General.
(h) DEFINITION.—In this Act, the term "provisional committees of Congress" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

By Mr. BINGMAN (for himself, Mr. SMITH, Mr. BAUCUS, Mr. GRASSLEY, Mr. AKAKA, Mr. SCHUMER, and Mr. PRYOR):
S. 832. A bill to amend the Internal Revenue Code of 1986 to provide tax-payer protection and assistance, and for other purposes; to the Committee on Finance.
MR. BINGMAN. Mr. President, I rise today to introduce the "Taxpayer Protection and Assistance Act of 2005" with Senators Smith, Baucus, Grassley, Akaka, Schumer, and Pryor. This legislation combines several various provisions introduced by various Senators that our nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable and affordable. As long as we continue to require taxpayers to determine their own tax liability each year, we have a responsibility to ensure that we do not leave taxpayers vulnerable to abuses from those masquerading as tax professionals. This is bad for everyone including the majority of tax return preparers who provide professional and much needed services to taxpayers in their communities. I encourage my colleagues to work with us to ensure that the improvements that could be brought about by this bill are in place before the next filing season begins.
As I previously stated, this legislation is composed of several provisions. The first section would create a $10 million matching grant program for lower income tax preparation clinics much like the program we have currently have in place for tax controversies. I have seen first hand the impact free tax preparation clinics can have on taxpayers and their communities as we are fortunate to have one of the best state-wide programs in the nation in New Mexico. TaxHelp New Mexico, which was started only a couple of years ago, helped 17,000 New Mexicans prepare and file their returns last year, resulting in over $14 million in refunds—all without refund anticipation loans. This year they are on pace to pass their goal of helping 25,000 elderly and economically disadvantaged taxpayers prepare their tax returns and electronically file their returns. This program, started by Fred Gordon and Robin Brule from TVI and Carol Radosevich and Jeff Sterba from PNM, has turned into one of the best delivery mechanisms of assistance I have seen in the state. This program has been fortunate to receive additional funding from the Annie E. Casey Foundation and the McCune Foundation. In order to continue to grow, though, we need to do our part in Congress and give them matching funding so they can continue their outreach into new communities in need of assistance.
The second set of provisions contained in the legislation would ensure that when taxpayers hire someone to help them with their tax returns they can be sure that the person is competent and professional. The first part of the bill makes sure that an enrolled agent, a tax professional licensed to practice before the IRS, shall have the exclusive right to describe him or herself as an "enrolled agent," "EA," or "E.A." In New Mexico, enrolled agents play an important role in helping taxpayers with problems with the IRS and RALs. They have earned the right to use their credentials, and we should prohibit those who have not taken the rigorous exams and do not have their experience to confuse the public into thinking they too have the same credentials. The second part of the bill requires the Treasury to determine what standards need to be met in order for a person to prepare tax returns commercially. Like all other tax professionals, this will require people who make a living preparing taxes to take a minimum competency exam and take brush up courses each year to keep abreast of tax law changes. The majority of tax return preparers already meet these standards, and it is clear that those who do not need to in order to prepare returns for a fee. The Treasury Department will also be required to operate a public awareness campaign so that taxpayers will know what a RAL is and how to check to be sure that someone preparing their tax returns for a fee is qualified.
The third set of provisions would directly address the problems with refund anticipation loans (RAL), which is a problem throughout the country, but is particularly bad in New Mexico. First, this bill requires refund loan facilitators to register with the Treasury Department. Refund loan facilitators are those people who solicit, process, or otherwise facilitate the making of a refund anticipation loan in relation to a tax return being electronically filed. The legislation also requires these refund loan facilitators to properly disclose to taxpayers that they do not get a RAL in order to file their return electronically, as well as clearly disclose what all the costs involved with the loan. Finally, the refund loan facilitators must disclose to taxpayers that these loans would allow their refunds to be offset by the amount of the loan. Failure to follow these new rules will empower Treasury to impose penalties as appropriate. Like the credentials required for preparing returns, the Treasury Department would need to operate a public awareness campaign to educate the public on the real costs of RALS as compared to other forms of credit. This program will be funded, at least in part, by amounts collected from penalties imposed on refund loan facilitators.
The last section of the bill is an issue that my colleague from Hawaii, Senator Akaka, has been actively working on for the last several years. This provision requires the Treasury Department to award grants to financial institutions or charitable groups that help low income taxpayers set up accounts at bank or credit union. Because many taxpayers do not have checking or savings accounts, their refund from IRS cannot be electronically wired to them. The alternative is to have the check mailed to the taxpayer or to have the refund immediately loaned to the taxpayer in the form of a RAL. Of course, getting people to set up checking or saving accounts for purposes of receiving their tax refund will also have the benefit of getting many of these people to start saving for the first time.

In conclusion, I would specifically like to thank Anita Horn Rizek from the Finance Committee for her tireless dedication to improving our nation's tax system and ensuring that all taxpayers are treated fairly regardless of their income class. Without her efforts, this legislation would not have been possible.
I hope my colleagues will join with us to ensure that another tax year does...
not go by without making these modest changes. In order for our voluntary tax system to continue to function, taxpayers must have access to tax professionals with the highest ethical standards and greatest substantive knowledge possible. This bill will go a long way toward maintaining the integrity of the tax administration system.

I ask unanimous consent that the text of the bill and an analysis of the bill be printed in the Record.

The Chair, the material was ordered to be printed in the Record, as follows:

S. 832
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This Act may be cited as the “Taxpayer Protection and Assistance Act of 2005”.

(b) Amendment of 1986 Code.—Except as otherwise provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or reenactment of, title 31, United States Code, title 31, United States Code, is amended by striking $6,000,000 and inserting “$10,000,000”.

SEC. 2. LOW-INCOME TAXPAYER CLINICS.

(a) Grants for Return Preparation Clinics.—

(1) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

“Sec. 7526A. RETURN PREPARATION CLINICS.

“(a) Qualified Return Preparation Clinics.—

“(1) Qualifying for Federal Tax Returns.—

“(i) In General.—The term ‘qualifying for Federal tax returns’ means preparing Federal tax returns, including scheduled reports reporting sole proprietorship or farm income.

“(ii) Assistance to Low-Income Taxpayers.—A clinic is treated as assisting low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(B) Other Assistance.—A clinic is treated as assisting individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(C) Clinics.—The clinic has tax returns prepared by individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(D) Other Assistance.—A clinic is treated as assisting low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(1) In General.—The term ‘assistance to low-income taxpayers’ means assisting low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(2) Assistance to Low-Income Taxpayers.—A clinic is treated as assisting low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(3) Other Assistance.—A clinic is treated as assisting low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(d) Grants.—(1) In General.—The term ‘grants’ means grants to qualified return preparation clinics for assistance to low-income taxpayers.

“(2) Requirements.—A grant to a qualified return preparation clinic may only be made if—

“(A) the clinic is located in a low-income area as determined in accordance with criteria established by the Director of the Office of Management and Budget;

“(B) the clinic has tax returns prepared by individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

“(1) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding after the item relating to section 7526 the following new paragraph:

“(7) Promoting Clinics.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

“(2) SEC. 7528. ENROLLED AGENTS.

“(a) In General.—(1) In General.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regard to their practice before the Internal Revenue Service.

“(b) Use of Credentials.—The regulations under paragraph (1) shall provide that each enrolled agent shall file a statement with the Secretary, including the following information:

“(i) The name and address of the individual to whom enrolled agent status was granted;

“(ii) The date on which enrolled agent status was granted;

“(iii) The date on which enrolled agent status was revoked.

“(c) Protections for Individual Enrolled Agents.—The regulations under paragraph (1) shall provide for the protection of individual enrolled agents from harm to their livelihood or reputation.

“(d) Waiver of Tax Liabilities.—The Secretary may waive a tax liability in accordance with the provisions of section 6103(f) if the Secretary determines that the waiver is in the public interest and is not inconsistent with the administration of this title.

“(e) Conviction For Certain Crimes.—A convicted person may not be licensed to practice as enrolled agent.

“(f) Restrictions on Use of Credentials.—A person who is not a licensed enrolled agent may not practice as an enrolled agent.

“(g) Enforcement.—The regulations under this section shall be enforced by such means as the Secretary determines to be appropriate.

“(h) Authority.—Section 330(a)(1) of title 31, United States Code, is amended by inserting “(including compensated preparers of tax returns, documents, and other submissions)” after “representatives”.

“(b) REQUIREMENTS.—In general.—(1) Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code, as follows:

“(A) To regulate those compensated preparers who are not otherwise regulated under regulations promulgated under section 7526(c) of title 31, United States Code, as follows:

“(B) To carry out the provisions of, and amendments made by, this section.

“(C) To carry out the provisions of, and amendments made by, this section.

“(D) To provide for the suspension or termination of such eligibility in the event of any failure to comply with the requirements for such eligibility.

“(E) Office of Professional Responsibility.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(6) Office of Professional Responsibility.—(1) In General.—There shall be in the Internal Revenue Service an Office of Professional Responsibility the functions of which shall be as prescribed by the Secretary of the Treasury, including the carrying out of the purposes of this section.

“(2) Director.—The Director, Office of Professional Responsibility, shall be appointed by the Secretary of the Treasury without regard to the provisions of title 5 relating to appointments in the competitive service or the Senior Executive Service.

“(3) Hearing.—Any hearing on an action initiated by the Director, Office of Professional Responsibility to impose a sanction or impose a sanction may be conducted in accordance with subsections 556 and 557 of title 5 or 1 or
more administrative law judges appointed by the Secretary of the Treasury under section 3105 of title 31.

"(4) INFORMATION ON SANCTIONS TO BE AVAILABLE.—

(A) SANCTIONS INITIATED BY ACTION.—

When an action is initiated by the Director, Office of Professional Responsibility, to imposes any sanction under regulations promulgated under this section, the pleadings, and the record of the proceeding and hearing shall be open to the public (subject to restrictions imposed under subparagraph (C)).

(B) SANCTION NOT INITIATED BY ACTION.—

When a sanction under regulations promulgated under this section is imposed by the Director, Office of Professional Responsibility, to impose a sanction (other than a private reprimand) is imposed without initiation of an action, the Director, Office of Professional Responsibility, shall make available to the public information identifying the representative, employer, firm or other entity sanctioned, as well as information about the conduct which gave rise to the sanction (subject to restrictions imposed under subparagraph (C)).

"(C) RESTRICTIONS ON RELEASE OF INFORMATION.—

Information about clients of the representative, employer, firm or other entity and medical information with respect to the representative shall not be released to the public or discussed in an open hearing, except to the extent necessary to understand the nature, scope, and impact of the conduct giving rise to the sanction or proposed sanction. Disagreements regarding the application of terms or conditions shall be resolved by the administrative law judge or, when a sanction is imposed without initiation of an action, by the Director, Office of Professional Responsibility.

"(5) FEES.—Any fees imposed under regulations promulgated under this section shall be available without fiscal year limitation to the Office of Professional Responsibility for the purpose of reimbursement of the costs of administering and enforcing the requirements of such regulations.

(d) PENALTIES.—

(1) INCREASE IN CERTAIN PENALTIES.—

Subsections (b) and (c) of section 6696 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking "$50" and inserting "$500".

(2) USE OF PENALTIES.—

Unless specifically provided otherwise, there is authorized to be appropriated and is appropriated to the Office of Professional Responsibility for each fiscal year for the administration of the public revenue debt collection program of subsection (b) an amount equal to the penalties collected during the preceding fiscal year under sections 6694 and 6695 of the Internal Revenue Code of 1986 and under the regulations promulgated under section 330 of title 31, United States Code (by reason of subsection (b)(1)).

(e) COORDINATION WITH SECTION 6060(A).—

The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(f) PUBLIC WARNING CAMPAIGN.—

The Secretary of the Treasury shall conduct a public information and consumer education campaign—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns and tax return submissions must meet to the requirements under the regulations promulgated under such section shall must sign the return, document, or submission prepared for a fee and display notice of such preparer’s compliance under such regulations.

(g) ADDITIONAL FUNDS AVAILABLE FOR COMPLIANCE WITH THE REGULATIONS.—

The Secretary may use any specifically appropriated funds for earned income tax credit compliance enforcement under subparagraph (A) of section 6692 to enforce the requirements promulgated under section 330 of title 31, United States Code.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. CONTRACT AUTHORITY FOR EXAMINATIONS OF PREPARERS.

The Secretary of the Treasury is authorized to contract for the development or administration, or both, of any examinations under the regulations promulgated under section 330 of title 31, United States Code.

SEC. 6. REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.

(a) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions), as amended by this Act, is amended by inserting at the end of the following new section:

"SEC. 7530. REFUND ANTICIPATION LOAN FACILITATORS.

(1) REGISTRATION.—Each refund loan facilitator shall register with the Secretary on an annual basis. As a part of such registration, each refund loan facilitator shall provide the Secretary with the taxpayer identification number of each facilitator.

(b) DISCLOSURE.—Each refund loan facilitator shall disclose to a taxpayer both orally and on a separate written form at the time such taxpayer applies for a refund anticipation loan the following information:

(I) NATURE OF THE TRANSACTION.—The refund loan facilitator shall disclose—

(A) that the taxpayer is applying for a loan that is based upon the taxpayer’s anticipated income tax refund;

(B) the expected time within which the loan will be paid to the taxpayer if such loan is approved;

(C) the time frame in which tax refunds are typically paid based upon the different filing options available to the taxpayer;

(D) that there is no guarantee that a refund will be procured within a specified time period and that the taxpayer is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed;

(E) if the refund loan facilitator has an agreement with another refund loan facilitator (or any lender working in conjunction with a refund loan facilitator) to offset outstanding liabilities for previous refund anticipation loans provided by such other refund loan facilitator, that any such facilitator may be so offset and the implication of any such offset;

(F) that the taxpayer may file an electronic return without applying for a refund anticipation loan and the fee for filing such an electronic return; and

(G) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit and the taxpayer should carefully consider—

(i) whether such a loan is appropriate for the taxpayer;

(ii) other sources of credit.

(2) FEES AND INTEREST.—The refund loan facilitator shall disclose all refund anticipation loan fees and charges to the taxpayer (subject to restrictions imposed under subparagraph (C)).

(3) REFUND ANTICIPATION LOAN FEES.—The term ‘refund anticipation loan fees’ means the fees, charges, interest, and other consideration charged or imposed by the lender or facilitator for the making of a refund anticipation loan.

(e) REGULATIONS.—The Secretary may prescribe such regulation as necessary to implement the requirements of this section.

(2) Clerical Amendment.—The table of sections for chapter 77, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 7530 Refund anticipation loan facilitators."

(b) DISCLOSURE OF PENALTY.—Subsection (k) of section 6103 is amended by adding at the end the following new paragraph:

"(10) DISCLOSURE OF PENALTIES ON REFUND ANTICIPATION LOAN FACILITATORS.—The Secretary may disclose the name of any person who has been imposed a monetary penalty under section 7530 and the amount of any such penalty."
for the administration of the public awareness campaign described in subsection (d) an amount equal to the penalties collected during the preceding fiscal year under section 7350 of the Internal Revenue Code of 1986.

(d) **PUBLIC AWARENESS CAMPAIGN.**—The Secretary of the Treasury shall conduct a public information and consumer education campaign, individually and through grantee institutions, to educate the public on making sound financial decisions with respect to refund anticipation loans (as defined under section 7350 of the Internal Revenue Code of 1986), including the need to compare—

(i) the rates and fees of such loans with the rates and fees of conventional loans; and

(ii) the amount of money received under the loan after taking into consideration such costs and fees with the total amount of the refund.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

## SEC. 7. **TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary is authorized to award demonstration projects under this section (including multi-year grants) to eligible entities which partner with volunteer and low-income preparation organizations to provide tax preparation services and assistance. In connection with employing an account in a federally insured depository institution for individuals that currently do not have such an account.

(b) **ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) **DEFINITIONS.**—For purposes of this section—

(A) **FEDERALLY INSURED DEPOSITORY INSTITUTION.**—The term "federally insured depository institution" means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The term "community development financial institution" means any organization that has been certified as such pursuant to section 101 of the Small Business Act (15 U.S.C. 636).

(C) **ALASKA NATIVE CORPORATION.**—The term "Alaska Native Corporation" means the same as the term "Native Corporation" under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) **NATIVE HAWAIIAN ORGANIZATION.**—The term "Native Hawaiian organization" means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has been formed with a purpose and stated purpose the provision of services to Native Hawaiians.

(E) **LABOR ORGANIZATION.**—The term "labor organization" means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours of employment, or conditions of work; and

(iii) which is described in section 501(c)(5).

(F) **APPLICATION.**—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(g) **LIMITATION ON ADMINISTRATIVE COSTS.**—A recipient of a grant under this section may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(h) **EVALUATION AND REPORT.**—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

## SEC. 8. **EXPANDED USE OF TAX COURT PRACTICE FEES FOR PRO SE TAXPAYERS.**

(a) **IN GENERAL.**—Section 7475(b) relating to use of fees is amended by inserting before the period at the end "and to provide services to pro se taxpayers." before the period at the end "and to provide services to pro se taxpayers."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

## ANALYSIS OF TAXPAYER PROTECTION AND ASSISTANCE ACT

OPR discipline is imposed after a hearing before an administrative law judge or as a result of an agreement between the OPR and the representative. Little is known about the basis for these actions, because the current practice is to publish only the identity of the representative, the disciplinary action taken; and the effective date. The bill would open the process to the public, providing greater transparency and accountability for both the representatives and the OPR.

Following the practice of many State attorney discipline processes, the bill provides that proceedings before the OPR and the OPR discipline is imposed after a hearing before an administrative law judge or as a result of an agreement between the OPR and the representative. Little is known about the basis for these actions, because the current practice is to publish only the identity of the representative, the disciplinary action taken; and the effective date. The bill would open the process to the public, providing greater transparency and accountability for both the representatives and the OPR.

Following the practice of many State attorney discipline processes, the bill provides that proceedings before the OPR and the OPR discipline is imposed after a hearing before an administrative law judge or as a result of an agreement between the OPR and the representative. Little is known about the basis for these actions, because the current practice is to publish only the identity of the representative, the disciplinary action taken; and the effective date. The bill would open the process to the public, providing greater transparency and accountability for both the representatives and the OPR.
In addition, the Act will require RAL facilitators to register with the Department of the Treasury, and comply with minimum disclosure requirements intended to improve the understanding of consumers about the costs associated with RALs. We need consumers to know what these high fees associated with RALs and what alternatives are available, such as opening a bank or credit union account and having their refund directly deposited into it.

I am pleased that authorization language for a grant program to link tax preparation services with the opening of a bank or credit union account is included in this legislation. It is estimated that four million EITC recipients are classified as unbanked, and lack the relationship with a financial institution. Approximately 45 percent of EITC recipients pay for check cashing services. Check cashing services reduce EITC benefits by $130 million. Having a bank account allows individuals to avoid the high fees associated with check kiosks and electronic filing, thus eliminating the excessive fees that check cashing services and refund anticipation loan providers assess. An account at a bank or credit union provides consumers alternatives to rapid refund loans, check cashing services, and lower cost remittances. In addition, bank and credit union accounts provide access to products and services found at mainstream financial institutions, such as savings accounts and reasonably priced loans.

This grant program builds upon the First Accounts initiative which has funded pilot projects that have coupled tax preparation services with the establishment of bank accounts. An example of such a project is the partnership that has been established by the Center for Economic Progress in Chicago. We need more of these types of programs intended to provide much needed assistance to listeners, and encourage the use of mainstream financial services.

I urge all of my colleagues to support this legislation. This is an important first step towards improving the quality of tax preparation services. I look forward to continuing to work with my colleagues on additional consumer protections and initiatives to bring more people into mainstream financial services, such as what I included in S. 324, the Taxpayer Abuse Prevention Act.

By Mr. BINGAMAN:

S. 833. A bill to amend the Workforce Investment Act of 1998 to provide for integrated workforce training programs for adults with limited English proficiency, and for other purposes; to amend sections 121, 122, 123, 126, and 127 of the Workforce Investment Act of 1998; to amend the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following;

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To increase the numbers of workers educated for employment in high technology industries. 

(2) To align the technical and vocational programs of educational institutions with the workforce needs of high-growth, next generation industries.

(3) To offer individuals expanded opportunities for rapid training and retraining in portable skills needed to keep and change jobs in a volatile economy.

(4) To provide United States businesses with adequate numbers of skilled technical workers.

(5) To encourage a student’s or worker’s progress toward an advanced degree while providing training, education, and useful credentials for workforce entry or reentry.

SEC. 4. SKILL CERTIFICATION PILOT PROJECTS.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

“(c) SKILL CERTIFICATION PILOT PROJECTS.—

(1) PILOT PROJECTS.—In accordance with subsection (b), the Secretary of Labor shall establish and carry out not more than 20 pilot projects to establish a system of industry-validated national certifications of skills, including—

(A) not more than 16 national certification systems in high-technology industries, including biotechnology, telecommunications, and energy technology (including technology relating to next-generation lighting); and

(B) not more than 4 cross-disciplinary national certifications of skills in homeland security technology.

(2) GRANTS TO ELIGIBLE ENTITIES.—In carrying out the pilot projects, the Secretary of Labor shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1).

(3) ELIGIBLE ENTITIES.—

(A) Definition of eligible entity.—In this subsection, the term ‘eligible entity’ means an entity that shall include as a principal participant one or more of the following:

(i) An institution of higher education (as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002)).

(ii) An advanced technology education center.

(iii) A local workforce investment board.

(iv) A representative of a business in a target industry for the certification involved.

(v) A representative of an industry association, labor organization, or community development organization.

(B) History of demonstrated capability required.—To be eligible under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce development activities that is consistent with the goals of this Act.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor at such time as such...
manner, and containing such information as the Secretary may require.

(5) CRITERIA.—The Secretary of Labor shall establish criteria, consistent with paragraphs (1) through (4) for awarding grants under this subsection.

(6) PRIORITY.—In selecting eligible entities to receive grants under this subsection, the Secretary of Labor shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

(7) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

(i) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

(ii) to collect and analyze data related to the implementation of the certification program, and to identify best practices (consistent with paragraph (8)) that may be used by local and State workforce investment boards in the award of grants to eligible entities.

(B) BASIS FOR REQUIREMENTS.—The certification requirements shall be based on applicable Federal standards for the program or on standards that have been developed by or linked to national centers of excellence under the National Science Foundation’s Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive the certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

(C) RELATIONSHIP TO TRAINING AND EDUCATION PROGRAMS.—The eligible entity shall ensure that—

(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

(ii) the certification program is offered at the completion of the training and education program.

(D) RELATIONSHIP TO THE ASSOCIATE DEGREE.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

(E) AVAILABILITY.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

(8) CONSULTATION.—The Secretary of Labor shall consult with the Director of the National Science Foundation and the Secretary of Education to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation’s Advanced Technological Education Program.

(9) CORE COMPONENTS; GUIDELINES; REPORTS.—After collecting and analyzing the data obtained from the pilot projects, the Secretary shall—

(A) establish the core components of a model high-technology certification program;

(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

(C) submit and prepare a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

(D) make available to the public both the data and the report.

(10) PROVISION OF APPROPRIATIONS.—

In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $60,000,000 for fiscal year 2006 to carry out this subsection.

S. 834

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 “Limited English Proficiency and Integrated Workforce Training Act.”

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Workforce Investment Act of 1998 system is designed—

(A) to ensure universal access for individuals in need of employment and training systems; and

(B) to equip workers with those skills that contribute to lifelong education.

(2) The Workforce Investment Act of 1998 system is designed to recognize and reinforce the link between employment and workforce development to meet the joint demands of employers and workers.

(3) The Workforce Investment Act of 1998 system should address the ongoing shortage of essential skills in the United States workforce in sectors with economic growth to ensure the United States remains competitive in the global economy.

(4) Immigrants accounted for over 50 percent of the growth in the civilian workforce between 1990 and 2001, and assuming today’s levels of immigration remain constant, immigrants will account for half of the growth in the working age population between 2006 and 2015.

(5) The growth of the United States workforce and the competitiveness of the United States economy is directly linked to immigrants, some of whom are limited English proficient.

(6) The Workforce Investment Act of 1998 system may be significantly strengthened by funding the development of an employer centered training program for adults with limited English proficiency, taking into account the needs of the local and regional economy and the linguistic, social, and cultural characteristics of the individual.

SEC. 3. INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

(6) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY. —

(1) DEFINITIONS.—In this subsection:

(A) INTEGRATED WORKFORCE TRAINING.—The term ‘integrated workforce training’ means training that integrates occupational skills training and language acquisition.

(B) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor in consultation with the Secretary of Education.

(2) DEMONSTRATION PROJECT.—In accordance with subsection (b), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide models for workforce training programs that integrate English language acquisition and occupational training.

(3) GRANTS.—

(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities that receive integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration grants to eligible entities from diverse geographic areas, including rural areas.

(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

(4) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

(i) An employer or employer association.

(ii) A nonprofit provider of English language instruction.

(iii) A provider of occupational or skills training.

(iv) A community-based organization.

(v) An educational institution, including a 2-year college, or a technical or vocational school.

(vi) A labor organization.

(vii) A local board.

(B) EXPERIENCE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

(ii) providing workforce programs with training and English language instruction.

(5) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (6)(B); and

(ii) include an assurance that the program to be assisted shall—

(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that meets both the employer and the employee to meet their long-term needs;

(III) ensure that the framework established under clause (II) takes into consideration the knowledge and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

(6) CRITERIA.—The Secretary shall establish criteria for awarding grants under this subsection.

(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

(A) PROGRAM COMPONENTS.—

(I) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—
“(I) test an individual’s English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment; and

“(II) combine training specific to a particular occupation or occupational cluster, with—

“(aa) English language instruction, such as instruction through an English as a Second Language program, or an English for Speakers of Other Languages program;

“(bb) basic skills instruction; and

“(cc) career services.

“(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

“(IV) require matching or in-kind resources from private and nonprofit entities.

“(B) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

“(B) GOAL.—Each program that receives funds under this subsection shall be designed to prepare limited English proficient adults for, and place such adults in, employment in growing industries with identifiable career ladder paths.

“(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet or meet the following criteria:

“(I) A program that—

“(1) serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages; and

“(2) aims to prepare such individuals for, and place such individuals in, higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area.

“(II) A program that—

“(1) serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages; and

“(2) aims to prepare such individuals for, and place such individuals in, employment through services provided at the work site, or at a location central to several work sites, during work hours.

“(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training and English language instruction, to ensure programs tailored to characteristics of individuals with varying skill levels and to assess how different curricula work for limited English proficient populations. Such approaches may include—

“(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual’s native language and English;

“(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

“(iii) sequential programs that provide a progression of skills, language, and training to ensure success for an individual’s completion of the program.

“(E) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

“(F) EVALUATION BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration projects, with a random assignment, experimental design impact study done at each worksite at which such a program is carried out.

“(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

“(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

“(D) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant period.

“(E) AUTHORIZATION OF APPROPRIATIONS. In addition to amounts authorized to be appropriated under section 174(b), there are authorized to be appropriated for fiscal year 2006—

“(A) $10,000,000 to make grants under paragraph (3); and

“(B) $1,000,000 to carry out paragraph (9)."

By Mr. CRAIG (for himself and Mr. BURNS):

S. 835. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for elder care expenses.

Mr. CRAIG. Mr. President, today I am introducing the Senior Elder Care Relief and Empowerment Act— the SECURE Act.

The SECURE Act would provide eligible taxpayers with a nonrefundable tax credit equal to 50 percent of qualified expenses incurred on behalf of senior citizens above a $1,000 spending floor.

The Senate Special Committee on Aging, which I chaired in the 108th Congress and of which I remain a member, held several hearings over the last couple years on different facets of the growing long-term care crisis in this country. A major concern of mine is that the Federal long-term care policy mix must include the right incentives—especially when it comes to the tough choices faced by families who want to care for their frail and aging relatives.

More and more families are facing the stress and financial difficulties that come with caring for their aging parents.

It is critical to note that families, not government, provide 80 percent of long-term care for older persons in the United States. This is an enormous strength of our long-term care system. The U.S. Administration on Aging reports that about 22 million people serve as informal caregivers for seniors with at least one limitation on their activities of daily living.

These caregivers often face extreme stress and financial burden—especially those we call the sandwich generation. The sandwich generation refers to those sandwiched between caring for their aging parents and caring for their own children. It is difficult for families to balance caring for children and saving or paying for college, while at the same time struggling with financing care for frail and aging parents.

Many caregivers forgo job promotions, reduce their hours on the job, cut back to part-time, or take extended leaves of absence to stay at home and care for their aging family members. Direct expenses include the cost of prescription drugs, durable medical equipment, home modifications, and physical therapy.

Caregivers also endure emotional and personal health strains. The average age of a caregiver is 57, with one-third over age 65 themselves. Caregivers suffer from higher rates of depression or anxiety. These conditions often lead to higher risk of heart disease, cancer, diabetes, or other chronic conditions.

In many families, the nursing home is the only solution for providing long-term care, and that can be a good choice. For other families, keeping aging and vulnerable relatives in their own home or in the caregiver’s home makes sense.

Family caregiving for aging and vulnerable relatives requires a flexible national response to ensure seniors and their families have the most appropriate, high quality choices.

That is why I am introducing the SECURE Act. This legislation would help reduce the financial strain and related emotional and medical stress faced by family caregivers, especially for their frail and aging parents, by providing much-needed tax relief for qualified expenses.

The SECURE Act would increase the eldercare choices available to families and has the potential to reduce the number of seniors forced to spend down their nest-egg in order to qualify for Medicaid services.

Qualified expenses include costs that are not reimbursable—those not covered by Medicare or other insurance—for physical assistance with essential daily activities to prevent injury; long-term care expenses, including normal household services; architectural expenses necessary to modify the senior’s residence; respite care; adult daycare; assisted living services that are non-housing related expenses; independent living; home care; and home health care.

Seniors with long-term care needs also would be able to use the tax credit on their own behalf.
The SECURE Act should not preclude seniors or those near retirement from purchasing long-term care insurance. The Act would provide tax relief for high-risk seniors who cannot qualify for long-term care insurance policies. I invite my colleagues to cosponsor this compassionate legislation.

I ask unanimous consent that the text of the bill and a brief description be printed in the RECORD.

The Clerk read the Act, and the material was ordered to be printed in the RECORD, as follows:

SEC. 2. CREDIT FOR ELDER CARE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 25B the following new section:

"SEC. 25C. ELDER CARE EXPENSES.

(a) ALLOWANCE OF CREDIT.—In the case of an individual for a taxable year, there shall be allowed as a credit against the tax imposed by this chapter for taxes paid or incurred by the taxpayer for qualified expenses with respect to each qualified senior citizen.

(1) ELIGIBILITY.—The term "qualified senior citizen" means an individual—

(A) who has attained normal retirement age (as determined under section 216 of the Social Security Act) before the close of the taxable year,

(B) who is a chronic or terminal illness senior citizen unless the TIN of such senior citizen is included on the return claiming the credit, or

(C) who meets any other qualification described in section 501(c)(3) and exempt from tax under section 501(a), the name and address of such person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required.

(b) CONFORMING AMENDMENTS.

(1) Section 6213(c)(2)(B) of the Internal Revenue Code (relating to mathematical or clerical error) is amended by inserting ".", section 25C (relating to elder care expenses), after "employment".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C Elder care expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred in taxable years beginning after December 31, 2004.

SENIOR ELDER CARE RELIEF AND EMPowerment (SECURE) ACT

SECURITY STANDARDS, TO PREVENT TERRORISTS FROM THE USE OF EXPLOSIVES IN CONSTRUCTIONS ENERGY SECURITY STANDARDS, TO PREVENT TERRORISTS FROM THE USE OF EXPLOSIVES IN CONSTRUCTIONS OF A New York City bridge, or for any other purpose.

SA 486. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 469. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 470. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 471. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 472. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 473. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 474. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 475. Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 476. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 478. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 479. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 480. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 481. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra.

SA 482. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 483. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 484. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra.

SA 485. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 486. Mrs. DOLLE (for herself and Mr. BURR) submitted an amendment intended to
be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.
SA 489. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 490. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 491. Mr. ALLEN, Mr. TALENT, Mr. NELSON, of Florida, Mrs. LANDRIEU, and Mr. MERTZ submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra.

SA 493. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 494. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 495. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 496. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra.

SA 497. Ms. MIKULSKI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 498. Mr. WARNER (for himself, Mr. NELSON, of Florida, Mr. ALLEN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table.

SA 499. Mr. WARNER (for himself, Mr. NELSON, of Florida, Mr. ALLEN, and Mr. TALENT, Mrs. COLLINS, and Mr. MERTZ) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra.

SA 500. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 501. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 502. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 503. Mr. DURBIN (for himself, Mr. LEVIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 504. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 505. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 506. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 507. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 508. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 509. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 510. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 511. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 512. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 513. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 514. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 515. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 516. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 517. Mr. CORZINE (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 518. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 519. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 520. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 524. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 525. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 526. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 527. Mr. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 528. Mr. COLE submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 529. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 530. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 531. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. Craig (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 532. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. Craig (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 533. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. Craig (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 534. Ms. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. Craig (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 535. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. Craig (for himself and Mr. KENNEDY) to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 536. Mr. COCHRAN (for Mr. BOND) proposed an amendment intended to be proposed by Mr. Reid to the bill H.R. 1268, supra.

SA 537. Mr. REID (for Mr. BIDEN (for himself, Mr. LAUTENBERG, and Mrs. BOXER)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 1268, supra.

TEXT OF AMENDMENTS

THURSDAY, APRIL 14, 2005

SA 375. Mr. CRAIG (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 231, between lines 3 and 4, insert the following:

TITLE VII—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY ACT OF 2005

SEC. 701. SHORT TITLE.

This title may be cited as the ‘‘Agricultural Job Opportunities, Benefits, and Security Act of 2005’’ or the ‘‘AgJOBS Act of 2005’’.
SEC. 702. DEFINITIONS.
In this title:
(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural employment under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201(f)) or agricultural labor under section 312(g) of the Internal Revenue Code of 1986 (26 U.S.C. 312(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).
(2) EMPLOYER.—The term "employer" means any person or entity, including any farm worker, hired or employed by an agricultural association, that employs workers in agricultural employment.
(3) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers have reasonable access.
(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.
(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.
(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a citizen or national of the United States, a lawful permanent resident alien, or any other alien who is authorized to work in the job opportunity within the meaning of "lawfully admitted for temporary resident status under subsection (a) or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) and is an alien who is otherwise admissible to the United States for at least 576 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on December 31, 2003; (B) applied for such status during the 18-month period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and (C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).
(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

Subtitle A—Adjustment to Lawful Status
SEC. 711. AGRICULTURAL WORKERS.
(a) TEMPORARY RESIDENT STATUS.
(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the alien—
(A) has performed agricultural employment in the United States for at least 270 days or hours of work lost for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
(B) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).
(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.
(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate evidence of the same nature as an alien lawfully admitted for permanent resident.
(4) TERMINATION OF TEMPORARY RESIDENT STATUS.
(A) IN GENERAL.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this Act that the alien is deportable.
(B) GROUNDS FOR TERMINATION OF TEMPORARY RESIDENT STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deport or remove an alien as described in section 237(a)(2)(A)(i)(I) or (B)(v) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(i)(I) or (B)(v)) if the Secretary finds, by a preponderance of the evidence, that the adjustment to temporary resident status was the result of fraud or willful misrepresentation.
(i) the alien—
(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);
(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or
(III) is convicted of a simple misdemeanor for which the sentence served was 6 months or longer.
(C) SUNDAY.—The obligation under subparagraph (A) shall terminate on the date 6 years after the date of enactment of this Act.
(4) TERMINATION OF TEMPORARY RESIDENT STATUS.
(A) REQUIREMENT FOR ADJUSTMENT TO PERMANENT RESIDENT STATUS.
(i) E INSTABLISHMENT OF PROCESS .—The Secretary shall establish a process for the resolution of complaints by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such agency for the geographic area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceeding to the extent provided under section 101(a)(15)(H)(ii)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(A)).
(ii) the alien—
(I) commits a crime for which the actual sentence served is 6 months or more, unless the crime is one of the crimes described in section 101(a)(15)(H)(ii)(C) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(C)); or
(ii) the alien—
(I) commits an offense or violates any provision of any Federal, State, or local law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) that is a crime of violence under section 4B1.1 of the Federal Sentencing Guidelines (18 U.S.C. 2251); or
(ii) a crime of moral turpitude under section 4B1.2 of the Federal Sentencing Guidelines (18 U.S.C. 2251); or
(iii) is convicted of an offense for which the actual sentence served is 6 months or more, unless the offense is one of the offenses described in section 101(a)(15)(H)(ii)(C) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(C)); or
(iii) the alien has been deported or removed for fraud or willful misrepresentation.
(B) DEPORTATION AUTHORITY.—The Secretary or the court, or judge of any State or the United States, regardless of whether the prior action by the employer is authorized by law, may deport or remove an alien for the same cause, except that the Secretary or the court, or judge of any State or the United States, shall not have the power or jurisdiction to review any such findings.
(E) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).
(F) DEPARTMENT OF JUSTICE.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.
(G) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.
(VII) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding pursuant to this section shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employer or between the parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the termination may be referred to the Secretary pursuant to clause (iv).
(C) CIVIL PENALTIES.
(1) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has not provided for employment required under subsection (a)(5) or has provided a false statement of material fact
in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under subsection (a) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(C) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—Except as provided in subparagraph (b), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of a lawful permanent resident if the alien meets the following requirements:

(A) THE ALIEN HAS WORKED.—An alien granted temporary resident status under subsection (a) may be adjusted to lawful permanent resident status if the alien:

(i) worked for the employer or collective bargaining agreement-covered employer during the 3-year period beginning after the date of enactment of this Act.

(ii) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the 3-year period beginning after the date of enactment of this Act.

(iii) QUALIFYING PERIODS.—The alien has performed at least 75 work days or 360 hours, but in no case less than 360 hours, of agricultural employment in the United States during 3 nonoverlapping periods of 12 consecutive months during the 6-year period beginning after the date of enactment of this Act. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iv) WORK IN FIRST 5 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the 5-year period beginning after the date of enactment of this Act.

(v) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of enactment of this Act.

(vi) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(D) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary shall deny an application for adjustment of status under subsection (a)(1) or (c)(1) if the alien:

(1) THE ALIEN APPEARS TO HAVE COMMITTED OR IS SUBJECT TO DEPORTATION AND REMOVAL AS OTHERWISE PROVIDED IN THIS ACT.

(2) BECOMES A NATIONAL SECURITY OR PUBLIC SAFETY THREAT.

(3) BECOMES A PUBLIC SAFETY THREAT.

(4) IS SUBJECT TO DEPORTATION AND REMOVAL AS OTHERWISE PROVIDED IN THIS ACT.

(E) DESIGNATION OF ENTITIES TO RECEIVE APPLICANTS' RECORDS.—

(A) PRELIMINARY APPLICATIONS.

(i) DEFINITION.—An applicant under clause (i) shall otherwise be admissible to the United States under section 203(a)(2) and shall establish to the satisfaction of the examining officer during an interview that the applicant's claim for eligibility for temporary resident status is credible.

(ii) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant identification document of entry or reentry that the United States that meets the requirements established by the Secretary.

(B) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(i) DESIGNATION.—The Secretary may grant admission to the United States as a temporary resident and provide an endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern border of the United States. An alien who is adjusted to temporary resident status under this section is subject to deportation and removal as otherwise provided in this Act.

(ii) DEFINITION.—For purposes of clause (i), the term ‘preliminary application’ means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with payment of the appropriate fee and the submission of photographs and the documentary evidence to which the alien submits to submit as proof of such employment.

(F) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that, during the period of required employment described in section 213(a)(1) or (c)(1) is in the United States, he was employed in such employment.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days as required by subsection (a)(1) or (c)(1).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien’s burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to the satisfaction of the Secretary if the alien has submitted proper and adequate evidence that the alien was employed under an assumed name.

(D) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified...
designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(6) Confidentiality of Information.—

(A) IN GENERAL.—A qualified designated entity shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

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(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

§ 203(c).—

(A) IN GENERAL.—A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(B) REQUIRED DISCLOSURES.—

(i) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(ii) A qualified designated entity shall agree to forward such file. A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(iii) A qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien pursuant to paragraph (6).

(C) CONSTRUCTION.—

Nothing in this paragraph shall be construed as affecting the requirements of sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).
contrary to clear and convincing facts contained in the record considered as a whole.

(b) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than 180 days after the date of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations implementing this section are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2006 through 2009.

SEC. 712. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or otherwise provided status as an H-2A worker,"

(2) by inserting at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2005,"; and

(4) by striking "1990," and inserting "1990," or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted lawful temporary resident status.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of enactment of this Act.

Subtitle B—Reform of H-2A Worker Program

SEC. 721. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

"H-2A EMPLOYER APPLICATIONS

"Sec. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates for which the worker will be employed) and the number of job opportunities in which the employer seeks to employ the worker;

"(D) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(E) INCLUSION OF APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACTS.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or has been locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—At the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer’s employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available for a period of at least enough to provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer shall provide each nonimmigrant employee compensation covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

"(G) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer shall maintain at a min-imum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period which precedes the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with other employers.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer hires to employ an H-2A worker in a seasonal or farm worker occupation, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employ-

"(G) CONTACTING FORMER WORKERS.—The employer shall contact former workers of and in the course of the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(I) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts to contact any United States workers that the employer has employment opportunities in the occupation at the place of intended employment for which the employer is applying for workers and has made the available.

"(J) EMPLOYMENT OF UNITED STATES WORKERS WITH OTHER EMPLOYERS.—The employer may authorize the placement of an H-2A worker on the 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to place a job order under section 655 of title 20, Code of Federal Regulations.

"(K) ADVISING EMPLOYMENT OPPORTUNITIES.—Not later than 14 days before the date on which the employer hires to employ an H-2A worker in a seasonal or farm worker occupation, the employer shall advertise the availability of the job opportu-

"(L) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not satisfied the requirements described in paragraph (1) because the employer’s need for H-2A workers could not reasonably have been foreseen.

"(M) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is
equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

(II) EMPLOYER.—If an employer who has previously engaged in hiring United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subsection (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subsection (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the Secretary of Labor that offer similarly suitable opportunities in the area of intended employment.

(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(1) GENERAL.—If an agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies has no experience or has never attempted to comply with the requirements of this section and sections 218A through 218C.

(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association files an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (a)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of the withdrawal notice from the employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(A) has been extended by an employer under any other law or regulation as a result of the extension of United States workers or H-2A workers under an offer of terms and conditions of employment related to all or a portion of the result of making an application under subsection (a) is unaffected by withdrawal of such application.

(e) REVIEW AND APPROVAL OF APPLICATIONS.—

(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer’s principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall certify an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the application has been filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

(3) H-2A EMPLOYMENT REQUIREMENTS

SEC. 218A. (A) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will offer to its own workers shall not be required to make an application for United States workers under section 218A solely by virtue of providing such housing. Nothing in this paragraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

(C) FAMILY HOUSING.—When it is prevalent in the class or occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families.

(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on January 2, 1986.

(F) CHARGES FOR HOUSING.—

(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers in the United States hires workers under the provisions of any other law or regulation as a result of making an application under section 218A solely by virtue of providing such housing, the amount of charges that an employer may make for housing for their workers. An employer may require a worker to be responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker, the employer shall provide the accommodation under subsection (b) sufficient to meet the need of its workers. An employer need not make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer need not provide housing for its workers or assigns a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1903) solely by virtue of providing such housing allowance. Nothing in this paragraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

(ii) CERTIFICATION.—The requirement of this paragraph is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary employment while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(H) HOUSING ALLOWANCE.

(i) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is in a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair
market rental for existing housing for non-metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

II METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance provided under subparagraph (A) shall not be less than the amount equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(2) REIMBURSEMENT OF TRANSPORTATION.—

(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence to such subsequent place from which the worker came to work for the employer or to the place of next employment, if the worker traveled from such place to the place of employment.

(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

(C) LIMITATION.—

(1) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

(II) the most economical and reasonable common carrier transportation charges and subsistence during the time interval involved.

(2) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less.

(3) FUTURE PAY SCHEDULE.—The employer, when making reimbursement under subparagraph (A) or (B), shall consider prevailing wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations.

(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the worker will make from the worker's wages.

(E) FREQUENCY OF PAY.—The employer shall pay the worker not less than twice each calendar month in accordance with prevailing practice in the area of employment, whichever is more frequent.

(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

(i) the worker's total earnings for the pay period;

(ii) the worker's hourly rate of pay, piece rate of pay, or both;

(iii) the hours of employment which have been worked by the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4));

(iv) the hours actually worked by the worker;

(v) an itemization of the deductions made from the worker's wages; and

(vi) a statement of the method of pay used, the units produced daily.

(G) REPORT ON WAGE PROTECTIONS.—The employer shall transmit to the Secretary of Labor, the Commission on Wage Standards, the Commission on Price Stabilization, and the Consumer Price Index for All Urban Consumers between December of the preceding calendar year and December of the preceding year.

(H) COMMISSION ON WAGE STANDARDS.—There shall be established a Commission on Wage Standards under the H-2A program (in this subparagraph referred to as the ‘Commission’) composed of:

(i) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture;

(ii) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

(I) FUNCTIONS.—The Commission shall conduct a study that shall address—

(i) whether the employment of H-2A or unauthorized aliens in the United States has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers have been employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers have been employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(v) recommendations for future wage protection under this section.

(2) COMMISSION TO FILE REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (1) and the recommendations for future wage protection under this section.

(3) FRESHERS OF WAGE STANDARDS.—There shall be established a Federal Register.

(4) REPORT ON WAGE STANDARDS.—Not later than June 1, 2007, the Comptroller General of the United States shall transmit to the President, the Commission on Wage Standards, the Secretary of Agriculture, the Secretary of Labor, and the Congressional Budget Office a report setting forth the findings of the study conducted under clause (1) and the recommendations for future wage protection under this section.
at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the workday specified in the job offer. In the event the employer shall exclude the worker’s Sabbath and Federal holidays. If the employer affords the United States or H-2A worker less employment opportunities under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the guaranteed number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker’s Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons work before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘three-fourths guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the employer no longer requires or requests beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earth-quake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the worker may terminate the worker’s employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation provided under paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—(1) In general.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used a vehicle to transport an H-2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’ means:

“(I) uses only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer;

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H-2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the workers’ own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an alien worker is not sufficient to cause the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer does not constitute the arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, or other equipment on the farm, or to the transportation of equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or other stock engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification or authorization for such purpose from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(1) In general.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 181(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport an H-2A worker.

“(2) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this section.

“(iii) EFFECT OF WORKER’S COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers’ compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B) are applicable to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required if each workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required if each workers are transported only under circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(iv) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers or alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(v) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer’s application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(vi) RANGE OF PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 210B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in production involving the range production of livestock.

“PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS

“SEC. 216B. (a) PETITIONING FOR ADMISSION.—An employer, or the payment or reimbursement of the cost of transportation of the alien to the United States or H-2A worker less employment opportunities under this section.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(1) In general.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 181(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport an H-2A worker.

“(2) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this section.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(1) IN GENERAL.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 216, and section 216A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(i)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien’s authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a non-immigrant, including overstaying the period of authorized admission as such a non-immigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(1) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2) shall not be deemed inadmissible by virtue of section 212(a)(9)(B). An alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

“(2) MAINTENANCE OF WAIVER.—An alien possessing an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible pursuant to section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(3) PERIOD OF ADMITTANCE.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor, and to perform services described in said section, but shall not exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of preparing the worker to begin work and 14 days following the period of employment for the purpose of departure or extension based
on a subsequent offer of employment, except that—

‘‘(A) the alien is not authorized to be employed during such 14-day period except in the employment status of which the alien was previ-
ously authorized; and

‘‘(B) the total period of employment, in-
cluding such 14-day period, may not exceed 10 months.

‘‘(2) CONSTRUCTION.—Nothing in this sub-
section shall limit the authority of the Sec- 
retary to extend the stay of the alien under any other provision of this Act.

‘‘(e) ABANDONMENT OF EMPLOYMENT.—

‘‘(1) In general.—An alien admitted or
provided status under section 101(a)(15)(H)(ii)(A) who abandons the employ-
ment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

‘‘(2) Report by employer.—The employer,
or association acting as agent for the em-
ployer, shall notify the Secretary not later than 7 days after an H-2A worker pre-
maturely abandons employment.

‘‘(3) Automatic removal.—In the Uniform-
ized. The Sec-
retary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker’s non-
immigrant status.

‘‘(d) VOLUNTARY TERMINATION.—Notwith-
standing paragraph (1), an alien may voluntar-
ily terminate his or her employment if the al-
ien with prior notice, and the Secretary shall ad-
mit into the United States, an eligi-
ble alien designated by the employer to re-
place an H-2A worker—

‘‘(A) who abandons or prematurely termi-
nates employment; or

‘‘(B) whose employment is terminated
after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs be-
fore the period of intended em-
ployment or if the employment termination is for a lawful job-related reason.

‘‘(2) CONSTRUCTION.—Nothing in this sub-
section shall limit the authorization required by sub-
section (e)(2), the Secretary of State shall
render a decision on the petition to file the petition by the employer or an associa-
tion pursuant to subsection (a), shall request the employer to show cause why the extension of stay and a change in the alien’s employment.

‘‘(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition for extension of stay shall not be filed for an extension of stay of—

‘‘(A) a period of more than 10 months; or

‘‘(B) a date that is more than 3 years

after the date of the alien’s last admission to the United States under this section.

‘‘(3) WORK AUTHORIZATION UPON FILING A PE-
TITION FOR EXTENSION OF STAY.—

‘‘(A) In general.—An alien who is lawfully
present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

‘‘(B) Definition.—For purposes of para-
graph (A), the term ‘file’ means sending the petition electronically via the United States Postal Service, return receipt re-
quested, or delivered by guaranteed commer-
cial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

‘‘(c) HANDLING OF PETITION.—The employer
shall provide a copy of the employer’s peti-
tion to the alien to keep the petition
with the alien’s identification and employ-
ment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

‘‘(d) APPROVAL OF PETITION.—Upon ap-
proval of a petition for an extension of stay or change in the alien’s authorized employ-
ment, the Secretary shall provide a new or
updated employment eligibility document, together
with a copy of the petition for extension of stay
or change in the alien’s authorized employment
which complies with the require-
m ents of paragraph (1), shall constitute a valid work authorization document for a pe-
riod not to exceed 3 years; and

‘‘(e) LIMITATION ON EMPLOYMENT AUTHORIZ-
ATION OF ALIENS WITHOUT VALID IDENTIFICA-
TION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and em-
ployment eligibility document, together
with a copy of a petition for an extension of stay
or change in the alien’s authorized employment
which complies with the require-
m ents of paragraph (1), shall constitute a valid work authorization document for a pe-
riod not to exceed 3 years; and

‘‘(f) REPLACEMENT OF ALIEN.

‘‘(i) In general.—The individual whose identifi-
cation and employ-
ment eligibility document has been lost,
stolen, or otherwise rendered invalid shall be re-
placed by the employer with an H-2A worker

who is lawfully present in the United States and has been duly notified.


‘‘(A) Grace Period.—The Secretary of Labor shall issue a grace period not to exceed 12 months in the case of such a replacement.


The employer shall notify the Secretary not later than 3 days after the date a new H-2A worker is employed.


The employer shall notify the Secretary not later than 3 days after the date a new H-2A worker is employed.

‘‘(C) Approval of petition.

The employer shall file a copy of the petition to the alien to keep the petition
with the alien’s identification and employ-
ment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

‘‘(D) Approval of petition.

Upon approval of a petition for an extension of stay or change in the alien’s authorized employ-
ment, the Secretary shall provide a new or
updated employment eligibility document, together
with a copy of the petition for an extension of stay
or change in the alien’s authorized employ-
ment which complies with the require-
m ents of paragraph (1), shall constitute a valid work authorization document for a pe-
riod not to exceed 3 years; and

‘‘(E) Limitation on employment authorization of aliens without valid identification and employment eligibility document.

An expired identification and employment eligibility document, together
with a copy of a petition for an extension of stay
or change in the alien’s authorized employment
which complies with the requirement of paragraph (1), shall constitute a valid work authorization document for a period not to exceed 3 years; and

‘‘(F) Limitation on an individual’s stay in
status.

‘‘(A) Maximum period.

The maximum period of authorized status as an H-2A worker (including any extensions) is 3 years.

‘‘(B) Extension of stay.

The Secretary of Labor may extend the alien’s authorized status for an additional period not to exceed 3 years; and

‘‘(G) Limitation on an individual’s stay in
status.

The maximum period of authorized status as an H-2A worker (including any extensions) is 3 years.

‘‘(H) Extension of stay.

The Secretary of Labor may extend the alien’s authorized status for an additional period not to exceed 3 years; and

‘‘(i) Exception.—Clause (i) shall not apply in the case of an alien if the alien’s period of employment under this Act is the duration of the alien’s previous period of authorized status

as an H-2A worker (including any extensions).

‘‘(ii) Exception.—Clause (i) shall not apply in the case of an alien if the alien’s period of employment under this Act is the duration of the alien’s previous period of authorized status

as an H-2A worker (including any extensions).
(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

(2) The reimbursement of transportation as required under section 218A(b)(2).

(3) The payment of wages required under section 218A(b)(3) when due.

(4) The wages and other benefits under subsection (d)(1).

(5) The guarantee of employment required under section 218A(b)(4).

(6) The motor vehicle safety requirements under subsections (b) and (c), and no other right of action shall exist under Federal or State law to enforce such rights.

(7) The provision of housing or a housing allowance as required under section 218A(b)(1).

(2) The Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies as contemplated by subparagraphs (A) through (G) and within 60 days of the filing of proof of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of the complaint and to consider the relief to be provided.

(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days after notice to the parties that the Federal Mediation and Conciliation Service will attempt mediation within the period specified in subparagraph (B).

The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days after notice to the parties that the Federal Mediation and Conciliation Service will attempt mediation within the period specified in subparagraph (B).

(1) MEDIATION.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H-2A workers and agricultural employers without charge to the parties.

(2) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days after notice to the parties that the Federal Mediation and Conciliation Service will attempt mediation within the period specified in subparagraph (B).

(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H-2A workers and agricultural employers without charge to the parties.

(B) MEDIATION.—The Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days after notice to the parties that the Federal Mediation and Conciliation Service will attempt mediation within the period specified in subparagraph (B).

(C) AUTHORIZATION.—

(1) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $50,000 for each fiscal year to carry out this section.

(2) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any action or subparagraph (G). If the Director finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

(2) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law; or

(3) COMPELLING REMEDY.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no administrative or other equitable relief or modification of their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence shall not apply to agreements to settle private disputes or litigation.

(6) DAMAGE OR DAMAGES TO OTHER EQUITABLE RELIEF.—If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

(7) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law; or

(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers’ compensation law that the workers’ compensation law is not applicable to a claim for injury or death, the statute of limitations for bringing an action for actual damages for such injury or death under State law is tolled for the period during which the claim for such injury or death under such State workers’ compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.

(9) PRECLUSION EFFECT.—Any settlement by an H-2A worker or his agent, or by the Secretary of Labor, or by the Secretary of Labor in accordance with this section, where a State workers’ compensation law and coverage is provided for an H-2A worker, the workers’ compensation benefits shall be the exclusive remedy for the loss of life of any H-2A worker in the case of bodily injury or death in accordance with such State’s workers’ compensation law.

(10) THE EXCLUSIVE REMEDY.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no administrative or other equitable relief shall not include back or front pay in any manner, directly or indirectly, expand or otherwise alter or affect—

(1) a recovery under a State workers’ compensation law; or

(2) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.

(11) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.

(12) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.

(13) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.

(14) ANY ACTION—The exclusive remedy prescribed in subparagraph (A) applies to any action for damages, if any, or equitable relief, including any action arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers’ compensation law.
which case the penalty shall be invoked

edge, or reason to know, of the violation, in

the association unless the Secretary of

lation shall apply only to that member of

mitted a violation, the penalty for such vio-

though the employer had filed the applica-

ated under subsection (b), or has testified or

cause, filed a complaint with the Secretary

brought under subsection (c).

ators.

(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, consented to the administration of the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private action regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H-2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to re-

main and work in the United States may be allowed to pursue appropriate em-

ployment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

(f) ROLE OF ASSOCIATIONS.—

(1) VIOLATION BY MEMBER OF AN ASSOCIATION.—An employer on whose behalf an appli-

cation is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though such employer filed the application itself. If such an employer is deter-

mined, under this section, to have com-

mitted a violation, the penalty for such vio-

lation applies only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had know-

edge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is de-

termined to have committed a violation under subsection (a), the penalty for such vio-

lation shall apply only to the association un-

less the Secretary of Labor determines that an association member or members partici-

pated in, had knowledge, or reason to

know of the violation, in which case the pen-

alty shall be invoked against the association member or members as well.

SEC. 218D. Definitions

"SEC. 218D. For purposes of sections 218 through 218D:

"(1) AGRICULTURAL EMPLOYMENT.—The term ‘agricultural employment’ means any service or work considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 312(g) of the Internal Revenue Code of 1986 (26 U.S.C. 312(g)). For purposes of this paragraph, agricul-

tural employment includes employment under this section for any person who has entered into or participated in a collective bargaining agreement with an employer making such filing.

"(2) BONA FIDE UNION.—The term ‘bona fide union’ means any organization in which em-

ployees participate and which exists for the purposes of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

"(3) DISPLACE.—The term ‘displace’, in the case of a worker, means to replace an employee by laying off a United States worker or by reason of the absence of such a worker.

"(4) ELIGIBLE.—The term ‘eligible’, when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) EMPLOYER.—The term ‘employer’ means any person, entity, or organization which restricts the employer’s access to information to the employer, or to any other person, that the employer reason-

ably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to either of such sections.


"(8) JOB OPPORTUNITY.—The term ‘job oppor-

tunity’ means a job opening for temp-

torary full-time employment at a place in the United States which United States workers can be referred.

"(9) LAYS OFF.—

(A) IN GENERAL.—The term ‘lays off’, with respect to a worker:

(i) means to cause the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary cause but

(ii) does not include any situation in which the worker is offered, as an alter-

native to discharge, continued similar employment opportunity with the same em-

ployer (or, in the case of a placement of a worker with another employer under section 218A(b)(2) by an employer described in section 218A(b)(2)), at an equivalent or higher compensation and benefits than the position from which the employee was discharged, re-

gardless of whether or not the employee ac-

cepts the offer.

"(10) REGULATORY DROUGHT.—The term ‘regulatory drought’ means a decision subse-

quent to the filing of the application under section 218 by an entity not under the con-

trol of the employer making such filing which restricts the employer’s access to water for irrigation purposes and reduces or limits the employer’s ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL AGRICULTURAL LABOR.—The term ‘seasonal agricultural labor’ is intended to limit an employer’s right under a collective bargaining agreement or other employment contract.

"(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a ‘temporary’ basis where the employ-

ment extended does not exceed 10 months.

"(14) UNITED STATES WORKER.—The term ‘United States worker’ means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(i)(A).

(b) Table of Contents.—The table of con-

tents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following:

"Sec. 218. H-2A employer applications.

"Sec. 218A. H-2A employment requirements.

"Sec. 218B. Procedure for admission and ex-

tension of stay of H-2A work-

ers.

"Sec. 218C. Worker protections and labor standards enforcement.

"Sec. 218D. Definitions.

Subtitle C—Miscellaneous Provisions

SEC. 731. Determination and Use of User Fees.

(a) Schedule of Fees.—The Secretary shall establish and periodically adjust a schedule of fees for aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this Act. Such fees shall be the only fees chargeable to em-

ployers for services provided under this Act.

(b) Determination of Schedule.

In general.—The schedule under sub-

section (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer’s application under section 218 and the immigration act, as added by section 721 of this Act, and suf-

ficient to provide for the direct costs of pro-

viding services related to an employer’s au-

thorization to employ eligible aliens pursu-

ant to this Act, to include the certification of eligible employers, the issuance of document-

ation, and the admission of eligible aliens.

(2) Procedure.—

(A) In General.—In establishing and ad-

justing such a schedule, the Secretary shall consult with the Secretary of Labor and the Secretary under this title and the

amendments made by this title.

(B) Publication and Comment.—The Sec-

retary shall publish in the Federal Register an annual report describing the col-

lection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursu-

ant to which public comment shall be sought and a final rule issued.

(c) Use of Proceeds.—Notwithstanding any other provision of law, all proceeds re-

ceived from the provisions of the alien em-

ployment user fees shall be available with-

out further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 721 of this Act, and the pro-

visions of this Act.

SEC. 732. Regulations.

(a) Regulations of the Secretary.—The Sec-

retary shall promulgate regulations of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) Regulations of the Secretary of State.—The Secretary of State shall consult

Notwithstanding any other provision of law, all proceeds re-

ceived from the provisions of the alien em-

employment user fees shall be available with-

out further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 721 of this Act, and the pro-

visions of this Act.
against the tax imposed by this subtitle an amount equal to the qualified active duty wage differential of such qualified reservist for the taxable year.

(b) QUANTITY ACTIVITY WAGE DIFFERENTIAL.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified active duty wage differential’ means the daily wage differential of the qualified active duty reservist multiplied by the number of days such qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

(2) DAILY WAGE DIFFERENTIAL.—The daily wage differential is an amount equal to the lesser of—

(A) the excess of—

(i) the qualified reservist’s average daily qualified compensation

(ii) the qualified reservist’s average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist’s normal employment duties, or

(ii) $54.80.

(3) AVERAGE DAILY QUALIFIED COMPENSATION.—

(A) IN GENERAL.—The term ‘average daily qualified compensation’ means—

(i) the qualified reservist’s average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist’s normal employment duties, or

(ii) 365.

(B) QUALIFIED COMPENSATION.—The term ‘qualified compensation’ means—

(i) compensation which is normally contingent on the qualified reservist’s presence for work and which would be includible in gross income, and

(ii) compensation which is not characterized by the qualified reservist’s employer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a non-specific leave of absence.

(4) AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—

(A) IN GENERAL.—The term ‘average daily military pay and allowances’ means—

(i) the amount paid to the qualified reservist during the taxable year as military pay and allowances on account of the qualified reservist begins qualified reserve component duty, determined as of the date the qualified reservist begins qualified reserve component duty, divided by

(ii) 365.

(B) MILITARY PAY AND ALLOWANCES.—

The term ‘military pay’ means pay as that term is defined in section 101(1) of title 10, United States Code; and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

(5) QUALIFIED RESERVE COMPONENT DUTY.—

The term ‘qualified reserve component duty’ means—

(A) active duty performed, as designated in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

(B) Full-time National Guard duty (as defined in section 101(19) of title 10, United States Code) which is ordered pursuant to a request by the President, for a period under 1 year of more, and does not include the period of active duty.

(c) QUALIFIED RESERVIST.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified reservist’ means an individual who is engaged in normal employment and is a member of—

(A) the National Guard (as defined by section 101(c)(1) of title 10, United States Code), or

(B) the Ready Reserve (as defined by section 101(c)(2) of title 10, United States Code).

(2) NORMAL EMPLOYMENT.—The term ‘normal employment duties’ includes self-employment.

(d) DETERMINATION OF COMPENSATION WITH RESPECT TO PERSONS ORDERED TO ACTIVELY DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a qualified reservist who is called or ordered to active duty for any of the following types of duty:

(i) Active duty for training under any provision of title 10, United States Code.

(ii) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

(iii) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting, before the period ‘;’, the following:

‘‘(c) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.’’.

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code is amended by striking the last item and inserting the following new items:

‘‘Sec. 36. Wage differential for activated reservists.

Sec. 37. Overpayments of tax.’’.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 1 through 13.

3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, strike lines 10 through 20 and insert the following:

SEC. 36. WAGE DIFFERENTIAL FOR ACTIVATED MILITARY RESERVISTS

(a) In General.—In the case of a qualified reservist, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the qualified active duty wage differential of such qualified reservist for the taxable year.

(b) QUANTITY ACTIVITY WAGE DIFFERENTIAL.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified active duty wage differential’ means the daily wage differential of the qualified active duty reservist multiplied by the number of days such qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

(2) DAILY WAGE DIFFERENTIAL.—The daily wage differential is an amount equal to the lesser of—

(A) the excess of—

(i) the qualified reservist’s average daily qualified compensation

(ii) the qualified reservist’s average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist’s normal employment duties, or

(i) $54.80.

(3) AVERAGE DAILY QUALIFIED COMPENSATION.—

(A) IN GENERAL.—The term ‘average daily qualified compensation’ means—

(i) the qualified reservist’s average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist’s normal employment duties, or

(ii) 365.

(B) QUALIFIED COMPENSATION.—The term ‘qualified compensation’ means—

(i) compensation which is normally contingent on the qualified reservist’s presence for work and which would be includible in gross income, and

(ii) compensation which is not characterized by the qualified reservist’s employer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a non-specific leave of absence.

(4) AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—

(A) IN GENERAL.—The term ‘average daily military pay and allowances’ means—

(i) the amount paid to the qualified reservist during the taxable year as military pay and allowances on account of the qualified reservist begins qualified reserve component duty, determined as of the date the qualified reservist begins qualified reserve component duty, divided by

(ii) 365.

(B) MILITARY PAY AND ALLOWANCES.—

The term ‘military pay’ means pay as that term is defined in section 101(1) of title 10, United States Code; and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

(5) QUALIFIED RESERVE COMPONENT DUTY.—

The term ‘qualified reserve component duty’ means—

(A) active duty performed, as designated in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

(B) Full-time National Guard duty (as defined in section 101(19) of title 10, United States Code) which is ordered pursuant to a request by the President, for a period under 1 year of more, and does not include the period of active duty.

(c) QUALIFIED RESERVIST.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified reservist’ means an individual who is engaged in normal employment and is a member of—

(A) the National Guard (as defined by section 101(c)(1) of title 10, United States Code), or

(B) the Ready Reserve (as defined by section 101(c)(2) of title 10, United States Code).

(2) NORMAL EMPLOYMENT.—The term ‘normal employment duties’ includes self-employment.

(d) DETERMINATION OF COMPENSATION WITH RESPECT TO PERSONS ORDERED TO ACTIVELY DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a qualified reservist who is called or ordered to active duty for any of the following types of duty:

(i) Active duty for training under any provision of title 10, United States Code.

(ii) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

(iii) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting, before the period ‘;’, the following:

‘‘(c) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.’’.

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code is amended by striking the last item and inserting the following new items:

‘‘Sec. 36. Wage differential for activated reservists.

Sec. 37. Overpayments of tax.’’.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.
Provided,

SA 469. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure continued construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Strike title IV and insert the following:

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1 DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION
For an additional amount for “Procurement, Acquisition and Construction”, $10,170,000, to remain available until September 30, 2006, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure continued construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

CHAPTER 2 DEPARTMENT OF DEFENSE—MILITARY OPERATIONS AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3 DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
OPERATING EXPENSES
For an additional amount for “Operating Expenses”, $3,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Funds Appropriated to the President
OTHER BILATERAL ASSISTANCE
TSUNAMI RECOVERY AND RECONSTRUCTION FUND
(Including transfer of funds)
For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, $94,370,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to any agency or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred fragmentation is not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred under this heading prior to enactment of this Act, including Public Law 98-477 Title II grants: Provided further, That of the funds appropriated under this heading prior to enactment of this Act, up to $10,000,000 may be transferred to and consolidated with “Development Credit Authority” for the cost of direct loans and loan guarantees as authorized by sections 236 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $20,000,000 may be transferred to and consolidated with “Operating Expenses of the United States Agency for International Development”; of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with “Operating Expenses of the United States Agency for International Development Office of Inspector General”; and up to $5,000,000 may be transferred to and consolidated with “Emergencies in the Diplomatic and Consular Service” for the purpose of providing support services for United States citizen victims and related operations; provided further, That of the funds appropriated under this heading, not less than $12,000,000 should be made available for environmental recovery activities in Aceh, administered by the United States Fish and Wildlife Service: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, $1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in countries: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER
ANNUAL LIMITATION


SA 470. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expedient construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1 DEPARTMENT OF AGRICULTURE
FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 480 TITLE II GRANTS
For additional expenses during the current fiscal year, not otherwise recoverable, and
unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $58,791,560, to remain available until expended:

Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2
DEPARTMENT OF STATE AND RELATED AGENCY
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
For an additional amount for “Diplomatic and Consular Programs”, $757,700,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That the funds appropriated under this heading, not less than $250,000, shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States for research or other scholarly activities at American institutions of higher education: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE
For an additional amount for “Embassy Security, Construction, and Maintenance”, $22,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES
CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES
For an additional amount for “Contributions for International Peacekeeping Activities”, $24,692,455, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY
BROADCASTING BOARD OF GOVERNORS
INTERNATIONAL BROADCASTING OPERATIONS
For an additional amount for “International Broadcasting Operations” for activities related to broadcasting to the broader Middle East, $3,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS
For an additional amount for “Broadcasting Capital Improvements” for capital improvements related to broadcasting to the broader Middle East, $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
INTERNATIONAL DISASTER AND FAMINE RELIEF
For an additional amount for “International Disaster and Famine Assistance”, $17,245,524, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for unforeseen expenses incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, existing law, and prior year assistance: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSITION INITIATIVES
For an additional amount for “Transition Initiatives”, $24,692,455, to remain available until September 30, 2006, of which not less than $2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
For an additional amount for “Operating Expenses of the United States Agency for International Development”, $44,188,550, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE
ECONOMIC SUPPORT FUND
CONGRESSIONAL RECORD — SATURDAY, APRIL 18, 2005

For an additional amount for “Economic Support Fund”, $24,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ISRAEL TO HELP EASE THE MOVEMENT OF PALESTINIAN PEOPLE AND GOODS IN AND OUT OF ISRAEL: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION
For an additional amount for “Assistance for the Independent States of the Former Soviet Union” for assistance to Ukraine, $70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $5,000,000 shall be made available in programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available through the United States Agency for International Development for democracy initiatives, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State:

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
For an additional amount for “Operating Expenses of the United States Agency for International Development”, $24,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE
ECONOMIC SUPPORT FUND
For an additional amount for “Economic Support Fund”, $24,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE
For an additional amount for “Migration and Refugee Assistance”, $108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection, goals set by the President for fiscal year 2005: Provided further, That of the funds provided under this heading, not less than $50,000,000 should be made available to support Afghan women’s organizations that work to defend the legal rights of women and to increase women’s political participation: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Assistance for the independent states of the Former Soviet Union
Foreign Assistance Appropriation Bill, 2006

This document contains congressional legislation related to foreign assistance programs. It includes provisions for economic assistance, disaster relief, and refugee assistance. The legislation details the availability of funds, their destinations, and the conditions under which they can be used. For instance, funds are designated as emergency requirements to address urgent situations, such as those arising from natural disasters or political crises. The document also outlines the transfer of funds to other programs, such as those for peacekeeping and economic development. The legislation is structured to ensure that funds are made available until specific cutoff dates, with provisions for reprogramming and reallocation of funds as necessary. This approach is designed to respond swiftly to emerging needs and to ensure that assistance is effective in achieving its goals.
NONPROLIFERATION, ANTI-TERRORISM, DEMING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, $22,979,156, to remain available until September 30, 2006, of which not to exceed $5,879,156, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament, as provided. That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Funds Appropriated to the President

GLOBAL WAR ON TERROR PARTNERS FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, $692,000,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Congress, for Appropriations of such use will support the Global War on Terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of the Department of State, other Federal agencies, or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification requirements of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing”, $629,000,000, to remain available until September 30, 2006, of which $300,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Peacekeeping Operations

For an additional amount for “Peacekeeping Operations”, $2,120,000,000, to remain available until September 30, 2006, of which $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is further amended by striking “Iraq.”.

REPORTING REQUIREMENT

SEC. 202. Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a detailed report identifying specific steps taken by the President to execute the reporting requirements contained in this Act:

1. A list of all actions taken by the President to execute the reporting requirements of this Act;
2. A list of all actions taken by the President to execute the reporting requirements of this Act that are in progress;
3. A list of all actions taken by the President to execute the reporting requirements of this Act that have been completed;
4. A list of all actions taken by the President to execute the reporting requirements of this Act that are not likely to be completed;
5. A list of all actions taken by the President to execute the reporting requirements of this Act that are not likely to be completed because of factors beyond the control of the President;
6. A list of all actions taken by the President to execute the reporting requirements of this Act that are not likely to be completed because of factors that are not within the control of the President.

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Congress detailing:

1. Actions taken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).
2. A description of the activities undertaken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).
3. A description of the activities undertaken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).
4. A description of the activities undertaken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).
5. A description of the activities undertaken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).
6. A description of the activities undertaken by the Secretary of Defense to carry out the authority granted pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 2103. The unexpended balance appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that the funds may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 2104. Funds appropriated for fiscal year 2006 under the heading “Economic Support Fund” may be made available for demography and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 109-447.

Dependency Exception

SEC. 204. Funds appropriated for fiscal year 2005 under the heading “Economic Support Fund” may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 109-447.

SA 471. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorist from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; hereinafter referred to as the “San Diego Amendment.”

SEC. 205. On page 231, between lines 3 and 4, insert the following:

1. The transfer of the title of the commodity or product to the purchaser;
2. The release of control of the commodity or product to the purchaser.

SA 473. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorist from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; hereinafter referred to as the “San Diego Amendment.”

SEC. 206. On page 172, strike “$592,000,000” and insert “$106,000,000.”

SA 472. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorist from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; hereinafter referred to as the “San Diego Amendment.”

SEC. 207. On page 172, strike “$592,000,000” and insert “$106,000,000.”
standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

On page 198, between lines 21 and 22, insert the following:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. FLOODED CROP AND GRAZING LAND.

(a) In General.—The Secretary of Agriculture shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) Eligibility.—

(1) In General.—To be eligible to receive compensation under this section, an owner shall—

(II) add a beneficiary other than the spouse.

(ii) the Secretary shall notify the spouse of a member if the member elects to—

(i) change the amount of insurance coverage under this subsection; or

(ii) add a beneficiary other than the spouse.

(iii) The failure of the Secretary to provide timely notification under clause (ii) shall not affect the validity of an election by the member.

(iv) If a servicemember marries or remarries after making an election under clause (ii), the Secretary is not required to notify the spouse of such election. Elections made after the date of marriage are subject to the notice requirement under clause (ii).

SA 475. Mr. CRAIG (for himself, Mr. BACUS, Mr. ROBERTS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SIRC. 5134. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108-447) for the Lost River Watershed project, West Virginia, $4,000,000 shall be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 725 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

SA 477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

Cuba undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to the Sanctions Reform and Export Enhancement Act of 2000.

(c) Notwithstanding any other provision of this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this Act shall be used to pay the salaries or expenses of any employee of any agency or office that restricts the direct transfers from a Cuban financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

(1) I N GENERAL.

(2) R ECREATIONAL ACTIVITIES.

(f) USE OF LAND.

(b) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.

(1) In General.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) Reduction.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) Exclusion.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.),

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program established under title XII of the Food and Agriculture Act of 2002 (7 U.S.C. 7001 et seq.).

(e) RELATIONSHIP BETWEEN AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.

(b) Provide compensation for additional acreage under this section.

(c) (1) In General.—There is appropriated, out of any money in the Treasury not otherwise
appropriated, to carry out this section $20,000,000 for fiscal year 2005, to remain available until expended: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient by $34,000,000, with the amount of such insufficient amount rounded to the nearest $1,000,000, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SA 478. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 23, insert the following:

INDIAN HEALTH SERVICE

SEC. 5301. (a) In this section, the term ‘‘critical access capability’’ means a comprehensive ambulatory care center that provides services on a regional basis to Native Americans in Albuquerque, New Mexico, and surrounding areas.

(b) The Albuquerque Indian Health Center (also known as the ‘‘Albuquerque Indian Hospital’’) is designated as a critical access facility.

(c) There is authorized to be appropriated for the Albuquerque Indian Health Center $8,000,000 for fiscal year 2006.

SA 479. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

ASSISTANCE PROGRAMS FOR MEMBERS OF THE ARMY RESERVE

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY RESERVE.—The amount appropriated by this chapter under the heading ‘‘OPERATION AND MAINTENANCE, ARMY RESERVE’’, as increased by subsection (a), $34,000,000 shall be available for assistance programs for members of the Army Reserve as follows:

(1) $17,600,000 shall be available for tuition assistance programs as authorized by law.

(2) $4,300,000 shall be available for the welcome home warrior-citizen program.

(3) $5,600,000 shall be available for the conduct of marriage workshops to assist members of the Army Reserve.

(4) $5,600,000 shall be available for family programs.

SA 480. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY RESERVE.—The amount appropriated by this chapter under the heading ‘‘OPERATION AND MAINTENANCE, ARMY RESERVE’’ is hereby increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ‘‘OPERATION AND MAINTENANCE, ARMY RESERVE’’, as increased by subsection (a), $34,000,000 shall be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SA 481. Mrs. LINCOLN (for herself and Mr. PEYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

ACCUMULATION OF LEAVE BY MEMBERS OF THE NATIONAL GUARD

SEC. 1122. Section 701(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ‘‘In the case of a member of the Army National Guard of the United States or the Air National Guard of the United States who serves on active duty for more than 179 consecutive days, full-time training or other full-time duty performed by such member during the 5-year period ending on the 180th day of such service under provision of law referred to in the preceding sentence, while such member was in the status as a member of the National Guard, and for which such member was entitled to be paid for the purposes of this section.’’

SA 482. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1122. Not later than 60 days after the date of the enactment of this Act the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the Army of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. That report shall include the Secretary’s assessment in consultation with the Secretary of the Air Force.

SA 483. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike line 24, and insert ‘‘$65,000,000, to remain available until September 30, 2006, of which $5,000,000 shall be made available for costs associated with increases in immigration-related filings in districts near the southwestern border of the United States’’.

SA 484. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and
removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, line 2, strike “$43,000,000” and insert “$75,000,000”; Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for “Contributions to International Peacekeeping Activities” is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

SA 468. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 23 after the period insert the following:

CANDIDATE COUNTRIES

SEC. 136(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108–199) is amended—

(1) by striking “(A) and (B)” of section 106(a)(1); and

(2) inserting in lieu thereof “subsection (a) or (b) of section 106”.

SA 489. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, line 9, after the colon insert the following:

Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for programs and activities which create new economic opportunities for women.
long term protection of the biodiversity of
necessary policies and programs to ensure the
future of the Galapagos is in the hands of the
Government of Ecuador;
(2) The world depends on the Government of Ecuador to implement the necessary poli
cies and programs to ensure the long term
protection of the biodiversity of the Gala-
agos, including enforcing the Galapagos Special
Law;
(3) There are concerns with the current
leadership of the Galapagos National Park
Service and that the biodiversity of the Ga-
apagos is not being properly managed or
adequately protected; and
(4) The Government of Ecuador has report-
elly given preliminary approval for commercial
airplane flights to the Island of Isabela,
which may cause irreparable harm to the biodiversity of the Gala-
apagos, and has allowed the export of fins from sharks caught
accidentally in the Marine Reserve, which encourages illegal fishing;
(5) No action therefore, be it
Resolved, That—
(1) The Senate strongly encourages the
Government of Ecuador to—
(a) refrain from taking any action that
could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the
Marine Reserve;
(b) abide by the agreement to select the
Directorship of the Galapagos National Park
Service though a transparent process based on
merit as previously agreed by the Govern-
ment of Ecuador, international donors, and
governmental organizations; and
(c) enforce the Galapagos Special Law in
its entirety, including the Marine Reserve
structure defined by the law to ensure effective
control of migration to the Galapagos and
sustainable fishing practices, and prohibit long-line fishing which threatens the survi-
vival of shark and marine turtle populations.
(2) The Department of State should—
(A) stress to the leadership of Ecuador
the importance the United States gives to
these issues; and
(B) offer assistance to implement the nec-
essary policies and programs to ensure the
long term protection of the biodiversity of the
Galapagos and the Marine Reserve and to
sustain the livelihoods of the Galapagos pop-
ulation who depend on the marine ecosystem
for survival.

SA 491. Mcconnell submitted an amend-
ment intended to be proposed by
him to the bill H.R. 1268, Making emer-
gency supplemental appropriations for
the fiscal year ending September 30,
2005, to establish and rapidly imple-
ment regulations for State driver’s li-
cense and identification document se-
curity standards, to prevent terrorists
from abusing the asylum laws of the
United States, to unify terrorism-re-
lated grounds for inadmissibility and
removal, to ensure expeditious con-
struction of the San Diego border
fence, and for other purposes; as fol-
ows:
On page 194, line 19 after the colon insert
the following:
Provided further, That the President is hereby authorized to defer and reschedule for such
period as he may deem appropriate any
amounts owed to the United States or any
agency of the United States by those coun-
tries significantly affected by the tsunamis
and earthquakes of December 2004, including
the Republic of Indonesia, the Republic of Maldives and Socialist Republic of Sri Lanka:
Provided further, That of the funds appropriated under this heading, up to $15,000,000 may be made available for
modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and re-
scheduling authorized under this heading:
Provided further, That the provisions shall not be considered “assistance” for the pur-
poses of provisions of law limiting assistance to any such affected country.

SA 492. Mr. LEAHY submitted an amend-
ment intended to be proposed by
him to the bill H.R. 1268, Making emer-
gency supplemental appropriations for
the fiscal year ending September 30,
2005, to establish and rapidly imple-
ment regulations for State driver’s li-
cense and identification document se-
curity standards, to prevent terrorists
from abusing the asylum laws of the
United States, to unify terrorism-re-
lated grounds for inadmissibility and
removal, to ensure expeditious con-
struction of the San Diego border
fence, and for other purposes; as fol-
ows:
At the appropriate place in the bill, insert
the following:
NEPAL
SEC. (a) FINDINGS.—The Senate makes the
following findings—
That, on January 2, 2005, Nepal’s King
Gyanendra dissolved the multi-party govern-
ment, suspended constitutional liberties, and
arrested political party leaders, human
rights activists and representatives of civil
society organizations.
That, despite condemnation of the King’s
actions and the suspension of military aid to
Nepal by India and Great Britain, and simi-
lar threats of action by the United States,
the King has refused to restore constitutional liberties and
democracy.
That, there are concerns that the King’s
actions will strengthen Nepal’s Maoist Insur-
gency.
That, while some political leaders have
been released from custody, there have been
new arrests of human rights activists and
representatives of other civil society organi-
zations.
That, the King has thwarted efforts of
members of the National Human Rights
Commission to conduct monitoring activi-
ties, but recently agreed to permit the
United Nations High Commissioner for
Human Rights to open an office in Katmandu
to monitor and investigate violations.
That, the Maoists have committed atroc-
ities against civilians and poses a threat to
democracy in Nepal.
That, the Nepalese Army has also com-
mitted gross violations of human rights.
That, the Morrison Report notes, what it
intends to pursue a military strategy against
the Maoists.
That, Nepal needs an effective military
strategy to counter the Maoists and pressure
them to negotiate an end to the conflict,
but such a strategy must include the Nepa-
ese Army’s respect for the human rights and
dignity of the Nepalese people.
That, an effective strategy to counter the
Maoists also requires a political process that
is inclusive and democratic in which con-
stitutional rights are protected, and govern-
ment policies that improve the lives of the
Nepalese people.

SA 493. Mr. LEAHY submitted an amend-
ment intended to be proposed by
him to the bill H.R. 1268, Making emer-
gency supplemental appropriations for
the fiscal year ending September 30,
2005, to establish and rapidly imple-
ment regulations for State driver’s li-
cense and identification document se-
curity standards, to prevent terrorists
from abusing the asylum laws of the
United States, to unify terrorism-re-
lated grounds for inadmissibility and
removal, to ensure expeditious con-
struction of the San Diego border
fence, and for other purposes; which
was ordered to lie on the table; as fol-
ows:
On page 176, line 12, after the colon insert
the following:
Provided further, That of the funds appro-
 priated under this heading, not less than
$5,000,000 shall be made available for
assistance for families and communities of
Afghan civilians who have suffered losses as a result
of the military operations:

SA 494. Mr. BIDEN submitted an amend-
ment intended to be proposed by
him to the bill H.R. 1268, Making emer-
gency supplemental appropriations for
the fiscal year ending September 30,
2005, to establish and rapidly imple-
ment regulations for State driver’s li-
cense and identification document se-
curity standards, to prevent terrorists
from abusing the asylum laws of the
United States, to unify terrorism-re-
lated grounds for inadmissibility and
removal, to ensure expeditious con-
struction of the San Diego border
fence, and for other purposes; which
was ordered to lie on the table; as fol-
ows:
On page 231, between lines 3 and 4, insert
the following:
REPORTING REQUIREMENTS ON SPENDING ON
RECONSTRUCTION IN IRAQ
SEC. 6047. (a) Subsection (a) of section 2207
of the Emergency Supplemental Appropria-
tions Act for Defense and for the Reconstruc-
tion of Iraq and Afghanistan, 2004 (Public
Law 108–186; 22 U.S.C. 2764 note) is amended—
(1) in the matter preceding paragraph (1),
by striking “the Committees on Appropria-
tions” and inserting “the Committee on
Appropriations, the Committee on Foreign Serv-
ces, and the Committee on Foreign Rela-
tions of the Senate, and the Committee on
Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives, and make available to the public on the Department of State’s website; and

(2) by inserting after paragraph (4) the following new paragraphs:

“(b) the subtotals and costs of projects started and completed by governorate and sector, and a list of projects expected to be completed within the next quarter.

(6) the strategy for using reconstruction funds to develop Iraq’s governing capacity, including—

(A) a description of the governing capacity of the Iraqi government ministries, the standards used to measure that capacity, and how reconstruction funds are helping to develop that capacity;

(B) a description of how projects will lead to material benefits to the Iraqi people;

(C) the proportion of reconstruction funds, by sector, spent on training Iraqi civil servants and public sector employees;

(D) a description of the training curricula and goals;

(E) the number of Iraqi civil servants and public sector employees receiving training, including technical, financial or managerial training; and

(F) the efforts made to reduce corruption in the performance of these funds and in the Iraqi government ministries.

(7) Information on employment created using reconstruction funds, including—

(A) the average number of Iraqi citizens employed, by governorate, during the preceding 3 months;

(B) the average number of United States citizens employed during the preceding 3 months;

(C) the average number of citizens of other countries employed during the preceding 3 months;

(D) the proportion of total salary payments to Iraqi citizens during the preceding 3 months; and

(E) the proportion and value of subcontract awards to Iraqi firms, by sector.

(8) Data on reconstruction spending by governorate, including a description of the role of municipal or local councils and provincial governments in determining reconstruction priorities and the proportion of funds allocated to them for direct consultation with such institutions.

(9) The costs of security in the use of such funds, including—

(A) security subcontractor costs and physical and ongoing security costs;

(B) indirect costs, such as construction delays lost to security concerns;

(C) insurance costs; and

(D) the extent to which insurgent activity has resulted in projects requiring additional reconstruction efforts.

(10) The status of international reconstruction assistance to Iraq and how such assistance is coordinated with United States efforts.

(11) Estimates of public and private debt owed by the Government of Iraq, disaggregated by lender country, and efforts made to reduce such debt.

(b) Subsection (c) of such section is amended by striking “the Committees on Appropriations” and inserting “the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives”.

(c) Subsection (d) of such section is amended by striking “on October 1, 2007” and inserting “90 days after the date on which 100 percent of the funds described in this section are expended”. (d) Such section is further amended by adding at the end the following new subsections:

“(e) The Administrator of the United States Agency for International Development shall work with the government of Iraq to conduct and include in each report or update submitted under this section, a quarterly standardized household survey, with a representative sample at the provincial level in Iraq, to assess the availability and access to certain essential services in Iraq, including, at a minimum, the following services:

(1) Health services.

(2) Education.

(3) Electricity.

(4) Potable water.

(5) Sewage.

(6) Solid waste removal.

(7) Law enforcement.

(8) Transportation.

(9) Communications.

(f) The Secretary of State shall have each report or update submitted under this section translated into Arabic, posted on the website of the United States embassy in Baghdad, and made available to the Government of Iraq.”

SA 495. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document sections of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. ___.(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT.

Of the amounts appropriated under the heading “OTHER PROCUREMENT, ARMED FORCES” for peacekeeping operations provided under the heading “OTHER PROCUREMENT” for the fiscal year ending September 30, 2005, $50,000,000 shall be available for the purchase of the equipment described in subparagraph (F) of section 502 of the conference report for the fiscal year 2005 Defense Appropriations Act (Division A of P.L. 108-117) for the purchase of equipment to be used by the United States Armed Forces to conduct operations in Iraq and Afghanistan.

(b) LIMITATION ON REVIEW.

There shall be no administrative or judicial review of any determination made by the Secretary under this section.

(c) EFFECTIVE DATE.

This amendment shall be effective as of the date provided in section 502 of the conference report for the fiscal year 2005 Defense Appropriations Act.

SA 497. Ms. MIKULSKI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 1298, to amend title XVIII of the Medicare Act to establish and rapidly implement regulations for State driver’s license and identification document sections of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 22 and 23, insert the following:

(5) TREATMENT.

Any payment made under this subsection shall be treated as a payment of a death gratuity payable under chapter 75 of title 10, United States Code.

SA 498. Mr. WARNER (for himself, Mr. NELSON of Florida, Mr. ALLEN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 1298, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document sections of the San Diego border fence, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___.

TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGR

(a) In General.—Section 1997(c) of the Social Security Act (42 U.S.C. 1395hh(h)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “or an entity described in paragraph (3)” after “means a hospital”; and

(B) by striking paragraph (3) and inserting the following:

(i) by inserting “legislature” after “State” the first place it appears; and

(ii) by inserting “such designation by the State legislature occurred prior to December 8, 2003” before the period at the end;

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

“(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.”;

(b) LIMITATION ON REVIEW.—Section 1997 of the Social Security Act (42 U.S.C. 1395hh(h)) is amended by adding at the end the following new subsection:

“(1) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.”;

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2457).
for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

**AIRCRAFT CARRIERS OF THE NAVY**

SEC. 1122. (a) FUNDING FOR REPAIR AND MAINTENANCE—John F. Kennedy.

Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such re- pair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

1. The date that is 180 days after the date of the submittal of Congress of the quadren- ual defense review required in 2005 under section 118 of title 10, United States Code.

2. The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been en- tered into to provide port facilities for the permanent forward deployment of such num- bers of aircraft carriers as are necessary to the Pacific Command Area of Responsibility to fulfill the roles and missions of that Com- mand, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two con- ventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For pur- poses of this section, an active aircraft car- rier of the Navy includes an aircraft carrier that is temporarily unavailable for world- wide deployment due to routing or scheduled maintenance.

**SA 499. Mr. WARNER (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. TALENT, Ms. COLLINS, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmis- sibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:**

On page 204, between lines 4 and 5, insert the following:

**DEPARTMENT OF DEFENSE**

HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS

CONSTRUCTION

For an additional amount to the Secretary of the Army, acting through the Chief of En- gineers, for construction at the Houston-Gal- veston Navigation Channels, Texas, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 86 (108th Congress).

**SA 501. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s li- cense and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:**

On page 203, between lines 17 and 18, insert the following:

1. The date that is 180 days after the date of the submittal to Congress of the quadren- ual defense review required in 2005 under section 118 of title 10, United States Code.

2. The date on which the Secretary of De- fense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Con- gress that such agreements have been en- tered into to provide port facilities for the permanent forward deployment of such num- bers of aircraft carriers as are necessary to the Pacific Command Area of Responsibility to fulfill the roles and missions of that Com- mand, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two con- ventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For pur- poses of this section, an active aircraft car- rier of the Navy includes an aircraft carrier that is temporarily unavailable for world- wide deployment due to routing or scheduled maintenance.

**SA 500. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terror- ium-related grounds for inadmis- sibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:**

On page 204, between lines 4 and 5, insert the following:

**CHAPTER 5**

**DEPARTMENT OF DEFENSE**

**MEDICAL SUPPORT FOR TACTICAL UNITS**

For an additional amount to the Secretary of the Army, acting through the Chief of En- gineers, for construction at the Houston-Gal- veston Navigation Channels, Texas, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 86 (108th Congress).

**SA 503. Mr. DURBIN (for himself, Mr. LEVIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly imple- ment regulations for State driver’s li- cense and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:**

On page 141, line 7, strike “That the Sec- retary” and all that follows through “appro- priation:” on lines 10 and 11, and insert
SA 504. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes: which was ordered to lie on the table; as follows:

On page 176, line 17, after “1961:” insert “Provided further. That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than $3,000,000 shall be transferred to the United Nations Population Fund to provide assistance to terminal victims in Indonesia, the Maldives, and Sri Lanka to (1) provide and distribute equipment, including safe delivery kits and hygiene kits, medicines, and supplies, including soap and sanitary napkins, to enhance maternal and neonatal health, (2) establish maternal health services in areas where medical infrastructure and such services have been destroyed by the tsunami, (3) prevent and treat cases of violence against women and youth, (4) offer psychological support and counseling to women and youth, (5) promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care, and (6) provide supplies of contraceptives for the prevention of pregnancy and the spread of sexually transmitted diseases, including HIV/AIDS: Provided further. That nothing in the preceding provision may be construed to alter any existing statutory prohibitions against abortion set out in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b)."

SA 505. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes: which was ordered to lie on the table; as follows:

On page 176, line 17, after “1961:” insert “Provided further. That, notwithstanding any other provision of law, of the funds appropriated under this Act the total amount appropriated under this Act may not exceed $62,122,000,000.

SA 506. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes: which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

Reduction of Appropriations

Sec. 6047. Withholding any other provision of this Act, the total amount appropriated under this Act may not exceed $62,122,000,000.

SA 507. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes: which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

Report on Improving Air Safety of Members of the United States Armed Forces Serving in Afghanistan

Sec. 6047. (a) Congress makes the following findings:

(1) The operation by the Department of Defense of aircraft between Europe and Afghanistan involves travel through an area of mountainous terrain along an air corridor that possesses minimal or no air safety capabilities.

(2) Recent aircraft crashes in Afghanistan involving members of the United States Armed Forces have claimed over 100 lives, and more than 40 other incidents have been documented in which aircraft survivors were required to avoid collisions.

(3) The United States Government has facilitated for several NATO allies the acquisition and transfer of equipment, including MANPADS, technologies that could be used to improve the safety of air routes between Europe and Afghanistan and within Afghanistan.

On page 178, line 12, insert the following:

For an additional amount for "Economic Support Fund": $2,000,000 for the Third Border Initiative to remain available until September 30, 2006: Provided, That the amount provided under this paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

On page 176, line 13, insert the following:

For an additional amount for "International Narcotics Control and Law Enforcement": $40,530,000, to remain available until September 30, 2006: Provided, That the amount provided under this paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

On page 176, line 14, insert the following:

For an additional amount for "Inter-American Drug Abuse Control Commission (CICAD): Provided, That the amount provided under this paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress)."
paragraph is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 509. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, line 11, strike the comma and all that follows through “goal” on line 19.

SA 510. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

EVALUATION OF SUBCONTRACT PARTICIPATION BY SMALL BUSINESSES

SEC. 6047. (a) Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) by redesigning subparagraph (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “The failure” and inserting “(A) The failure;

(3) by adding at the end the following:

“(B) A material breach described in this paragraph shall be referred for investigation to the Inspector General (or the equivalent) of the affected agency.”.

SA 511. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SMALL BUSINESS PARTICIPATION IN SUBCONTRACTING

SEC. 6047. (a) Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) by redesigning paragraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officer;

(c) Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesigning paragraph (1) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

“(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

‘‘(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).’’;

(d) Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended by striking paragraphs (10)(A) through (D), redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and by striking “The failure” and inserting “(A) The failure;

SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

SA 513. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;
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(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts in the small business sector.

(E) Small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act.

(F) Small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan need not forego meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Growth Promotion Act of 1996 (15 U.S.C. 645b) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair proportion of Federal prime contracts and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall propose such necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted in connection with the review required by the section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating regulations required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may impose additional prime contracts or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the conformance status of Federal agencies, offices, and departments in carrying out this section.

SA 514. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license documents that meet security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. CONFLICT ZONE SMALL BUSINESS CONCERNS.—

Section 207 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

'(2) CONFLICT ZONE SMALL BUSINESS SIZE STANDARDS.—

'(A) IN GENERAL.—The Administrator shall establish, by rule, regulation, or order, size standards for treatment of a business concern performing services in a qualified area as a small business concern for purposes of this Act.

'(B) TIMING.—The size standards established under subparagraph (A) shall become effective not later than 12 months after the date of enactment of this subsection.

'(C) CRITERIA.—The Administrator shall develop size standards under subparagraph (A) with the purpose of reducing the burdens on small business concerns, in connection with the need—

'(i) to provide security for business operations;

'(ii) to incur costs under any provision of Federal law which may require government contractors and subcontractors to provide particular benefits or to obtain particular types of insurance in order to operate in a qualified area; and

'(iii) to hire additional employees in order to successfully perform contracts or subcontract in or near a zone of military conflict.

'(D) CONFLICT ZONE SMALL BUSINESS SIZE STANDARDS.—

'(1) CONFLICT ZONE SMALL BUSINESS SIZE STANDARDS.—

'(A) WITH RESPECT TO A DEFENSE AGENCY OR A DEPARTMENT.—The Administrator may not consider, in determining whether a business concern performing services in a qualified area qualifies as a small business concern for purposes of this Act—

'(i) in determining the size of the business concern;

'(ii) to provide security for business operations;

'(iii) to incur costs under any provision of Federal law which may require government contractors and subcontractors to provide particular benefits or to obtain particular types of insurance in order to operate in a qualified area; and

'(4) ADDITIONAL DEFINITIONS.—

'(A) QUALIFIED AREA.—In this subsection, the term ‘qualified area’ means—

'(i) Iraq;

'(ii) Afghanistan; and

'(iii) any other country, area, or territory outside of the United States, its territories, and possessions, as may be designated by the Administrator in consultation with the Secretary of Defense, the Secretary of Homeland Security, or the Secretary of Veterans Affairs, as appropriate, where contracts or subcontract are performed in support of the Global War on Terror, United States military operations, or related reconstruction, stabilization, and assistance activities.

'(B) QUALIFIED CONTRACT OR SUBCONTRACT.—In this subsection, the term ‘qualified contract or subcontract’ means any contract, portion of a contract, subcontract, or portion of a subcontract awarded by an agency or instrumentality of the United States Government under any funds appropriated through an appropriations Act, requiring the business concern to perform services in a qualified area.

'(C) SERVICES.—In this subsection, the term ‘services’ includes sales, marketing, installation, translation, security, and other similar services performed in a qualified area under a qualified contract or subcontract.

')
paragraphs (A) and (B), the official so designated by that department or agency.

(b) Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended—

(1) in paragraph (2) by striking ‘‘RESEARCH—’’;

(A) in general.—Before and inserting ‘‘RESEARCH—’’; and

(B) by striking subparagraphs (B) and (C); and

(2) by striking paragraph (3) and inserting the following:

‘‘(3) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

(A) CERTAIN DEFENSE CONTRACT REQUIREMENTS.—An official of a military department, defense agency, or Department of Defense Field Activity shall not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive first—

(i) conducts market research;

(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements and

(iii) determines that the consolidation is necessary and justified.

(B) CERTAIN AGENCY CONTRACT REQUIREMENTS.—The head of a Federal agency not covered under subparagraph (A) that has contracting authority shall not execute an acquisition strategy that includes a consolidation of contract requirements of the agency with a total value in excess of $2,000,000, unless the senior procurement executive of the agency first—

(i) conducts market research;

(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements and

(iii) determines that the consolidation is necessary and justified.

(C) ADDITIONAL REQUIREMENTS FOR HIGHER VALUE CONSOLIDATED CONTRACTS.—In addition to meeting the requirements under subparagraph (A) or (B), a procurement strategy by a civilian agency that includes a consolidated contract with a total value in excess of $5,000,000, or by a defense agency that includes a consolidated contract with a total value in excess of $7,000,000 shall include—

(i) an assessment of the specific impediments to participation by small business concerns as prime contractors that will result from the consolidation;

(ii) actions designed to maximize small business participation as prime contractors, including provisions that encourage small business teaming for the consolidated requirement;

(iii) actions designed to maximize small business participation as subcontractors (including suppliers) at any tier under the contract or contracts that may be awarded to meet the requirements; and

(iv) identification of the alternative strategies that would reduce or minimize the scope of the consolidation and the rationale for not choosing those alternatives.

(D) NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for purposes of subparagraph (A), (B), or (C), if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contract strategies identified under clause (ii) of any of those subparagraphs, as applicable. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for the consolidation of contract requirements in a procurement, unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

(E) BENEFITS.—Benefits considered for purposes of this paragraph may include cost and, regardless of whether quantifiable in dollar amounts—

(i) quality;

(ii) acquisition cycle;

(iii) terms and conditions; and

(iv) any other benefit directly related to national security or homeland defense.

(2) the United States should immediately establish a military no-fly zone in Sudan to immediately withdraw all military aircraft from the region; and

(3) $10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for ‘‘SALARIES AND EXPENSES’’, for the provision of training at the Border Patrol Academy.

SA 517. Mr. CORZINE (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, after line 23, insert the following:

DAFUR ACCOUNTABILITY

SEC. 2105. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector; individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions; and

(B) establishes a military no-fly zone in Sudan to immediately withdraw all military aircraft from the region;

(c) members of Congress should cooperate with, and allow unrestricted movement in Darfur by the African Union force, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, after line 4, insert the following:

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for ‘‘Diplomatic and Consular Programs’’ under chapter 2 of title II shall be $357,700,000.
the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment and arms; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union, to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and pro-active efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from Sudan and members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the amended paragraph 7, troika High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immobilize and control their assets belonging to such individuals, their family members, and any associates of such individuals to whom assets or property of such individuals may reasonably be attributed; and

(D) except as described under paragraph (2), deny visas and entry to such individuals, and seek new prosecutions under the law with respect to whom the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President certifies that the appropriate congressional committees, a report—

(A) naming the individual named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual’s family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States officials acquire the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act in respect of Sudan, the President should submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees a report describing the waiver and the reasons for such waiver—

(o)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees a report describing the waiver and the reasons for such waiver—

(b) In this section—

(1) The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) The term “Government of Sudan” means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act, or the Government of the Sudan People’s Liberation Army/Movement on January 9, 2005.

(3) The term “member states” means the member states of the United Nations.

(4) The term “Sudan North-South Peace Agreement” means the peace agreement signed by the Government of Sudan and the Sudan People’s Liberation Army/Movement on January 9, 2005.


SA 518. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 8. SILICON CARBIDE ARMOR INITIATIVE.

Of amounts available to the Department of Defense in this Act, $5,000,000 may be used for the purpose of funding a silicon carbide armor initiative to meet the critical needs for silicon carbide powders used in the production of ceramic armor plates for military vehicles.

SA 519. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 9. RAPID WALL BREACHING KITS.

Of amounts available to the Department of Defense in this Act, $5,000,000 may be used for the purpose of funding a silicon carbide armor initiative to meet the critical needs for silicon carbide powders used in the production of ceramic armor plates for military vehicles.
SA 521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

**REPEAL OF CERTAIN VISA REVOCATION PROVISIONS**

SEC. 6047. (a) Section 5304 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

(b) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be applied and administered as if such section 5304 had not been enacted.

(c) Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1211(1)) is amended by adding at the end the following: “There shall be no means of administrative or judicial review of a revocation under this subsection, unless the person otherwise would have jurisdiction to consider any claim challenging the validity of such a revocation.”

(d) Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking “United States is” and inserting the following: “United States, or whose nonimmigrant visa (or other document authorizing admission into the United States) has been revoked under section 221(i),”.

(e) The amendments made by subsections (c) and (d) shall take effect on the date of the enactment of this Act and shall apply to revocations under section 221(i), on, or after such date.

SA 523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. REQUIRING CERTAIN FEDERAL SERVICE CONTRACTORS TO PARTICIPATE IN PILOT PROGRAM.

Section 402(e)(1) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(c) CERTAIN FEDERAL SERVICE CONTRACTORS.—The following entities shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election:

“(1) A contractor who has entered into a contract with the Department of Defense for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

“(ii) A contractor who has entered into a contract with the Department of Defense that is exempted from the application of such Act by section 6 of such Act (42 U.S.C. 351(b)(1)) and any subcontractor under such contract.”

SA 524. Mr. FYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, between lines 13 and 14, insert the following:

COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE

For an additional amount for grants to States for the prevention, detection, and treatment of Asian soybean rust, $2,340,000, to remain available until expended: Provided, That the funds shall be available to land grant universities in southern States where Asian soybean rust has been detected as of the date of enactment of this Act, as determined by the Secretary of Agriculture; Provided further, That the funds shall be targeted to States with harvested soybean acreage in crop year 2004 of at least 1,500,000 acres; Provided further, That to be eligible, a State land grant university shall have developed a plan for the prevention, detection, and treatment of Asian soybean rust; Provided further, That the plan shall include, at a minimum, the development of informational materials, including the use of a website, training sessions for producers, crop monitoring, and the development of a regional network; Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 525. Mr. FYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, between lines 13 and 14, insert the following:

AGRICULTURAL RESEARCH SERVICE

For an additional amount for grants to States for the prevention, detection, and treatment of Asian soybean rust, $2,340,000, to remain available until expended: Provided, That the funds shall be available to the cooperative extension service in southern States where Asian soybean rust has been
detected as of the date of enactment of this Act, as determined by the Secretary of Agriculture; Provided further, That the funds shall be targeted to States with harvested soybean acreage in crop year 2004 of at least 1,600,000 acres: Provided further, That to be eligible, a State shall have developed a plan for the prevention, detection, and treatment of A. solani. Provided further, That the plan shall include, at a minimum, the development of informational materials, including the use of a website, training sessions on crop monitoring, and the development of a regional network: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 526. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1288, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, lines 11 through 14, strike “at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on” and insert “the previous 3 years, for at least 575 hours or 100 work days per year, before”.

SA 527. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1288, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, lines 15 and 16, strike “benefits” and insert “value”.

SA 528. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1288, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, line 24, strike “$40,000,000” and insert “$20,000,000”.

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. FLOODED CROP AND GRAZING LAND. 
(a) IN GENERAL.—The Secretary of Agriculture shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY. 
(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, is incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary. 

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded; 

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP PROGRAM. —The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the country where the flooded land is located, as determined by the Secretary.

(2) RECURITATION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION. —During any year in which an owner enters into a conservation contract for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); 

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of funds made available under this section, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND. — 

SA 529. Mr. DOMENICi submitted an amendment intended to be proposed by him to the bill H.R. 1288, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken strike line 6 through 19 and insert the following:

SEC. 6023. (a) Not later than September 30, 2005, the Department of Energy and the Small Business Administration shall enter into a memorandum of understanding setting forth an appropriate methodology for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) In recognition of the historical and successful practice by the Department of Energy for operating facilities and sites through management and operating contractors who subcontract significant amounts of work to small businesses, the methodology set forth in the memorandum of understanding entered into under subsection (a) shall, at a minimum, include—

(1) a method of counting the achievement of the Department of Energy in awarding—

(A) prime contracts; and

(B) subcontracts to small businesses awarded by Department of Energy management and operating, management and integration, and other facility management prime contractors;

(2) uniform criteria that could be used by potential contractors or subcontractors to paragraph (1)(B) when measuring the value of subcontracts awarded to small businesses; and
and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 16, strike "(e)(2)" and all that follows through line 22, and insert the following: "(e)(2); or "(II) is convicted of a felony or misdemeanor committed in the United States.".

SA 532. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 16, strike "(e)(2)" and all that follows through line 22, and insert the following: "(e)(2); or "(II) is convicted of a felony or misdemeanor committed in the United States.".

SA 533. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 16, strike "(e)(2)" and all that follows through line 22, and insert the following: "(e)(2); or "(II) is convicted of a felony or misdemeanor committed in the United States.".

SA 535. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 375 proposed by Mr. CRAIG (for himself and Mr. KENNEDY) to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 16, strike "(e)(2)" and all that follows through line 22, and insert the following: "(e)(2); or "(II) is convicted of a felony or misdemeanor committed in the United States.".

SA 536. Mr. COCHRAN (for Mr. BOND) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following (and renumber if appropriate) on page 31, after line 3:

"SEC. 6047. (a) Section 222 of title II of Division I of Public Law 109-247 is amended by— 
"(1) striking subsections (i) through (m) and inserting "subsection"; and "(2) striking "or (k)" each place that it appears."
SA 537. Mr. REID (for Mr. BIDEN (for himself, Mr. LAUTENBERG, and Mrs. BOXER)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish the earliest possible date for the Department of Justice to begin implementation of regulations for a federal driver's license system in order to combat terrorist activities and prevent unauthorized persons from entering the United States, to set forth a framework for the use of a national database of information on driver's license holders and to modify the conditions under which state driver's license and identification document systems may be equal to the Uniform Federal System, and for other purposes; as follows:

At the appropriate place, insert the following:

Section 1(a).—(a) Provision of Funds for Security and Stabilization of Iraq and Afghanistan and for Other Defense-Related Activities Through Partial Suspension of Reduction in Highest Income Tax Rate for Individual Taxpayers.—The table contained in paragraph (2) of section 1(a) of the Internal Revenue Code of 1986 relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

<table>
<thead>
<tr>
<th>Taxable Years Beginning During Calendar Year</th>
<th>The Corresponding Percentages Shall Be Substituted for the Following Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 ..................................</td>
<td>27.5% 30.5% 35.5% 39.1%</td>
</tr>
<tr>
<td>2002 ..................................</td>
<td>27.0% 30.0% 35.0% 38.6%</td>
</tr>
<tr>
<td>2003 ..................................</td>
<td>25.0% 28.0% 33.0% 38.3%</td>
</tr>
<tr>
<td>2004 and thereafter ......................</td>
<td>25.0% 28.0% 33.0% 38.6%</td>
</tr>
</tbody>
</table>

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

(c) Application of EGTRRA Sunset to This Section.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

NOTICES OF HEARING/MEETINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, April 26, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony regarding the status of the Department of Energy's Nuclear Power 2010 program.

For further information, please contact Clint Williamson at 202-224-7756 or David Marks at 202-224-6135.

SUBCOMMITTEE ON NATIONAL PARKS
Mr. Thomas. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, April 28, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 212, a bill to establish four memorials to the Space Shuttle Columbia in the State of Texas; S. 262, a bill to authorize the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; S. 338, a bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; S. 670, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; S. 777, a bill to designate Catoctin Mountain Park in the State of Maryland as the “Catoctin Mountain National Recreation Area”.; and for other purposes; and H.R. 125, a bill to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

AUTHORIZING AN ANNUAL APPROPRIATION FOR MENTAL HEALTH COURTS THROUGH FISCAL YEAR 2011

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 289 and the Senate proceed to its immediate consideration.

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

The bill (S. 289) was read the third time and passed, as follows:

S. 289

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.


ORDERS FOR TUESDAY, APRIL 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 19. I further ask consent that following the prayer and pledge, the motion to proceed be considered and the Senate then resume consideration of S. 1268, the Iraq-Afghanistan supplemental appropriations bill; provided that the time until 11:45 a.m. be divided with Senator CHAMBLISS in control of one-half of the time and the other half divided equally between Senators CRAIG and KENNEDY; provided further that at 11:45 a.m. the Senate proceed to the vote on the motion to invoke cloture on the Chambliss amendment, as provided under the previous order.

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

Mr. FRIST. I further ask unanimous consent that the Senate recess from
April 18, 2005

12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, the Senate will resume consideration of the Iraq-Afghanistan supplemental appropriations bill. At 11:45 a.m., the Senate will proceed to the cloture vote on the Chambliss immigration amendment, to be followed by a vote on invoking cloture on the Craig AgJOBS amendment. Therefore, Senators should expect two cloture votes beginning at 11:45 tomorrow morning.

If cloture is not invoked on either of those amendments, the Chambliss amendment or the Craig amendment, the Senate will continue working through additional amendments to the bill. Under a previous order, if the Senate is not in a postcloture period, we will proceed to the cloture vote on the Mikulski language, and that is the Mikulski immigration amendment, at 4:30 tomorrow afternoon. After we dispose of the Mikulski amendment, the Senate will proceed to the cloture vote on the overall bill, the underlying bill.

I also announce to my colleagues that, as they can see, we will have a very busy day over the course of tomorrow. Rollcall votes are likely to occur throughout the day, beginning at 11:45 a.m. As a reminder, there is an 11 a.m. filing deadline for second-degree amendments to the Chambliss and Craig amendments. The filing deadline for second-degree amendments to the Mikulski amendment and the bill itself will be determined by the outcome of those two earlier cloture votes tomorrow morning, and Senators will be notified once those deadlines can be established.

Once again, I hope the Senate will invoke cloture on the bill so that the Senate can complete this underlying, important, critical emergency funding bill, an emergency funding bill for our troops in Afghanistan, in Iraq, as well as tsunami relief.

Over the last week, week and a half, I have encouraged and will continue to encourage my colleagues not to offer extraneous amendments. I know people see this as a bill that is going to ultimately pass this floor, and it is very tempting to throw your outbox on this bill.

To be honest, I have been disappointed in the number of extraneous, unrelated amendments that have been brought forward. We have 20 pending amendments to the supplemental appropriations bill. In addition to that, I have on each of these pages about 30 amendments, 4 pages of amendments Senators have brought forward.

I appeal to my colleagues: Let us stay on this bill, the supplemental emergency spending bill. We are at war. We have troops who need this money now. All I can do is continue to appeal. We will have these immigration amendments tomorrow. We will have the opportunity to vote on these three amendments. That process will begin with the cloture votes at 11:45 in the morning.

Once again, use restraint in bringing amendments forward, unless they are directed at supplemental emergency spending for our troops overseas or tsunami relief.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Tuesday, April 19, 2005, at 9:45 a.m.
EXTENSIONS OF REMARKS

A LEADER IN CENTRAL VALLEY HEALTH CARE

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. COSTA. Mr. Speaker, for the past 20 years, Saint Agnes Medical Center has been blessed by the presence of Sister Ruth Marie Nickerson. Since her arrival to Fresno in January of 1984, she has embraced her position as President and CEO of Saint Agnes Medical Center. Now, as Sister Ruth moves forward in her life-long commitment to help those people in most need, it is clear that she has left a lasting mark upon the Medical Center, as well as upon the entire Fresno community. During her tenure at Saint Agnes, employee size grew from 1,500 to its present size of 2,700. Several new wings and centers opened under her direction, including the California Eye Institute, the Cancer Center, the Heart and Vascular Center, and the medical center’s East and North Wing expansions.

In addition to these projects, Sister Ruth was also influential in the expansion of the Holy Cross Center for Women. At the women’s center, she oversaw the establishment of the Gathering Place, a safe spot where children now learn and play; MaryHaven, an educational facility designed to teach women important life skills; and Naomi’s House, an overnight respite for women.

Beyond her position at the medical center, Sister Ruth Marie Nickerson serves on the board of many organizations, including the Fresno Business Council, Fresno Compact, Poverello House, and The California Endowment (TCE). She was also a past board chair of the Catholic Health Association of the USA, the Alliance of Catholic Health Care, and the Hospital Council of Northern & Central California. Currently, Sister Ruth serves as chair of the Regional Advisory Council of the Central Valley Health Policy Institute.

While these numerous projects and board positions are impressive and speak volumes of her commitment to providing quality health care to the people of the Central Valley, what is most notable about Sister Ruth Marie Nickerson is the warmth and compassion with which she conducts her daily activities. She possesses the distinct ability to bring people together to work for the good of the community, and she approaches such with both a kind heart and revered sense of humor.

CONGRATULATIONS TO UNIVERSITY OF CALIFORNIA SAN FRANCISCO-FRESNO ON THE OPENING OF THE MEDICAL EDUCATION AND RESEARCH CENTER

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate University of California San Francisco Fresno Medical Education Program on this ceremonial occasion of the opening of the Medical Education and Research Center.

As UCSF School of Medicine celebrates its 30th anniversary in the Valley, the program deserves congratulations for providing much needed medical services to our area. With 175 medical residents trained each year in the program, over 50 percent of these residents remain in the Greater San Joaquin Valley to set up their practices. The Medical Education Program offers a unique community development experience. Medical students can train with some of the best and brightest doctors, at the same time deliver services to community members that may not have been previously accessible.

This Center is a product of a bipartisan effort to provide medical resources to a program that offers unsurpassed benefits to the community. As one of nine Central Valley members of the California State Legislature who sought funding for the Medical Education and Research Center, it is certainly uplifting to see this project come to fruition. By constructing a new Center, UCSF-Fresno will no longer be forced to make do with facilities that are functionally obsolete or geographically separated over a wide area.

The new Medical Education and Research Center will serve as the operating location for the Medical Education Program and house both the administrative and educational components of this program. The facility will allow the Medical Education Program to expand and fill its role as a leader in health and education.
in the 21st Century. Just as important, this facility is yet another critical addition to the Community Regional Medical Center campus in downtown Fresno, a long time vision for this community and now a reality.

In this building, students of medicine will have the opportunity to learn the intricacies of medicine, not just in a classroom, but in a hands-on setting on the broader community. Simultaneously, the center will provide individuals the insight to the various health issues challenging the residents of this region.

This facility has been years in the making, and the entire community will reap the rewards of the newest addition to UCSF-Fresno.

HONORING OFFICER WILLIAM S. KIMBLE

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Officer William “Bill” S. Kimble for his exemplary service with Turlock Police Services and to his community. An event to celebrate the retirement of Officer Kimble will be held on Friday, April 15, 2005 in Turlock, CA.

Bill Kimble was born in Patterson, CA on April 12, 1955. After graduating from Patterson High School in 1973, Bill enrolled in the Modesto Regional Criminal Justice Training Academy, class number F-2. Upon completing his training, Bill was hired by Turlock Police Chief John Johnson to serve and protect his community on June 5, 1980.

Throughout his entire career, Officer Kimble has served in various capacities, he has functioned as field training officer, officer in charge, traffic officer, school resource officer, D.A.R.E. officer, SWAT officer—sniper, community services supervisor, and detective. He served as President and on the Board of Directors of the Turlock Associated Police Officers. Since 1985, Officer Kimble has been a senior Major Accident Investigation Team investigator. He was privileged to serve under the tenures of former Turlock Police Services Chief(s) John Johnson, Robert Johnson, and current Chief Lonald Lott.

Mr. Speaker, I rise to honor Officer William “Bill” S. Kimble for his 25 years of service with Turlock Police Services. I invite my colleagues to join me in congratulating Mr. Kimble upon his retirement and in wishing him many more years of continued success.

IN MEMORY OF POLLY GONZALEZ

HON. JON C. PORTER
OF NEVADA

IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. PORTER. Mr. Speaker, I would like to express my condolences to the family and friends of Polly Gonzalez. Anyone that lives in the Las Vegas Valley knows the contribution that Polly gave not only to Channel 8 Eye Witness News, but also to her family, friends, and community. This was even exemplified in her death on March 28th as she was taking her two daughters to see the wildflowers in Death Valley.

Polly Gonzalez started her career in journalism 20 years ago at the San Jose State University. Overcoming a rough and troubled childhood living in a home where her mother would sell street drugs to provide food for her children, Polly became an award winning anchorman. As an anchorwoman in Salina, California she saw one of the first journalists to uncover the growing gang problem within this tiny community. She eventually joined Channel 8 in 1994 and became a co-anchor for the twelve o’clock and forty three news casts. During her career at Channel 8 she covered such stories as the Oklahoma Bombing in 1995.

She was the first Latino anchor in Las Vegas and was very proud of this fact. She considered herself to be a role model to two daughters and to the other Latino women she knew and represented. She wanted them to know that anything is achievable through hard work and dedication and used her life story as an example.

As a Nevadan and Channel 8 viewer, I will always remember the professional, yet warm and friendly way Polly delivered the news into my home. I felt that Polly had a sincere desire to bring accurate and fair news to my family as if she were a close personal friend or family member herself.

I would like to express my sincere sympathy to the family, friends, and co-workers of Polly Gonzalez. Our hearts go out to those individuals mourning the loss of a family member, friend, and role model. As we move forward in our lives, may we never forget the achievements and contributions of Ms. Polly Gonzalez.

HONORING MS. ELLEN GIBSON

HON. JIM COSTA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and wish well in retirement Ms. Ellen Gibson of Fresno, California. Ellen has diligently served her community for over 30 years.

Ms. Gibson began her public service career in 1972 with Congressman Bernie Sisk. Through the years Ellen became an instrumental team member in the district offices of two other Congressional Representatives. She joined the staff of Congressman Tony Coelho in 1979 and, my predecessor, Congressman Cal Dooley in 1991.

Ellen began as a District Aide to Congressman Sisk where she generated press releases, performed general office duties and handled constituent casework. After her time there she joined Congressman Coelho as an Office Director. In this capacity Ellen managed the Fresno district office, trained new staff, and was responsible for federal casework. Finally, Ellen became Congressman Dooley’s Senior Casework Manager.

While her responsibilities were many, Ellen was devoted to, and excellent at, one of the most important aspect of a district office—casework. To this day her coworkers laud Ellen’s allegiance and willingness to help the people of the San Joaquin Valley. This type of work is one of the most demanding tasks a Congressional staff member faces, and Ellen not only embraced, but also effectively managed this large responsibility.

Ellen’s work positively impacted the lives of the many people she touched. Whether she helped somebody attain their citizenship, or their social security benefits, Ellen met each and every case with renewed energy and desire to help.

Ellen has set the standard for individuals who follow in her footsteps, and her shoes will be difficult to fill. Her retirement is bittersweet. While we will miss her greatly, this time is much deserved.

TRIBUTE TO COLONEL JOHN W. IVES.
INSTALLATION COMMANDER OF FT. GEORGE G. MEADE

HON. BENJAMIN L. CARDIN
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Col. John W. Ives, Installation Commander of Ft. George G. Meade. Col. Ives will retire from the military in June, and I want to personally thank him for his years of service to our Nation.

Col. Ives began his distinguished Army career as an enlisted soldier in 1972. In 1981, he was commissioned as a military intelligence officer, and he has spent much of his Army career in military intelligence. Col. Ives became Installation Commander of Ft. Meade in 2002 and he has been instrumental in efforts to modernize and upgrade the 5,400-acre base located in Anne Arundel County, Maryland.

As Installation Commander, he has overseen the first stages of a $400 million housing redevelopment, the demolition of 100 aging structures from World War I and World War II, and the continuing environmental cleanup of the Army post, which is listed as a Superfund site. In addition, he has supervised important security improvements that have become necessary since 9/11.

The Colonel also has positioned Ft. Meade for the future. He understands that Ft. Meade is part of a larger community and has worked with Anne Arundel County officials to enhance future development opportunities, both on and off the base. He understands that Ft. Meade must keep pace with the future needs of our Nation.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Col. Ives for his dedication and service to our nation. His leadership and understanding of complex issues have made him one of the most successful Installation Commanders in recent memory.

SUPPORT FOR VICTIMS OF CRIME ACT

HON. BEN CHANDLER
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. CHANDLER. Mr. Speaker, I want to thank my colleague from Texas, Mr. Ted Poe, for his leadership on this important subject.
and for inviting me during Nation Crime Victim’s Week to express my support for the Victims of Crime Act.

As many of you know, Congress enacted this landmark legislation over two decades ago to make sure victims of crime receive the care and treatment they need to recover from tragic incidents. This legislation sent a clear message to victims across America that Congress will not turn its back on anyone during these difficult times. Unfortunately, the President’s proposed budget is on the verge of breaking that promise. His budget would cut $1.2 billion from this successful program and use it to pay off mounting deficits. This cut will translate directly into less money for programs that help victims throughout our Nation.

The people in my home district of Central Kentucky will immediately feel the effects of this cut. This program has provided millions of dollars for the Bluegrass Rape Crisis Center, which this year alone helped over 750 rape victims. For the last 30 years, the Bluegrass which this year alone helped over 750 rape dollars for the Bluegrass Rape Crisis Center, this cut. This program has provided millions of that help victims throughout our Nation.

Thanks to the Center’s services, over 750 women this year have had a friend to face what could have been the most traumatic event of their life. If the President’s budget goes through, the Bluegrass Rape Crisis Center will have to drastically cut its services, lay-off experienced staff, and close the doors of their offices throughout Central Kentucky. Without this funding, there will be fewer staff members to answer calls at the Center’s 24-hour crisis line.

Do we really want to leave a 19 year old young woman on hold as she is reaching out for help after a tragic incident? Or even worse, less funding will result in fewer rape crisis counselors to meet a woman at the hospital and sit with her as she undergoes a rape exam and a police interview. Are we willing to have a woman wait alone in the hospital because her hometown does not have a designated rape counselor? And what are we going to say to the women who continue to experience trauma beyond the hospital or the police station. A funding cut would also leave hundreds of rape victims without counselors to help them as they experience flashbacks or relapses. How is a woman expected to rebuild her life if we strip away the tools she needs to do so?

On behalf of all the residents in Kentucky who have suffered terrible crimes and are working to put their lives back in order, I encourage all of my colleagues to support a budget that protects victim’s rights. We must keep our promise to these individuals and not leave them waiting at the hospital alone without a friend or counselor to provide relief. We made a promise in 1984 to care for these individuals and we have a responsibility to fulfill that promise. All I am asking is that we do what Congress said it would do in the first place.

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Dr. Vincent Leeroy Bloom of Fresno, California. He is survived by his wife, Melanie, son, David and daughter, Rebecca.

Dr. Bloom, retired chair of the Communication Department at California State University, Fresno, is remembered by all as a dedicated scholar, a loving husband, a passionate teacher, and a strong community member. Students, faculty, colleagues, family and friends not only mourn his passing, but also celebrate his life.

Born in Cambridge, Minnesota, Vince received his Bachelor of Arts Degree from Bethel College in St. Paul, Minnesota. He continued his education at Colorado College and by and received his Master of Arts Degree in Speech Communication in 1967. Ever the dedicated student, Vince attained his Ph.D. in Communication from Ohio University in 1970. Fresnans were soon to enjoy the intellectual stimulation of the Doctors Bloom when Vince and his wife Melanie moved to California and joined the Communication Department at Cali- fornia State University, Fresno.

While at CSU Fresno, Dr. Bloom managed to touch the lives of many. He served as department chair for three years, developed a course for shy students, and served as chair of the Academic Senate Standards and Grad- ing Committee. Vince was also chair of the Athletic Advisory Council. In this capacity, Dr. Bloom was instrumental in forming the committees on campus that upheld athletic aca- demic standards.

Dr. Bloom’s efforts, however, did not solely focus on Fresno State. Vince served as chair of the National Communication Association Commission on Communication Apprehension and Avoidance; whose newsletter he edited. He was also active in the Western States Communication Association. While he effectively negotiated the scholastic sphere of his life, Vince also ventured outside of academia. He was a member of Northwest Church, where he served on its Deacon Board. In his efforts to motivate youth he sponsored the College Age Group at his church and taught Sunday school.

It goes without saying that Dr. Vince Bloom was an integral part of the community. His journey through life was guided by his level of commitment to others to a level matched by very few. Although he has passed on, his memory will forever have an impact on the lives of the people who knew him.

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It goes without saying that Dr. Vince Bloom was an integral part of the community. His journey through life was guided by his level of commitment to others to a level matched by very few. Although he has passed on, his memory will forever have an impact on the lives of the people who knew him.
amount of, or liability for, a claim should not be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding. Put simply, the bankruptcy courts in this nation should now uniformly hold that any claim that is subject to a dispute or litigation, or if it is contested, whether as to the amount of the claim, or as to liability for the claim, that claim cannot be used to commence an involuntary bankruptcy case. This is the bright line that Congress intended to create in 1984 because involuntary bankruptcy carries with it, not only a responsibility, but the burden of informing petitioning creditors to be accurate and certain that their provable claims are qualified by being without dispute as to either liability or amount before commencing an involuntary bankruptcy case. The consequence of bad faith or even sloppy work here is more disastrous than in garden-variety litigation or through the voluntary use of the bankruptcy laws.

It is incoherent that an involuntary bankruptcy petition could be based on claims that are inaccurate as to either liability or amount; the injustice that would result from such a filing is so manifest. Despite this manifest injustice of national significance, judges continue to condone the filing of involuntary petitions brought by creditors using disputed claims. For section 1234 was made a necessary part of this legislation. There has never been a vote recorded in opposition to this provision because it clearly expresses the unanimous will of Congress; it is the fairest thing from the mind of any Congressman that an involuntary case could be brought on the basis of claims that are disputed. To the contrary, as expressed by this legislation, it has been the will of Congress since 1984 that any claim used to commence an involuntary case must be without dispute. The bankruptcy courts should not be enjoined by involuntary petitioning creditors who cannot then prove up claims as to liability or amount. That party should stand in the most accountable legal position. This clarification is necessary because the intent of Congress has been blurred by judicial decisions that go so far as to split disputed claims into “disputed” and “undisputed” parts, or to describe disputes as “potential disputes.” These decisions are wrong and the damage they have caused to the victims of involuntary bankruptcy cases brought using such claims is incalculable. The remedy for such victims rests on an expansive reading of Section 303(i).

Finally, it is the intent of Congress, as expressed through the unique retroactive application of Section 1234 to require the dismissal of any involuntary petition brought by using disputed claims, including any bankruptcy cases that are pending as a result of the misapplication of Section 303.

CHINA’S “ANTI-SECESSION LAW”

HON. TOM FEENEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 2005

Mr. FEENEY. Mr. Speaker, on December 29 of last year, the Standing Committee on behalf of Chinese National People’s Congress took a highly provocative action when it voted to submit an “Anti-Secession Law” to the full Congress which convenes on March 5. The text of this proposed law was not made public, but there can be absolutely no doubt about its intent. It is intended to create in China’s national law the legal justification for a military attack against Taiwan.

The law would spell out a range of activities which, if taken by the Taiwanese people and their democratically elected leaders, would legally constitute secession. Many of these activities, such as Constitutional reform and popular referenda, are the mainstay of any democracy. Yet the Chinese would use them as a legal excuse for a military attack.

We all know that Taiwan is caught in a very different bind. On the one hand it is a flourishing democracy, one of the most vibrant in Asia, with unfettered freedoms of speech, the press and assembly and intensely competitive free political parties.

On the other hand it is claimed as sovereign territory by its gargantuan neighbor, the very antithesis of a free and open democratic society! And this neighborhood regularly threatens to annex Taiwan by force.

The United States, under the terms of the Taiwan Relations Act, which is the legal bedrock of our policy, insists that the future of Taiwan be determined by peaceful means.

And we have demanded that no actions be taken by either Taiwan or the People’s Republic of China, that endanger the tenuous peace and stability that now exists across the Taiwan Strait.

Mr. Speaker, we call this situation, difficult as it is, the status quo. We have had, on occasion, to caution Taiwan about actions which might appear to challenge this status quo.

Now the PRC, through belligerent and dangerous legislation, would substantially change the so-called status quo.

There is still time for China to alter its course. It has seemed to change its normally shrill tone toward Taiwan in recent weeks. I urge the Chinese leadership to put this legislation aside, leave the status quo intact and open itself, instead, to meaningful dialogue and negotiations with the leaders of Taiwan.

HONORING THE LIFE AND ACHIEVEMENTS OF HIS HOLINESS POPE JOHN PAUL II AND EXPRESSING PROFOUND SORROW ON HIS DEATH

SPEECH OF
HON. F. JAMES SENSENDRENNER, JR.
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2005

Mr. SENSENDRENNER. Mr. Speaker, I was honored to support H. Res. 190, a resolution passed April 6 that commended the life and achievements of His Holiness Pope John Paul II. Likewise, I am proud to say I was the lead sponsor of legislation that was passed by the House and Senate in 2003, House Concurrent Resolution 313, that urged President Bush to present the Presidential Medal of Freedom to the Pope. Thankfully, President Bush did just that in June of last year.

In a time when many leaders look to the polls and political winds for guidance, Pope John Paul II stood unflinching at the center of the most controversial moral debates of our time, and held firm, always supporting the sanctity and dignity of every human life. His presence will be sorely missed, but his accomplishments will long be relished. Mr. Speaker, as a reminder of the Pope’s enduring and historic contributions to world peace, human freedom and to the security and national interests of the United States, I request that the following remarks that I delivered on the House floor on November 18, 2003 be printed in the RECORD.
In authorizing the first Medals of Freedom in 1963, President Kennedy proclaimed that persons who have made especially meritorious contributions to the security or national interests of the United States, or who have peacedealing or cultural or other significant public or private endeavors should be so recognized. By any measure it is apparent that there is no indication of this recognition than Pope John Paul II.

Two other recipients of the Medal of Freedom, President Richard M. Nixon and Margaret Thatcher, shared the Pope’s commitment to Solidarity in the 1980s. In my estimation, their leadership changed the course of history. In 1981, while welcoming the Pope to the United States, President Reagan spoke of the connection between freedom, the founding of our Nation, and God’s grace in His Holy Hand.

President Reagan stated, “I can assure you, Your Holiness, that the American people seek to act as a force for peace in the world and to further the cause of human freedom and dignity. Indeed, an appreciation for the unalienable rights of every human being is the very concept that gave birth to this Nation. Few have understood better than our Nation’s founding fathers that claims of human dignity transcend the claims of government, and this transcendent right itself has a transcendent source.”

The President went on to state, “To us, Your Holiness, the Holy See and your Holy See constitute our exemplary mission of democracy and human rights, and all the freedoms derived from them are the spiritual source of all the freedoms that our nations seek.”

The American people, President Reagan said, have never wavered in their commitment to human rights, and even have given moral support to regimes in the world that have opposed them. As he continued, “The Source of our confidence is the moral authority of the Holy See, which was the inspiration for the Declaration of Independence, and for a century it was the conscience of the world.”

President Reagan said that the American people have always been guided by the spirit of the Church, and he went on to say that “It is our resolve to remain true to the principles that are dear to our hearts, and to support the cause of freedom.”

The American people believe that the Church is the source of the moral authority of the Holy See, and as long as the Church is recognized as such, the American people will continue to support it. The American people believe that the Church is the source of the moral authority of the Holy See, and as long as the Church is recognized as such, the American people will continue to support it.

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and the President exploited the forces of history to their own ends.”

THE CRACKDOWN

The campaign by Washington and the Vatican to keep Solidarity alive began immediately after the right-wing J.O.S. Brezhnev decree on martial law on Dec. 13, 1981. In those dark hours, Poland’s communications with the noncommunist world were cut; 6,000 leaders of Solidarity and other movements were charged with treason, subversion and counterrevolution; nine were killed; and the union was banned. But thousands of others went underground seeking protection in churches, rectories and with priests. Authorities took Walesa into custody and interned him in a remote hunting lodge.

Shocked by the security forces moved into the streets, Reagan called the Pope for his advice. At a service of meetings over the next few days, Reagan discussed his options. “We had a massive row in the Cabinet, and the National Security Council about putting together a menu of counteractions,” former Secretary of State Haig recalls. “They ranged from sanctions that would have been crushing in their impact on Poland to talking so tough that we would have risked creating another situation like Hungary in ’56 or Czechoslovakia in ’68.”

Haig dispatched Ambassador at Large Vernon Walters, a devout Roman Catholic, to meet with John Paul II. Walters arrived in Rome Jan. 13, 1982, and met separately with Pope, and with Cardinal Casaroli, the Vatican secretary of state. Both sides agreed that Solidarity’s flame must not be extinguished, that the Soviet Union must become the focus of an international campaign of isolation, and that the Polish government must be subjected to moral and limited economic pressure.

According to U.S. intelligence sources, the Pope already advised Walesa through church channels to keep his movement operating underground, and to pass the word to Solidarity’s 10 million members not to go into the streets and risk provoking Warsaw Pact intervention or civil war with Polish security forces. Because the communists had cut the direct phone lines between Poland and the Vatican, John Paul II communicated with the Pope by tape in Warsaw and Moscow radio. He also dispatched his envoy to Poland to report on the situation. “The Vatican’s information was absolutely better and quicker than ours in every respect,” one analyst. What some saw as the Papal vacuum in the first days after the declaration of martial law and how we had to do everything... whoever... the chances of success...”

Reagan understood these things. “There was a real coincidence of interests between the U.S. and the Vatican.” The major decisions on funneling aid to Solidarity and responding to the Polish and Soviet governments were made by Reagan, Casey and Clark, in consultation with John Paul II. “I’d say it was quite well, including the covert side,” says Richard Pipes, the conservative Polish-born scholar who headed the NSC’s Soviet and East-European desks. “The President talked about the evil of the Soviet system—not its people—and how we had to do everything possible to help the people in Solidarity who were struggling for freedom. People like Haig and Commerce Secretary Malcolm Baldrige and James Baker (White House chief of staff) and I thought it was quite realistic. George Bush never said a word. I used to sit behind him, and I never knew what his opinions were. But Reagan really understood what he was saying.”

By most accounts, Casey stepped into the vacuum in the first days after the declaration of martial law in Poland and—as he did with the Berlin Wall in 1961—became the principal policy architect. Meanwhile Pipes and the NSC staff began drafting proposals for sanctions. “The object was to drain the Soviets of funds and crush Solidarity,” says former U.S. Ambassador to Poland Haig. “Though we had some excellent sources of our own, our information was taking too long to filter through the intelligence bureaucracy.”

In the first hours of the crisis, Reagan ordered that the Pope receive as quickly as possible relevant American intelligence, including information from a Polish military intelligence officer of the Polish government did not impose martial law. Kuklinski had issued a similar warning about a Soviet military action in late 1987, which led, as well, also met separately with the Polish intelligence officer to help bring in the crops and instead could spare them for an invasion. “Anything that we knew that we thought the Pope would not be aware of, we certainly brought it to his attention,” says Reagan. “Immediately.”

THE CATHOLIC TEAM

The key Administration players were all devout Catholics: William Casey, Allen, Clark, Haig, Walters and William Wilson, Reagan’s first ambassador to the Vatican. They regarded the U.S.-Vatican relationship as central to the moral force of the Pope and the teachings of their church combined with their fierce commitment to the ideal of American democracy. Yet the mission would have been impossible without the full support of the Pope, who believed fervently in both the Pope and the teachings of their church joined in a menu of counteractions, “among the incomparable until November 1981, when he had to leave his post as director of Vatican sources. “Walters was sent to and from the Vatican for the specific purpose of carrying messages between the Pope and the Pope,” says former director to the Vatican Wilson. “It wasn’t supposed to be known that Walters was there. It wasn’t all specifically geared to Poland; sometimes there were also discussions about Central America or the hostages in Lebanon.”

Often in the Reagan years, American covert operations (including those in Afghanistan, Nicaragua and Angola) involved “lethal assistance” to insurgent forces: arms, mercenaries, military advisers and explosives. In Poland, Casey and Clark embarked on the opposite path: “What they had to do was let the natural forces already in place play this out and not get their fingerprints on it.”

“The Vatican was trying to modulate the whole situation,” explains one of the NSC officials who directed the effort to curtail the intervention. “They [church leaders] were in effect trying to stop events that would head off the serious threat of Soviet intervention while allowing us to get tougher and tougher; they were part and parcel of the American strategy of how we thought the evolution of government-sponsored repression in Poland—whether it was lessening or getting worse, and how we should proceed.”

As for his conversations with Reagan about Poland, Clark says they were usually short. “I don’t think I ever had an in-depth, one-on-one, private conversation that existed for more than three minutes with him—on any subject. That might shock you. We had our briefings, our communications before he wanted to go on Poland. And that was to take it to its nth possibilities. The President and Casey and I discussed the situation on the phone in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Poland in Pol...
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that are done in countries where you want to destabilize a communist government and strengthen resistance to that. We provided the supplies and technical assistance in terms of clandestine newspapers, broadcasting, propaganda, money, organizational help and advice. And working outward from Poland, the same kind of resistance was or- ganized in the other communist countries of Europe.

Among those who played a consulting role was Zbigniew Brzezinski, a native of Poland and President Jimmy Carter’s National Se- curity Adviser. “I got along very well with Caseys,” recalls Brzezinski. “He was very flexible and very imaginative and not very bureaucratic about anything needed to be done, it was done. To sustain an underground effort takes a lot in terms of supplies, net- works, etc., and this is why Solidarity wasn’t crushed.”

On military questions, American intel- ligence was better than the Vatican’s, but the church excelled in its evaluations of the political situation. And in understanding the mood of the people and communicating with the Solidarity leadership, the church was in an incomparable position. “Our information about what was going on was founded on the fact that the bishops were in continual contact with the Holy See and Solidarnosc,” explains Car- dinal Silvestrini, the Vatican Secretary of state at that time. “They informed us about prisoners, about the activities and needs of Solidarity groups and about the at- titude and schisms in the government.” All this information was communicated to the President or Casey.

“If you study the situation of Solidarity, you will see that often the media, without pressing too much at the crucial moments, because they had guidance from the church,” says one of the Pope’s closest aides. “Yes, there was an immense flow of information. But Poland was a bomb that could explode—in the heart of communism, bordered by the Soviet Union, Czechoslovakia and East Ger- many. Too much pressure, and the bomb would go off.”

CASEY’S CAPPUCINO

Meanwhile, in Washington a close relation- ship developed between Casey, Clark and Archbishop Laghi. “Casey and I dropped in to his [Laghi’s] residence early mornings during critical times to gather his comments and counsel,” says Clark. “We’d have breakfast and coffee, and then go through papers, brief- ing materials and such.”

“I knew that they were meeting with Pio Laghi, and that Pio Laghi had a fairly close relationship with the President, but Clark would never tell me what the substance of the discussions was.”

On at least six occasions Laghi came to the White House and met with Clark or the President; each time, he entered the White House through the southwest gate in order to avoid reports. “By keeping in such close touch with the Vatican, the Holy Father knew how to stabilize human rights, on religious freedom, and keep Solidarity alive without provoking the com-
munist authorities further. But I told Vernon, ‘Listen to the Holy Father. We have 2,000 years’ experience at this.’”

Though William Casey has been vilified for aspects of his role in CIA history, there is no criticism of his instincts on Poland. “Basi- cally, he had a quiet confidence that the communists couldn’t hold on, especially in Poland,” says Edward Derwinski, a Polish-speaking expert on Eastern Europe who counseled the Administr- ation and met with Casey frequently. “He was convinced the system was falling and this was not a form of ‘contaminating’ the American and Euro- pean labor movements by giving them too many details of the Administration’s efforts. But Casey understood it was necessary to create space, so he would be in touch with the Holy See. By keeping in such close contact, we did not cross lines, and examining how Solidarity and the AFL-CIO related to the Soviet Union, Czechoslovakia and East Germany, too much pressure, and the bomb would go off.”

LOOK FOR THE UNION LABEL

In almost every city and town, under- ground newspapers and mimeographed bul- letins appeared in the state-con- trolled media. The church published its own newspapers. Solidarity missives, photocopied by its own members, and equipment supplied by the CIA, were tacked to church bulletin boards. Stenciled posters were boldly posted on police stations and government buildings and sent to the state-con- trolled television center, where army officers broadcast the news. The American embassy in Warsaw became the pivotal CIA station in the communist world and, by all accounts, the most effec- tive. Meanwhile, the APL-CIO, which had been the largest source of American support for Solidarity, was considered by the Reagan Administration’s approach as too slow and insufficiently confrontational with the Polish authorities. Nonetheless, accord- ing to former CIA director Inman, the CIA’s deputy chief, former White House of- ficer Lane Kirkland and his aide Tom Kahn consulted frequently with Poland, Clark and other officials at the State Department and the NSC on such matters as how and when to move goods and supplies into Po- land, identifying cities where Solidarity was in particular need of organizing assistance, and ensuring that the CIA and APL-CIO might collaborate in the preparation of propaganda materials.

“Lane Kirkland deserves special credit,” observes Inman. “He knew how to make the news. And when the APL-CIO might like to admit [it], but they literally were in lock- step [with the Administration]. Also never forget that Bill Clark’s wife is Czechoslovakian, as is Lane Kirkland’s wife. This is one issue where everybody was aboard; there were no turf fights or mavericks or naysayers.”

By keeping in such close contact, we did not cross lines, and examining how Solidarity and the AFL-CIO related to the Soviet Union, Czechoslovakia and East Germany, too much pressure, and the bomb would go off.”
bishops. Monsignor Bronislaw Dabrowski, a deputy to Cardinal Glemp, came to use often to tell us what was needed: he would meet with me, with Casey, the NSC and sometimes with the papal Chaplain Cardinal Krol. Glemp, whose father was born in Poland, was the American churchman closest to the Pope. He frequently met with Casey to discuss policy, strategy and various dimensions, according to CIA sources and Derwinski. “Krol hit it off very well with President Reagan and was a source of constant contact,” says Derwinski. “Often he was the one Casey or Clark went to, the one who really understood the situation.”

By 1985 it was apparent that the Polish government’s campaign to suppress Solidarity had failed. According to a report by Adrian Karatnycky, who helped organize the APL-CIO’s assistance to Solidarity, there were more than 400 underground periodicals appearing in Poland, some with a circulation that exceeded 30,000. Books and pamphlets challenging the authority of the communist government were printed by the thousands. Comic books for children recast Polish fables and legends, with Jaruzelski pictured as the villain, communism as the red dragon and Walesa as the heroic knight. In church basements and homes, millions of viewers watched television programming with both audio and visual elements screened on the equipment smuggled into the country.

With clandestine broadcasting equipment supplied by the CIA and the AFL-CIO, Solidarity regularly broke into the government’s radio programming, often with the message “Solidarity lives!” “Resist!” Armed with a transmitter supplied by the CIA through church channels, Solidarity interrupted television programming with both audio and visual messages calling for strikes and demonstrations. “There was a great moment at the half time of the national soccer championship,” says a Vatican official. “Just as the whistle sounded for the half, a Solidarity Live! banner went up on the screen and a tape came on calling for resistance. What was particularly ingenious was waiting for the half-time break, had the interruption come during actual soccer play, it could have alienated people.” As Brzezinski sums it up, “This was the first time that communist police forces surrendered the codes of Solidarity banners in a Communist nation.”

It was a nervous clique of geriatric Stalinists who watched from Moscow in 1979 as millions of Poles poured into the streets of large cities like Krakow and Gdansk as Wojtyla when he returned to them as Pope John Paul II. A political awareness dawned among these teeming masses when they saw in one another’s boldness the impotence of the dictatorship that claimed dominance over their lives.

Yet a motion to include in this litany of errors, surrogates, sometimes with a substantial period of discussion to the al-le-dictions of religious liberty in the USSR [emphasis added].

While the officers of the WCC were funding Muslim guerrillas in the name of “liberation,” John Paul was teaching the polish under ground in the effective use of nonviolent resistance to totalitarianism. He did this in his writings, as well as in the numerous meetings and audiences he held with leaders of the underground.

No doubt historians who write on this period in years to come will not only see the moral dimension, but also the superb tactical insight of the use of nonviolence. Too aggressive a stance on the part of the Polish underground and the open demand for “liberation” would have cracked down at a much earlier and more vulnerable stage. Drawing on a tradition accustomed to martyrdom, whose blood, it is said, is the seed of the Roman Catholic Church, prayer and determination in the face of persecution resulted in one of the most radical yet bloodless revolutions in world history.

SPIRIT OF LIBERTY

If there is one word to characterize the legacy of John Paul II, the pope who leaves to history, perhaps that word is liberty. Historians will undoubtedly note the amazing move in the Catholic world toward democratic political processes and free economies in the period of this pope’s reign. This is especially evident in Latin America where the Pope has confronted unjust regimes of every stripe.

The common thread between John Paul, Thatcher, and Reagan is that while they appreciated the art of politics, they understood the global situation in fundamentally moral categories. They understood, as few world leaders have understood, that the argument in favor of freedom is a moral argument as well as a political and economic one. Without the moral dimension, the battles that these cold warriors waged would have been meaningless and uninteresting.

The compelling dignity and moral depth of John Paul is especially highlighted when he compared himself in some ways to the World Council of Churches. Almost from its inception, and throughout the past 40 years, the socialists of the WCC prevented it from offering any kind of principled opposition to the immorality of Communism.

“Liberation” was the central theme of the WCC’s Nairobi Assembly in 1975. South Africa was denounced alongside “white Atlantic nations;” the rights of aborigines in Australia were defended even as the plight of migrant workers in Europe was decried.

Yet a motion to include in this litany of injustice a mention of religious repression in Russia was turned back. Instead, the assembly would only acknowledge that it “devoted a substantial period of discussion to the alleged denials of religious liberty in the USSR.”

From the outset, Wojtyla was a robust, intense, strong, and disciplined young man. His charismatic personality was augmented by his facility with languages and further honed by theatrical training. His combination of fervor and anti-Communism would serve him well in his future as priest, bishop, and cardinal in Poland. In that country, which is itself 95 percent Roman Catholic, such a commitment would necessitate dealing with Russia’s surrogates, sometimes making strategic accommodations, without yielding the moral ground to Communism.

The complex relationship between Marxism and the Church, prayer and determination in the face of persecution resulted in one of the most radical yet bloodless revolutions in world history.
How fitting, then, that John Paul, this priest from Poland who lived under what is arguably history’s most immoral and destructive political system, should have been the one to write the epitaph for collectivism in its Communist, socialist, and welfare state incarnations. This he has done in the form of his most recent social encyclical, Centesimus Annus (“The Hundredth Year”).

Celebrating the centenary of Pope Leo XIII’s pastoral letter Rerum Navarum, Centesimus Annus looks at the events of this age and envisions a world where government is strictly limited and based on the rule of law; where free people trade in free markets to produce a more prosperous economy for all the world’s needy; and where the social system is rooted in moral and religious tradition.

It will be interesting to see whether this moral vision will have greater impact on the West or on the former republics of the Soviet empire that John Paul did so much to free.

Nothing written here is to be construed as necessary reflecting the views of the Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 19, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 20

9:30 a.m. Environment and Public Works
To hold hearings to examine the nominations of Gregory B. Jaczkov, of the District of Columbia, and Peter B. Lyons, of Virginia, each to be a Member of the Nuclear Regulatory Commission. SD–406

10 a.m. Banking, Housing, and Urban Affairs
To continue hearings to examine proposals to improve the regulation of the Housing Government-Sponsored Enterprises. SD–533

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the National Guard and Reserve Budget. SD–192

Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine the Federal role in helping parents of young children. SD–430

Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine International Space Station research benefits. SR–253

Small Business and Entrepreneurship
To hold hearings to examine the small business health care crisis, focusing on alternatives for lowering costs and covering the uninsured. SR–428A

10:30 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the government of the District of Columbia, focusing on the District of Columbia Courts, the Court Services and Offender Supervision Agency, and the Public Defender Service. SD–138

Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Homeland Security. SD–124

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the readiness of military units deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom in review of the Defense Authorization Request for fiscal year 2006. SR–222

2:30 p.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine a review of the material support to Terrorism Prohibition Improvements Act. SD–226

Intelligence
Closed business meeting to consider certain intelligence matters. SH–219

APRIL 21

9:30 a.m.
Foreign Relations
To hold hearings to examine the anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development. SD–419

Judiciary
Business meeting to consider pending calendar business. SD–226

Comerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine reauthorization of Amtrak. SR–253

Appropriations
Transportation, Treasury and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Office of Management and Budget. SD–138

10 a.m.
Armed Services
To hold hearings to examine the nominations of Kenneth J. Krieg, of Virginia, to be Secretary of Defense for Acquisition, Technology, and Logistics, and Lieutennant General Michael V. Hayden, United States Air Force, for appointment to the grade of general and to be Principal Deputy Director of National Intelligence. SD–106

Banking, Housing, and Urban Affairs
To continue hearings to examine proposals to improve the regulation of Housing Government-Sponsored Enterprises. SD–338

Budget
To hold hearings to examine structural deficits and budget process reforms. SH–216

Finance
To hold hearings to examine the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador. SD–628

Health, Education, Labor, and Pensions
To hold hearings to examine easing costs and expanding access relating to small businesses and health insurance. SD–430

Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America. 345 CHOB

10:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine an overview of methamphetamine abuse. SD–192

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold an oversight hearing to examine governmentwide workforce flexibilities available to federal agencies including the implementation by agencies, and training and education related to the new flexibilities. SD–562

1:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine present and future costs of Department of Defense health care, and national health care trends in the civilian sector. SR–232A

2 p.m.
Printing
Business meeting to consider organizational matters. S–219, Capitol

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the President’s management agenda, including Federal financial performance, best practices, and program accountability. SD–562
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Department of Housing and Urban Development.
SD-538

Judiciary
Intellectual Property Subcommittee
To hold hearings to examine the patent system today and tomorrow.
SD-226

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

APRIL 27
9:30 a.m.
Indian Affairs
To hold oversight hearings to examine regulation of Indian gaming.
SR-485

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR-328A

APRIL 28
10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Higher Education Act.
SD-430

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the status of the Department of Energy’s Nuclear Power 2010 program.
SD-366

Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine pensions.
SD-430

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the preparedness of the Department of Agriculture and the Interior for the 2005 wildfire season, including the agencies’ assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies ability to deal with the upcoming fire season.
SD-366

APRIL 29
9:30 a.m.
Veterans’ Affairs
Committee on Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS
APRIL 28
10 a.m.
Foreign Relations
To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.
SH-216
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3767–S3863

Measures Introduced: Fifteen bills were introduced, as follows: S. 823–837. Page S3817

Measures Passed:

Mental Health Courts Authorization: Committee on the Judiciary was discharged from further consideration of S. 289, to authorize an annual appropriation of $10,000,000 for mental health courts through fiscal year 2011, and the bill was then passed. Page S3862

Supplemental Appropriations: Senate resumed consideration of H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, taking action on the following amendments proposed thereto:

Adopted:

By 61 yeas to 31 nays (Vote No. 96), Byrd Amendment No. 464, to express the sense of the Senate on future requests for funding for military operations in Afghanistan and Iraq. Pages S3786–94

Cochran (for Reid) Amendment No. 496, to amend title XVIII of the Social Security Act to make a technical correction regarding the entities eligible to participate in the Health Care Infrastructure Improvement Program. Page S3810

Cochran Amendment No. 473, to limit the use of funds to deny the provision of certain business and industry direct and guaranteed loans. Pages S3810–11

Cochran (for Bond) Amendment No. 536, to make a technical correction to mortgage insurance fee requirements contained in the fiscal year 2005 Omnibus Appropriations bill. Page S3811

Cochran (for McConnell) Amendment No. 491, to provide deferral and rescheduling of debt to tsunami-affected countries. Page S3811

Cochran (for Leahy) Amendment No. 492, to express the sense of the Senate in support of the immediate release from detention of political detainees and the restoration of constitutional liberties and democracy in Nepal. Page S3811

Pending:

Mikulski Amendment No. 387, to revise certain requirements for H–2B employers and require submission of information regarding H–2B non-immigrants. Page S3775

Feinstein Amendment No. 395, to express the sense of the Senate that the text of the REAL ID Act of 2005 should not be included in the conference report. Page S3775

Bayh Amendment No. 406, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation. Page S3775

Durbin Amendment No. 427, to require reports on Iraqi security services. Page S3775

Salazar Amendment No. 351, to express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families. Page S3775

Dorgan/Durbin Amendment No. 399, to prohibit the continuation of the independent counsel investigation of Henry Cisneros past June 1, 2005 and request an accounting of costs from GAO. Page S3775

Reid Amendment No. 445, to achieve an acceleration and expansion of efforts to reconstruct and rehabilitate Iraq and to reduce the future risks to United States Armed Forces personnel and future costs to United States taxpayers, by ensuring that the people of Iraq and other nations do their fair share to secure and rebuild Iraq. Page S3775

Frist (for Chambliss/Kyl) Amendment No. 432, to simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to such workers. Page S3775

Frist (for Craig/Kennedy) Modified Amendment No. 375, to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the
H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers.

DeWine Amendment No. 340, to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

DeWine Amendment No. 342, to appropriate $10,000,000 to provide assistance to Haiti using Child Survival and Health Programs funds, $21,000,000 to provide assistance to Haiti using Economic Support Fund funds, and $10,000,000 to provide assistance to Haiti using International Narcotics Control and Law Enforcement funds, to be designated as an emergency requirement.

Schumer Amendment No. 451, to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall oil profits.

Reid (for Reed/Chafee) Amendment No. 452, to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

Chambliss Modified Amendment No. 418, to prohibit the termination of the existing joint-service multiyear procurement contract for C/KC–130J aircraft.

Bingaman Amendment No. 483, to increase the appropriation to Federal courts by $5,000,000 to cover increased immigration-related filings in the southwestern United States.

Bingaman (for Grassley) Amendment No. 417, to provide emergency funding to the Office of the United States Trade Representative.

Isakson Amendment No. 429, to establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

Byrd Amendment No. 463, to require a quarterly report on audits conducted by the Defense Contract Audit Agency of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports.

Warner Amendment No. 499, relative to the aircraft carriers of the Navy.

Sessions Amendment No. 456, to provide for accountability in the United Nations Headquarters renovation project.

Boxer/Bingaman Amendment No. 444, to appropriate an additional $35,000,000 for Other Procurement, Army, and make the amount available for the fielding of Warlock systems and other field jamming systems.

Lincoln Amendment No. 481, to modify the accumulation of leave by members of the National Guard.

Reid (for Durbin) Amendment No. 443, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment under any circumstances.

Reid (for Bayh) Amendment No. 388, to appropriate an additional $742,000,000 for Other Procurement, Army, for the procurement of up to 3,300 Up Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMVs).

Reid (for Biden) Amendment No. 537, to provide funds for the security and stabilization of Iraq and Afghanistan and for other defense-related activities by suspending a portion of the reduction in the highest income tax rate for individual taxpayers.

Reid (for Feingold) Amendment No. 459, to extend the termination date of Office of the Special Inspector General for Iraq Reconstruction, expand the duties of the Inspector General, and provide additional funds for the Office.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:45 a.m., on Tuesday, April 19, 2005; that the time until 11:45 a.m. be equally divided, with one half of the time under the control of Senator Chambliss and the other half of the time under the control of Senators Craig and Kennedy; and that at 11:45 a.m., the Senate proceed to votes, on the motions to invoke cloture on certain amendments.

Enrolled Bills Presented:
Executive Communications:
Additional Cosponsors:
Statements on Introduced Bills/Resolutions:
Additional Statements:
Amendments Submitted:
Notices of Hearings/Meetings:
Record Votes: One record vote was taken today. (Total—96)
Adjournment: Senate convened at 1 p.m., and adjourned at 7:41 p.m., until 9:45 a.m., on Tuesday, April 19, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S3863.)
**Committee Meetings**

No committee meetings were held.

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**House of Representatives**

**Chamber Action**

Measures Introduced: 4 public bills, H.R. 6, 1674–1676; and 1 private bill, H.R. 1677 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

- H.R. 1541, to amend the Internal Revenue Code of 1986 to enhance energy infrastructure properties in the United States and to encourage the use of certain energy technologies, amended (H. Rept. 109–45);
- H.R. 739, to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration (H. Rept. 109–46); and

Speaker: Read a letter from the Speaker wherein he appointed Representative Radanovich to act as Speaker Pro Tempore for today.

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 2:04 p.m.

**Committee Meetings**

No committee meetings were held.

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**NEW PUBLIC LAWS**

*(For last listing of Public Laws, see DAILY DIGEST, p. D278)*

Committee on Finance: business meeting to consider proposed Highway Reauthorization and Excise Tax Simplification Act of 2005, and S. 661, to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, 10 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the Near East and South Asian experience relating to combating terrorism through education, 9:30 a.m., SD–419.


Committee on Health, Education, Labor, and Pensions: to hold hearings to examine S. 334, to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, 10 a.m., SD–430.

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine SBC/ATT and Verizon/MCI mergers, focusing on remaking the telecommunication industry, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: business meeting to consider the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health; to be followed by a hearing on “Back from the Battlefield, Part II: Seamless Transition to Civilian Life,” 10:15 a.m., SR–418.

Select Committee on Intelligence: to hold hearings to examine the USA Patriot Act, 2:30 p.m., SH–216.

Committee on Education and the Workforce, hearing on College Access: Is Government Part of the Solution, or Part of the Problem? 2 p.m., 2175 Rayburn.

Committee on Financial Services, hearing on the State of the International Financial System, 3 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled “Federal Health Programs and Those Who Cannot Care for Themselves: What Are Their Rights, and Our Responsibilities?” 2 p.m., 2154 Rayburn.

Subcommittee on Federalism and the Census, hearing entitled “Halfway to the 2010 Census: The Countdown and Components to a Successful Decennial Census,” 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce and Agency Organization, hearing entitled “Real Estate Investment Trusts (REITs): Can They Improve the Thrift Savings Plan?” 2 p.m., 2203 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science, and Technology, to mark up the following: H.R. 1544, Faster and Smarter Funding for First Responders Act of 2005; and a measure to amend the Homeland Security Act of 2002 to provide for homeland security technology development and transfer, 1:30 p.m., 210 Cannon.

Subcommittee on Prevention of Nuclear and Biological Attacks, hearing entitled “DHS Coordination of Nuclear Detection Efforts, Part 1,” 9 a.m., 210 Cannon.

Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, hearing on the UN Commission on Human Rights: Protector or Accomplice? 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Effect of Sections 203(b) and (d) on Information Sharing, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, hearing on H.R. 1489, Coastal Ocean Observation System Integration and Implementation Act of 2005, 1 p.m., 1324 Longworth.


Committee on Ways and Means, Subcommittee on Health, hearing on Long Term Care, 4 p.m., 1100 Longworth.
Next Meeting of the SENATE
9:45 a.m., Tuesday, April 19

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.R. 1268, Emergency Supplemental Appropriations. At 11:45 a.m., Senate will vote on the motion to invoke cloture on Frist (for Chambliss/Kyl) Amendment No. 432; to be followed by a vote on the motion to invoke cloture on Frist (for Craig/Kennedy) Modified Amendment No. 375. Also, at 4:30 p.m., if the Senate is not proceeding post-cloture, Senate will vote on the motion to invoke cloture on Mikulski Amendment No. 387, to be followed by a vote on the motion to invoke cloture on the bill. (Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, April 19

House Chamber

Program for Tuesday: Consideration of Suspensions:
(1) H. Con. Res. 53, expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office;
(2) S. 167, Family Entertainment and Copyright Act of 2005;
(3) H.R. 1038, Multidistrict Litigation Restoration Act of 2005;
(4) H.R. 683, Trademark Dilution Revision Act of 2005;
(5) H.J. Res. 19, providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; and
(6) H.J. Res. 20, providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

Extensions of Remarks, as inserted in this issue

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