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

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT, Speaker of the House of Representatives.

MORNING HOUR DEBATES
The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

SOCIAL SECURITY WILL NOT GO BANKRUPT

Mr. DEFAZIO. Mr. Speaker, well, last week the President finally revealed a few more specifics about the direction he wants to take to deal with the potential, possible, future funding shortfalls in Social Security. He used some unfortunate verbiage. He said Social Security will be bankrupt in 2041. It will not be bankrupt; it will pay 75 percent of promised benefits under very conservative economic assumptions into the indefinite future, or 2063 if we use the estimates of the Republican Congressional Budget Office. So it would not be bankrupt in any sense.

But he did talk about the possibility there could be a shortfall in Social Security starting 40 or 50 years from today. That is progress that he is beginning to talk about that problem. He actually offered a solution, for once. His privatization plan he has admitted would in fact make Social Security’s finances worse, has nothing to do with dealing with the future possible potential shortfalls in the Social Security trust fund, the program as we know it today. He said, finally, let us talk about how we might get there.

He cloaked benefit cuts in a veneer in high-falutin rhetoric. He called it progressive indexine of wages. What he is talking about is benefit cuts. Who would pay the benefit cuts? Let us take someone who is 22 years old, graduated from college last year. They are a public schoolteacher. They are going to work the next 40 years as a public schoolteacher and hope to retire in their 60s with a Social Security benefit from $26,000 to $19,800 down to $16,500. These are calculations of the Social Security actuaries of the President’s proposed cuts.

Now let us say that young person graduating from college is going to become an entrepreneur, small business person and do pretty well with a truly small business, and they average $58,000 a year throughout their lifetime. What would the President do to them? He would cut their Social Security benefit from $26,000 to $19,800 which would be a 22-percent cut which they could get if Social Security went, under the President’s words, bankrupt.

That is if Congress did nothing and Social Security had a shortfall starting 40 or 50 years from today. Under the worst-case scenario, that person would get the same. But the President wants to guarantee a cut in that person’s benefits. Remember, this does not have anything to do with the President’s privatization plan which would further undermine the finances of Social Security and accelerate the date of what the President calls bankruptcy, others call trust fund exhaustion, I call benefit reductions.

The funny thing is that half of the American people pay more in taxes to Social Security than Federal income taxes. They have a lot invested in this program, and they would like to see the benefits when they retire.

Now, it is a little different for rich people. Let us take the President on his modest $400,000 which is a lot less than he earns from his private investments. Let us just take his salary and pretend that is all he has. He stopped paying Social Security taxes on the morning of March 24. That American
that earns $36,000 or $58,000 or even $90,000 pays Social Security tax every day of the year, this year, with the expectation they will get a benefit; but not so for people who earn more, $90,000, including Members of Congress. When income hits $90,000, the tax goes away. This is not stepped up, and that's why, March 24, and he wants to cut the benefits of people who pay that tax every day this year, many of them a bigger tax than they pay to the Federal Government under income taxes, particularly low-income people.

Let us take some other friends of the President. The heads of Viacom, Tom Freston and Les Moonves, they stopped paying the Social Security tax at 4 a.m. on January 2 because they earn $77,000 a day. So at 4 a.m. on January 2, their obligations to Social Security went away. Despite their huge $20 million salary, they will pay one odd thousandth of 1 percent of their salary to Social Security, but working Americans are going to pay 6.2 percent of every paycheck and self-employed will pay 12.4 percent of every paycheck, and the President wants to cut their benefits. But he does not want to cut the tax cuts for Mr. Moonves or Mr. Freston, and he does not want to cut the tax cuts for himself.

There is a better way to solve the Social Security problem, and I will talk about that another day.

CONSTITUTION OPTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. CHABOT) is recognized during morning hour debates for 5 minutes.

Mr. CHABOT. Mr. Speaker, for several years now, President Bush's judicial nominees have been filibustered, including those who would fill four vacancies in the Sixth Circuit Court of Appeals located in my district in Cincinnati. This is unprecedented.

Some would have us believe blocking judicial nominations is a long and revered tradition. Nothing could be further from the truth. Never before have judicial nominees with clear majority support been denied the courtesy of an up-or-down vote. Not once.

The filibuster is not part of the Constitution. It is not even part of the old Senate rules. While it is a useful tool when considering legislation, and should remain as such, we cannot allow filibustering of judicial nominations. Each time a nominee is denied an up-or-down vote, the impact is vast. Not only is our Federal judiciary weakened, but our Constitution becomes more vulnerable; and as chairman of the Subcommittee on the Constitution, let me emphasize that these actions are unprecedented and should be a warning to those of us who are bound by oath to uphold our country's most sacred document, the United States Constitution.

ASTHMA AWARENESS DAY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, tomorrow, I rise to celebrate the October 2003 enacted Asthmatic Students Treatment and Health Management Act, ASTHMA. It is now Public Law 108-377 and was H.R. 2033 in the House and the Senate bill was S. 2815. Last spring, the gentleman from Rhode Island (Mr. KENNEDY), and Senator ENZI and Senator KENNEDY carried the mantle there.

Mr. Speaker, this law provides incentives for States to pass favorable laws guaranteeing that students can carry and use prescribed medicine and anaphylaxis medications while in school. It is not a mandate, and incurs no new spending. The idea has been germinating since the early 1990s and has been building momentum since.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in our United States. Even more limiting, of these 20, only nine extended that protection even further to anaphylaxis. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, we have a strong number of 41 States protecting for asthma, 26 for asthma plus anaphylaxis, and four have legislation pending for both conditions. Four that have asthma laws have legislation pending for anaphylaxis, and there is one State just getting started and has legislation that is pending for asthma anaphylaxis-carrying students.

Mr. Speaker, this is a dramatic upswing for our children. I am especially proud to report what is going on in Florida. Florida has been an inhaler-friendly State for years, but now there is legislation pending to include epinephrine auto-injectors.

My friend and constituent, Dr. Karl Altenberger, an allergist in Ocala, Florida, has been active in advancing this for his patients in the Florida State legislature. He is to be commended. This bill passed last week and is ready for the Governor's signature.

Just yesterday, the Orlando Sentinel reported "Girl fights for allergy law as lives depend on it." In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. "Severely allergic to peanuts, she has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in classrooms, on field trips, and during school activities. Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida school children with life-threatening allergies the same access to this EpiPen."

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors urging them to pass the bill. We might call Kelsey a true inspiration. She shares a quote, "My mom told me in some schools, there are children like myself who need the EpiPen with them, but it is locked far away in the clinic." She told the committee that if someone needed the EpiPen, it might not get to them in time.

Kelsey's charisma and dedication led legislators in Tallahassee to rename H.B. 279 the Kelsey Ryan Act. More than 60 State legislators cosponsored the bill which the House passed earlier this month 114 to 0. The Senate passed it last week, and it is on the desk of Governor Jeb Bush.

Brenda Olson, director of governmental affairs for the American Lung Association of Florida points out that "most schools in Florida do not allow students to carry the EpiPen." As we have been saying for years, "Moments count when these reactions start."

Kelsey's mother, Blair Ryan, emphasized another point we made in our bill, H.R. 2033, that this is a team effort between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, the school should not impede this medical regimen, but help it work for the student.

Currently, school districts across Florida have different policies on this matter, and some may well not serve a student who just accidentally got stung by a bee or ate a cookie with an unknown walnut. Officials in Volusia and Orange counties said the majority of EpiPen are kept locked in school clinics. This is disastrous for the student's health and potentially a lawsuit on the school.

In conclusion, I am pleased with the strong progress on this issue here in our Nation's Capitol and in the State houses. I invite everyone to join us in honoring Kelsey Ryan now at 11:30 a.m. for a congressional briefing followed by free asthma screenings and asthma health clinics and exhibits from 1 to 3:30 p.m. This year, Asthma Awareness Day is truly a breath of fresh air.

Mr. Speaker, tomorrow, is Asthma Awareness Day and I rise to celebrate the October 2003-enacted Asthmatic Students Treatment and Health Management Act (ASTHMA). What is now P.L. 108-377, and was H.R. 2023 in the House and S. 2815 in the Senate, I had introduced on 2003's Asthma Awareness Day with my friend Representative PATRICK KENNEDY from Rhode Island. In the Senate, Senator ENZI and Senator KENNEDY carried the mantle.

This law provides incentives for States to pass favorable laws guaranteeing that students can carry and use prescribed asthma and anaphylaxis (anna full AXE) medications while at school. It is not a mandate, and it incurs no new spending. This idea has been germinating since the late 1990s, and has been building momentum since.

On Asthma Awareness Day, May 7, 2003, there were only 20 "asthma-friendly" States. Even more limiting, these 20 only extended that protection even further to anaphylaxis (anna full AXE).
Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, a grand-slam of 41 States protect for asthma, 26 for asthma plus anaphylaxis, 4 have legislation pending for both conditions, 4 that already have asth- 
ma laws have legislation pending for anx-
laxis, and 1 State is just getting started and has legislation pending for asthma. This is a 
dramatic upswing for our children.

I am especially proud to report what is going on in Florida. Florida has been inhaling-friendly 
for years. Now there is legislation pending to 
include epinephrine auto-injectors. My friend 
and constituent Karl Altenberger, MD, an aller-
gist in Ocala, FL has been active on advance-
ing this for his patients for years in the Florida 
State legislature. The bill passed last week 
and is ready for the Governor.

Just yesterday (May 2nd), the Orlando Sen-
tinel reported that “Girl fights for allergy law as 
if lives depend on it.” In Celebration, a central 
Florida town, lives 9-year-old Kelsey Ryan. 
“Severely allergic to peanuts, (she) has never known of an EpiPen. The lack of 
adrenaline inside could save her life and is 
with her at all times: in her classroom, on field 
trips and during after-school activities.

Now Kelsey has been urging Tallahassee 
legislators to pass a bill that would allow the 
estimated 100,000 Florida schoolchildren with 
life-threatening allergies the same access to 
their EpiPens—also known as epinephrine 
auto-injectors.

Kelsey has testified before four Tallahassee 
committees since February, meeting law-
makers and passing out practice injectors with 
tags urging them to pass the bill.” We might 
call Kelsey a true respiration inspiration. She 
shares that “Mommy told me that in some 
schools there’s children like myself who need their EpiPen with them, but it’s locked up 
far away in the clinic,” Kelsey told one com-
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Breitbart Olsen, Executive Director of government 
affairs for the American Lung Association of 
Florida, points out that “Most schools in the State of Florida do not allow students to carry 
their EpiPens,” and, as we have been saying 
for years, “Moments count when these reac-
tions start.”

Kelsey’s mother, Blair Ryan, emphasizes 
another point we made in H.R. 98: 2003. This is a 
“team effort” between the student, the par-
ents, the physician, and the school. If a parent 
and parent-teacher conference are not 
competent to treat him or herself, a 
school should not impede this medical regi-
men, but help it work for the student. Cur-
rently, school districts across Florida vary on 
their policies, and some may not well-serve a 
student. As one student told me, “Once you get hit by a bee, or ate a cookie with an unknown 
walnut. In the Sentinel article, officials in Volusia and 
Orange counties said the majority of EpiPens are 
kept locked in school clinics. This could 
prove to be just disastrous, for the student’s 
health, and potentially as a lawsuit to the school.

I am pleased with the strong momentum 
progress of this issue here in our Nation’s 
capital and in our statehouses. I invite every-
one to join us in the Cannon Caucus room to-
morrow at 11:30 a.m. for a Congressional Briefing, followed by free asthma screenings and asthma health exhibits from 1–2:30 p.m. 
This year’s Asthma Awareness Day is truly a 
breath of fresh air.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore. Pursu-
ant to the order of the House of Janu-
ary 4, 2005, the gentleman from Cali-
ifornia (Mr. DREIER) is recognized during 
morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, tomorrow in the Committee on Rules and on 
Thursday on the House floor under the 
able leadership of the gentleman from California (Mr. LEWIS), chairman of the 
Committee on Appropriations, we will be 
considering and voting with, I am 
sure, strong bipartisan support, we will be 
voting on the supplemental appropriations bill focused on providing very important 
assistance to our effort in Iraq, the 
men and women there, and also aid to the 
victims of the tragic tsunami that we saw take place last year.

We also are very pleased that in-
cluded in that legislation is an item 
which the gentleman from Illinois (Mr. HASTERT) made a commitment to last 
fall that would be there when we were 
working on implementations of the 
recommendations from the 9/11 Com-
mision, the intelligence conference re-
port.

To refresh the memories of our col-
leagues, there were many of us, Repub-
lican conferees on the House side espe-
cially, who were pushing to include 
very important border security provi-
sions.

Unfortunately, our colleagues in the 
other body refused to include those. We 
went ahead and passed out, again with 
strong bipartisan support, the legisla-
tion that implemented the rec-
ommendations of the 9/11 Commission, 
including the establishment of a new 
Director of National Intelligence and 
very important measures to increase 
the size of our border patrol as well as 
other important items dealing with the 
issue of Intelligence. We were unable, 
because, as I said, our colleagues in the 
other body would not include it, to 
have the border security issues which we are going to be including in this 
supplemental appropriation bill. Again, 
Mr. Speaker, HASTERT made a very 
good commitment that we would have it on 
the first must-pass piece of legislation. 

Those provisions, Mr. Speaker, are 
vary, very important. They are de-
signed to ensure that driver’s licenses 
do not get into the hands of people who are here illegally. It also is designed to 
have a very important border defe-
ence which exists along the border be-
tween Mexico and the United States, 
between San Diego and Tijuana. We, I 
believe, are going to be much better off 
with these items that are included.

But as we move beyond this issue, it is 
important for us to also focus on other 
priorities that we have legisla-
tively to deal with the border security 
issue. For one week last week, we had to 
have a hearing in the Judiciary Com-
mitee’s Subcommittee on Immigra-
on H.R. 98, a measure which enjoys 
bipartisan support. I am proud that the 
lead cosponsor of the legislation is the 
gentleman from Texas (Mr. Riviza), 
former chairman of the Hispanic Cau-
cus, and we have support from a wide 
range of Members.

H.R. 98, Mr. Speaker, establishes a 
counterfeit-proof Social Security card.

We know that there are employers out 
there who are required under the em-
ployer sanctions provisions of the 1986 
Immigration Reform and Control Act to 
ask for documents when they are hiring 
persons, a birth certificate, driver’s 
license, other licenses, other things. The 
existence of a counterfeit-proof Social Secu-
ry card will make it easier for the 
employer with a card like this, and 
they will simply take and swipe this 
card or call a toll-free number and be 
able to determine whether or not some-
body is an American citizen, here on a 
work permit or what their status is. If 
they do not have this card, they will 
not be able to get a job; and if employ-
ers hire them, we have increased by 400 
percent the penalty for those employ-
ers and we call for the establishment in 
H.R. 98 of 10,000 enforcement agents 
who will make sure that employers are 
actually complying with the law and 
not hiring people here illegally.

The bill is called H.R. 98, Mr. Speaker, 
because according to T.J. Bonner, 
the president of the National Border 
Patrol Council, it will reduce by 98 per-
cent the number of illegal border cross-
ings. So we believe very strongly that 
implementation of a national counter-
feit-proof Social Security card, which is 
not a national identification card, 
only required for people who are looking 
for a new job, is one of the most 
important ways that we can deal with 
our very, very important border secu-
ry issue.

We look forward to the passage of the 
supplemental appropriations bill here 
on the floor on Thursday. We also look 
forward to what we hope to be very, 
very growing support for passage of 
H.R. 98.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. 
PETRI). Pursuant to the order of the 
House of January 4, 2005, the gen-
tleman from California (Mr. GEORGE 
MILLER) is recognized during morning 
hour debates for 5 minutes.

Mr. GEORGE MILLER of California. 
Mr. Speaker, this last weekend I held a 
town hall meeting on Social Security 
for a couple of hours in Martinez. I must 
say that the audience was quite 
stunned to learn that not only was 
President Bush continuing his drive for
the privatization of Social Security, which would borrow trillions of dollars from the Social Security trust fund and drive it deeper into debt and imperil its opportunities to achieve solvency, but now he was offering something called progressive indexing, which he believed would substantially reduce benefits under Social Security to middle-class recipients.

They were quite stunned to learn that those individuals who pay into Social Security every week from their paychecks, every month from their paychecks and all year long from their paychecks, that the President was now suggesting that they should take a cut in their benefits as a way of restoring solvency. They were not just stunned that the President was suggesting this one-two assault on Social Security, but they were also quite alarmed to learn that the President apparently has no intention of paying back the some $700 billion that his administration has borrowed from the Social Security trust fund, that the trust fund is, in fact, not being honored, the people that pay into that trust fund every year to the tune of some $160 billion, that that money is now being taken out to use for other functions of government, whether it is the war in Iraq or whether it is the general spending of the government.

It is very clear that they want that trust fund restored. It is a trust fund. They are paying into it because they believe that that money is going to be put there, loaned to the government, replaced by Treasury bills, but it will be there for their use, for their annuities that they are buying every week when they pay into the Social Security fund.

But that is not what the President is suggesting. The President is suggesting, as he does in the budget that this House passed last week, that he will continue to borrow $160 billion out of that fund, and, as he said when he went to West Virginia, it is really not a trust fund, there is no trust there, so apparently he is the first President since we started Social Security who has suggested that he may not pay the trust fund back.

That is just unacceptable to my constituents at the town hall in Martinez. I think it is unacceptable to the overwhelming number of the American public who believe that the reason they are paying Social Security is so that they can have some level of financial security upon their retirement.

Social Security, for the current retirees, supplies over half of their retirement income. Sure, we all want to make it easier and better and more likely that Americans will save for their retirement. But that has not happened. Hopefully it will happen in the future. But Social Security is a very important part of people’s retirements. When they look at the efforts by corporations to get rid of their retirement plans, when they look at the difficulty they are having as middle-class families to save not only for their child’s education but for their retirement, they recognize how important it is that the Social Security trust fund be maintained.

But now this President comes along and suggests that that is not the case, that he is going to put an assault on what is perhaps the privatization of Social Security and then he is going to come along and cut the benefits to middle-class Social Security recipients who have paid into that trust fund throughout their entire working life. I think it is very clear that not only is this plan unacceptable to the vast numbers of Americans who have had a chance to take a look at it, but hopefully it will become unacceptable to this Congress as stewards of that trust fund.

But first and foremost, what the American people want us to do is to stop taking the money out of the trust fund to fund the rest of the government. We have got to honor what we set out to do in 1983 under the bipartisan agreement of Speaker Tip O’Neill, an icon of the Democratic Party, President Ronald Reagan, an icon of the Republican Party, when they sat down and hammered out a bipartisan agreement.

Part of that agreement was to create a trust fund, not some honey pot that any Member of Congress could go into and take out for whatever purpose they want but a trust fund for the retirement of millions and millions of Americans and their families.

It is important that we honor that, Mr. Speaker.
civility to politics, and become ambassadors of peace, reconciliation and liberty in a world community.

We praise You and thank You, for Your hopeful dreams You are now planting in the hearts of America's youth, both now and always. 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 Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

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

Mr. PITTS. Mr. Speaker, the combat medic badge was first awarded in 1945 to medics who served in combat while in or attached to a combat unit. As times changed, the role of the medic changed with them. In Vietnam, medics served in units, but some also flew in helicopter medical evacuation ambulance units, called medivacs.

DUSTOFF was the call sign that we gave this mission, and they saved nearly a million people during the Vietnam war by flying unarmored onto the battlefield to treat and save our wounded soldiers, most often under fire.

The average DUSTOFF medic treated nearly 2,000 troops in a 1-year tour. Currently, there is no unique way to honor these brave men and women, although they flew in and out of combat every day, they are not eligible for the combat medic badge, because they were not attached to a combat unit; often the medivac unit was another unit.

And my friend and colleague, the gentleman from Pennsylvania (Mr. HOLDEN), has legislation to correct this by directing the Army, Navy, Air Force, and Marines to develop the combat medic badge. The badge will be awarded to anyone who has served in combat as a pilot or crew member of a helicopter medical evacuation ambulance since 1950. I urge the body to pass this, give the DUSTOFF veterans the honor they deserve.

UNINSURED AMERICANS
(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, almost a quarter of Texans do not have health insurance, and this is the highest rate of uninsured in the United States.

In Dallas alone, the uninsured rate is 25 percent. We all know someone who is living without health insurance. There is a perception that if someone does not have health insurance, it is because they do not work or they are on public assistance.

Over 50 percent of the uninsured workers are workers, and 50 percent of them are full-time workers. Americans who work hard for a living should not have to live without health insurance. These uninsured often face the difficult decision of either ignoring their medical problems or being able to afford food and rent.

Mr. Speaker, the sad truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or an accident away from being uninsured. It is time for this Congress to address this problem with innovative ideas and actions.

GIVING CYNCICAL PLOYS A BAD NAME
(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, as much as we may hate to admit it, there is no denying that the bald-faced, cynical ploy can be as much a part of American politics as shaking hands and kissing babies.

Though cynical ploys are occasionally effective, they are almost never pretty. But, Mr. Speaker, the refusal of the national Democratic leaders to offer constructive proposals to strengthen and preserve the Social Security system is starting to give even cynical ploys a bad name.

After the stakes of this debate are not a mere election or two, but are instead a looming fiscal crisis and the retirement security of a generation of American seniors.

President Bush and some Republican congressional candidates ran in 2004 on a promise to preserve and strengthen Social Security for generations to come, and begun this crucial debate by proposing several solution alternatives.

Meanwhile, the Democrats have ignored problems, offered no solutions, and attacked anyone with courage to help. As I said, Mr. Speaker, some cynical ploys work and some do not. But as the retirement security of a generation of future retirees depends on the honest, sincere work we do this year, I think we owe it to them to be a little better than that.

So even as Republicans continue our work this month to develop the long-term solutions to Social Security troubles, I once again remind Democrats willing to work with us that their seat at the table will be kept open.

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

Mr. KUCINICH. With all due respect to my good friend, the gentleman from Texas (Mr. DELAY), Mr. Speaker, the Democrats have been doing right for the American people on social security.

We have been holding town hall meetings all over this country. We know and the American people ought to know that Social Security is not going bankrupt, that the President misspoke when he said that there is no Social Security trust fund.

As a matter of fact, the Social Security trustees released a report recently that says that right now the Social Security trust fund has $1.68 trillion in it; that trust fund will grow to $6 trillion by the year 2028 without any changes whatsoever; that Social Security is rock solid through the year 2041, according to the Social Security Administration's own actuarial; that Social Security is rock solid through the year 2052, according to the bipartisan Congressional Budget Office.

Yes, both parties ought to come together; but we ought to come together in truth, and we ought to have the President tell us about this masquerade about social security in danger.

What is going bankrupt is a legislatively process that fails to stand up for the retirement security of the American people. Forty-seven million Americans rely on Social Security. They have a right to know that the money is going to be there, and we Democrats will make sure that money will be there for them for generations to come.
Mr. Speaker, I rise today to highlight a serious security risk to our communities. Our Federal prison system faces a crisis that we can no longer ignore.

The inmate population continues to reach record highs; yet the administration and Congress failed to provide the funding our prisons need. This has caused overcrowding and a shortage in correctional staff.

Our prisons are now more dangerous and our communities are being put in jeopardy. For example, last July, Lexington, Kentucky, an inmate escaped from the Lexington Federal Medical Center because there were fewer than 20 staff members supervising almost 2,000 inmates.

He was eventually caught. Thankfully, no one in the community was seriously injured. However, if we do not start funding our Federal prison systems at a level that provides adequate staff, we may not be as fortunate next time.

I urge my colleagues and the administration to provide sufficient funding to the Federal prison system.

SOLVING THE CHALLENGES FACING SOCIAL SECURITY

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

Mr. Wilson of South Carolina. Mr. Speaker, over the past 70 years, Congress has tried repeatedly to fix the Social Security program. The payroll tax has been raised 22 times, and the amount of Social Security benefits that are taxed has increased from zero to 85 percent.

Unfortunately, these changes did not solve the real challenges threatening the retirement of millions of Americans. Raising payroll taxes simply postpones the bankruptcy and would not be a permanent solution for Social Security.

On Thursday, President Bush further outlined his proposal to provide a last solution for Social Security. Today, the Washington Times reported that the Heritage Foundation and the CATO Institute strongly support President Bush’s proposal. The gentleman from Texas (Mr. Delay) is correct. Unfortunately, Democrats have yet to offer any positive suggestions that would fix Social Security.

Procrastination will not solve the problem. We must act now to protect benefits for today’s retirees and strengthen benefits for future generations.

In conclusion, God bless our troops. We will never forget September 11.

Mr. Speaker, I challenge Members of the House and Senate to have a vision for Social Security one of fairness for all Americans.
Never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

Not until Miguel Estrada’s nomination in 2003 has a judicial nominee with clear majority support been blocked by a filibuster.

Fairness in the justice system begins with the confirmation of capable judges. Each time a nominee is denied a vote, the American people are denied justice. The American people deserve better. It is time for every judicial nominee with clear majority support to receive an up or down vote.

Remember, never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

PENSION FUND BLACKMAIL FROM LABOR UNIONS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, recently the Wall Street Journal highlighted a disturbing trend among labor union boards. They are engaging in pension fund blackmail to bully corporations into agreeing with their partisan political agenda. A top AFL-CIO lobbyist was referring to financial services funds backing the President’s personal retirement account proposal and he said, “We have no intention of letting any of these companies get away with this while they manage our workers’ funds.”

And 3 trustees representing the New York City Employees Retirement System sent a letter to several investment banking companies demanding to know their Social Security stance.

These union boards should be ensuring their members’ pensions are being wisely invested in qualified ethical companies.

How can we say that Sarbanes-Oxley has strengthened corporate responsibility if labor unions are investing in and managing corporate boards based on their political interest rather than their fiduciary responsibilities to their members and the corporations for which they represent?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 218) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. Res. 218

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of their families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and are promoting the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and are serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities’ financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students’ achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001, and contained in the Elementary and Secondary Education Act of 1965, in the same manner as traditional public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States;

Whereas the sixth annual National Charter Schools Week, to be held May 1 to 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the sixth annual National Charter Schools Week;

and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to come together to celebrate appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER PRO TEMPORE. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Michigan (Mr. Kildee) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 218.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 218. This resolution honors our Nation’s charter schools and the students, parents, teachers, administrators and other individuals involved for their hard work and dedication to providing a quality public education.

This week, May 1 through May 7, has been designated National Charter Schools Week. During this week, charter school organizations and others around the United States recognize these schools for their continued contributions to education. The Nation’s charter schools deliver high-quality education and challenge students to reach their potential.

Forty-one States, the District of Columbia and Puerto Rico, have passed laws authorizing charter schools. Since the first charter school law was passed in 1991, almost 3,300 charter schools now serve nearly 900,000 students in 40 States, the District of Columbia and Puerto Rico.

Specifically, I am pleased to honor the 19 charter schools in the State of Nevada.
Nevada that serve nearly 4,500 students. Nevada first passed charter school legislation in 1997. As a co-sponsor of that legislation, our first charter school opened in 1998 and in 1999 school year.

The State charter school legislation was revised in 1999, lending teachers more room for creativity and allowing charter schools the ability to offer an extended school day as well as an extended school year.

In my own community, the Andre Agassi College Preparatory Academy serves as a model for other charter schools across the Nation. Designed to enhance a child’s character, respect, motivation and self-discipline, Agassi Prep, as the school has been nick-named, was created specifically to improve skill levels and combat lowered academic expectations among the community’s most challenged children.

Advanced technology, smaller class sizes, and extended school hours are just some of the reasons that Agassi Prep utilizes to achieve a higher standard of education.

I commend the charter schools in the State of Nevada and across this great Nation for recognizing the immense need for educational reform and for their commitment to improving student achievement for students who attend these schools.

At charter schools nationwide, almost half of the students are considered at-risk, and former dropouts. Charter schools serve a significant number of minority students, students with disabilities, and students from lower income families.

These schools give opportunity and freedom to students and parents who otherwise might not have had the chance to receive a quality education.

Nearly 40 percent of charter schools report having a waiting list. And the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools. By allowing parents and students to choose their public schools, charter schools can stimulate change and benefit all public students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration.

Charter schools respond to the needs of America’s low-income families and students while promoting the principles of quality, choice, and innovation.

Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are all high quality and truly accountable to the public.

According to the Center for Education Reform, as many as 15 studies find that students who frequently enter charters significantly are below the normal grade level. These students then achieve the same or even higher gains as compared to their surrounding district’s demographically-compared schools, or even the State average.

A report from America’s Charter School Finance Corporation called “Take Me on a Reading Adventure,” cites research from several States that shows how charter schools are seeing higher scores in reading for charter schools as compared to their traditional school peers.

Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State governors and legislators, educators and parents across the Nation. The Sixth Annual National Charter School Week held this week, May 1 through May 7, 2005, recognizes the significant impacts, achievements and innovations of our Nation’s charter schools.

Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools’ students, teachers, parents, and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation’s public schools.

I urge my colleagues to support this resolution.

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

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

Mr. Speaker, H. Res. 218 discusses the impact which charter schools are having on our educational system. Charter schools, while relatively new, like all public schools, have continued to garner both accolades and criticism for the role they play.

Recent studies by the American Federation of Teachers and the Economic Policy Institute have raised questions about whether charter schools are outperforming traditional public schools. These studies have generated a great deal of interest from both detractors and supporters of charter schools.

The one thing that does seem clear is that charter schools on the aggregate are not performing on the level most hoped they would. Regardless of whether you are a supporter of charter schools, we can all agree on the importance of a strong public school system. This system, including charter schools, continues to educate ninety percent of American students. Our public schools must have the resources and the focus and the ability to ensure that our children get the best education possible regardless of race, ethnicity, disability, status or whether they can speak English.

It is our public school system that I rise to support today.

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

Mr. PORTER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER) and chairman of the committee.

(Mr. BOEHNER asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of House Resolution 218, to recognize charter schools and their students, parents, teachers and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation’s public education system.

This week is the Sixth Annual National Charter Schools Week and a great opportunity for Congress to honor charter schools and those involved in the role they play in reforming and improving our Nation’s public education system.

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations, in exchange for increased flexibility and independence. Greater autonomy allows charter schools to focus on increasing academic achievement for individual students, rather than complying with bureaucratic paperwork.

Charter schools are subject to all the same No Child Left Behind achievement goals as other public schools, but with greater flexibility to improve student success. Increased flexibility allows charter schools to use varied educational methods and techniques while accounting for results.

Almost 3,300 charter schools serve around 900,000 students in 40 States, Washington, D.C., and Puerto Rico; and nearly 40 percent of these charter schools have waiting lists.

Charter schools are adept at meeting the specific needs of the local communities in which they are located and are particularly devoted to serving low-income communities. Nationwide, almost half of charter schools serve students considered at-risk or who have previously dropped out of school. Charter school students share similar demographic characteristics with students in all public schools, and charter schools serve significant numbers of students from low-income families, minority students, and students with disabilities.

Because charter schools often serve students with limited access to educational options, these innovative public schools allow many parents and students freedom of choice that otherwise would not be available. And studies show that the impact of educational options, including access to charter schools, is improving outcomes for students.

According to the Center for Education Reform, 15 studies show that students frequently enter charter schools significantly below grade level. These students will then progress at or above the gains being made in surrounding districts, demographically comparable schools, or at the State average.

In December, Harvard University released a comprehensive, long-term study comparing student academic achievement at charter schools and
traditional public schools, and I will enter the executive summary of that report in the RECORD at this point and share just one of the most compelling facts.

**Achievement in Charter Schools and Regular Public Schools in the United States: Understanding the Differences**

*By Caroline M. Hoxby*

**Abstract**

This study compares the reading and mathematics proficiency of charter school students to those of their fellow students in neighboring public schools. Ninety-nine percent of all elementary students in charter schools are included in the study. The charter school students in the school that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the “matched” school). Compared to students in the matched regular public school, charter school students are about 10 percent more likely to be proficient in reading and math than students in the matched regular public schools. In California, the corresponding proficiency advantages are 7 percent in reading and 5 percent in math. In Colorado, the corresponding proficiency advantages are 12 percent in reading and 14 percent in math.

In Texas, charter schools in which charter students’ proficiency is statistically significantly lower, by 4 percent, in both reading and math, compared to students in the nearest public school. Texas charter students appear to be statistically significantly less proficient in math (not reading).

By adjusting for schools that serve at-risk students, the study focuses on regular charter schools that are expected to meet the same standards as traditional public schools. The study’s “matching” method compares charter schools to public schools that are likely to share the same neighborhood, same economic conditions, and the same population of students and parents. The selection of a neighboring public school as the point of comparison ensures that the groups of students being compared are as similar as possible. It is also a public school that was selected for comparison was the school that most of the charter school students would have attended, had there been no charter school.

A national study like this one is useful because it is comprehensive. Nevertheless, it is useful to complement studies like this one with studies based on randomization. Because many charter schools have more applicants than places, they routinely hold lotteries, which allow scientific, random assignment studies to be conducted. The key advantage of randomization-based studies is that the charter school students and regular public school students are comparable not only in terms of race, ethnicity, and income, but also on subtle dimensions like motivation and aptitude. Multiple studies based on randomization are underway. The first such study (Hoxby and Rockoff 2004) finds that a large system of Chicago charter schools raised math and reading scores by about 6 percentiles among students who entered in grade 5 or below.

Because charter schools enroll only 1.5 percent of students, it is important to include nearly all of the charter schools based on only a small sample of charter school students (for instance, studies that rely on the 3 percent sample of the National Assessment of Education Progress (NAEP) cannot be used to draw conclusions about states’ charter school policies). A study that relies on a 3 percent sample of 1.5 percent of American students is used to study a sample of only 0.94 percent of students. In contrast, this study uses data that are sufficient for detailed investigations of charter school students’ proficiency, nationally.

The study, completed by Harvard economics professor Caroline Hoxby, found charter schools overall are more likely to raise the academic achievement of students who are poor or minority, and show a larger effect on students reading and writing when they operate in areas that have a high percentage of students who are poor, African American, or Hispanic. Charter schools serve the very students who need help the most, and they are getting results.

Charter schools have benefited from a strong degree of bipartisan support at the local, State, and national levels. This was evidenced in 2001 by the efforts of both Republicans and Democrats in Congress to expand access to charter schools through the bipartisan No Child Left Behind Act. In the last 10 years, Congress has provided $1.5 billion to support charter schools through facilities financing assistance and grants for planning, startup, implementation, and dissemination.

Through this resolution honoring National Charter Schools Week, Congress is recognizing the continued success of charter schools and acknowledging the benefits that charter schools provide to our local communities. Charter schools provide parents with a wider variety of educational choices. This not only helps the students who attend those charter schools but also helps to take some of the pressure off traditional public schools that might be struggling to improve.

I want to thank my colleague, the gentleman from Nevada (Mr. PORTER), for introducing this resolution and urge my colleagues to join me in strong support for our Nation’s charter schools.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Michigan, Mr. PAYNE, for yielding me time, and I thank him and I thank the gentleman from Nevada for introducing this resolution and urging my colleagues to join me in strong support for our Nation’s charter schools.

Mr. Speaker, charter schools are one of the most innovative efforts in the history of public education in our country, and they came from the bottom up. They have not developed out of State governments or the like. They have come from searches within jurisdictions for all alternative public schools, and this is what they are.

In the District of Columbia, we think of the charter schools as an alternative public school system because there are so many of them. In the District of Columbia, there are over 30 charter schools in this one city alone, and that is the largest number of charter schools per capita in the United States.

Why are there so many charter schools? We feel strongly in the District of Columbia that public money must go to public schools, and it is understood that here and throughout the United States public schools which have to take every child are often overcrowded and underfunded, and we have a very high time not to say what particularly the most disadvantaged children do not bring to school. As a result, public schools in many jurisdictions show low scores for children in those schools.

What is a parent to do? What parents increasingly do is look for a public alternative to their public schools. They want better schools, but the public is very clear that it wants public money for public schools. If we have any doubt about that, remember that even this House has never voted a voucher bill for, nor has the Senate, anywhere except for the District of Columbia where
you can undemocratically do anything you want to do, but for everybody else they have listened to what people say and that is, yeah, we will punish you if one dime goes to anything but a publicly accountable public school.

Local versus State: One of the factors I deal with the fact that, yes, many public schools do not show the progress they should, it seems to me we have to look to the paradigm that the public itself has created, and those are charter schools. There is utter place to begin than in the District of Columbia where people have simply voted with their feet. When they did not like their school, they have gone to a nearby charter school.

They have advantages. They are not the advantage discussed in this resolution, where it says, whereas charter schools improve students’ achievement, that is very controversial. I do not know whether they do or not. All I know is that there are studies that say that they do and studies that say they do not.

I want to say to my good friends on the other side who are with me in support of public schools, our case does not rest on that. If my colleagues understood how difficult it was to deal with education in the inner city, they would understand that the fact that they come so close ought to be enough; that parents want them as an alternative; that they are small; that they are flexible; that they are in their neighborhoods; that sometimes they are specialized. That is enough.

We have got a long way to go before we find the elixir for bringing particularly disadvantaged children to where they should be; but if we just look at what some of these schools in the District of Columbia, like just by some of their names, District of Columbia Bilingual School, that is totally a bilingual charter school.

The SEED school, this is the first public live-in school in the District of Columbia. These children do not go home at night. So they have money from us per capita from the school budget, and they raise other money; and these children actually live in a public charter school like a boarding school.

There is the Marriott Hospitality Public Charter High School, where children, besides learning the general high school curriculum, also prepare them for a career in the hospitality field, which is the most important industry in this region.

Here is another one, the Washington Mathematics, Science and Technology School. And these are some of the reasons why I emphasized with the charter schools, for me the case does sometimes chosen alternative schools here in the District of Columbia: the public school test scores are better. They are better and systematically better, but my colleagues do not see me here saying publicly schools are better because their scores are better.

The fact is that each kind of school has broad benefits that parents have chosen and both kinds of schools are accountable to parents and to the public for the dollars spent.

I do believe that they stimulate competition, unlike private schools which do not stimulate any competition at all. There is no competition for the District of Columbia, which can take whatever children they want to or not, are no competition for the District of Columbia; but if there is a charter school in one’s neighborhood, the principal will look to see what that charter school is doing.

The superintendent today has announced a plan because there are a few charter schools that are very good and they must take every child, but there are a few charter schools that are very good about actually pairing those charter schools with some charter schools in their neighborhood which are not doing as well.

With No Child Left Behind we have a problem. We are seeing all over the country. You can find yourself a better school. Well, guess what. Those schools are all full so there is no place to transfer now. Everybody ought to wish for charter schools because there is a publicly accountable school with public money, and what one can transfer to. They are opening fast, but not fast enough for us here.

There is no real substitute in any civilized society for a public school system; but particularly when parents are not happy with public schools, it does seem to me that charter schools offer the alternative and the only alternative we ought to fund.

The District received the first Federal funds, first funds from this Congress for charter schools. That was when Speaker Gingrich was here. He knew that he profoundly opposed school vouchers. He worked with me on charter school funding for the District of Columbia. That paved the way for charter school funding which is now available to every State in the Union.

We had mothers who went to schools with private school vouchers. The vouchers that this Congress mandated be paid for in the District of Columbia were fully paid for by private funds; but we said you do not have to pay for them. You have been raising money every year; we will pay for them. So we simply transferred public funds for the private funds which have been sending these same children to school.

Well, the principal told me she had a plan because she who had been going to school on the private funds, and I said you are my folks and I understand why you are looking for alternative schools. Tell me more. I wanted them to know why I opposed vouchers from public funds for private schools; and I was amazed at how many of them said, Congresswoman, we wanted to go to a charter school, but they were all full. So, look, we wanted a better school, and that is why they chose public and were pleased to get these vouchers.

Well, of course, I argued since charter schools are what the people of District of Columbia want, if you have got any extra money, Congress, please give it to us for charter schools. We said, oh, no, you are the District of Columbia; we can experiment on you. We can do anything undemocratically to do what we want to do, and we will do some undemocratic things to you that our people would punish us for doing if we did it to them.

So now our folks are still hungry for even more charter schools, and we have got people going to private schools as well.

I am going to put in the Record what our charter schools have done because each year we have a climbing up. This is how people vote. They vote with their feet. This is what a market system is about. Ask people what they want. This is what democracy is. Ask people what they want, and they will choose what they want. Do not impose on them what you want.

In our city, since most of our Catholic schools, which would be the alternative schools in the Northwest and most of our deprived children are in the Southeast, the first year of the vouchers, we had most of the children in middle class and better schools, thank you very much. Then there was an outcry, which I can see, whether they can do any better this time. I can tell my colleagues it is very much harder to do better if you are from a very disadvantaged neighborhood in far Southeast and there is a Catholic school nearby. You have got a voucher and you have got a voucher to go there. That is not going to work in the District.

What will work in the District is what the people in the District have embraced, and that is, if there is to be an alternative, let it be a publicly accountable school.

The District of Columbia, unlike many jurisdictions, has absolutely eliminated charter schools that were not doing what they were supposed to do.

So we know what to do when they work. We know what to do when they do not work.

I am pleased to see the spread of charter schools. I believe that every district has to decide for itself. In this region, for example, in Maryland and Virginia, where Republicans have the majority of the Congress, they cannot even get charter schools, and yet there are hundreds of thousands of poor Hispanic and black children who might decide that was a good alternative for them, not to mention the children elsewhere in those States, but they cannot even get charter schools, which are publicly accountable charter schools to be embraced in their districts. That is how much people in their districts want every public dollar to go to the public school system.

When I argued that on this floor, they said, who do you think you are, somebody voted by the people or the
District of Columbia? Well, we were not, but we are going to tell you what to do with your schools. Well, we have led the way on what to do if your schools do not work. Designed, publicly accountable schools, which parents agree should be the alternative that they want.

This is still America. This is still a democracy. Nothing is felt more deeply than who decides how a person's child will be educated. It was wrong for this Congress to decide for us rather than to determine how you now come to the floor to embrace.

Mr. Speaker, I very much thank the gentleman for yielding me this time. Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman once again yielding me this time, and I am glad that our friend from D.C. was here to honor the work of charter schools, because clearly here in D.C. charter schools have had a significant impact on providing educational opportunities for children who, in many cases, are stuck in some very, very bad schools.

Now, I appreciate the support of the charter school resolution of our friend from D.C., but let me try to answer part of the charges that were outlined in terms of her opposition to other forms of school choice. We know that in our large urban centers, we have a very difficult time educating low-income children who need our help the most. No place is more evident than right here in the District of Columbia, where we spend over $13,000 per student and have some of the worst schools in all of America. We have similar problems in other large urban districts and, clearly, charter schools have been an opportunity for some students to escape these dreadful schools and have a chance.

All of us know that without a chance at a decent education, none of us would be here, but without a decent education, many of those children will never ever have a chance at the American dream. I have always believed if we are to reform education in America, if we are going to give every child and every parent of a child a chance at a good education, the way to do that is to provide more choices and more options for parents around the country so that, through the schools that they believe are in their best interest.

In some communities, charter schools might be the answer. Here in the District of Columbia, clearly they are growing. Dayton, Ohio, part of my congressional district, probably has more charter schools per capita than any large urban center in America. And it is providing a very good opportunity for students to escape the Dayton public schools and enter the charter schools of their choice.

But it should not be the only choice. There are a lot of parochial schools, private schools, Christian schools all over America that parents want to choose. We all know that if you have money, you have choice. Middle income, higher income, you have all the choice you want because you can get your child into the school you think is best for them. But if you are poor and you cannot move, you have no choice, and if there is a charter school in your particular neighborhood, you do not have any choice. You are stuck, stuck and condemned to an education that will never help lift you out of poverty and never give you a chance at the American dream.

That is why other forms of choice, I think, are important. That is why I and others were involved in helping the mayor here in the District of Columbia in giving them another option. I think, frankly, it is in order.

I was at two of those schools this morning. I was at St. Francis DeSales Elementary School, and I was at St. Anthony’s Elementary School, both over in the northeast part of town; and both schools were started by schools that make up the city’s Center Consortium. These are 13 very poor Catholic schools here in the District, who I have been involved with over the last few years to help raise private money to help keep those schools open in those very poor neighborhoods. Last week, I visited four schools in the southeast part of town, in Anacostia. I did not realize Anacostia was as large as it is, but it is very large and it is very poor.

And the fact that those schools are there provide more children more choices, more opportunities to have a chance. I saw kindergartners this morning reading at a first-grade level at both of those elementary schools. Yes, they have some students that are there because they get D.C. scholarships; others are there because of the generosity of an awful lot of people who want to keep these schools open and provide a choice for those parents and those students.

It is this competition from the public schools, the charter schools, the private schools that I believe will make our school system better and will help to provide all children with the support they need and growing up in a large family. I know a little about competition, and competition makes all of us better. I believe that the increased competition we are seeing in the provision of an education, especially in the K through 12 arena, has in fact made all of education better.

Do we have a long way to go? We certainly do, but I believe that charter schools are playing an integral role in providing that competition. I think parochial schools, private schools, and Christian schools play a role in that competition as well. The more we can do to encourage parents to have more choice about where their kids can go to school, I think the better off those children will be and the better off our society will be.

Mr. KILDEE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for his years of service and commitment to education, not only of the children in his district but those in America.

Mr. Speaker, I was moved by the accounting and recounting by the gentlewoman from the District of Columbia, particularly because of her leadership on these issues regarding the educating of the children in this district, but I rise to speak of the climate in Texas. And I might say that my children have been in both private and public schools. As I listened to the distinguished chairman of the Committee on Education and the Workforce, I would simply say that much of what he has said I agree with, and that is that all of us would want to emphasize the excellence of education for our children and not condemn private schools. The simple statement is, however, that the public school system was the underpinnings of the founding of this Nation and has made us the great Nation that we are today; that private schools are obviously welcome and deserve our private funding and our support and encouragement. But charter schools, which we congratulate today, and public schools, stand as entities which we can account for and which can be accountable in taxpayer's.

I want to congratulate charter schools in my district, the KIPP School, the Knowledge is Power Program; the 3D Academy, a school that emphasizes the ‘‘Youth over Education’’ approach to education, which has been making a significant impact on education across the Nation. The Dominion Academy, which teaches children from first to eighth grade about business and capitalism and other ways of financing and investing in America; and then the WALIPP Boys Academy that focuses on young men, African-American men, to teach them confidence and character and integrity. But yet, the charter schools in our community in Texas are accountable.

And, frankly, that is the difference and the distinction between the question of vouchers and charter schools and public schools. In my district right now, Mr. Speaker, the leadership of our school district, the Houston Independent School District, suggesting that three schools need to be closed, three schools with enormous history, two of them happen to be the Kashmere High School and Yates High School. These are two of our oldest schools in the African-American community.
How unfortunate that the school district, rather than investing in those schools, with all the richness of history, all the outstanding alumni, all those individuals who are doctors and lawyers and teachers and leaders of the community, and business people who would invest back into the public school that they graduated from, and yet our district is talking of closing them or privatizing them.

That is why we need to speak about excellence. I want to congratulate today the charter schools because they have taken the resources and they are accountable and they teach in a unique way, each of them with their own definition and character, and they are educating our children and they are accountable. Likewise, the public school system must be accountable as well.

Our independent school district in Houston must be accountable to these historic schools. I visited one of these schools yesterday. I had two of the schools on Friday afternoon. They have school pride. They are wearing their uniform. They have band uniforms. It may not be perfect, but these kids want to succeed. And it is important to note, Mr. Speaker, that these children in 5th, Kashmere High School and Yates High School and Sam Houston that is in the District of my good friend and colleague, the gentlemen from Texas (Mr. GREEN), that these youngsters have the desire to learn. We have applauded those who are working with them, their teachers and principals. So I am asking for an opportunity to be given to them to learn. That is a public school.

But today, I stand on the House floor congratulating charter schools because they work simultaneously and parallel with our public schools. They are a wonderful fit and they give parents the opportunity to increase the excellence of their children. I believe that our only chance to reaffirm excellence in education in America and to educate our children, because they are not only our future, they are our todays.

Mr. Speaker, I am pleased to be here today to speak about the benefits of charter schools and their ability to deliver high-quality education and challenge our students to reach their potential. Charter schools provide thousands of our families with diverse and innovative educational options for their children.

I have had the pleasure to visit a charter school, KIPP 3D Academy, and I can see how excited they are for learning. Charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation.

In exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations. During my visit to KIPP 3D Academy, I was able to see their substantial progress with their students, and how their strict curriculum embodied their slogan that Knowledge is Power.

Nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students.

Charter schools improve their students’ achievement and stimulate improvement in traditional public school. They also give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system. These schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States.

The sixth annual National Charter Schools Week is this week. This event is sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools. I am pleased to recognize in the House of Representatives to acknowledge and commend charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 218, supporting the sixth annual National Charter Schools Week and honoring the outstanding achievements charter schools have made.

As a former educator, I understand the importance of charter schools. These schools are educational laboratories, as they allow students to learn and grow in a non-traditional sense. Charter schools are an alternative to public schools that allow for trial, experimentation, and the freedom to employ innovative techniques, charter schools, year after year, continue to provide academic excellence and prepare our youth for higher education, the workforce and their future.

The State of New Jersey has 52 approved charter schools. These schools serve nearly 14,000 students statewide in pre-kindergarten through 12th grade. In 2004, 16 applications were filed in New Jersey for new charter schools with hopes of openings in 2005 and 2006. Many of these applications are for schools in some of New Jersey’s largest cities, including Newark, Camden and Jersey City.

My district is fortunate enough to have eight exceptional charter schools that offer students a diverse educational opportunity, rigorous curricula, and an outstanding learning environment.

One of these schools, the Princeton Charter School in Mercer County became the first charter school accredited by the American Academy of Liberal Education in April of 2002. In addition to this esteemed recognition, the Princeton Charter School was also recently named a No Child Left Behind Blue Ribbon School. This award is given to schools that meet the national goals and high standards of educational excellence.

Another school in my district, the Greater Brunswick Charter School in Middlesex County will be the subject of a documentary film that will feature the middle school students who have worked hard to develop a class project based on the Buck Institute’s model for project-based learning. This documentary will be available online through the George Lucas Education Foundation website.

I applaud the students, teachers, administrators and parents of charter schools for all of their hard work and commitment to the educational community of charter schools. Charter schools continue to grow in number in New Jersey and across the country, offering students an exceptional educational opportunity with room for innovation and development.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LATE PLAYWRIGHT ARTHUR MILLER AND THE UNIVERSITY OF MICHIGAN ON ITS INTENTION TO BUILD A THEATRE IN HIS NAME

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 216) to honor the late playwright Arthur Miller and the University of Michigan for its intention of building a theater in his name, as amended.

The Clerk read as follows:

H. Res. 216

Whereas Arthur Miller was considered a legend during the vaunted period known as Broadway’s Golden Age, earning him a celebrity status that few playwrights would ever realize;

Whereas, as noted upon his death by The Michigan Daily, the student newspaper where Arthur Miller honed his writing; Miller was twice denied admission to the University of Michigan, and attained admittance only after appealing directly to the Dean;

Whereas in 1949, at the age of 33, with his play “The Death of a Salesman”, Arthur Miller seized all major drama awards for the year—the Pulitzer Prize, the Tony, and the New York Drama Critics Award;

Whereas Arthur Miller’s plays, books, essays, and articles touched the moral fabric of a nation;

Whereas, according to Robert Falls, Artistic Director of Chicago’s Goodman Theatre, “Miller not only was not a day away by that, somewhere in the world, one of Miller’s plays isn’t being performed.”;

Resolved, that the House of Representatives—

(2)

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May 3, 2005

CONGRESSIONAL RECORD—HOUSE

H2757

Whereas during his extraordinary life and career, Arthur Miller tapped a social conscience that will see his work live as long as there is an American Theatre; 

Whereas his composure in response to the McCarthy era witch-hunts of the 1950’s was “The Crucible”, where his carefully tailored character John Proctor refused to name names and ultimately died for his convictions; 

Whereas Arthur Miller’s success did not come easy and was born of hard work and an uncanny ability to translate the human condition on to the American stage; and 

Whereas Arthur Miller’s first plays were written at the University of Michigan and earned Avery Hopwood Awards which enabled him to complete his education, that same University now prepares to honor his memory with the Arthur Miller Theatre. Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary contributions to American literature and American theatre of Arthur Miller; 

(2) honors Arthur Miller as a great American and pioneer in the annals of American drama; 

(3) commends the University of Michigan for its commitment to build the Arthur Miller Theatre, a fitting monument to one of its most distinguished alumni.

The SPEAKER pro tempore, Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 216, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 216, which honors the great American playwright Arthur Miller, and also honors the University of Michigan for building a theater in his name. I thank the gentleman from Michigan (Mr. SCHWARZ) for his work on this resolution, and I recognize his contributions to the University of Michigan and its alumni association.

As a talented and brilliant playwright, Arthur Miller was a legend of his time. Most widely known for his work “Death of a Salesman,” Miller enjoyed a successful career and earned great distinction. Miller’s significant contribution to theater and society at large can be felt even today. According to Robert Falls, director of Chicago’s Goodman Theater, “Not a day goes by that, somewhere around the world, one of Miller’s plays is not being performed.”

Miller’s fame, however, did not come without hard work and an ability to translate the human condition onto the American stage. Throughout his life, he overcame much adversity, and this struggle played out through his many works.

After graduating from high school in 1932, Miller worked in an auto-parts warehouse for college. Reading great novels by world-famous authors, Miller decided to become a writer. In order to follow this passion, he applied to the University of Michigan in 1934 to study journalism. Ironically, the university initially denied him admission for his less-than-stellar high school career. He failed algebra three times in high school. (And, of course, that stabs me right in the heart as a scientist!) He gained admittance only after appeal to the dean. After being accepted, however, Miller thrived at the university and won two of the university’s prestigious Hopwood Awards for his playwriting.

After graduating in 1938, Mr. MILLER returned to New York and launched his career. His first successful play was in 1947 when “All My Sons” ran for 328 performances on Broadway. In 1949, Miller won international recognition and a Pulitzer Prize by producing his first full-length play, “Death of a Salesman,” which is known as one of the major achievements of modern-day theater. The story portrays the tragedy of Willy Loman, a salesman living around the time of World War II, who fails in pursuit of the American Dream. The powerful story is still well known and read today.

Throughout his successful career, Miller maintained his connection to the University of Michigan. He often visited to meet and work with students in the theater program. The university awarded him an honorary Doctor of Humane Letters in 1956, and Miller worked with the Alumni Club of New York to establish the Arthur Miller Award for aspiring writers. In 2000, Miller was a semi-finalist at the University allowing it to name a theater after him.

Therefore, it is fitting that Arthur Miller’s lasting contributions as a playwright and author will be forever remembered through the Arthur Miller Theatre. It is my pleasure to commend the University of Michigan for honoring his memory and impressive accomplishments. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H. Res. 216 celebrates the life of one of the greatest playwrights of all time. In addition, this resolution rightly recognizes the University of Michigan for naming a theater after this great American. Arthur Miller was a Pulitzer Prize winner; a recipient of the New York Drama Critics Circle Award; the Nation’s most distinguished recognition for the arts, the Kennedy Center Honors. He enriched our country through his great works, including “Death of a Salesman,” “The Crucible” and “A View From The Bridge.”

This remarkable man and his remarkable work really took root at the University of Michigan. At age 19 when he entered Michigan, Miller realized a dream to become a writer. Miller won two of the University of Michigan’s prestigious Avery Hopwood Awards while attending the University. Michigan and the entire university were happy to call Arthur Miller one of our greatest distinguished citizens and alumni.

Madam Speaker, I wanted to thank the gentleman from Michigan (Mr. SCHWARZ) for introducing this resolution. The University of Michigan deserves recognition for naming a theater after this great American. We would be remiss, however, if we did not also recognize the contributions Arthur Miller made to our country and to the world. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SCHWARZ), my distinguished colleague.

Mr. SCHWARZ of Michigan. Madam Speaker, I commend my colleague from Flint, a fellow University of Michigan graduate, and also another gentleman from Michigan (Mr. EHLERS), GELL, for introducing this resolution. Mr. KILDEE and the gentleman from Michigan (Mr. EHLERS), who represents Ann Arbor, in my distinguished colleague.

As an individual in the House whose district almost comes up to Ann Arbor, I think I can safely say I represent also the sentiments of the dean of House, the gentleman from Michigan (Mr.丁CEL), who represents Ann Arbor, in supporting this resolution.

Arthur Miller was like many students who come to University of Michigan, especially in that era. They came from the eastern part of the United States, came from families that did not have a great deal of wealth, and were extremely hard workers. As alluded to by the gentleman from Michigan (Mr. KILDEE) and the gentleman from Michigan (Mr. EHLERS), Arthur Miller had an extremely successful career at the university winning the Hopwood Award, an award given to students for the best writing, two times at the university. He graduated and wrote for the Federal Theater Project; and after World War II, he wrote and his magna opus was performed on Broadway, “Death of a Salesman.”

Important to that, Miller wrote many plays, some made into moving pictures, some performed on Broadway. It is indeed, as the gentleman from Michigan (Mr. EHLERS) indicated, a
very rare day when somewhere in the world an Arthur Miller play is not performed.

As a means of saluting Mr. Miller, then-president of the University of Michigan, now president of Columbia University, Lee Bollinger, had the idea that we would build a theater on the University of Michigan campus and name it after Arthur Miller. And as the gentleman from Michigan (Mr. EHLERS) indicated, Arthur Miller, by a postcard to the university, said yes, that would be okay.

So in March 2005, following Mr. Miller’s death at the age of 88, the regents of the University of Michigan approved plans to build the Arthur Miller Theater, a 250-seat performing venue on the campus of the University of Michigan; and this resolution honors the late Arthur Miller and the University of Michigan, Mr. Miller for his contributions to American theater, and the University of Michigan, I think, for playing a part in educating Mr. Miller in recognizing the fact that he indeed was America’s greatest playwright of the 20th century.

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

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

Madam Speaker, I would just like to make a few comments. I was struck by the fact that Mr. Miller spent some time working in an auto-parts warehouse. There must be some relationship between that and the University of Michigan because my youngest son also spent some time working at an auto-parts warehouse because he did not intend to go to college or a university. After a short time, he decided to go to college and today is a faculty member in geophysics at the University of Michigan. So for those wishing to support the University of Michigan, they may consider starting to work at an auto-parts warehouse.

I also want to recognize the importance of the preeminent play that Mr. Miller wrote, “Death of a Salesman.” Very few works of the theater or cinema have affected me as much as that, simply because it struck me as someone who is a generation removed from the time of that particular play, I was just astounded at the generosity of Willy Loman’s neighbor who recognized that Willy was in trouble, tried to help him, and every once in awhile would slip him $20 and say, “Do not worry about repaying it. Whenever you get it, just give it back to me.”

What struck me about that was there was no widespread social network in those days, and people depended on their neighbors. This is something we have lost today. Handing a neighbor $20 in the 1930s and early 1940s is equivalent to handing them more than $100 today. And most of us would casually slip $100 to a neighbor and say, “Here, do not worry about it, just pay it back when you can.” I think that encapsulates the spirit of that era. It was very tough times in the 1930s after the Great Depression, yet everyone helped each other, and that is how we as a Nation survived and became the great Nation we are today.

I have many personal differences with Mr. Miller and his stance and position on various issues, but I think it is appropriate to recognize genius when and where it exists, and it is certainly appropriate for us to honor him today. Therefore, I urge my colleagues to support this resolution. Mr. Miller and the University of Michigan for its role in naming a theater after him.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 216, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

OBSEVING 30TH ANNIVERSARY OF FALL OF THE REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

Mr. FORTENBERRY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 228) observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist Forces of North Vietnam, as amended.

The Clerk read as follows:

H. Res. 228

Whereas the Vietnamese who resettled in the United States have, through perseverance and hard work, been able to rebuild their lives and form a vibrant community across the United States, thereby contributing in many significant ways to the richness and diversity of American society;

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Whereas the large flow of refugees to the United States and elsewhere was caused by the fall of the Republic of Vietnam to the Communist forces of North Vietnam; and

(1) honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society;

(2) observes the 30th anniversary of the large exodus of refugees from Vietnam when the Republic of Vietnam fell to the Communist forces of North Vietnam;

(3) supports all individuals taking part in events in Washington, D.C. and across the United States to commemorate these momentous events in world history;

(4) honors the memory of those Vietnamese who lost their lives in that refugee exodus; and

(5) urges all citizens of the United States to share in remembering these events and working toward the full realization of freedom, democracy, and equality for all the people of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. FORTENBERRY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY).

General Leave

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

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

There was no objection.

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

Madam Speaker, I would like to first start by thanking the gentleman from Virginia (Mr. TOM DAVIS) for introducing this timely resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades.

This past week marked the 30th anniversary of the fall of Saigon, a tragic anniversary on many levels. Those events signified the fall of the Republic of South Vietnam and the entrance of Vietnamese Americans to the United States to commemorate these momentous events in world history; and

whereas since 1975, Vietnamese Americans have worked tirelessly to promote freedom and democracy in Vietnam;

whereas the United States Armed Forces of the United States and of South Vietnam during the Vietnam Conflict. But more centrally, the resolution honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society.

Adversity reveals the mettle of a people. The hundreds of thousands of Vietnamese who braved those circumstances to relocate in the United States have since grown into a vibrant American community nearly 1.5 million strong. In addition to thriving in their newfound homeland, Vietnamese
Americans have also worked tirelessly in their attempts to realize freedom and equality for all people in Vietnam, an ideal that remains a work in progress.

This week, many Americans are gathering in Washington, D.C., and elsewhere to commemorate the events of 30 years ago. Thus, it is a particularly fitting time for all Americans to join them in remembering the hardships and accomplishments of the past as well as our shared hopes for the future.

For these reasons, House Resolution 228 deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of this resolution. At the outset, I would like to commend the gentleman from Virginia (Mr. ROYCE) for introducing this important resolution and the gentleman from Nebraska (Mr. FORTENBERRY) for ably managing it on the floor.

Madam Speaker, 30 years ago, the fall of South Vietnam caused a refugee crisis of enormous proportions. Three million Vietnamese fled their homeland, with more than 1.5 million ultimately arriving in the United States. While a few left from the top of the U.S. Embassy in helicopters in the hurried exodus at the end of the war, millions were loaded with their families onto rickety, overcrowded boats to flee Vietnam for freedom.

The resolution before us observes the 30th anniversary of this huge exodus of refugees from Vietnam and honors the significant contributions made by Vietnamese Americans after their arrival in the United States.

Madam Speaker, we are a Nation of immigrants, and Vietnamese Americans have warmly embraced the values and ethics of previous immigrant generations: hard work, education, an emphasis on family, and a strong embrace of our democratic system. Many Vietnamese Americans arrived with little more than the clothes on their back and have made new, prosperous lives for themselves here in the United States. Vietnamese Americans have become astronauts, television anchors, NFL football players, attorneys general, and entrepreneurs. They have made significant contributions to our society and to our culture, and their positive influence on our Nation will continue to grow.

Vietnamese Americans have also made the ultimate sacrifice for their newly adopted Nation. On March 22, 2004, Marine Lance Corporal Andrew Dang was killed by enemy fire while on patrol near Ramadi in Iraq. Andrew joined the Marines about a month after the start of the war in Iraq and was assigned to a unit near his home in the State of California. After his death, a fellow Marine wrote about Andrew, and I quote, “Everyone could count on him and no one questioned his loyalty. He believed in what the United States was doing against terror and so do we. None of us who knew Andrew will ever forget him.”

Madam Speaker, our condolences go out to Andrew’s family and does our great appreciation for his willingness to serve our Nation.

Vietnamese Americans are increasingly part of the fabric of American society, working hard, caring for their families, and giving back to their adopted homeland. Our resolution recognizes the evolution of the Vietnamese-American community and their lasting contributions to our entire Nation.

Madam Speaker, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank the gentleman from California for yielding me this time.

I rise today in support of House Resolution 228, which marks the 30th anniversary of the fall of Saigon. Last weekend, thousands of Vietnamese Americans from all over the country came to Washington for the Vietnam Freedom March. This event celebrated the freedom and the heritage of the Vietnamese-American community, honored the sacrifices of American and Vietnamese veterans, and highlighted the need for freedom and basic human rights in Vietnam today. I am proud to have been an honorary cohost of this event, along with over 20 of my House colleagues, and I look forward to the support of this entire body for the resolution in today’s vote. As the congressional representative of the largest Vietnamese community outside of Vietnam, it is a great privilege to bring this legislation to the floor today on their behalf.

Madam Speaker, the gentleman from California is right. The Vietnamese community here in America has done an incredible job. They are hard workers, they are business owners, they are in the top universities, they are getting educated, they are beginning the political process, having now been elected in many of the areas, in Orange County and also in Texas, and, I believe, in Virginia.

It is great to see the strides that they have made to denigrate communist activity here in the United States. But the truth of the matter is that the people, especially people back in Orange County and around here that are Vietnamese Americans, are still worried about the situation in Vietnam. We know that the people of Vietnam awakened every day under a very harsh and repressive regime, and events such as the Vietnam Freedom March remind those of us here in Washington that even 30 years after the fall of Saigon, there remain millions of Vietnamese people who can enjoy the freedom and the liberty that we here in America often take for granted.

I hope that my colleagues will work with me and with the Vietnamese community of the United States to work on the human rights issues still left there in Vietnam. They came here because they were seeking freedom and liberty. We fought and we lost 58,000 Americans in that war to find freedom and liberty. I hope we will continue as Americans to fight for freedom and liberty.

Mr. FORTENBERRY. Madam Speaker, I rise in support of this resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades. After the events of April 1975, many brave Vietnamese migrated to the United States. Through perseverance and hard work, they rebuilt their lives to form a vibrant community across this country.

I have seen the community grow not only economically but politically as well. Van Tran, who used to work for me in the State senate, has now been elected to the State assembly, the highest Vietnamese American elected to public office. Rightly, these Vietnamese Americans are focused on promoting democratic ideals in Vietnam. The U.S. must be a strong advocate of human rights, particularly when basic freedoms are being wantonly disregarded as they are in Vietnam. We must continue to shine a light on repression in that country.

I am sorry to say that in the 30 years, not much has changed in Vietnam. Not much has changed since the Communists launched their disastrous Socialist Republic of Vietnam because political, religious and economic freedoms have been systematically squashed. This is a government that continues to deny Vietnamese the right to change their government. When I visited Vietnam, I saw firsthand the Communist Party’s harassment of those Vietnamese citizens who decided to peacefully set forth democratic political and religious views.

When I met with the Very Rev. Thich Quang Do and Le Quang Liem, I was immediately denounced by that Communist government.

But I must share with you that there is a strategy that is working to bring information to Vietnam. Radio Free Asia is an effective tool listened to across the country. I have carried legislation to expand those broadcasts.

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But I would share with you in my conversations with Vietnamese that in the same way that Lech Walesa in Poland listened to those radio broadcasts and in the same way the members of solidarity had a chance to have their story told in the same way that Vaclav Havel used to tune into Radio Free Europe, Radio Liberty broadcasts, today people across Southeast Asia, in Burma and in Vietnam have that same opportunity to listen to the story not only about what is happening in the world but what is happening inside their own country, and that is shaping the values and the attitudes and the knowledge of a new generation of young Vietnamese.

The Vietnamese-American community has not lost sight of the struggle in their original homeland for freedom, for religious freedom, for freedom of speech, even for the right of young people to sit down in an Internet cafe and have a cup of coffee. They are a part of this effort to make certain that those ideals stay alive so that in the same way that eastern Europe came to evolve into a democratic, market-oriented, tolerant society, that there is another opportunity in the future for Vietnam.

In the meantime, this resolution commends the success of the Vietnamese-American community. I thank the gentlelady from Virginia (Ms. Tom Davis) and the other cosponsors of this resolution and urge its passage.

Mr. LANTOS, Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from Texas (Ms. Jackson-Lee).

(Ms. JACSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACSON-LEE of Texas, Madam Speaker, I thank the ranking member very much for yielding me this time and the sponsor of this legislation and my colleagues, because I believe that we come unanimous to the floor to acknowledge the 30th anniversary of the fall of Saigon and the fall of Vietnam to, unfortunately, the Communist forces, but to stand tall with the resolved in Vietnam that fought steadfastly against those forces and to applaud the Vietnamese community which I have the opportunity of interacting with and, of course, working with in my own community of Houston.

I am proud to be an original cosponsor of this legislation and to have supported it this past weekend commemorating the contributions and, of course, the commitment of the Vietnamese people and their long-standing commitment to Vietnam. Truly, the Vietnam War has had a lasting impact on our Nation and indeed the world in the 30 years since it ended.

The Vietnamese-American community has established its place in the international community, that we stand with them in order to ensure the reuniting of their family members, many of them separated now for decades.

But that has not stopped the Vietnamese community in Houston, in Texas, and around the Nation from being strong advocates and supporters of their individual communities. They are business persons, they are artists, they are teachers, they are community leaders.

I want to thank the community in Houston for raising over $100,000 and coming to the aid of the victims of the tsunami in Southeast Asia. The Solution for Tsunami Relief, I would like to acknowledge their artistic activities by saluting the Vietnamese Dance Company, saluting the first Vietnamese who was elected to the State legislature in the last election, and of course to salute those individuals who befriended and take care of their senior citizens. They have one of the best citizens programs for many of these elderly Vietnamese citizens who do not speak the language because they came here in the early part of their life, but there is no greater group that loves freedom as much as the Vietnamese community. And my senior citizens, who may not be able to speak English very well, I can assure Members that freedom is in their hearts, that they love this Nation, that they realize that they are in a country that is free and respects them.

So I am proud to recognize the achievements of Vietnamese Americans in 3 decades since the end of the Vietnam War. And I am proud to say that the city of Houston is home to about 160,000 Vietnamese who maintain an active and vibrant community. They live at Bellaire. They have a Vietnamese town there. One can find Vietnamese shops and restaurants, places of worship, but I will say they are very welcoming. 900 AM is Radio Saigon in Houston. They believe in being part of this community.

On April 30, 1975, the Republic of Vietnam fell to the Communist forces; but now we are standing to say that even as it fell, it yielded 3 million refugees, at least 500,000 individuals who died, at the pretense of "escape from danger," but they came to the United States and they stand together as free and united.

I congratulate the community, and I thank the distinguished ranking member for his leadership also.

I rise today as a cosponsor of H. Res. 228, which observes the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam. In addition, this resolution honors the contributions of Vietnamese-Americans to American society in the past three decades. Truly, the Vietnam War has had a lasting impact on our Nation and indeed the world in the 30 years since it ended.

The nation of Vietnam today is showing signs of economic revival. Much like China, it is now realizing that market reforms that are more open and free can yield a greater fiscal and social benefits. Much like China, Vietnam is realizing that in the same way that eastern Europe, in Burma and in Vietnam that fought steadfastly against those forces and to applaud the Vietnamese community which I have the opportunity of interacting with and, of course, working with in my own community of Houston.

I am proud to recognize the achievements of Vietnamese Americans in 3 decades since the end of the Vietnam War. And I am proud to say that the city of Houston is home to about 160,000 Vietnamese who maintain an active and vibrant community.
hundred thousand of those Vietnamese resettled in the United States and like the Vietnamese community in Houston they have contributed to the diversity and vibrancy of our Nation.

As we commemorate the thirtieth anniversary of Operation New Life it would be important for us to take this time to reflect on our current war in Iraq. Much like the final years of Vietnam we are confronted with the question of how do we end this war and when can we bring our fighting men and women home to be with their families and loved ones? There have been 1,763,000 troops deaths in Iraq, 56,800 of which have been Americans. At least 12,243 U.S. troops have been wounded in action and their lives will be changed forever because of this war. In addition, the latest attacks in Iraq by insurgents have killed hundreds of innocent Iraqi civilians. We must work vigorously to ensure that we have a proper exit strategy in Iraq. We cannot allow more American troops to die without doing all we can to extract them from this danger. We must work to bring the current state of chaos in Iraq to be under control.

I can thank the good people of Vietnam who came but to this Nation or refugee, who now serve us well. I believe we must likewise find resolve to fix the problem in Iraq.

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

Mr. FORTENBERRY. Madam Speaker, I rise today in strong support of H. Res. 228 which recognizes the 30th anniversary of the tragic fall of the Republic of Vietnam and honors the 1.5 million Vietnamese-Americans who have settled in the U.S. and worked to promote democracy and prosperity in the U.S. as well as back in their homeland. I commend the Chairman of the Board, Dr. Chan Q. Kieu, and the Directors, Mr. Pedro (Sonny) P. Ada, Mr. Arthur B. Birchter, Mr. Walter L. Hannen Sr., Mr. Alex L. Hoang, Mr. Joe Keleman, Dr. Hieu T. Nguyen, Ms. Loan (Lynn) T. Nguyen, and Mr. Masao Tsuzura. I also commend the President and Chief Executive Officer Dr. Hieu T. Nguyen, and senior managers Mr. Binh S. Hoang, Mr. John A. Podlesni and Mr. Douglas M. Shearer.

We reflect today on the long road from the fall of Saigon to a new nation, the peace and prosperity. The Vietnamese-Americans who inspire us also remind us of the cost of freedom we enjoy. We hope that Vietnam will continue on its own political journey so that one day the freedom that Vietnamese-Americans enjoy in America can be shared by their families in Vietnam. That is a vision worth pursuing and in supporting H. Res. 228, Congress can express its solidarity with all those who share this vision for Vietnam.

Mr. BORDALLO. Madam Speaker, I rise today in support of H. Res. 228 which I introduced to observe the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam. As you know, the Republic of Vietnam succumbed to the North Vietnamese troops on April 30, 1975. This dark day was a great tragedy not only for Vietnamese people, but for all democratic governments and free people in the world. America reacted quickly by opening its hearts and borders to over one million Vietnamese refugees that seek the freedom and more than one million people fled en route to freedom.
Many came here by surviving incredible hardships. They risked their lives on rickety boats facing pirates, starvation, and the perils of being at sea on open boats for weeks and months on end. Others escaped through dangerous mountainous and jungle terrain and those who were not so lucky were forced into so-called “re-education camps” where nothing more than concentration camps designed to torture and kill people who opposed the community regime. Soldiers, writers, journalists, members of the clergy and other religious leaders all suffered the same fate in these camps: humiliation, torture, and often, death.

We owe all those who gave the ultimate sacrifice during the Vietnam War, both American and Vietnamese, a debt of gratitude that can never be repaid. While we pay homage to these fallen heroes with resolutions and commemorations, the most fitting tribute is the enduring memory of their lives.

Madam Speaker, in 1994 the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. maintains diplomatic relations, without an official government level of cooperation, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

I have traveled to Vietnam many times to learn about these issues first-hand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in my congressional district continues to keep me apprised of the situation. As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

Madam Speaker, I urge every citizen of the United States to share in remembering this dark chapter in history. We must strive to have a greater understanding of the role these events had in hollowing the Vietnamese people of their liberty to provide the necessary leadership so that one day the Vietnamese people may enjoy freedom, democracy, and equality.

I am hopeful H. Res. 228 will serve as a reminder of the sacrifices Americans made for freedom and democracy for the Vietnamese people...
Whereas the Special Court for Sierra Leone has contributed to developing the rule of law in Sierra Leone and is deserving of support;
Whereas on March 17, 2005, the United Nations Special Representative to Sierra Leone, stated: “Unless and until Charles Taylor is brought to justice, there will be no peace. Charles Taylor is a big cloud hanging over Liberia. He is still ruling the country from his house in Calabar. His agents remain influential in the country.”;
Whereas on March 22, 2005, Jacques Klein, the United Nations Special Representative of the Secretary-General to Liberia, stated: “Charles Taylor is a psychopath and a killer ... He's still very much involved (in and is ...) intrusive in Liberian politics.”; and
Whereas Charles Taylor remains a serious present and continuing threat to Liberian and West African subregional political stability, peace, and security, and to United States interests in the region: Now, therefore, be it
Resolved by the House of Representatives (the Senate concurring), That Congress urges the Government of the Federal Republic of Nigeria to expeditiously transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to undergo a fair and open trial for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The SPEAKER pro tempore, Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as she may consume to the distinguished gentleman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, today in strong support of H. Con. Res. 127, a resolution calling on Nigeria to turn over the former Liberian President Charles Taylor to the Special Court for Sierra Leone. The Special Court has indicted Taylor, who is allegedly responsible for the murder, rape, and mutilation of 1.2 million people during the war in Sierra Leone in the late 1990s.

It has now come to the surface that the al Qaeda operates both before and after September 11 have viewed West Africa as an effective sanctuary and as a place to launder money. Evidence suggests that Taylor himself was personally involved in serving as a middleman between al Qaeda and West Africa’s diamond trade. The illicit international trade in so-called blood diamonds, an asset that is virtually untraceable and easily convertible into cash, helped fund many of West Africa’s wars in the 1990s and clearly is a suspected means of finance for terrorism.

The United States estimates that between $70 million and $100 million is still smuggled out of Sierra Leone each year, despite the coming of peace and the international accords to block illicit trafficking. Taylor was a top conduit for smuggling West Africa diamonds which helped bankroll the insurgency that brought him to power in Liberia. Even though he is under house arrest in Nigeria, he remains a key financial backer of the Revolutionary United Front, using conflict diamonds to fund armed terrorist groups to destabilize Sierra Leone. He financed the notorious Revolutionary United Front terrorists, who in turn recruited children and used them to terrorize their own communities. And he is responsible for innocent civilians having their limbs and other body parts chopped off.

I am baffled by the reluctance of the Government of Nigeria to transfer this criminal Charles Taylor to the Special Court where he belongs. Not only is there strong evidence that he was a brutal dictator and a warmonger as president of Liberia; he has violated the conditions his host government laid down for him to remain in that custody.

I see absolutely no reason, Madam Speaker, why Nigeria should continue to offer Charles Taylor undeserved sanctuary so that he can once again pull together a criminal network to terrorize the people of West Africa.

The relationship between the United States and Nigeria is strong, and Nigeria remains an important ally of ours in Africa. They should not jeopardize this relationship for the likes of Charles Taylor.

I urge all of my colleagues to support H. Con. Res. 127.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman, also the author of this resolution.

Mr. ROYCE. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time.

I rise in support of House Concurrent Resolution 127. This resolution calls on the Government of Nigeria to transfer Charles Taylor, the former president of Nigeria, to the Special Court for Sierra Leone so that he can be tried for war crimes. And I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, and the gentleman from New Jersey (Chairman SMITH) for their support of this resolution and also for their support over the years for the establishment of a Special Court.

Madam Speaker, Charles Taylor has been indicted on 17 counts, 17 counts of war crimes and crimes against humanity by the Special Court for the role that he played during Sierra Leone’s brutal war. This hybrid court, which bears the greatest responsibility for
the atrocities and human rights violations in this now-past war. Charles Taylor is at the top of that list.

During the late 1990s, then-President Taylor of Liberia supported the Revolutionary United Front, or RUF as it is commonly referred to, which was designated by the State Department as a terrorist organization. He supported it in neighboring Sierra Leone in West Africa, and the RUF was notorious for hacking the limbs off their political opponents and using child soldiers. When I chaired the Africa Subcommittee, we hosted some of these victims on Capitol Hill. We held numerous hearings dating back to 1998, examining the chaos in West Africa caused, orchestrated by Charles Taylor.

Employed by the RUF were child soldiers. Investigative reporter Doug Farah described what life was like for child soldiers in his book “Blood from Stones.” And in his book he said: “One thing the children do remember vividly is the preparation for what they called ‘mayhem days,’ sprees of killing and raping that lasted until the participants collapsed from exhaustion. They said that colored powders were likely amphetamines, and razor blade slits near their temples, where cocaine was put directly into their bloodstream. The ensuing days would be a blur. The children often remembered only the feeling of being invincible before the drugs wore off.”

This was Charles Taylor’s view of West Africa. Yet today Charles Taylor safely resides in exile in Nigeria.

Aug 2003, some believe that removing Taylor from Liberia and giving him exile would prevent Liberia and West Africa from destabilization. Instead of facing justice at the Special Court in Freetown, Sierra Leone, Taylor was given a seaside villa in Calabar, Nigeria. In exchange, Taylor would refrain from engaging in political activity.

Nearly 2 years after the exile deal, Taylor is still very much involved in Liberian politics as that Nation prepares for elections in the fall. According to the United Nations reports, his former military commanders and business associates, as well as members of his political party, maintain regular contact with him and are planning to undermine the peace process in Liberia.” Now, this peace process, incidentally, has been supported by the United States and Congress with hundreds of millions of dollars.

As the resolution points out, David Crane, Chief Prosecutor at the Court, has stated, “Unless and until Charles Taylor is justice, there will be no peace in Liberia.” The U.N. Secretary General’s Special Representative to Liberia is Jacques Klein. Jacques Klein has said, “Charles Taylor is a psychopath and a killer. He is still involved in aid and is intrusive in Liberian politics.”

Madam Speaker, Charles Taylor remains a serious and continuing threat to West African peace and security, which is counter to U.S. interests as well.

I am hopeful that Nigerian President Obasanjo does the right thing and hands Taylor over to the Special Court. Among others, the Nigerian Union of Journalists and the Nigerian Bar Association have criticized the exile deal. President Obasanjo is in Washington this week. By passing this resolution, there will be no question where the U.S. stands. Under the agreement, Taylor report- edly is prohibited from communicating with his political party, maintain regular contact with him and are planning to undermine the peace process in Liberia.

In August 2003, as a vicious war engulfed the Liberian capital of Monrovia, the government of Liberia made a bold offer. In the interest of peace, they would offer asylum to Liberia’s pariah President, Charles Taylor. The decision to host an convicted war criminal that had terrorized his people and fomented conflict throughout West Africa could not be one. I shudder to think of the countless lives which surely would have been lost had Charles Taylor been allowed to remain in Liberia and continue his reign of terror. Thanks in no small part to Nigeria’s Obasanjo, the war in Liberia now has ended, a transitional government is preparing for historic elections, and Liberi- ans, at long last, may have the opportunity to live in peace.

But the deal did not come without conditions. Under the terms of the agreement, Taylor is prohibited from communicating with anyone engaged in political, illegal, or governmental activities in Liberia. By all accounts, he repeatedly and unabashedly has violated that agreement.

Further, the asylum did not grant Taylor amnesty for his past crimes. This warlord-turned-President-turned-war criminal has worked long and hard to earn the reputation of “the cancer of West Africa.” He is alleged to be cooperating with international terrorist organizations. He has engaged in the illicit trade in blood diamonds in violation of the U.S. sanctions. He is linked to the proliferation of small arms throughout the region. He has fomented conflict not only in Liberia, but also in neighboring Guinea, Sierra Leone, and the Ivory Coast. In sum, Charles Taylor has destabilized the entire sub-region of West Africa, leaving thousands dead and millions displaced in his wake.

But it was Taylor’s active support for the Revolutionary United Front, or the RUF, of Sierra Leone, a rebel group notorious, as my colleague pointed out, for hacking off the limbs of innocent civilians, including women and children, which earned him a designation by the Special Court for Sierra Leone. That indictment, which included charges of war crimes and crimes against humanity, reads like a grotesque horror novel.

The Special Court for Sierra Leone, a court in which this Congress actively supports, is expected to conclude its work this year. That cannot be done, however, if Taylor is not transferred from Freetown immediately. Furthermore, there can be no peace in Liberia or in West Africa so long as Taylor is allowed to maintain influence and act as a menace to his neighbors. The clock is ticking, Madam Speaker, while the legitimacy of the Special Court and the stability of West Africa hang in the balance. The time to transfer Charles Taylor to the Special Court for prosecution is now.

Charles Taylor, Madam Speaker, has repeatedly violated the terms of his asylum in Nigeria, as the government of Nigeria itself has acknowledged. Consequently, the government of Nige- ria must be justified in ending that asylum and turning Taylor over to the Special Court, as we now are urging him to do.

This bipartisan resolution, which has been given due consideration by the Committee on International Relations, deserves every Member’s support and, hopefully, we will pass it unanimously on the floor today.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, before yielding back my time, let me just observe that our cooperation across party lines on this issue has led the many, many problems and areas and countries where the House Committee on International Relations functions in a uniquely bipartisan fashion for the national interest.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative lines on this issue is emblematic of the lack of cooperation across party lines on this issue has led the many, many problems and areas and countries where the House Committee on International Relations functions in a uniquely bipartisan fashion for the national interest.

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

Mr. WOLF. Madam Speaker, I rise in support of H. Con. Res. 127 calling on the government of the Federal Republic of Nigeria to transfer Charles Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes,
crimes against humanity and other serious violations of international law. I urge my colleagues to vote in favor of this important resolution.

We must do everything possible to see that Charles Taylor, a fugitive from justice, is held accountable for his heinous crimes and his_leagues to vote in favor of this important resolution.

The legacy of Charles Taylor's human rights abuses and corruption in Liberia is deplorable. Charles Taylor sponsored a 10-year civil war in neighboring Sierra Leone and has inflicted suffering on innocent men, women and children in unprecedented acts of cruelty, all done to satisfy the avarice of a cruel despotic.

The UN-backed war crimes court unsealed an indictment on Charles Taylor in 2003. He is accused of bearing the greatest responsibility for war crimes, crimes against humanity and serious violations of international humanitarian law. It is well known that he provided financial support, military training, personnel, arms and other forms of assistance to the Revolutionary United Front to destabilize Sierra Leone and thereby gain access to her diamond wealth.

Charles Taylor organized and ordered armed attacks throughout Sierra Leone to terrorize the civilian population and ultimately punish those who provided sufficient support to the RUF, or for supporting the legitimate government. The attacks routinely included unlawful killings, abductions, forced labor, physical and sexual violence, the use of child soldiers and looting.

I remain concerned that two years have passed and he has not been brought to justice before the Special Court for Sierra Leone. The United States must call on the Nigerian government to hand Charles Taylor over to stand trial. Charles Taylor has stated his plans to return to Liberia one day and is accused of meddling in the current affairs of West Africa.

If we fail to bring him to justice he may someday return to power in Liberia. Time is running out for the Special Court for Sierra Leone. Charles Taylor's crimes can no go unpunished. There must be justice for the victims.

Mr. ENGEL. Madam Speaker. I rise in support of H. Con. Res. 127. Charles Ghankay Taylor is a ruthless war criminal who has been indicted by the Special Court for Sierra Leone (SCSL) on 17 counts of war crimes and crimes against humanity. Taylor, the former president of the Republic of Liberia, has supported atrocities including mass murder, rape, torture, mutilation, and the use of child soldiers and looting.

Charles Taylor also supported the Revolutionary United Front (RUF), deemed a terrorist organization by the State Department. He therefore, should be held accountable for the inhumane barbarism the RUF committed within Sierra Leone's borders. Furthermore, this Special Court that indicted Taylor has contributed to the rule of law in Sierra Leone and deserves our support.

In August 2003, Charles Taylor was granted asylum in Nigeria and agreed to end involvement in Liberian politics. The Nigerian government also warned Taylor not to communicate with anyone involved in illegal or political activities in Liberia. However, the UN Secretary General has reported to the Security Council that Taylor has breached this agreement and maintains contacts in Liberia with those planning to undermine the peace process in Liberia.

Today, Charles Taylor remains in Nigeria. Taylor is a threat to peace and stability in West Africa and should not be granted any freedom in Nigeria. I call on the government of Nigeria to immediately turn over Charles Taylor to the Special Court for Sierra Leone. Only with the proceedings of a fair and open trial for the crimes against humanity, will justice be served, and I urge my colleagues to support this legislation.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

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

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (VE) DAY AND THE LIBERATION OF WESTERN BOHEMIA

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia.

The SPEAKER pro tempore. I strongly support the resolution which recognizes the extraordinary sacrifice by American soldiers to free Western Bohemia from Nazi control. This was the last major offensive undertaken in Europe during World War II. The campaign was led by General George Patton and involved 18 divisions and approximately 500,000 men. It resulted in the liberation of Pilsen, which was then located in what was known as Czechoslovakia on May 5, 1945.

Whereas thousands of American veterans of the Liberation of Western Bohemia have traveled to Pilsen in the years since the liberation to honor their fallen comrades; whereas the people of the Czech Republic, symbolizing their friendship and gratitude toward the American soldiers who fought to secure their freedom, have graciously hosted countless veterans and their families; whereas between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by United States, Czech, and Belgian soldiers under the command of General Patton; whereas the citizens of Pilsen will dedicate a statue of General Patton that was unveiled on the town square on the 60th anniversary of the liberation of Pilsen, commemorating the Liberation of Western Bohemia by United States Armed Forces during World War II; and whereas the friendship between the United States and the Czech Republic is strong then join me in expressing our continued support for the Special Court for Sierra Leone.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. KINGSTON) of the resolution (H. Con. Res. 127) which serves our support.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Whereas thousands of American veterans of the Liberation of Western Bohemia have traveled to Pilsen in the years since the liberation to honor their fallen comrades; whereas the people of the Czech Republic, symbolizing their friendship and gratitude toward the American soldiers who fought to secure their freedom, have graciously hosted countless veterans and their families; whereas between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by United States, Czech, and Belgian soldiers under the command of General Patton; whereas the citizens of Pilsen will dedicate a statue of General Patton that was unveiled on the town square on the 60th anniversary of the liberation of Pilsen, commemorating the Liberation of Western Bohemia by United States Armed Forces during World War II; and whereas the friendship between the United States and the Czech Republic is strong then join me in expressing our continued support for the Special Court for Sierra Leone.

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of the Czech Republic. In fact, in honor of the liberation of their city, the citizens of Pilsen will be dedicating a statue of General Patton on the 60th anniversary of the liberation of their city and all of Western Bohemia.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, in just a few days, we will celebrate the 60th anniversary of the victorious end of World War II in Europe, and the President will mark this important historic anniversary by visiting Holland and Russia for special commemorative events. It is very appropriate, Madam Speaker, that in addition to recognizing that all-important date, we recognize the liberation of the Czech people who have gone through so much in their search for liberty.

Our resolution calls attention to the role of American military forces in the liberation of Bohemia and the city of Pilsen in the very last days of the Second World War.

Madam Speaker, 10 years ago, on the 50th anniversary of this event, it was my privilege to represent the United States in Bohemia commemorating this historic occasion, and I sensed firsthand the warm friendship and gratitude the people of the Czech Republic have for the United States and for our role in liberating them. The strong friendship and the good relations between the United States and the Czech Republic were profoundly strengthened by the liberation of western Bohemia in May of 1949 under the leadership of General Patton and the Third Army he led, which included not only American, but also free Belgian and Czech troops.

Our resolution reaffirms the bonds of friendship between the American and the Czech people, which go back to the strong and enthusiastic support President Andrew Wilson and the American people displayed for the establishment of Czechoslovakia at the end of the First World War.

In the last decade and a half, those ties have been further strengthened as we have welcomed the end of the Communist era in Central Europe. Eight years ago, it was my pleasure to fly to Independence, Missouri with the Foreign Minister of the Czech Republic, as well as the Foreign Ministers of Poland and Hungary, to witness the signing of the treaty that symbolizes their friendship and gratitude for our country. Our country is better because of the Czech influence that we have.

I urge all of my colleagues to support this resolution as we send our best greetings to the free people of a free Czech Republic.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the author of the resolution.

Mr. KINGSTON. Madam Speaker, I am proud to have been a part of this resolution as we recognize the 60th anniversary of the victory in Europe and, really, the liberation of Western Bohemia as it signaled the end of the war in Europe and the defeat of the Third Reich.

On May 4, 1945, General George Patton gave the order for the American Third Army, consisting of 18 divisions and 500,000 men, to resume the allied offensive in Western Bohemia. The following day, Patton’s Third Army liberated Pilsen in the western-most section of then Czechoslovakia. As the Americans entered Pilsen, flowers were strewn in their path and into vehicles for the troops. Young girls and old men and women ran out to kiss the soldiers. People who had been oppressed for all of the Nazi occupation and people who had had an underground resistance came out to welcome these soldiers.

Even today, thousands of American veterans of the liberation of Western Bohemia will travel to Pilsen to honor their fallen comrades.

The people of the Czech Republic symbolize their friendship and gratitude toward the American soldiers who fought to secure their freedom, having graciously hosted thousands and countless veteran groups over the many years.

Between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by the United States, Czech and Belgium soldiers under the command of General Patton.

The citizens of Pilsen will dedicate a statue of General Patton to be unveiled on the town square on the 60th anniversary of the liberation, commemorating the liberation. One footnote that is very significant for all of us, though, is that while America liberated Pilsen and the Czech Republic in 1945, in 1948, the Iron Curtain fell upon it.

And at that point, the historians and the photographers and the people who knew that America had played such a major role in their liberation, those people were sometimes arrested, often intimidated, and even the photographs of the liberation were destroyed. So for 3 years, the people of Czech Republic in Pilsen enjoyed the fresh air of liberation and then, from 1945 to 1948, that ended with the Iron Curtain. And the Soviet Government came in and wiped out all traces of the American liberation, even to the extent of tearing down statues and changing the history books. And yet through the dark period, the many years and decades that followed, the people of the Czech Republic still remembered that day.

Maybe it was not in their textbooks, maybe they did not have access to the photographs anymore, and maybe the stories were held down to whispers; yet they still remember what happened. The Czech people, and Czechoslovakia, have had a great role in the development of the United States of America. Czech immigrants are all over our country. Our country is better because of the Czech influence that we have. And because we were so significant in their liberation in 1945, they never let the Soviet Union wipe out the memory of our contribution to their country either.

I am proud to be going there on Thursday with a bipartisan delegation to present this resolution. I am proud that Congress and this subcommittee is passing this bill, because it makes a very significant statement on what we feel and how we feel, what we feel about what happened in 1945, in 1949, and in 1989, and today as we celebrate this important anniversary with our Czech brothers and sisters.

Mr. LANTOS. Madam Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I want to commend the gentleman from Georgia (Mr. KINGSTON) for his outstanding and very eloquent statement.

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

The SPEAKER pro tempore (Mrs. Biggert). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution. H. Res. 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the unanimous consent of those present, further proceedings on this motion will be postponed.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in House Resolution 195.

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

There was no objection.
May 3, 2005
CONGRESSIONAL RECORD — HOUSE

H2767

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (V-E) DAY DURING WORLD WAR II

Mr. SMITH of New Jersey, Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 233) recognizing the 60th Anniversary of Victory in Europe (V-E) Day during World War II.

The Clerk read as follows:

H. Res. 233

Whereas on May 7, 1945, at General Dwight Eisenhower’s headquarters in Reims, France, a representative of the German High command signed the document of surrender, unconditionally surrendering all air, land and sea forces to the Allies on May 8, ending the war in Europe;

Whereas Western Europe and the United States have traditionally celebrated May 8 as the day of the Allied “Victory in Europe” over Germany, or “V-E Day”;

Whereas May 8, 2005, marks the 60th anniversary of V-E Day;

Whereas V-E Day was a day for which millions had worked and fought and prayed and died during the war;

Whereas this day marked the end of six years of misery, suffering, courage, and endurance across the world;

Whereas the United States Armed Forces fought with their Allies to free occupied nations and their victory in Europe represented the triumph of good over unspeakable evil, and the promise of a peaceful future for a Europe ravaged by the bloodiest war in its history;

Whereas V-E Day marked the culmination of the efforts of many different nations in the Allied forces who were united by the common quest for peace and justice and who fought valiantly to liberate occupied countries and to prevent Hitler’s onslaught;

Whereas the more than 4,000,000 members of the United States Armed Forces deployed in Europe, the largest United States military force ever committed to any theater of operations, were killed in the European theater during World War II; and

Whereas European countries have erected monuments and plaques commemorating their liberation by the United States and its Allies during World War II;

Whereas the 60th anniversary of V-E Day in 2005 will be marked by many commemorative events by citizens of the United States and many other nations; and

Whereas the courage and sacrifice of the members of the United States Armed Forces and of many other nations who served with distinction to save the world from tyranny and aggression should always be remembered; now, therefore, be it

Resolved, That the House of Representatives recognizes the 60th anniversary of the end of World War II in Europe, joins with a grateful and appreciative respect and appreciation to the men and women who served in the European theater during World War II, and remembers and pays tribute to those Americans who made the ultimate sacrifice and gave their life for their country.

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

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

H. Res. 233, Madam Speaker, as the Clerk just pointed out, is a resolution that recognizes the 60th anniversary of victory in Europe during World War II.

This resolution, Madam Speaker, reiterates a simple but powerful message that our Nation honors and deeply appreciates the men and women who served in the European Theatre during World War II and that we especially remember and pay tribute to those Americans who made the ultimate sacrifice for our country.

Madam Speaker, 60 years ago, at General Eisenhower’s headquarters in Reims, France, a representative of the German high command unconditionally surrendered all land, air, and sea forces to the allies ending the war in Europe.

General Eisenhower, in his order of the day to the troops on May 8, 1945, V-E Day, declared, and I quote him in this paragraph which we embarked in early summer of 1944 has reached its glorious conclusion. It is my special privilege, in the name of all nations represented in this theatre of war, to commend each of you for the valiant performance of duty. Though these words are feeble, your accomplishment is feebler.

Eisenhower went on to say, “they come from the bottom of a heart overflowing with pride in our loyal service and admiration for you as warriors. Your accomplishments at sea, in the air and on the ground, and in the field of supply, have astonished the world. Even before the final week of the conflict, you had put 5 million of the enemy permanently out of war. You have taken in stride military tasks so difficult as to be classifiable by many doublers as impossible.

“You have confused and defeated and destroyed your savagely fighting foe. On the road to victory you have endured every discomfort and privation and have surmounted every obstacle, ingenuity and desperation could throw in your path. Full victory in Europe has been attained,” he concluded.

President Truman in his radio address to the Nation that same day declared: “May 8, 1945, will be a day of joy. Millions will lift their eyes to the sky and see American planes flying over the ruins of Europe. Victory in the West must now be won in the East. The whole world must be cleansed of the evil from which half the world has been freed.

General Eisenhower went on to say: “For the triumph of spirit and of arms, which we have won, and for the promise of the peoples everywhere to join us in the love of freedom, it is fitting that we as a Nation give thanks to Almighty God, who has strengthened us and given us the victory.”

He then went on to say that May 13, 1945, would be a day of prayer. And he called upon the people of the United States, whatever their faith, to unite, offering joyful thanks to God for the victory that we have won and to pray, to quote him again: “That He will support us to the end of our present struggle and guide us into the way of peace.”

How fitting, Madam Speaker, that we continue to commemorate a national day of prayer this Thursday, May 5, as we bring before God our thanks for the many blessings He has bestowed upon this great Nation and petition for help in the ongoing challenges we face.

H. Res. 233, Madam Speaker, recognizes the enormous sacrifice of the young men and women who fought in the European theatre. During World War II, more than 4 million members of the United States Armed Forces fought in Europe. This is the largest military force ever committed by the United States in any theatre of operation.

And almost 200,000 American troops were killed in the European theater. In addition, H. Res. 233 recognizes the sacrifice of the millions of members of the armed forces of allied nations in defeating Nazi Germany, liberating Europe, and putting an end to an unspeakable crime perpetrated by the Nazi regime.

H. Res. 233 was approved by the European Emerging Threats Subcommittee, and I hope that every Member of the House will support its passage this afternoon.

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

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

I welcome this resolution marking the 60th anniversary of the allied victory in Europe at the end of World War II, which was introduced by the chairman of the Europe Subcommittee, the gentleman from California (Mr. GALLEGLY).

I also want to thank our chairman, my good friend, the gentleman from Illinois (Mr. HYDE), for moving it so quickly through the committee and to his consideration because we face.

In just a few days, Mr. Speaker, the President will mark this important historic anniversary by visiting Holland and Russia for special events commemorating the end of the Second World War in Europe.

I remember well the events that we are commemorating. I was a teenager in Budapest, Hungary. And as a 16-year-old, I witnessed the military occupation of Hungary by Nazi troops in March 1944.

For part of that year, Mr. Speaker, I was in and out of Hungarian labor camps forced to repair a rail bridge on the main railroad line between Budapest and Vienna, across one of the tributaries of the Danube River. We cheered as American aircraft from bases in Italy bombed the bridge, although we knew that as soon as those planes were gone we would be forced rebuild it. We cheered because we knew that American participation in the war, and the heroic deeds of the American military, would ultimately bring about the
defeat of the monstrous Nazi war machine. Ultimately, German forces retreated into Austria, the Soviet Army arrived liberating Budapest.

Mr. Speaker, in a more direct and perhaps more personal sense than some of my colleagues here in the House, I have the greatest respect and admiration for the sacrifices of American soldiers and American pilots, many of whom give their lives in this epic battle against the evil forces of Adolph Hitler, in many ways. Mr. Speaker, victory in Europe in May 1945 marked more a beginning than an end.

It marked the end of the Nazi threat to freedom, but marked the beginning of a new United States involvement in Europe. As the Cold War began even before the guns of the Second World War became silent, the United States worked with our European allies to defend freedom from the Soviet Union with the Berlin airlift, the establishment of NATO, and strong American support for European cooperation which finally led to the establishment of the European Union.

As we look back on May 1945, at the exhilaration and camaraderie that we all shared at that time, I regret that some of that unity and cooperation has vanished. I regret that some of the countries that were liberated by the shedding of American blood in Normandy, and elsewhere in the House, are now cynically critical of our actions and obstructive of our efforts.

Our fight against terrorism is no less a struggle for common freedom and democratic way of life than was the fight against Nazi Germany.

Mr. Speaker, I owe my life to the American military, and to the military forces of the other allied countries who liberated Europe at an enormous cost. I am honored to join in paying tribute to the men and women who served in Europe during World War II and in remembering them on this 60th anniversary of the liberation of Europe.

This truly the Greatest Generation. And I urge my colleagues to support this resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back, I just want to thank the gentleman from California (Mr. LANTOS) again for his eloquent statement, for his leadership and his very eloquent statement.

Mr. NADLER. Mr. Speaker, 60 years ago the guns and bombs in Europe fell silent, and President Truman announced victory over Europe to a proud and free world.

I rise today to commemorate the 60th anniversary of this great and very important day, and to recognize the sacrifices and accomplishments of the men and women who so bravely served to defeat hate and aggression.

As we commemorate the sacrifices of people participating in thousands of events, in New York City, all across the United States, and around the world, in observing and honoring the courage of American service-members, allied soldiers, and home front workers.

During April, allied forces led by the United States overran Nazi Germany from the west while Russian forces advanced from the east. On April 25, American and Russian troops met at the Elbe River. After 6 years of war, suffering, and devastation, Nazi Germany was formally defeated a few days later on May 8, 1945.

It was a bittersweet victory. Over 400,000 American soldiers died in World War II; 350,000 British soldiers gave their lives; and a staggering 20 million Russian soldiers and civilians died fighting German aggression on their home soil. The war also brought about the most horrendous systematic murder which humanity has ever known, the Holocaust.

In memory of all the victims of World War II, it is our duty to raise our voices as one and say to the present and future generations that no one has the right to remain indifferent to anti-Semitism, xenophobia and racial or religious intolerance.

This is an occasion to remember and commemorate. We must remember why the war was fought, remember the victims and heroes, and thank those who fought so hard and sacrificed so much.

V-E Day marked the promise of a peaceful future for a Europe ravaged by unspeakable suffering and war. Although freedom and democracy did not come to every European nation following the defeat of Nazi Germany, today we stand at the threshold of a very hopeful future based on sovereignty, democracy, freedom and cooperation.

Mr. Speaker, I take this opportunity to honor those individuals who gave their lives during the liberation of Europe, to thank the veterans of World War II, and to commemorate the defeat of Nazism and Fascism by freedom-loving people.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. GILCREST). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly, the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o’clock and 31 minutes p.m.

AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON MOTION TO TABLE HOUSE RESOLUTION 253

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Chair be authorized to postpone further proceedings on a motion to lay on the table the Conyers resolution to a time designated by the Speaker.

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

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. CONYERS. Mr. Speaker, in accordance with my request of last Thursday, I offer a privileged resolution (H. Res. 253) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. Res. 253

Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the “Child Interstate Abortion Notification Act,” on Wednesday, April 13, 2005 and ordered the bill reported on that same day; Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109-51; Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-
Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes; whereas, because Representative Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109-51; whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary departed from this practice in House Report 109-51 by captioning these five amendments with inflammatory, inaccurate captions, which mischaracterized the above-mentioned votes of Members of Congress condoned the criminal behavior of “sexual predators”;

whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler’s amendments would read, “exempts a grandparent or adult sibling from the criminal and civil provisions of the bill,” and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109-51 was instead, “Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor.” None of the problems occurred in describing amendments offered by Representatives Scott and Jackson-Lee;

whereas, Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109-51;

whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other’s views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

whereas, the vote captions published in House Report 109-51 appear to be purposefully inaccurate and misleading, and therefore be in derogation of the dignity of the House and undermine the integrity of the proceedings of the House; and

whereas this unprecedented manipulation of a nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary; Now, therefore, be it

Resolved, That the House of Representatives—

(1) finds that the Committee on the Judiciary purposely and deliberately manipulated the non-argumentative captions of the above-mentioned votes in House Report 109-51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Under rule IX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as the designee of the majority leader, each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

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

Mr. CONYERS. Mr. Speaker, I rise to offer a resolution concerning the privileges of the House.

The deliberate misrepresentation of Members of the House of Representatives’ amendments is unprecedented.

And I do this because the Committee on the Judiciary reported H.R. 735 mischaracterized amendments offered by Members in a way that distorted both the effect of the amendments and the intentions of the Members.

I offer this resolution to protect the rights of every Member in this body. None of us wants to see our amendments mischaracterized in a way that undermines our good faith. None of us wants to see our legislative work distorted in a way that diminishes our role in bringing this matter to the floor of the House, but I do so as a last resort to achieve a resolution that is fair and just.

There is little doubt in my mind that the amendment characterizations included in the committee report were intended to distort and mischaracterize amendments written to exclude sexual predators. Given the amendment written to exclude grandparents and describing it as one protecting sexual predators crosses a line of good faith and comity so essential to the operation of this House.

Describing this pejoratively are not only inappropriate; they are without precedent. This has never happened before in my memory. If we look at the RECORD, we will see that the three previous committee reports describing these amendments use neutral and objective terms. The same is true of the amendment descriptions prepared by the majority staff on the Committee on Rules as well as the majority staff on the Republican Conference.

I cannot accept or live with the contention that the obligation should have been on the Members to draft these amendments more narrowly. The amendments were drafted in a careful and straightforward manner as they have been for each of the last four Congresses. The duty should not be on us to exclude categories of persons who have nothing to do with the underlying amendment.

Let me close by stating that the majority will not control this body forever. There will come a time when members of another party are the ones interpreting the rules, writing the committee reports, and explaining the amendments. Whoever controls this body tomorrow or next year, we will all be better off if we do not rewrite each other’s words or disparage each other’s intentions.

I support this privileged resolution and urge the rest of my colleagues to do the same.

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

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

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. That is not my intent, Mr. Speaker.

Mr. NADLER. Mr. Speaker, is it his intent to let anybody on this side speak after he has spoken even if he chooses?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, his side has the right to close as the proponents of the resolution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for his answer.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) stated the point of this resolution pretty accurately and I think completely.

I want to deal with some misstatements that have been made or have been reported to have been made in defense of this unconscionable, lying report of the committee. It was said on the floor of the House last week that the question is one of intent versus effect. My amendment was very simple. It said that grandparents and adult siblings of the person getting the abortion should not be subject to the provisions of the bill. It was reported as: “Mr. NADLER offered an amendment to provide sexual predators an exemption from the provisions of the bill if they were adult siblings or grandparents.”

The fact is in the entire debate over that amendment, in fact, in the entire debate over all of the amendments, all of which were characterized as dealing with sexual predators, in the debate in the committee over those five amendments, one to six of the majority, no one in the minority mentioned the words “sexual predators.” No one in the committee debate said this amendment might protect sexual predators. It did not occur to anybody. So on that level the report is dishonest, and the chairman or whoever else had anything to do with it owes this body an apology.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would refer the gentleman to the statement made by the gentleman from
Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, reclaiming my time, that is not with respect to my amendment. That was with respect to another amendment. That was with respect to a different amendment.

In respect to my amendment, which was characterized as dealing with sexual predators, nobody mentioned the words “sexual predators” or raised that.

It has also been said that the intent may have been not with sexual predators; the intent may have been grandparents and siblings, but could a grandparent or a sibling be a sexual predator? In that eventuality this would protect sexual predators.

Yes, in that eventuality the amendment would protect sexual predators. But, of course, the bill itself said that the majority voted it down. Why, I do not know. But they voted it down because apparently they wanted sexual predators, in the unlikely event that the parent was a sexual predator, to be able to sue. There is no other interpretation possible.

But I should last week, if someone wanted to say on the floor of the House in the committee, as no one did in the committee, that one has not anticipated the rare eventuality that a grandparent would be a sexual predator and the majority would say, the parents amendment, that would have been a fair comment. Fair comment in a debate. It is not a fair characterization of the amendment.

There is a clear difference between expressing a dissent in a debate and saying that one’s amendment could be used by a sexual predator under certain circumstances, which might be a fair comment. It would be fair comment to say those circumstances are so rare that we do not have to worry about them or they are right or whatever. It is different. It is different, it is dishonest, it is a disgusting rape of the rules of this House to characterize the amendment in a one-sentence report that was an amendment dealing with sexual predators. No, it was not. It would be just as dishonest as if we reported the bill and said this was a bill to allow sexual predators to sue doctors.

If an amendment were offered to a bill that would make it a Federal crime to commit terrorist acts and an offered amendment would exclude conduct by, for example, taxi drivers, then that amendment would allow a taxicab driver to commit without being prosecuted. That would be an accurate description of such an amendment. In the very same way, those who happen to drive taxi cabs or work in the business of professional transport should not be allowed to commit statutory rape and transport a minor across State lines to get an abortion without telling one of the girl’s parents. And brothers, uncles, or Godparents should not be forced to commit incest and then transport a young girl across State lines to get an abortion so evidence of their crimes are destroyed without telling one of the girl’s parents about the abortion. There is no loophole in the legislation describing amendments that would do just that in just that way.

The incidence of statutory rape in this country is shocking. As a recent presentation given to the Department of Health and Human Services Conference on the Sexual Exploitation of Teens showed, of minor girls’ first sexual experiences, 13 percent constitute statutory rape. Further, the younger a sexually experienced teen is, the more likely they are to experience statutory rape. Of sexually experienced teens age 13 or younger, 65 percent experienced statutory rape. Of those age 14, 53 percent experienced statutory rape. Of those age 15, 35 percent experienced statutory rape. Of those age 16, 27 percent experienced statutory rape. And also, blacks and Hispanics are much more likely to experience statutory rape. Creating blanket exclusions in the bill for large categories of people would create a blanket exclusions in the bill that statutory rapists could exploit.

Regarding family incest, one recent Law Review article summarized the research regarding the prevalence of sexual conduct among siblings as follows: “Incest among siblings may be five times as common as father-daughter incest.” A survey of 796 New England college students revealed that 15 percent of females had a sexual experience with a sibling. Further, among those reporting sexual abuse, the incidence of abuse by cousins ranges from 10 percent to 40 percent among various studies; and 4.9 percent of women report an incestuous experience with an uncle before age 16; and 16 percent of rape victims are abused by relatives other than their father.

Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, cousins, and uncles would not protect young girls who are made victims of incest by their adult siblings, cousins, or uncles.

Further, pregnancy as a result of all these crimes is all too common. As one Pennsylvania court has pointed out, “25 percent of incest victims become pregnant. The ratio is greater among victims of incest than those of rape because incestuous conduct is usually

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The gentleman from Wisconsin (Mr. SENSENBRENNER) and everybody associated with this owes an apology to the House and a correction to the American people.

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

Mr. CONYERS. Mr. Speaker, can we inquire of the distinguished chairman of the Committee on the Judiciary, who has not used any of his time yet, how many speakers he has?

Mr. SENSENBRENNER. Mr. Speaker, we have five speakers.

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

Mr. Speaker, last week, the House overwhelmingly passed H.R. 748, the Child Interstate Abortion Notification Act, by a bipartisan vote of 270 to 157. One of the primary purposes of that common sense legislation is to prevent sexual abusers from taking vulnerable young girls across State lines for an abortion without telling the girl’s parents.

At the Committee on the Judiciary markup on this bill, some Members offered amendments that would have created blanket exclusions from the criminal prohibitions in the legislation without any exceptions for those who would commit statutory rape or incest. The loopholes those amendments would have created would have been exploited by the very sexual predators; that is, those who would exploit vulnerable young girls and commit statutory rape or incest whose conduct the bill is designed to bring to light. Those amendments were in the committee report. All of the amendments offered would have carved out exceptions that could be exploited by sexual predators who sought to destroy evidence of their crimes by secretly talking a minor without her parent’s knowledge to another State to have an abortion.

The amendments offered by the minority would have created those blanket exclusions for certain large classes of people who are not a minor’s parents. Those classes of people were “taxicab drivers, bus drivers, or others in the business of professional transport”; “clergy, Godparents, aunts, uncles, or first cousins of a minor”; and “grandparents or adult siblings.”

If any of the people described in the amendments offered became involved with a minor in a sexually abusive way, they would have been flatly excluded from the criminal prohibitions of H.R. 748, one of the primary purposes of which is to allow sexual predators who sought to destroy evidence of abuse by cousins ranges from 10 percent to 40 percent among various studies; and 4.9 percent of women report an incestuous experience with an uncle before age 16; and 16 percent of rape victims are abused by relatives other than their father.

Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, cousins, and uncles would not protect young girls who are made victims of incest by their adult siblings, cousins, or uncles.

Further, pregnancy as a result of all these crimes is all too common. As one Pennsylvania court has pointed out, “25 percent of incest victims become pregnant. The ratio is greater among victims of incest than those of rape because incestuous conduct is usually
long-term and progressive, whereas rape is usually a one-time occurrence.”

Another amendment offered at the Committee on the Judiciary markup of H.R. 748 accurately described the amendment as “creating an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill.” That statement is true. That amendment would have created an opportunity for a sexual predator to escape conviction if the court, during review by a higher court that the judicial bypass provisions of the State law were somehow ineffective or somehow violated confidential information related to a minor’s pregnancy.

If a sexual predator made a showing to the court of either of these issues, neither of which would expose the predator’s crimes, then that sexual predator would completely evade the requirements of H.R. 748, which are designed to expose sexual predators and prevent abuse.

The final amendment offered was again accurately described in the committee report as an amendment that would have exempted from prosecution under the bill “those who aid the criminal who would be prosecuted under the bill.” That is true as well. That amendment would have excluded from the bill anyone who did not commit an offense in the first degree. The consequences of adopting that amendment is that offenders would be allowed time to allow anyone who aided or abetted a criminal who ran afoul of the criminal prohibitions of H.R. 748 to instead get off scot-free.

In sum, the effect of the amendments offered as described in the committee report would have been to exempt cab drivers, other professional transporters, and certain relatives who are not parents, from the criminal prohibitions of H.R. 748, and that would have prevented the parents from knowing when their perpetrators of statutory rape or incest were secretly taking their children across State lines for an abortion to destroy evidence of their crimes.

Now, to be clear, all of the descriptions of the amendments in the committee report are descriptions of the amendments and not of the intent of anyone offering the amendments. These brief descriptions do not impugn the integrity or motivation of any Member. The amendments did not simply describe the consequences, regardless of intention, of the amendments. The description of the amendments in the committee report were all phrased in the conditional; that is, they make it clear that the loopholes created by the amendments as written could be used by sexual abusers of vulnerable minors, and could be exploited by certain people if those people sexually abused vulnerable minors.

The text of the privileged resolution before us is patently false. The resolution states that the chairman of the Committee on the Judiciary “Explained that it was his purpose and intention to include derogatory and inaccurate captions in House report 109–51.” I have done nothing of the sort, of course, and that statement is entirely false, as I have explained already. The text of the resolution also claims that “the Committee on the Judiciary purportedly mischaracterized the votes” at the Committee on the Judiciary markup. That too is false. Indeed, the tallies of the votes cast are accurately set out in simple table form in the committee report for all to see.

Further, the resolution contains no allegation whatsoever that any Rules of the House of Representatives were violated, even in spirit, because such is obviously not the case, even to the authors of the resolution.

Finally, I offered to amend the text of the descriptions of the amendments offered in the sections of the committee report entitled “vote of the committee,” provided that those who offered the amendments acknowledged that, due to the way they were drafted, they opened the bill up to the harmful consequences of allowing sexual predators to exploit the loopholes such amendments would create in the bill.

In sum, the amendments offered in the sections of the committee report, and not the intent of the minority views state that the Child Interstate Abortion Notification Act is “overtly hostile to families.” The minority views in the committee report also describe the legislation as “antipathetic and anti-family.” Further, the gentleman from New York (Mr. NADLER), over the years during which this bill has been debated, has said that this bill has gone so far as to claim that H.R. 748 is akin to the Fugitive Slave Act of 1850, which required the return of slaves to their owners in other States.

As the committee report describes, the gentleman from New York (Mr. NADLER) stated, “It seems to me what this bill is, is really akin to the Fugitive Slave Act of the 1850s where you are enabling one State in the south, which had slavery, to reach over into a State without it and demand our slave back.” And that is at page 56 of the committee report. And, at the Committee on the Judiciary markup of H.R. 748 on April 13, 2005, the gentleman from New York (Mr. NADLER) stated, “This bill is the only situation that I can think of since the Fugitive Slave Act of the 1850s where we have a young person carry the law of one State on his back like a cross to another State, to enforce the law of the first State in the second State where it is not the law.” That is at page 8.

The statement of the gentleman from New York (Mr. NADLER) directly equates parents with slaveholders. But parental rights, which H.R. 748 protects, are not the rights of the slave owner. They are rights of loving and caring people: parents, who deserve a chance to work with their children through difficult times and express their love to their children in their children’s moments of greatest need.

The Fugitive Slave Act was a catalyst for the Civil War, whereas the Child Interstate Abortion Notification Act passed with overwhelming bipartisan support in the 109th Congress by a vote of 270 to 157, including 54 Democrats who voted for the legislation. America’s parents should not be considered slave owners and their children slaves. America’s parents are caring, loving mothers and fathers who simply want to know when someone else, anyone else is taking their own daughter across State lines for an abortion.

Now, when I hear statements that equate America’s parents with slave masters and state that American’s children’s slaves, I will tell it as it is.

And when an amendment is offered that would allow a sexual predator to exploit a loophole in the bill directly contrary to that bill’s purpose, I will also tell it as it is.

Now, with all of these facts, I would suggest we put this issue to rest and be thankful that the House passed, in an overwhelmingly bipartisan fashion, a bill that would protect the fundamental rights of parents and the safety of our minor daughters everywhere.

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

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is amazing to me that the chairman of the committee continues to smear other Members of the House on this floor. The bill says nothing about sexual predators. The words sexual predator or abusers do not appear in the bill, number 1.

Number 2, by the chairman’s logic any bill on the floor of the House that gives veterans benefits or gives educational benefits, gives benefits to sexual predators as long as it does not specifically exclude them; and any such bill could be fairly described as a bill to give benefits to sexual predators.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), a senior Member in the House.

...
Mr. OBEY. Mr. Speaker, I very much respect the gentleman from Wisconsin (Mr. SENSENBRENNER); we are friends and have been for 30 years.

I voted for the bill that precipitated this debate. I voted with the gentleman for this debate is not about that bill, and it is not about the issue of sexual predators. It is about whether or not we can trust each other to deal with each other with fairness and with accuracy. It is about whether or not the majority will use its power to unilaterally mischaracterize any effort by any Member of the minority.

I served a long time ago, and so did the gentleman from Wisconsin (Mr. SENSENBRENNER), with a fellow by the name of Bill Steiger. He was one of the great Members in the history of this House.

He spent a great deal of time trying to ensure that the CONGRESSIONAL RECORD accurately reflected what each and every Member said and did on this House floor. I think we owe it to his memory and the memory of others who fought the same battle, to remember, as this resolution says, that it is the long and established practice in the House for reports to describe voted for in an objective, nonargumentative way.

I agree with this resolution that the committee majority departed from that practice by captioning these five amendments with inflammatory captions. There is enough skill on the part of the majority staff of the Judiciary Committee to describe any amendment offered by any Member in a non-pejorative, non-argumentative way.

It is difficult to avoid the conclusion that the language used was intended to hurt the Member who offered it, not to provide an accurate description; and I do think the committee owes the minority an apology.

Mr. SENSENBRENNER. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 15 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 19 minutes remaining.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the resolution. H.R. 748, the Child Interstate Abortion Notification Act, makes it illegal to transport a minor across State lines for the purpose of getting an abortion. Now, transport is not defined in the bill.

When the Judiciary Committee marked up the bill, I offered an amendment which said simply that we should exempt taxicab drivers and others in the business of professional transport from the transportation provisions of the bill, because written, it would be a Federal crime for a taxicab driver to take a young woman who gets in a cab and says, take me to the abortion clinic so I can get an abortion.

If the taxicab driver complied with that task, he would be committing a Federal crime. Now, even if he were not a sexual predator, civil liability provision in the bill which exposes the cab driver and through the principles of agency, the entire cab company, to civil liability by the parents of the young woman who find out how she got to the clinic.

So let me read my amendment: “The prohibitions of this section shall not apply with respect to conduct of taxicab drivers, bus drivers or others in the business of professional transport.”

However, the report in the markup filed by the majority described the amendment thusly: “Mr. SCOTT offered an amendment that would have exempted sexual predators from prosecution if they were taxicab drivers, bus drivers or others in the business of professional transport.”

Now, I will let the public decide whether or not that is a distortion. I believe that it is. But I would just say that if a prosecutor has evidence that a person is a sexual predator, the last thing they would do would be to go to this provision of the code, which is a misdemeanor, rather than the various felonies that they could prosecute the person for.

The amendment does not immunize a sexual predator from the crimes of being a sexual predator, just the provisions of this transportation provision which is just a misdemeanor.

Now, Mr. Speaker, let me just say, in any event, whatever you think of the bill, this distortion obviously speaks to character; but in my view, the descriptions in the committee report and the distortion of those amendments, particularly the one I just described, say more about the person responsible for describing the amendment that way and the character of those trying to defend the distortion, than it does about my amendment.

I would therefore, Mr. Speaker, hope that we would pass the resolution so that the House will not be on record as condoning such misrepresentations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman on the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time.

Last Wednesday this House passed H.R. 748, the Child Interstate Abortion Notification Act, CIANA. It was a bipartisan vote. It was 270 to 156; 63 percent of this House voted for this bill. And as was mentioned before, 54 Democrats, almost two-thirds of this House voted for this bill.

Now, enacting CIANA was critical. It was very, very important to better protect young girls from falling prey to abusive boyfriends and older men and ensuring that parents have the opportunity to be involved in their daughters’ medical decisions.

CIANA accomplished this, both these purposes, first by making it a criminal offense to transport a minor across State lines in order to obtain an abortion and second by requiring that a parent or legal guardian is notified that an abortion is going to be performed on their daughter. The bill was carefully crafted to ensure that those who do not have the minor’s best interests, and more than likely they have already committed statutory rape or incest, from being able to destroy critical evidence through an abortion.

Statistics demonstrate that the incidence of statutory rape is occurring with increasing frequency. Moreover, the number of incest cases is becoming all too prevalent. The amendments that are at issue here that were offered during the full Judiciary Committee markup would have broadened the categories of individuals who could be exempted from the bill’s reach, thus increasing the likelihood that these provisions could be exploited.

The amendments offered to exempt taxicab drivers, as has been mentioned, bus drivers, and others in the business of public transport, clergy, godparents, aunts, uncles, first cousins of the minor, grandparents and other adult siblings, it would have given any of those individuals who may be sexually abusing a young girl, in essence, a safe harbor, thus defeating the primary purpose of CIANA.

The characterizations of the amendments, as reflected in the committee report, accurately describe the safe harbor that would be afforded to abusive men through the amendments offered.

Now, was that the intention of the proponents of the amendments? Certainly not. But could it be the result, if the amendments had passed? Yes, it could. The American people overwhelmingly support laws that require parents to be notified before a minor has an abortion.

In March 2005, 75 percent of 1,500 registered voters indicated their support for parental notification laws. The fundamental rights of parents in parental notification laws are supported by Supreme Court precedent. Amendments that alter and allow these laws to be exploited should have been defeated, and they were.

I urge my colleagues to defeat this resolution.

Mr. CONYERS. Mr. Speaker, I am permitted to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I particularly want to thank the distinguished gentleman from...
Mr. FEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am really disappointed that we have descended to this level because I have some great friends that I admire on the other side. The ranking member from Michigan is somebody who has had a distinguished career and I appreciate him. I appreciate the other Members who have spoken tonight and I respect them. I have enormous respect for the gentleman from Wisconsin (Mr. SENSENBRENNER).

We serve on a committee which is not a fluff committee. It often has, as the gentleman from Michigan (Mr. CONYERS) knows, some very controversial issues. And we typically deal with these issues as ladies and gentlemen with the highest respect for one another, even though we often vehemently disagree.

One thing we know is that the purpose of this bill was to prevent sexual abusers from taking vulnerable young girls across State lines for the purpose of abortion without telling that young lady’s, young woman’s mom or dad.

Support for parental notification as we know is widely supported amongst the American public. As a matter of fact, in the State of Florida, which I respect, the people of Florida, amended our Constitution in 2004 and overwhelmingly passed an amendment to our Constitution that follows: “The legislature is authorized to require by general law for notification to a parent or guardian of a minor before termination of the minor’s pregnancy.”

Now, Mr. Speaker, the Judiciary, during its mark-up which I participated in considered several amendments. I have to say that the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER) who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE) who spoke, the gentlewoman from Minnesota (Ms. JACOBSON) who spoke, and so many others that I respect enormously for their passion for their beliefs. They offered amendments. There is nothing in the committee report that disparages any of the intentions of these Members. The committee report does describe the effect of some of the amendments that are offered.

There is a huge difference between accurately describing the effect of an amendment and ascribing ill motives to the people who offered the amendments. These are people of great will, of great determination, of great passion, of great belief but we disagree.

And as the chairman said, there is no
exception provided for grandparents who happen to molest a child, for taxi-cab drivers, for uncles, for nieces in any of the amendments that were offered.

And I did not speak on the amendment. As the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member said, there was not a whole lot of discussion about some of these amendments and that is try. Not because we did not understand the ramifications. We understood the effect. We looked at all because if every one of the members of the Committee on the Judiciary spoke for 5 minutes on each amendment as we are entitled, we would never get through our business protecting children who are impregnated by people that molest them.

And so we knew what we were voting on and the job of the committee staff is to describe the effect of the amendment, not the debate. That is what the CONGRESSIONAL RECORD does. That is not the job of the committee staff.

As the chairman said, my friend from New York (Mr. NADLER) has frequently compared this bill to the Slave Holders Protection Bill in the 1850s. It is a very different story to protect parents and minor children that have been abused, sexually assaulted and impregnated than comparing that to the rights of slave holders.

Comparing the rights of parents is something that Americans are for. Protecting the rights of slave holders is something Americans are against. And to compare that I think is very unfair. I will say that the gentleman from New York (Mr. NADLER) is somebody I respect a great deal, but the effect of his amendment did not shield anybody that might have been an abuser or a molester of these children.

With that, I ask respectfully that the gentleman withdraw this motion. We can get back together and agree when he makes and disagree in committee. But I believe it is supposed to be objective. This institution must uphold this established practice of describing a committee mark-up in an accurate and objective manner so that history is accurately documented for generations to come. Unfortunately, that is not what happened last week when the Committee on the Judiciary reported H.R. 748 to the House floor with the committee report. House Report H. Rept. 109-31. Republicans that ruled the Committee on the Judiciary mischaracterized five Democratic amendments in an extremely disparaging and distorting manner. When alerted to the misleading and inaccurate description of the amendment in the committee report, they refused to correct the mischaracterization.

Here is something I can say that would be true about H.R. 748. The bill could permit a father who raped his daughter to profit in a lawsuit against his minister. That is a true thing about that bill. It is an argument against the bill. But no one expects that argument against the bill to substitute for the name of the bill in the committee report.

In prior Congresses Democratic amendments like these were described in neutral terms. The vote last week was about H.R. 748. The vote this week is about arrogance and abuse of power and ignoring the rules.

The Republicans changed the ethics rules when they were afraid they might not work for them at the beginning of this Congress, and we are all watching the other body looking about changing the rules later he rules because it suits their purpose and now this.

We, including the chairman of the committee, each have a duty to uphold the integrity of this institution. We must not play politics with the records of history. The majority should live by the rules and precedents of the House. The House cannot function, or does not work for them at the beginning of the committee. He is a fair and honest man, and he has worked hard to defend the jurisdiction of the committee.

And what has been done here with this majority report in that context is a tremendous disappointment to me. It essentially left us with no recourse but to bring a motion like this to the floor of the House.

To create the absurd situation and then characterize the result of a particular amendment by that absurd situation does not do any justice or any service to this process, to this institution, or to our constituents.

We depend, we in the minority depend on a process that relies on honesty and good faith and the duties and those duties, I truly believe, were breached in the case of this report. The minority has regarded to file its dissenting views without the benefit of having to have seen the report which they are dissenting. That is inherently an illogical system, but we have gone along with it, but when something like this happens, it raises serious questions about the legitimacy of that particular process.

I think a great wrong has been done to several Members of this body by virtue of the way the majority has characterized this amendment. I think those characterizations should be withdrawn. I think an apology should be made to them, and I urge the passage of this motion.

Mr. SENSENBERGNNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

The stated purpose of the Child Interstate Abortion Notification Act is to protect the health and safety of young girls by allowing parental involvement when their home States have thought it appropriate to require such involvement.

On general rule, no one has a young girl's best interest at heart more than her parents. Where this rule is not the case, the law allows for judicial bypass of the parental involvement requirements. Therefore, the amendments introduced by the Democrats in the Committee on the Judiciary are unnecessary. Moreover, these amendments are dangerous.

As my distinguished Committee on the Judiciary colleagues have explained, the health and safety of these young girls is not protected by providing a blanket exemption for those who may have sexually abused them. That is precisely what these amendments
did. They provided blanket exclusions for open doors with sexual predators to exploit to cover up their crimes.

Far too often, the adults transporting these minors across State lines to circumvent their home State’s parental involvement laws are granted immunity who preyed upon the girls. We have heard those statistics delivered by the chairman.

To exempt certain classes which characteristics show are highly likely to be predators, those exempted would gut the intent of this bill, to protect the health and safety of young girls. The descriptions of the amendments in the committee report only describe the potential effects of the amendments if they had been adopted. They do not describe the motives of those offering the amendments as has been stated.

The minority had the opportunity to include dissenting views in the committee report and they did. And those dissenting views do characterize the morbidities of those who supported this legislation.

It has already been spoken to as the remarks by the gentleman from New York (Mr. NADLER) with regard to the Fugitive Slave Act, and so I would just say to the majority that I am amazed that this subject was brought up. I am amazed that the majority wants to have a national debate over this subject matter. When I look at these exemptions and exclusions, this open door, cabdrivers, bus drivers, professional transport people, clergy, godparents, grandparents, adult siblings, aunts, uncles, brothers, sisters, not the family cat, not the family dog, but everything else you can imagine including the pizza delivery boy are exemptions from this bill.

If those amendments had all gone on the bill, it would have been gutted in the bill and it would have gone down because I would have voted against it and so would the rest of us in the majority.

I think it is clear the result of the position that is taken here. What is not clear is the motive as to why we would want to have a national debate to talk this over again when we clearly understand that we are trying to protect the rights of parents, not the rights of grandparents, aunts, uncles, brothers, sisters and siblings.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I tell my dear friend who just left the well, we are not here to debate the bill. We debated the bill in committee. We debated it on the floor. We are talking about the titles in the section that were mislabeled.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Ms. SLAUGHTER), the ranking member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, let me begin by quoting from Section 1001, Title 18 of the United States Code, that also applies to the legislative branch.

“No one knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact; 2, makes any materially false, fictitious or fraudulent statement or representation; or, 3, makes or uses any false writing or document, knowing the same to contain any materially false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years or both.”

§ 1830

The Committee on Rules discovered last week that the Committee on the Judiciary report on the Child Interstate Abortion Notification Act, authored by the majority staff, in conflict obviously to the United States Code, contained amendment summaries that had been rewritten by the staff for the sole purpose of distorting the original intent of the authors. I have to admit I was livid. I was certain it must have been an oversight because I could not imagine that the Committee on the Judiciary, of all things, or the Committee on the Judiciary chairman, whom I have known for 18 years, would stand by a committee report so deeply mischaracterize and falsify the intent of several amendments offered by Democrat members of the committee.

At least five amendments to the bill, designed to protect the rights of family members and innocent bystanders from prosecution, were completely rewritten to make as though it was the original intent of the authors. This is a shocking abuse of power, and it must not stand.

The fact is that the Republican majority must do the right thing here today. They must give us a new committee report containing the proper captions so that it accurately reflects the work that the authors. Furthermore, I think the chairman of the committee owes those Members an apology for soiling their reputation in the names of partisan politics.

To falsely rewrite the intent of amendments that by another Member, to intentionally distort its description is unacceptable. No Member should go through what our colleagues have had to go through. None of us should have our reputations dragged through the mud.

It is absolutely arrogant of this majority to believe that they can tamper with official congressional documents for political purposes. It is absolutely arrogant, and the American people will not be deceived. This is an affront not only to those of us in the House but to the American people and to history, Mr. Speaker; and unless it is amended, I am sure that we will see these again in the form of campaign attack mail pieces, and honorable, hardworking Members of the Congress will be forever branded. No wonder we have a lack of civility in this House.

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

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

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Michigan (Mr. CONYERS) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT. Mr. Speaker, I am really saddened today, and I am not sure whether I am more disappointed because of the mischaracterization of the amendments in the committee report or whether I am more saddened by the fact that the members of a committee on which I have served now for 13 years would be here on the floor defending the characterization that was put in the committee’s report.

I would just hope that we can get the committee to file an amended report that clears this up and we can put this behind us and go on. This is saddening, and if we cannot get that, I think it would be a really, really sad commentary on this institution and what our committee has sunk to in this Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, I was granted permission to revise and extend my remarks.

Mr. HOSTETTLER. Mr. Speaker, while I am not an attorney, it is my understanding that the perfect defense for a charge of libel is the truth.

We have heard no discussions today about the substance of the descriptions in the committee report, and that is because the descriptions of the effects of the amendments in the committee report were accurate.

Contrast that with the dissenting views the minority attached to the committee report. For example, the minority views state that the Child Interstate Abortion Notification Act is “overly hostile to families.” The minority dissenting views in the committee report also describe the legislation as “anti-physician and anti-family.”

Now, 270 Members of the House voted for legislation that the minority views stated was “overly hostile to families.” Fifty-four Members of the other side of the aisle, the Democrat Party, voted for that bill. Surely there is no comparison between stating that legislation is designed to protect parental rights and the health and safety of young women, is “overly hostile to families” and accurately describing the consequences of poorly drafted amendments to the legislation.

Further, the gentlewoman from New York (Ms. SLAUGHTER) who we heard from earlier in her press release last week referred to a conspiracy to “falsely rewrite the intent of an amendment.”

First, there was no rewriting. The majority of the committee, in describing offered amendments, do not cut and paste any description of an amendment
into a committee report. The majority describes the amendment offered as it understands it.

Second, the purpose of describing an amendment is not to describe its intent. Its purpose is to describe its meaning and effect. What matters is not what is in the mind of a Member offering an amendment. It is what the text of the amendment offered would mean if it were made a part of the bill. Describing the effects of an amendment as it where is not the same as describing the subjective intent of the person offering the amendment.

A committee report should do the former, not the latter, because what matters at the end of the day are the actual words on the page of a bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, in my 16 years in office, I have seldom seen such a blatant disregard for the truth. What occurred in this body last week during the consideration of the bill should be an embarrassment to every Member of this Congress. To purposely mischaracterize amendments offered during consideration of a bill is simply outrageous, and quite frankly, it sets a dangerous precedent. Many of us have different views and even deep disagreements about the important issues we consider in this institution, but we should be using the power of debate to resolve those differences. Instead, the majority is using parliamentary gimmicks and deliberately mischaracterizations to misrepresent the intentions of other Members of this body.

The official record exists to record the views and actions of the participants of the debate, not to editorialize and inflame the debate. To go so far as to change the descriptions of amendments and official documents to mislead the American people about alternatives suggested by the minority is a gross abuse of power by the majority, and it is just not honest. If we allowed this or similar action by either party to go unchecked, if we let this happen now, it will almost certainly happen again.

The Congress can do better. The American people certainly deserve better, and I urge my colleagues on both sides of the aisle to support this important resolution.

Mr. SENSENBRINER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRINER) for the time.

Mr. Speaker, my comments prepared for now had essentially to do with the point that has been made already here many times. Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, for cousins and uncles would not protect young girls who are made victims of incest by those very adult siblings, cousins or uncles; and it would be a terrible idea to add that to a bill whose primary purpose is to protect the rights of parents and their children.

But I had a chance just to kind of step back, Mr. Speaker, and ask myself why the intensity of this debate. I would have to step back and say that respectfully I would submit that maybe it is about the foundational issue here of abortion because if we were not talking about the rights of a child but the right of the mother, the debate here. No one would say it is not all right to take a young girl across the State line for an appendectomy. That would be an outrageous discussion.

It really is about this whole notion of abortion, and I do not understand the intensity completely, but I believe it has something to do with the conscience in all of us collectively that we are beginning to realize that somehow, as Americans, we are bigger than abortion on demand; that 40 million dead children is enough; and that somehow we need to start asking the real question. The real questions is, does abortion take the life of a child? If it does not, it is a misnomer. If it does, then we are in the midst of the greatest human holocaust in the history of humanity.

I think somehow we collectively in our hearts understand that, and therefore, it creates all this acrimony on the House floor. But the real abuse of power is that this body has the power to protect these little babies, and instead, we are debating the finer points in a committee report, and I am ashamed of that.

I pray that somehow we can get to the point where we can come together and not have to look back. The Fugitive Slave Act was a perfect example. We looked back and said how did we let that happen. That was an acrimonious debate, too. There was a little thing called the Civil War over it.

We do not need to proceed down that line. Somehow may compassion and the simple truth prevail here.

Mr. CONYERS. Mr. Speaker, may I ask the chairman of the committee how many speakers he has remaining.

Mr. SENSENBRINER. If the gentleman will yield, just me to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member, the lead Democrat on the Committee on the Judiciary, for yielding me time, and for his great leadership to protect and defend the Constitution of the United States, the oath of office that we all take.

I, too, want to express my respect for the gentleman from Wisconsin (Mr. SENSENBRINER), the distinguished chairman of the committee. I know that all the members of the Committee on the Judiciary have a difficult task. I commend all of the members of the Committee on the Judiciary for the very important responsibility that they have in protecting the civil liberties of our country. There are so many complicated issues where there are differences of opinion but, hopefully, respect for that diversity of opinion which is intrinsic to our democracy.

Mr. Speaker, I am very sad that it is necessary to come to the floor to speak on a resolution offered by the gentleman from Michigan (Mr. CONYERS), again the distinguished ranking member on the Committee on the Judiciary.

I think it is important to note why we are here. I understand why our Republican colleagues want to talk about the bill and not talk about this privileged resolution, because this resolution strikes right directly to the heart of our democracy and our right of freedom of speech on this floor and how our words are interpreted.

Questions of privilege, according to the rules and the Manual, Mr. Speaker, as I am sure the Speaker well knows, questions of privilege shall be those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. It is that last point, the integrity of our proceedings, which is what is under assault by the Republicans in this action that they took last week. Truth and trust, they are the fundamentals of our work. We must speak truth so that we will be trusted.

I view what the Committee on the Judiciary leadership did on this bill as just another extension of the abuse of power of the Republican majority in the Congress of the United States, both in the House and in the Senate.

In both bodies, and let us just speak to our own, there is an attempt to limit the opportunity for Members to speak on the floor, to have substitutes, alternative amendments, that can come to the floor; and on the occasions when they do allow an amendment, they decide to misrepresent the amendment. Just when we think we have seen it all on the part of curbing debate in this House, the Republicans not only curb the debate; they decide what it is that we said and what it is that we wrote in our amendments that we were putting forth.

The disgusting misrepresentations that were advanced by the Republicans demand an apology by the chairman of the committee and a pledge by the Republican leadership in this House that this will never happen again; that this will never happen again.

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May 3, 2005

CONGRESSIONAL RECORD — HOUSE

H2777

What happened last week to the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from Texas (Ms. JACKSON-LEE) was an outrage. An official report that the majority of the Committee on the Judiciary prepared to the legislation at hand liberally and purposely mischaracterized their amendments in a manner that was insulting and derogatory.

Again, no wonder the Republicans do not want to talk about what is on the floor right now, which is a privileged resolution addressing the gross abuse of power of the Republicans. We had tried to say at meetings, and the gentleman from Michigan (Mr. CONYERS) tried to get an agreement with the majority that they would change the record and apologize; to admit that there was something wrong with what happened last week, and that would have made a difference in bringing this resolution to the floor. But, no, there was no admission that there was anything wrong with misrepresenting, not telling the truth about what was contained in those amendments.

Administrative functions, such as reporting amendments and determinations of these amendments, relate to the integrity, again, of the proceedings of the House and must be fairly described. If there is a controversy, then you go to the maker of the amendment and say, what is it, how would you characterize your amendment, you who are the maker of the amendment? But no, we had placed our trust that the majority would fairly describe something as administrative as an amendment offered by a Member.

In short, this should not even be an issue we need to be reviewing and scrutinizing. If this were to pass without discussion, think of the precedent that it would create; that the majority, on a regular and repeated basis, could use their power and abuse their power to write any characterization of any amendment that anyone made. Its simply wrong.

The behavior exhibited by the Republican majority with the Committee on the Judiciary report flies in the face of the comity and civility and honesty that we should all strive for. It is a further reflection, again, of the abuse of power we have seen here. It is an embarrassment to this House and the blatant abuse of the privileges of the House. A very serious matter. A prerogative rarely used by the Members of the House of Representatives. But we have to deal with the mischaracterizations of the titles of the amendments, which is what this debate is about.

It is incredible to me that the case of the other side is so weak that all they can do is continue to talk about the bill itself. We are not here to debate H.R. 748, we are here to talk about the power and the abuses of the majority party that sets the agenda, that writes the reports, and that entitles the amendments submitted to the members of the Committee on the Judiciary. The amendment titles of three members were twisted and distorted and their meaning was rendered so that the entitlement of the amendment was not, indeed, accurate. I believe the majority has failed the Congress. More importantly, the American people.

Now, what we are doing here right now is hoping to raise this question of the privileges of the House regarding the blatant abuse of power; Republicans' mischaracterizing the description of numerous Democratic amendments, when some of the amendments had been considered in previous Congresses. These are the same amendments that were properly entitled in our Congresses.

So it is with great reluctance that I come before you to ask that we make sure this never happens again; that this deliberate mischaracterization of amendments be stopped here and now; that it does not happen and that the chairman of the Committee on the Judiciary issue a supplemental report and apologize to the House of Representatives. Support the resolution.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the resolution.

Mr. SENSENBRENNER. Mr. Speaker, on that point of order, I move to table the resolution.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling H. Res. 235 will be followed by a 15-minute vote on suspending the rules and adopting H. Res. 238.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling H. Res. 235 will be followed by a 15-minute vote on suspending the rules and adopting H. Res. 238.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 151]

YEAS—220

Aderholt  Akin  Alexander  Baker  Bachus  Barrett (SC)
OBSERVING 30TH ANNIVERSARY OF FALL OF THE COMMUNIST REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 228, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. FORTENBERRY) that the House suspend the rules and agree to the resolution, H. Res. 228, as amended in which the yeas and nay are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 152]

YEAS—416

[Names of Representatives]

NOES—0

[Names of Representatives]

The PERMANENT COMMITTEE ON THE CONGRESSIONAL RECORD.

PERMISSION TO FILE CONGRESSIONAL RECORD ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file the conference report to accompany the bill, H.R. 1268.

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

There was no objection.
Honoring the contributions of Vietnamese Americans to American society over the past three decades...

A motion to reconsider was laid on the table.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 3, 2005 to vote on rollcall vote Nos. 151 and 152 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 151 on the motion to table H. Res. 253, the Conyers Resolution Raising a Question of the Privileges of the House; "yea" on rollcall vote No. 152 on H. Res. 226—Observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a resolution raising a question of the privileges of the House. The SPEAKER pro tempore. The gentleman must read the resolution. Mr. NADLER. Mr. Speaker, I do not give notice. The SPEAKER pro tempore. The gentleman may give notice. Mr. NADLER. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

Whereas, because Representatives NADLER, SCOTT, and JACKSON-LEE offered in good faith a total of five amendments to the bill, all of which failed on party-line votes; Whereas, committee reports are official congressional documents to which Members ample opportunity to debate, characterize, and criticize each other’s views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities; Whereas, under the procedures of the Committee on the Judiciary, the minority must submit its dissenting views to the majority without having the opportunity to review the report; Whereas, the majority has the opportunity to review the minority’s dissent before filing its report; Whereas, earlier versions of H.R. 748 were reported by the Committee on the Judiciary on three separate occasions and in each case, these amendments, or similar amendments, were described in these earlier committee reports with objective, nonargumentative captions; Whereas, this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary; Whereas, a report of a committee offers the majority and minority the opportunity to provide their views and interpretations of the legislation, amendments, and issues; Whereas, the section of a committee report required by clause 3(b) of Rule XIII was purposely misused as an opportunity to comment on, or characterize, the amendments; and Whereas the vote captions published in House Report 109-51 appear to be purposefully inaccurate and misleading, and reflect negatively on the integrity of the Members offering the amendments, and therefore belittle the integrity of the Members offering the amendments, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House.

Now, therefore, be it:

Resolved, That the House of Representatives
(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and
(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with inflammatory, inaccurate captions; Whereas, when Representative SENSBRENNER, the Chairman of the Committee on the Judiciary, was asked about this language, he denied the opportunity to correct it, both in the Committee Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Floor Reports.
amendments with nonargumentative, objective captions.”

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York (Mr. Nadler), will appear in the Record at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 366, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-69) on the resolution (H. Res. 254) providing for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-70) on the resolution (H. Res. 255) providing for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 United States Code 2702, the Chair of the Committee on Rules and the Speaker of the House of Representatives, has designated for consideration of the House record a resolution (H. Res. 254) on the three remaining motions to suspend the rules.

TRIBUTE TO KATHRYN LEHMAN

Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. PRYCE of Ohio. Mr. Speaker, I rise to honor my departing chief of staff, Kathryn Lehman. Kathryn has faithfully served at the House Republican Conference for the last 2 years. She came well-equipped, having worked for the gentleman from Illinois (Speaker Hastert) and Speaker Gingrich, the gentleman from Texas (Mr. DeLay), and the gentleman from Wisconsin (Chairman Sensenbrenner).

Kathryn is truly an American success story. Born in Pittsburgh, she attended Oral Roberts University and then put herself through law school. Kathryn came to the House Committee on the Judiciary and quickly found a home crafting some of the best legislation of the first 100 days of this majority in 1994.

While a rock-solid Republican, Kathryn has enjoyed the friendship and respect of many people across the political spectrum. She has helped bridge the gap between ideological differences for the good of the conference and, therefore, for the good of our country. She has helped us deal with some of the most challenging issues facing America in the last 15 years: the Republican takeover of the House, the impeachment of a President, the passage of the largest tax cut in history, and the Medicare prescription drug bill.

As Kathryn turns the page and starts the next chapter of her life, I wish her well. I am grateful for the time she has given us, and I look forward to enjoying her friendship for many years to come. With her departure, the House loses one of its most dedicated and finest public servants.

Fare thee well to Kathryn.

NATIONAL TEACHER DAY

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

Mr. BARROW. Mr. Speaker, today on National Teacher Day, I want to encourage all my constituents and my colleagues to take just a minute to thank those teachers who helped us get where we are today, sometimes despite ourselves.

For me, those teachers included Ms. Moseley, Ms. Goodwyn, Ms. Rapley, Ms. Hughes, and a host of others. But the teacher I want to single out is Ms. Bertha Musick. She just celebrated her 96th birthday, and she is still going strong.

She was my 11th grade English teacher, and she was tough as nails. Every day it was her job to hammer an understanding and an appreciation of good English into the heads of an 11th grade class full of thick-skinned teenagers.

Ms. Musick meant business. And while she had a reputation for being tough, every one of her students came to realize that her toughness was driven by her devotion. Many of us understood that at the time. All of us came to understand it over time.

I cannot tell my colleagues how many times I have heard her describe as what you remember after you forget 99 percent of what you learned in school. What Ms. Musick taught me, and hundreds of other impressionable youngsters, is the value of not giving in and not giving up.

That is what defines a good teacher in Ms. Musick’s day, and that is what defines good teachers today, who are overworked, underpaid, and under-appreciated.

So to Ms. Musick, at 99 years strong, I just want to say “thank you very much.”

THE HOUSE WILL MISS KATHRYN LEHMAN

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

Mr. BLUNT. Mr. Speaker, today on National Teacher Day, I want to encourage all my constituents and my colleagues to take just a minute to thank those teachers who helped us get where we are today, sometimes despite ourselves.

For me, those teachers included Ms. Moseley, Ms. Goodwyn, Ms. Rapley, Ms. Hughes, and a host of others. But the teacher I want to single out is Ms. Bertha Musick. She just celebrated her 96th birthday, and she is still going strong.

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So to Ms. Musick, at 99 years strong, I just want to say “thank you very much.”
minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I want to join my colleague and good friend, our conference chairman, the gentlewoman from Ohio (Ms. PRYCE), in recognizing Kathryn Lehman as she leaves her work with us.

We are dramatically benefited by the people who help us do these jobs, and no one has been more involved in more places over those 15 years than Kathryn has, working, as has already been said, in the Speaker's office, in the Conference office, in the whip's office. During the 4 years that I was the chief deputy whip, it was never quite clear to me whether Kathryn was working for me or I was working for her, but I always knew that we were all working to get our job done.

She is leaving now to go to Holland. We recently lost a great former Member of the Congress, our good friend Tiller Fowler, and Tillie would be pleased, I think, that Kathryn is filling some of the gap that is left there by Tillie's passing.

I am sure that our conference chairman will miss Kathryn. I know that our conference will miss Kathryn on a daily basis. I really do deeply and truly know that Kathryn is the wise counsel, her good judgment and, maybe most of all, her reliable sense of humor. When things are the toughest and the challenges are the greatest, Kathryn always had an understanding of how fortunate we all really were to know that we were all working for me or I was working for her, but I always knew that we were all working to get our job done.

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Kathryn, we will miss you.

IRAQ IS ANOTHER VIETNAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we acknowledge the 30th anniversary of the conflict in Vietnam, it is important to be reminded of the crisis in Iraq: 12,000 wounded soldiers, 1,500 dead, 143 Iraqis and others killed over this past weekend; no stated polices from this administration, and the continuous flow of injured and fallen soldiers coming home to loved ones.

Iraq is another Vietnam. Iraq deserves the attention of this Congress and of this administration. It is time now to address the fact that there were no weapons of mass destruction. Whether or not we are liberators, no one seems to care. This government is in conflict. The Shiite government is refusing to seek Sunnis. The insurgents will continue, the bloodshed will continue, the hostages will continue.

We can have a solution to this terrible tragedy in Iraq. We are not creating freedom; we are creating terrorists.

REAL ECONOMIC GROWTH FOR AMERICA

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

Mrs. BLACKBURN. Mr. Speaker, America is on a really great economic track right now. Since 2000, Congress and this great Nation both have had to contend with a recession, with terrorism, but we have dealt with this by enacting tax relief and working to decrease regulatory burdens on America's workers. What we are seeing is real growth.

Now, the first quarter of this year we have seen a 3.1 percent growth in the GDP. It is good and solid. To put it all in perspective, going back to October and December of 2004, the fourth quarter of last year, look at what we had going on here. Germany, 1.5 percent growth, Italy and Japan both at eight-tenths of one percent growth. During that time, America had 3.9 percent GDP growth. Do we know why? It is because we have fought to lower taxes and reduce burdensome regulation both together, while other nations have kept raising their taxes and imposing more regulation.

What does this show? It tells us that if we want more of something, we tax it less, we regulate it less.

CONGRATULATIONS TO KATHRYN LEHMAN

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to join the House Republican Conference chairman, the whip, and shortly the chief deputy whip and the vice chairman of our conference in congratulating Kathryn Lehman on an outstanding career here in the Congress and to wish her Godspeed as she leaves this great institution and goes out into the wide world to seek other challenges and opportunities.

Kathryn has served the House of Representatives longer than the vast majority of the Members who serve here today. She has an incisive legal mind, and I came to know that many years ago when I was first elected to serve here and had the privilege of being appointed to serve on the House Committee on the Judiciary, where Kathryn was serving as a counsel for the then senior member of the committee, the gentleman from Illinois (Mr. HYDE) and shortly thereafter became chairman of the committee.

Kathryn was the staff director and chief counsel for the Subcommittee on the Constitution. She advised the gentleman from Illinois (Chairman HYDE) and subsequently Speaker Gingrich, with regard to the procedures that the House needed to follow with regard to the very somber process of impeachment of a President of the United States. Since then, she has gone on to serve in our leadership. A number of Members who we can see here today recognize that she has not only the great sense of humor that has been recognized already, but a great ability to step back and see the big picture at a time when many of us get tied up in the details of the moment. That is something that is a valuable, valuable asset for this Congress and this Republican Conference.

Kathryn, we thank you, and we wish you the very best.

FAREWELL TO KATHRYN LEHMAN

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

Mr. CANTOR. Mr. Speaker, I, too, rise this evening to bid farewell to an individual that I have come to know over the last 4 years since I first started serving in this House. She is not only my friend, she is my neighbor. She is an individual that I look to as a colleague and counsel.

As has been mentioned before, Kathryn Lehman has been a critical asset to this institution over the length of her career here. She worked for the majority leader when he was majority whip. That is where I came to know her, and it is then that I began to see the incredible addition she was to the leadership team of this House.

She has provided tremendous insight into not only the history of this institution, but also to the intricacies of the legislative process, and her ability to really grasp how to get things done in this town, and certainly in this building.

So it is with much sentiment, I think, that I say goodbye. I know it will not be a permanent goodbye. Kathryn is one who is a true believer, and I could tell that when I first met her, that she has the common sense and conservative values that are really what make this country great.

I guess we could claim her as an adopted Virginian. She lives in the legacy of those great public servants of the 18th century that founded this Nation and that left us such a legacy to contribute to our democracy, to stand up for the principles that we believe in.

So Kathryn, I want to thank you for all of your wise counsel. I will continue to seek that counsel. We will miss you in the House, but we wish you all the best, and Godspeed.

KATHRYN LEHMAN: A BEHIND-THE-SCENES PROFESSIONAL

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

Mr. KINGSTON. Mr. Speaker, several years ago, I went to a ribbon-cutting on a new road and the road that had taken many, many years to build, yet all the politicians who participated in the ribbon-cutting were newly-elected. But in
great political fashion, we all stood up there and took the bows for it. That is the rules of the game.

Another part about that is you do not see the staff up there cutting the ribbon, taking the bows, getting the applause. Kathryn Lehman is one of those staff. She has not been in the forefront of the limelight and yet, should. She has worked for every significant Republican leader in this House of Representatives for the last 10 years or more. Every critical decision of this House, every major piece of legislation was worked on on a team in which she was a staff member, anything from the gentleman from Illinois (Chairman HENRY HYDE) to the Speaker of the House, Newt Gingrich, and, most recently, our conference Chair, the gentlewoman from Ohio (Ms. PRYCE). The legislation that we moved the gentlewoman from Ohio (Ms. PRYCE). The legislation that we moved the gentlewoman from Ohio (Ms. PRYCE) the House, the following Members will be recognized for 5 minutes each.

Mr. D E F A Z I O. Mr. Speaker, today and pretty much every day for most Americans of this year, they will see 6.2 percent taken out of their paycheck to pay for their Social Security retirement. If they are self-employed, they will see 12.4 percent taken out. That is everyone who earns up to $90,000 every paycheck, day in day out they are paying into Social Security. And in paying that tax, they will create a $170 billion surplus to pay for future retirement benefits for themselves. But, now, the President has revealed his true agenda. After talking about privatization for months, something which would, in fact, worsen the financial condition of Social Security, he has now changed the debate to talking about how he is going to reduce the retirement benefits of middle-class Americans.

Now, things are a little bit different from the President. I mean, we will disregard all of his unearned income and all of the things that he has been given and all of those earnings. Let us just talk about how President of the United States. So that means that the President of the United States pays Social Security tax until 3 a.m. on March 24.

Now, that does not seem quite fair. Other working Americans are going to pay that tax all year long. But, let us look at some of Mr. Bush’s friends. Tom Preston and Les Moonves of Viacom. They stop paying Social Security tax at 4 a.m. on January 2, because they earn $750 a day. Now, it really is not going to matter or even be noticed by George Bush when they are reduced or Mr. Preston or Mr. Moonves at Viacom, you know, not even their accountants will notice it, but it is certainly going to be noticed by those middle-class Americans.

The President’s cuts, which he cast as being fair and progressive, will fall most heavily on middle-income working families in this country. You know, the kid who called a median earner, $36,000, say a public school teacher, will see, if they retired 40 years from now, a young teacher, they will see a reduction of 16 percent in their Social Security benefits, from $19,000 down to $16,000. I think they are going to notice that; it is going to hurt a lot. What the President’s folk call a high earner, $58,400 a year, well they will see a 25 percent reduction. In fact, the reduction for people who earn $58,400 a year will be twice as bad or worse than if Congress did nothing about Social Security, because it is not going to be bankrupt like the President says. Social Security will never be bankrupt. Stop saying that.

It will happen. If nothing is done and we have a very bad economy, reduce benefits by, say, 20 percent according to the Republican Congressional Budget Office or 25 percent, so they can pay benefits into the indefinite future, starting 20 years from now. That is not a crisis. That is not bankruptcy. But the President would guarantee reductions, at least that big, for many working families to save the program. But that is not all. That is not all the President has in mind. Because, he said, this is based on the Pozen plan, some financial guru out there who he says is a Democrat. Who cares if he is a Democrat or Republican. He is some financial guy, and what Mr. Pozen proposed is you not only reduce retirement benefits, you reduce survivor’s benefits, and you reduce disability benefits.

That is what the President said he endorsed last week during his speech. He is going to reduce middle-income retirees’ Social Security benefits 25 percent. And if they should be so unlucky as to become totally disabled, incapable of working, he is going to reduce their disability benefits by 25 percent; or should they have even more misfortune and die, their survivors will get a reduced benefit of 25 percent to quote, save the program.

The President is not done there, though. He is not only reducing survivors benefits, retirement benefits, disability benefits. He wants to push these people into so-called voluntarily private plans after he has reduced their benefits; and the so-called private plans, the President’s privatization has a little something called a cliff-back, which is the government is allowing you to divert your Social Security money, but it is considered to be a loan, which will be repaid at the time of your retirement, death, or disability at the rate of 3 percent plus inflation.

Now, if your investments did not do too well, your survivors are going to be writing the government a check; or if you get to retirement and you did not do too well, well, you are going to see your Social Security benefits reduce up to 97 percent under the President’s privatization plan.

There are better ways to secure the financial future of Social Security, which I will talk about on another evening.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. R O S - L E H T I N E N. Mr. Speaker, I ask unanimous consent that I be allowed to take my Special Order at this time.

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

There was no objection.

FAREWELL TO KATHRYN LEHMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.
Ms. ROS-LEHTINEN. Mr. Speaker, as we have heard from our House Republican leadership team, this week the House will lose one of its most faithful servants to the private sector, when my good friend Kathryn Lehman leaves her post as chief of staff of the House Republican Conference after more than 15 years of service here in the House on Capitol Hill.

After graduating from Catholic University with a law degree, Kathryn came to the Hill in 1989 to serve then-ranking member from Wisconsin (Mr. SENSENBRENNER), as his only staffer on the Judiciary Subcommittee on Civil and Constitutional Rights.

After the gentleman from Illinois (Mr. HYDE) became the subcommittee's ranking member, Kathryn continued her work and learned much from his example in leadership.

When the Republicans took over control of the House in 1994, Kathryn became the subcommittee's chief counsel and helped usher in some of the most important reforms of the first 100 days of our Congress. In 1997, Karen began working for Speaker Gingrich, playing an important part in many of the most memorable events in Congress's history. She also advised Speaker Gingrich on oversight issues involving the committees on Judiciary, Education and the Workforce, House Administration, and Government Reform.

In 1999, she took the helm as policy director for then-majority whip, the gentleman from Texas (Mr. DELAY). There, she made her mark on some of the most impressive legislative accomplishments of the Congress. Kathryn's talents then took her to the Speaker's office, the gentleman from Illinois (Mr. HASTERT).

Obviously, she had a hard time keeping a job at any one time, but she oversaw his coalitions and outreach efforts. In 2000, Kathryn became chief of staff for the House Republican Conference under the leadership of my great friend, the gentlewoman from Ohio (Ms. PRYCE). There she effectively crafted our message and led us to new levels of accomplishment and unity.

Kathryn now leaves the House for Holland & Knight where she will continue to be what she has always been, a bold woman who is not afraid to speak her mind. At Holland & Knight, she will follow in the tradition of her and my great friend, the late Congresswoman Tillie Fowler, my friend from Florida.

And Kathryn's long and impressive career is an example of what we can all achieve if we stick to our principles and never quit until the fight is over. Kathryn has learned much during her tenure, but she has taught others much more.

It is not surprising that Kathryn has so many friends. Through her sheer force of personality, Kathryn has forged friendships with Republican and Democrat Members and staff alike. The gentleman from Michigan (Mr. DINGELL) for example, the dean of the House, is one such friend; and I know that the gentleman from Michigan (Mr. DINGELL) shares in my best wishes for Kathryn's future successes.

Kathryn deserves the thanks of so many Members on an individual level, but also deserves the thanks of the House of Representatives as a body.

Few have done more to protect its integrity and its efficacy, as Kathryn Lehman; and I know that she will be missed. She is more than just the Chair of so many important positions, she is more specially important, my friend, mi amiga, and always will be.

Mr. HASTERT. Mr. Speaker, I rise today to offer my best wishes and a fond farewell to Kathryn Lehman who is leaving Capitol Hill after 15 years of service. Kathryn has been like few others: effective, universally admired, and respected. And she has always offered blunt advice.

During her Hill career, Kathryn has served two Judiciary Committee Chairmen, one Majority Whip, one Conference Chairman, and two Speakers of the House—including myself. Kathryn cut her teeth on the House Judiciary Committee working for then-Ranking Member HYDE. Those tough days in the minority prepared Kathryn for the responsibility of her role as Chief Counsel following the Republican victory in 1994. Kathryn served as Special Assistant to Speaker Newt Gingrich, Policy Director for then-Majority Whip Tom DELAY, my Director of Coalitions and Outreach, and finally Chief of Staff for the House Republican Conference.

Kathryn has not only been in the room when some of the most important decisions of this House were made, but she also helped to make them. From habeas corpus reform to tax reform, Kathryn has touched it all. She has impacted more legislation during her career than she’d probably care to admit, and each time she acted with conviction.

Many staffers have a laundry list of legislative achievements and career highlights, but Kathryn is more than the sum of her accomplishments. Her tenure is marked just as surely by the friendships she has made—on both sides of the aisle—than by the laws she helped to craft or the bills she ushered through passage.

But perhaps Kathryn's most astonishing—and admirable—characteristic is her unwavering idealism. Throughout her time on Capitol Hill, she has never lost her way and has been guided by her beliefs and values. In good times and bad, Kathryn always spoke her mind and kept us all on the right track. I will miss her loyalty, her ability to make you laugh, and her sound judgment.

I wish Kathryn the very best and know that she will continue to be a standard bearer for what is right in Washington.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that our colleagues have 5 legislative days in which to revise and extend their remarks on the subject of Kathryn Lehman’s departure and tenure in the House.

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

There was no objection.

REFLECTING ON THE 2-YEAR ANNIVERSARY OF THE PRESIDENT’S “MISSION ACCOMPLISHED” SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last Sunday, May 1, marked the 2-year anniversary of President Bush’s speech aboard the USS Lincoln, the “mission accomplished” speech.

So what have we accomplished in the last 2 years? Saddam Hussein’s regime has fallen. Yet today we find ourselves mired in an endless occupation.

This past January witnessed a successful election, yet progress on developing a functioning government has been slow at best. The terror and the insurgency remain as strong as ever and seems to be growing at certain points. Explosions killed more than 100 people last week alone.

The economy is stalled, the civil society is unable to come together, and millions of Iraqis remain without regular electrical services and basic services from their government. The brave men and women of the United States Armed Forces continue to fight a very vigorous fight, but the battle has taken its toll. We have lost 1,600 fellow citizens in the last 2 years, 2½ years, and more than 12,000 have been wounded.

The strain has been so great that recruiters cannot meet their enlistment goals. Through the first 5 months of fiscal year 2005, the Army is short of 1,600 American lives, 12,000 citizens wounded.

And yet the insurgency continues and the war goes on. The $300 billion we have added to the structural deficit is on top of a $2 trillion new debt created since President Bush originally took office in 2001.

And what have we done while we have added $300 billion to Iraq? Every President when they have taken the battle and taken the war, has thought about how to build America post that war.

President Lincoln finished the transcontinental railroad, the land grant colleges. Roosevelt not only had the
Great Depression that he dealt with for the Great Society, and rather the New Deal. He also thought after the war of a GI bill.

Universal health care with Harry S Truman. Eisenhower talked of the interment highway. President Kennedy in the middle of his days of Vietnam thought of putting a man on the Moon. What do we think about at the end of the Iraq war, as we think maybe we will see a point on the horizon? We cut Medicaid by $10 billion. We eliminate vocations. We eliminate the COPS program that puts 100,000 cops on the American streets.

Every President and every Congress thought about America after the war, thought about what it could do, how do we build that future; not only what we did overseas, but what are we going to do for Americans here at home. We, unlike our predecessors, do not think of a vision in the future. We have thought about how to limit America’s horizon and think forward.

This President made an attempt once to talk about putting a space ship on Mars, but we cancelled that. We have cancelled our review of the stem cells. We are not investing in America’s future like we are investing in Iraq’s future.

$300 billion in Iraq. Sixteen hundred American lives. Twelve thousand wounded. $10 billion cut from our health care programs. Vocational training programs eliminated. Is this the tradition when Roosevelt thought of the GI bill after World War II. President Kennedy in the early days of Vietnam thought of a man on the Moon? Lincoln, in the days of the Civil War thought of reconstruction, the land grant colleges, and the transatlantic railroad system.

This is not in the tradition of America to think less of our future than the one we are building overseas. We can do better than we are thinking of today. And all of the while that we are not investing in America and we are investing in Iraq, and we have put ourselves in line in Iraq, and everything of America is on the line there. North Korea has crossed the red zone, and now has the ability of nuclear capability.

A senior military strategist testified in the Senate last week that North Korea can mount a nuclear weapon on their missiles. While we have been bogged down in Iraq, Iran is developing their capability. The fact is, if there is one area where the United States should be acting unilaterally, it is North Korea; the one place we should be acting in coalition is Iraq. We got it mixed up.

But it is high time we invest in America and stop thinking less about our future and stop putting our dollars like we have in Iraq, start putting them here in America and follow the tradition that Presidents Lincoln and Kennedy and Johnson and Roosevelt did by thinking about the future for America.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Nebraska (Mr. MCNALLY). The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Nebraska (Mr. MCNALLY). The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCNALLY) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to spend some time this evening talking about something that I think should concern all of us on both sides of the aisle here, something that sometimes flies under the radar screen in our country, and that is the epidemic of methamphetamine abuse.

Methamphetamine first came into prominence during World War II. It was often given to kamikaze pilots, Japanese military, before they took off, never to return. Some of the German military units going on almost certain deaths missions also used it.

It is the most highly addictive drug that has been discovered. It often causes addiction after one usage; and hardly any other drug that is known to man will do that to you. It releases huge amounts of dopamine, thousands of times the amount of dopamine that a normal pleasurable experience that is not drug-induced might cause a person to experience. It creates euphoria that lasts between 6 and 8 hours, and an increased sense of well-being and confidence.

Increased energy, many times soccer moms, people who are working two jobs will fall prey to methamphetamine abuse. And of course, it also produces the desire to remain awake for long periods of time, sometimes as much as 6 or 7 days so truck drivers, people in those types of professions, who did not think of methamphetamine as a problem.

So the question is what can Congress do? First of all, the Byrne grants that we are somewhat familiar with are what fund the meth lab clean-ups. And the Byrne grants absolutely have to be funded so this is critical. Also the Byrne program is critical to the interdiction and the disruption of meth traffic.

The gentleman from Missouri (Mr. BLUNT) and also the gentleman from Indiana (Mr. SOUDER), have introduced legislation that regulates the sale of pseudoephedrine that is necessary to manufacture methamphetamine, and provide funds for meth lab cleanup, law enforcement and child protection.

I hope that my colleagues both sides of the aisle will join in this fight. This is a real blight on our country and is creating a devastation throughout our country, but particularly in the rural area.
GUT PUNCH TO THE MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take 5 minutes to talk about the President’s latest proposal on Social Security, which I refer to as means testing.

I have to say that from the very beginning, when I heard the President’s privatization plan, and the other statements he has been making about Social Security, I have very much opposed to what he has put forth, but this latest effort at means testing I think is, in many ways, the worst of all, the worst of his proposals.

I just want to review some of the concerns that I have about his privatization plan, about his means testing in a few minutes here tonight. First of all, from the very beginning, I think, the President essentially misinformed because he kept talking about how Social Security was essentially going insolvent and yet we know that it is very solid, if you will, for the next 30 or 40 years. In fact, we have heard before that even if you adopted this from maybe 2050 or 2055, may be the date when we would begin to see less money available for Social Security. But until that time, the Social Security trust fund is very solvent and benefits would continue to be paid based on a guaranteed basis the way they have for the last 60 or 70 years.

So from the very beginning, he talked about Social Security in an inaccurate way because he talked about insolvency that does not exist for at least another generation or two. Worst of all, he never indicated that any proposal he had put forth would effectively deal with the eventual insolvency of Social Security.

In other words, Democrats historically put together some of the early 1990s, for example, when there was a threat of insolvency or that money would not be there in the trust fund, basically sat down with Republicans on a bipartisan basis, back in the days when Speaker O’Neill was the Speaker of the House, a Democrat, and President Reagan, a Republican, was President. And they put forward a commission and they came up with a way of dealing the payroll tax, essentially, so that money would be available to keep Social Security solvent and so that benefits would continue to be guaranteed.

But what the President proposed from the beginning was a very risky privatization plan that essentially would not do anything to help with the potential insolvency. In fact, it would make the situation even worse because we knew that he would be taking money out of the trust fund with his privatization plan and putting money in private accounts. And the consequence of the whole proposal would be that we would be less money in the trust fund and the solvency problem would be aggravated all the more.

At the same time, the people who put their money in these private accounts, if they made a bad investment, ran the risk of gambling with their Social Security money and not having any money when the time came for them to retire.

The bottom line is we could have gone back, if you adopted this, to the days before Social Security when people were on the street or were in an old age home because they did not have any retirement security. That is what Democrats are afraid of with the President’s risky privatization plan.

It gambles with your Social Security. It may essentially leave you broke with nothing, and even beyond that because you are taking money out of the trust fund, the solvency problem is aggravated and the potential looms for severe benefits because if you take the money out and you do not replace it with anything, the only thing you can do ultimately is cut benefits.

Now, what we hear from the President, he was on the road for about 60 days talking about that. At the end of the 60 days period he realized, as did his Republican colleagues, that this was not working. People did not want to hear that. They did not like his risky privatization plan.

So what does he come up with last week in this proposal that he made on nationwide TV? He talks about means testing. What that essentially means is that people, as their income gets higher, would get less and less Social Security benefits. And he made it sound, once again, like this was a great thing because poor people would still get their money and rich people did not need it. But what he fails to point out is reality is who is really being targeted here is the middle class.

It is the middle class person who will have their benefits cut and it is the middle class person who relies the most on that Social Security money and not having any retirement security. That is what Democrats are afraid of with the President.

What he said is that the average worker now pays about $37,000 and receive Social Security benefits that are equal to 10 percent preretirement income. Workers earning 60 percent more than average, the equivalent of $58,000 today would see benefit cuts equal to almost 13 percent of their income before retirement.

But above that level, the cuts would become less and less significant. Workers earning three times the average wage would face cuts equal to only 9 percent of their income before retirement. Someone earning the equivalent of $1 million today would see $15,000 in benefit cuts equal to only 1 percent of pretirement income. So in short, this would be a gut punch to the middle class. It is the middle class that would suffer and is targeted in the President’s proposal.

It is a terrible proposal. It is no better than the previous one.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to honor a man who spoke on this floor and wandered these historic hallowed hallways over a decade ago.

Craig Washington, a former Democratic Congressman from Texas, made a name for himself in this place of Washington and in the Lone Star State of Texas.

At home in the great State of Texas, he is best known for his courtroom mesmerizing oratory, his remarkable victories as a criminal defense lawyer and his persistent passion for helping out the little guy.

Eleven years ago, he left Congress and headed back to Texas. Now Washington is back in the spotlight again defending one of Texas’ most vulnerable citizens and doing what he does best, arguing for constitutional rights, helping the downtrodden. Those are the people who need him the most.

He is gracing the front pages of the Houston Chronicle once again, but if you ask his daughter, Chival, she claims that her dad is just a regular guy and that is one of the reasons she admires him so much.

Craig Washington was born in deep east Texas, a town called Longview. He grew up in Houston and after high school he enrolled in Prairie View A&M University at the age of 16 with the hopes of becoming a dentist. Eight years later he finally graduated with a grade point average too low to compete on the plans of dentistry. He was tremendously intelligent but could not be bothered with attending classes.

In 1966 Craig Washington was introduced to the Dean of the Texas Southern University Law School. Washington had charisma and determination even at a young age, and he managed to talk the dean into accepting him into the law school program and then transferring to dentistry. But instead he was hooked on the law and lasted it for the rest of his life.

Four years later, he would graduate with honors and become the assistant dean and assistant professor of law at his alma mater.

Then in 1970, he left the university to enter private law practice, and in 1972, he was elected to the Texas State Legislature. In 1982, he was elected to the Texas States Senate. It was there he made a name for himself as the second African American to serve in the Texas State Senate since reconstruction. It should be noted that the violence between the States died real hard in Texas.

In 1989, his good friend, Congressman Mickey Leland, was killed in a tragic plane crash in Ethiopia. Washington was close friends with Leland and he wanted to ensure that Leland’s seat was filled.

Eleven years later, he left Congress and headed back to Texas. Now Washington is back in the spotlight again defending one of Texas’ most vulnerable citizens and doing what he does best, arguing for constitutional rights, helping the downtrodden. Those are the people who need him the most.
plane crash representing this body in Ethiopia. Washington was determined to continue the work that Leland started and he ran for Leland’s seat and was sworn in as Leland’s replacement in Congress in 1990.

His years in Congress were spent on national issues and advocating for those who had no voice. Some in Texas did not agree with the way he voted and carried himself, but inside this beltway he was seen as a star on the rise. He worked with colleagues on many issues and upset more than one organization when he voted against big issues like NAFTA and even NASA.

One particular evening on this House floor he argued against amending our Constitution to protect the flag. He said, “I prefer a man who will burn the flag and then wrap himself in the Constitution to a man who will burn the Constitution and then wrap himself in the flag.”

That is typical Craig Washington. Although Craig Washington and I disagree on many political issues, I admire him because he never made a decision based on politics.

Eleven years ago, Washington left this Congress to return to his roots, Texas.

He has a home in Bastrop, Texas, a small German town near Austin, and today Washington devotes most of his time to fighting for those who have no advocates in our courts.

When I was a prosecutor, we tried cases against each other, and I found his word and handshake were his bond, as it is today. When I became a judge, I had the opportunity to see him represent people in the most serious of accusations. In court, he spoke with the oratory of Daniel Webster and often uses his words with such power, he could put the jury in a hypnotic trance.

Like Spartacus of the ancients, Mr. Washington goes into the pit of the courtroom arena armed with the sword of righteous indignation, the shield of the Constitution, and the breastplate of impecable honor to fight for those broken of spirit. When Craig Washington does his final summation, I am convinced the angels from above get a broken of spirit. When Craig Washington goes into the pit of the courtroom arena armed with the sword of righteous indignation, the shield of the Constitution, and the breastplate of impecable honor to fight for those broken of spirit.

Craig Washington may be quiet, but he is a hell fire and brimstone lawyer passionately for the poor and persecuted.

The latest census figures indicate that 13 million Latinos are uninsured. That is more than one-third of our total Latino population in the country. This is despite the fact that Latinos constitute the second largest ethnic minority group in the country and have the largest labor force representation as a percentage of low-wage jobs in the U.S., these positions mostly do not offer health care benefits.

I want to make a special note of the fact that nearly 80 percent of those without health insurance are employed. Listen, they are employed, but they have no health care coverage. So we have to stop the myth that the uninsured problem is only about people that are unemployed.

In fact, this is a picture here depicting a family in our district that shows people who are working. They are working, but unavailable to them is health care insurance; and in a country that prides itself on equality, it is evident that our health care system is broken when people suffer from a lack of access to health insurance and quality of care.

More disconcerting, Latino children, the most vulnerable group in our society, are 21 percent more likely to be uninsured than non-Latino children. In fact, almost one in three Latino children receives health care through Medicaid or what we know as the State Children’s Health Insurance Program, the SCHIP program. While plenty of Americans live without health insurance, programs like Medicaid and the SCHIP program are often the only means of providing families like this with health care coverage.

Medicaid is vital for many Latinos, with 9 million Latinos receiving health care through Medicaid alone. Unfortunately, it is sad to say that President Bush’s fiscal year 2006 budget proposal would cut funding for Medicaid by $45 billion, a drastic cut in funding that is a valuable service for health insurance for those who cannot afford it.

We should not play with the lives of families like this and the future of our children by denying them access to critical health care services. Affordable and accessible health care not only decreases the expenses due to last minute emergency care; it allows for a healthier workforce and improves the overall quality of care for all.

Last week, I had the opportunity as Chair of the Congressional Hispanic Task Force on Health, and I was joined by other Members of our Democratic leadership, to highlight our commitment to eliminate racial and ethnic disparities in health care. Our health care system is not meeting the needs of all people. For racial and ethnic minorities and even for Asian Pacific Islander, for all of us, we are sorely underserved by the services that should be adequately provided to all of us.

Democrats are committed to working towards expanding health care insurance coverage for all, and I am committed to addressing the health care needs of all of our communities. The uninsured problem affects every single one of us. Whether it is expanding our Federal safety net, programs like Medicaid, or working to eliminate racial disparities in health care, through our efforts or providing incentives for our small businesses to offer health care insurance, it is time that we take action now.
I urge my colleagues to make a Federal commitment to help provide coverage for the 45 million Americans across the country who deserve a guaranteed health insurance system because one in three Americans without health insurance is one too many, and these are the families that we must not let there looking for leadership in the House of Representatives.

PRESIDENTIAL VOTE FOR RESIDENTS OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. FORTUNO) is recognized for 5 minutes.

Mr. FORTUNO. Mr. Speaker, tomorrow the United States Court of Appeals for the First Circuit will hear the case of Gregorio Igartua-de la Rosa, et al., vs. United States of America. This landmark case deals with the right of U.S. citizens who are residents of Puerto Rico to vote for the President and Vice President of the United States.

The right to vote for those who govern us is a hallmark of the democratic principles on which our Nation was founded. Universal and equal suffrage is not only a core value of this country's political system, but has been recognized by the international community as a fundamental civil right. Despite this broad consensus in favor of the right to vote for U.S. citizens who reside in Puerto Rico, the Court of Appeals for the First Circuit has previously denied the right to vote for the U.S. Government officials who make and administer the Federal laws to which they are subject.

Take special heed of the fact that this discriminatory and undemocratic state of affairs does not just apply to Puerto Ricans, who are U.S. citizens by virtue of having been born in a U.S. territory, but to any U.S. citizen who becomes a resident of Puerto Rico.

To clearly illustrate this point, if President George Herbert Bush, our 41st President, had chosen to retire in Puerto Rico instead of Texas, he would not have been able to vote for his son, our current President, George W. Bush.

If any of my colleagues who are listening to me today and who are my colleagues in the 109th Congress elected to move to Puerto Rico after they retire from Congress, they would not be able to vote for the President of the United States.

This separate and less-than-equal class of U.S. citizenship for residents of Puerto Rico has placed the 4 million U.S. citizens who are residents of Puerto Rico in an indefinite denial of equal national citizenship, particularly at a time of national sacrifice in the cause of global democracy and freedom, where Puerto Ricans have contributed equally, many even making the ultimate sacrifice.

It is not my intention to dictate what the Court of Appeals for the First Circuit will decide. As a lawyer, I have always been respectful of the separation between the legislative and judicial branches of government, but I trust that the court will do us justice.

I invite all of my fellow Members of this 109th Congress to monitor the court's decision because, in so doing, they will be exposed to the fact that the people of the Medical Center of Puerto Rico is that they have been denied their most basic rights of self-determination, not by court decisions, but by congressional inaction.

In 1899, the United States first entered into a provision that the civil rights and political status of the residents of Puerto Rico shall be determined by the Congress. A full century has passed, but Congress still has not implemented any political resolution procedure that will enable residents of Puerto Rico to determine their form of self-government under a non-colonial, non-territorial alternative.

As most of my colleagues know, I am a firm believer in statehood for Puerto Rico, but I fully respect the right of my countrymen to choose the status choice of their preference, be it as a State of the Union, an independent Republic, or as a Republic associated with the United States.

The important element has to be that all alternatives be non-colonial and non-territorial in nature. Until this process of free self-determination is completed, Congress will not have fully discharged its responsibility.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I am going to rise tonight to talk about a pressing problem of health care, but before I do, I want to associate my remarks with the gentleman from Texas (Mr. POE), my colleague and neighbor, on Craig Washington.

Congressman Washington replaced Mickey Leland, if anybody could replace Mickey Leland, in this House; and I served as a State house member and State senator with Craig. I can only say and echo what the gentleman from Texas (Mr. POE) said, who I know saw him across from his bench many times, as he was both a brilliant lawyer and statesman, but also one of the most intelligent people I have known.

Again, I want to associate myself with those remarks and thank the gentleman from Texas (Mr. POE) for doing that for Craig.

COVER THE UNINSURED WEEK

Mr. GREEN of Texas. Mr. Speaker, I rise tonight to talk about one of the most pressing problems facing the health care system in our country, the growing number of uninsured. Every year since 2000, an additional million Americans have joined the ranks of the uninsured.

The Robert Wood Johnson Foundation recently reported that the number of individuals without any health insurance in our country rose to 45 million this year. This is a problem that we literally cannot afford not to address.

In my hometown of Houston, we are proud to have the world-famed, world-class Texas Medical Center. Some of the most innovative and life-saving research and treatment developments are being discovered in our own backyard. The problem is that too many of our neighbors cannot access these live-saving treatments because they lack health insurance.

My State of Texas ranks number one in uninsured adults, with 31 percent of adult Texans living without health insurance. The statistics for the Houston area are just as troubling with more than 31 percent of our Harris County residents living without health insurance.

When a third of the State and country's population is without health insurance, I think it is safe to say this problem has reached crisis proportions. The increase in the number of uninsured is due, in part, to the changing nature of health care in our country.

One of the days we could count on our employers to provide comprehensive health insurance for us and our families. With health insurance costs reaching $10,000 per year, low-wage workers cannot fend for themselves.

With full-time minimum-wage workers bringing home roughly that much each year, they cannot spend the bulk of their earnings on health insurance, and many small businesses are finding that they simply cannot afford to purchase health insurance for their employees.

As a sideline, not only small businesses, but some of our larger businesses, whether it be General Motors or Shell Oil, talk about the disparities and how much they pay in industrialized countries like Europe and Japan for health insurance, and Canada, as compared to how much more they pay in our country.

It is no little surprise that today 80 percent of the uninsured in this country are gainfully employed. Unfortunately, my State of Texas also ranks number one in the percentage of uninsured working adults, with 77 percent of working Texans currently without health insurance.

This is a problem for all Americans as the uninsured often use emergency rooms as their primary source of medical care. In fact, a study of emergency room use in Harris County found that 57 percent of the diagnoses made in these hospitals could have been treated in a physician's office or clinic. This increases health care costs for all Americans.

The uninsured are less likely to seek preventive health care and only get medical care when they are in crisis. As a result, they are more likely to be hospitalized, face long-term disability, and many die unnecessarily.

There is no little surprise that today 80 percent of the uninsured in this country are gainfully employed. Unfortunately, my State of Texas also ranks number one in the percentage of uninsured working adults, with 77 percent of working Texans currently without health insurance.
cannot afford it. Only 15 percent of those individuals with health insurance have postponed care for this reason.

It is no surprise that the uninsured and underinsured are generally more expensive to treat because they fall through the cracks in our health care system. Unfortunately, the policies that this Congress has supported only serve to widen those cracks.

Despite being faced with record levels of uninsured individuals, this Congress has put Medicaid cuts at the top of the budget agenda. Medicaid is the health insurer of last resort in this country, and subjecting this critical program to budget cuts will only serve to further increase the number of Americans without health insurance.

Where does Congress think these folks will go once they are dropped from the Medicaid rolls? The answer is simple: They will join the ranks of the uninsured, and help enroll so, they will be three times more likely to postpone health care, three times more likely to forego filling a prescription, and three times as likely to be hounded by collection agents for payments on medical care they do seek out. This is not the way to ensure that our citizens are healthy, productive members of our society.

The Federal Government needs to renew its commitment to the most vulnerable members of our society. Faced with record levels of uninsured, we should be adding people to the Medicaid and SCHIP rolls, not dropping them. We should expand the SCHIP program to include all children ages 0-5, and ensure that all CHIP children are provided health insurance to 67 percent of CHIP parents in Texas. We should restore funding for the HCAP program, which in my community, has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from ERs and toward an appropriate health care home. These are programs that work.

What does not work is picking a budget number out of thin air and forcing Members to chop away at a program until it fits that number. It is shameful that Congress is balancing the budget on the backs of low-income families. If we are going to get this country’s health care system out of the ditch, we must stop digging that ditch.

HEALTH RISKS ASSOCIATED WITH INHALED COMPOUNDED DRUGS USED IN NEBULIZERS

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today, Americans with asthma, emphysema, and other respiratory diseases are being exposed, without their knowledge or consent, to serious and unnecessary health risks associated with inhaled compounded drugs used in their nebulizers.

Mr. Speaker, to my left are FDA-approved generic and brand medications proven to be safe, effective, and manufactured in a sterile manner. I would ask Members to notice that critical information, such as lot number, expiration date, manufacturer, drug name, and dose are embossed on the plastic vial.

These, Mr. Speaker, on this next board, are not FDA-approved medications. They were compounded or mixed in a pharmacy under conditions that are not proven or may not be sterile. They are not clinically proven to be safe or effective. Notice there is no lot number, no expiration date, no manufacturer or sterility notice. Absence of this critical information in labeling and advertisements to patients and prescribers is, at best, misleading.

In addition, notice here the glue-attached paper labels. The FDA, Mr. Speaker, does not approve of these type of paper labels because they are not approved and are a source of glue chemicals into the medication in the vials the patient inhales into their lungs.

Mr. Speaker, physicians write their prescriptions for FDA-approved brand names and generic medications. Patients think that what the doctor prescribes is what they are going to receive. But through a sleight of hand, some compounding pharmacists are having the prescriptions switched to these types of unapproved and unproven drugs.

What happens is that the patient gets a phone call or sees a TV ad or something on the Web saying that this seemingly benign and reputable company will deliver their nebulizer drugs right to their door if they just sign a form. By signing, they essentially agree to a substitution of the medication from what the doctor prescribed to whatever substance the compounding pharmacists are chipping up in his back room or factory.

Oftentimes, the original prescribing physician does not even know the substitution or switch has occurred. Patients and physicians do not know until something goes tragically wrong, and wrong in this case can be a worsening symptom, or even death.

You might ask how this is happening, Mr. Speaker. Well, a new industry has emerged in recent years: Mass pharmacy compounding. By signing, they essentially agree to a substitution of the medication from what the doctor prescribed to whatever substance the compounding pharmacists are chipping up in his back room or factory.

Oftentimes, the original prescribing physician does not even know the substitution or switch has occurred. Patients and physicians do not know until something goes tragically wrong, and wrong in this case can be a worsening symptom, or even death.

The absence of disclosure and drug labeling in advertisements is indeed misleading and I am concerned. So are patient and clinician organizations, led by the Allergy and Asthma Network/Mothers of Asthmatics. It is time for Congress to get to the bottom of this issue and find out why these products are allowed to be sold with misleading labeling and without FDA approval. And, further, why in many cases Medicare and Medicaid are reimbursing for these unproven and unapproved mass manufactured products.

PROPOSED INDIAN GAMBLING CASINO IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA IN OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, tonight I rise to express my deepest concern about a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

On April 6, 2005, Oregon Governor, Ted Kulongoski and the Confederated Tribes of the Warm Springs signed a Tribal-State compact which would allow an off-reservation Indian gambling casino in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is the crown jewel of Oregon’s many natural wonders, a spectacular and unique sea-level cut through the Cascade Mountain Range. It is 80 miles long and up to 4,000 feet deep. The Columbia River flows between the Gorge’s north walls in Washington State and its south walls in Oregon. It is a natural wonder and a National Scenic Area.

The proposed 500,000 square foot gambling casino would dramatically alter the Columbia River Gorge and have a significant negative effect on the environment by increasing traffic, congestion, and air pollution. Specifically, the proposed casino would attract an estimated 3 million visitors per year for non-Gorge related reasons, resulting in perhaps a million additional vehicle trips per year. This increased traffic would exacerbate existing air pollution problems in the Columbia River Gorge.

State and Federal agencies have already determined that air quality in
the Columbia River Gorge is significantly degraded and that visibility is impaired 95 percent of the time in this National Scenic Area.

Also, according to Federal sources, this area suffers acid rain as severe as what falls in industrial cities such as Washington, D.C., Baltimore, Pittsburgh, and New York City. It is crucial that this proposal be thoroughly vetted to take into account the environment of the Columbia River Gorge National Scenic Area, its habitat, and the surrounding communities. I note that there are six endangered or threatened species in the Gorge, and over 40 sensitive species in the Columbia River.

Placing a casino in the Columbia River Gorge has been presented as a choice between Hood River and Cascade Locks, two communities on the Oregon side of the Columbia River Gorge. I emphatically reject both. Hood River. The Hood River casino site is a red herrring, neither physically buildable nor legally available for tribal gambling purposes. The argument that unless a casino is permitted in Cascade Locks, it would not be built in Hood River is a smoke screen used to hide other appropriate non-Columbia River Gorge sites.

Also, allowing this casino in the heart of the Columbia River Gorge, on land far removed from the Tribe's existing reservation, would set a precedent encouraging other Oregon tribes to demand off-reservation casinos closer to the Tribe's reservation land metro market. Allowing for an off-reservation casino in this situation also could set an adverse precedent at the national level.

Until now, Oregon's policy, set by former Governor John Kitzhaber, has been to limit each tribe to one casino on reservation land held in trust. The Kitzhaber policy has been stable over the years and has prevented an arms race to get closer to the lucrative Portland metro market. Breaking the Kitzhaber policy would inevitably lead to many more non-Columbia Gorge off-reservation casinos throughout Oregon and potentially also in neighboring States. Indeed, once this is allowed, there is no logical stopping point. All tribes would have their interests affected adversely both by an arms race to the Portland metro area and by a potential general public backlash against all Indian gaming.

This is more than a mere compact to govern gambling. The compact is a blueprint for the development of a specific large-scale commercial casino complex within one of Oregon's most scenic and ecologically sensitive areas. This compact should be disapproved so that we can protect the Columbia River Gorge National Scenic Area, limit off-reservation Indian casino proliferation, protect the long-term interests of all federally recognized tribes in Oregon, and act in the best interests of the surrounding communities, ranging from Hood River to Corbett to Portland to Beaverton.

The earliest Oregon pioneers, Indian and white alike, came down the Columbia River Gorge to find an Eden of the West. They traveled through the Gorge, a marvel then and a marvel today, to seek new hope. We betray their hopes and dreams if we despoil the crown jewel of Oregon's natural heritage in order to maximize short-term gambling projects.

ON CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Bloomberg News reported today, and I quote the article, “CAPTA— the expansion of NAFTA to all of Latin America, “will fail in Congress.” And Peter Morici, a University of Maryland professor and former chief economist for the International Trade Commission, comments: “CAFTA is in trouble because of frustration with Bush administration inaction on the trade deficit and the Chinese yuan,” which means that we are not dealing with the difficulties of the exchange rate between not just the United States but several other nations.

One and a half years ago, a 7-member Congressional delegation traveled to Mexico to examine the modern trade agreements that is called NAFTA, the North American, I like to call it “failed” Trade Agreement, and the impact it has had on working families and farmers on both sides of that border.

The delegation included the gentleman from Illinois (Mr. COSTELLO), the gentleman from Arizona (Mr. Grijalva), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Ohio (Mr. STRICKLAND), and myself. Our delegation was comprised of representatives from all parts of the country.


Mr. Speaker, at the end of my Special Order, I include for the RECORD a summary of recommendations that our delegation made to fix NAFTA. In that vein, during our trip we met other parliamentarians, including the Honorable Victor Suarez Carrera of Mexico, during that journey. Representative Victor Suarez Carrera courageously serving as a federal representative for the 16th District of Mexico City in the Mexican Chamber of Deputies, so he would be our counterpart.

He made an eloquent speech saying, I plead with you, Congress of the United States, we the people of Mexico want good trade, not just free trade. He expressed a deep desire to visit our country to tell the American people how NAFTA was not just negatively impacting their country but also the people of Mexico.

And so as this Congress considers an expansion of NAFTA to Central America, the CAFTA agreement, to Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and the Dominican Republic, we are honored to welcome Deputy Suarez to the United States. He will be arriving tomorrow with his delegation of Mexican parliamentarians. They will be here Wednesday and Thursday and participate in extensive talks here in Congress on U.S.-Canadian and Mexico Interparliamentary cooperation on NAFTA and CAFTA. They will also travel to other places in the Congressional report.

I want to put up a chart to show the difference from the United States standpoint. Every single year since NAFTA was signed, rather than the job creation we were promised, the United States has exacted larger and larger trade deficits with both Mexico and Canada. Those numbers were supposed to be exactly the reverse.

In Mexico, wages have been lowered. And Mr. Suarez comes from an area of the country that has been called a “Coca-Cola City” in Mexico, the south-eastern region of Mexico, and we were literally in these fields with him talking to the farmers who have been displaced from their land in the nation of Mexico. It was so tragic to hear their stories. The American people have to hear the stories from the people of Mexico. It is not just our workers and farmers that are being hurt; they are being hurt as well.

Mr. Suarez is currently president of the Committee for the Center for Studies of Sustainable Rural Development and Food Sovereignty within the Chamber of Deputies. It is important to note he has been a leader and promoter of a movement in Mexico called The Countryside Cannot Take It Any More. He is also active in international peasant movements and in an inner-American network called Agriculture and Democracy.

The objectives of our trinational meeting among parliamentarians are to create an intercontinental space for reflection, exchange of ideas and collaboration related to alternative forms of economic integration and trinational development that helps people better their lives rather than reduce their livelihoods and looks ahead to what happens next after NAFTA as we stop CAFTA in its tracks.

Our effort is to foster dialogue and exchange between legislators and civil society organizations to further develop ideas for alternatives to the current framework surrounding the flawed free-trade model and to find better ways to achieve trinational development.

Another goal is to identify some of the more critical impacts of the 11 years of NAFTA, focusing on an analysis of both national level and sector-specific effects. And finally, we seek consensus among our parliaments on possible future actions that could be taken trinationally among legislators and between organizations and civil society to directly address some of the critical impacts of NAFTA and look
ahead to negotiation of a NAFTA-plus agreement. One of the border towns that we visited, and I put up this particular picture, was of women and men living in these tiny shacks who have been displaced from their homes.

Mr. Speaker, we welcome Mr. Suarez Carrera with his colleagues and look forward to the launching of a continental effort to speak out on behalf of farmers and working people of the Americas.

**NAFTA at Ten: Journey To Mexico**

*From the Report of the U.S. Congressional Delegation, Nov. 14, 2003*

**EXECUTIVE SUMMARY: NAFTA and the Future of Global Trade**

The North American Free Trade Agreement (NAFTA) is now ten years old. At its heart, it embodies the new heroic struggle of working men and women to gain a foothold in the rough and tumble global economy dominated by multinational corporate giants. Unfortunately, it pits local workers and farmers against global investors. It pits Neestro Maiz, a peasant tortilla-co op in southern Mexico against ADM, the US grain trade giant. It pits Norma McFadden of Sandusky, Ohio, who lost her middle class job with benefits at Dixon Ticonderoga, against Ana Isabel Juarez, who makes $7 a day with no benefits. For NAFTA to be credible as a model for future trade agreements, it must be amended. People should be more important than goods. A human face to trade must be negotiated. Without it, the global divide between poverty and wealth will exacerbate. More popular will result from NAFTA, and the social compact so necessary for global cooperation will be shattered.

NAFTA is important because it serves as the major template for a new global economic order integrating rich and poor nations through trade and investment. Mexico, Canada and the U.S. were to integrate their economies and, as a result, be better positioned to compete globally. It was touted as the neo-liberal model that would lift the economic condition of all people. All ships, no matter how small, floated upward. But NAFTA worked exactly in the reverse. Affected workers in all three nations saw their jobs and working conditions eroded. As capital moved across borders with no social policies in place, NAFTA has triggered an international race to the bottom as even Mexico has lost 218,000 jobs to China, a lower wage environment with a notorious record of human rights abuses.

Capital and wealth have become more concentrated in all three nations. The middle class in the U.S. is experiencing a growing squeeze on benefits and job quality. In Mexico, an endless supply of “starvation wage workers” are unshackled. Now the Bush Administration is trying to spread the same model to Central America using Central American Free Trade Agreement (CAFTA), and the recent FTA with the African, Caribbean, and Central Hemispere with the Free Trade Area of the Americas (FTAA). If these agreements are passed, it is clear that only the same can be expected. Workers have been displaced, left unemployed, and trade deficits in the U.S. without improved living standards in the poor countries with whom it trades.

A resolution among trading nations is needed that yields rising standards of living for workers and farmers. This must be based on transparent and enforceable rules that include labor, environmental and business. Continental sustainable wage and labor standards should be adopted. Trade agreements must also incorporate industrial and agricultural adjustment provisions, and currency alignment. An infrastructure investment plan should be negotiated as a core element of a Global Trade Paradigm. Complementary systems for education and safe, reliable medical care for all citizens, including the over 9 million immigrants traveling as垣ure laborers to the U.S. every year, must be addressed as central concerns of integrated economies.

**RECOMMENDATIONS**

Policy reforms essential to amend NAFTA and other trade agreements that have yielded such huge U.S. trade deficits, job washout, and lowered standards of living.

A CONTINENTAL ASSESSMENT OF NAFTA SHOULD BE LAUNCHED TO ADDRESS ITS SHORTCOMINGS

An intracontinental parliamentary Working Group on Trade and Working Life in America, comprised of U.S., Mexican, and Canadian members, should be established with the goal of amending NAFTA to address its shortcomings. Such a working group should analyze the results of NAFTA and its impact on workers, farmers, and communities. The Working Group should define a sustainable wage standard for workers in each country and a continental labor regularization which includes fair and just wage and environmental standards. It would identify the massive continental labor displacements that are occurring, often with no notice, and explore workers’ options to deal with diversification in education and health as well as currency fluctuations and impact of trade on infrastructure, investment, and migration. It would harmonize inequelorable tax systems and augment credit systems for the safe and non-usurious movement of remittances by migrant families. It should explore the possibility of establishing funds in the form of adjustment assistance to cushion continental economic integration. The organization would include as a key component an intracontinental Agricultural Working Committee to address the hardships faced by farmers and farm labor in all three countries.

TRADE AGREEMENTS SHOULD YIELD TRADE BALANCES

If NAFTA were working in the interest of the U.S., there would be a trade surplus with Mexico. In 1993, the U.S. exported more than it imported. Exactly the reverse is true. In 2003 the NAFTA trade gap equaled $100 billion—$62 billion with Mexico and $38 billion with Canada. This represents a serious drag on U.S. economic product and a loss of wealth. Indeed the U.S.-NAFTA trade balance with low-wage Mexico as well as Canada has turned decidedly more negative, and worsened each year, contrary to NAFTA’s stated aims. When a trade agreement yields major and growing deficits for more than three years, it ought to be renegotiated.

DEVELOP AN ALTERNATE TRADE BLOCK PARADIGM

Trade agreements must be structured to achieve gains for a broad middle class not just the capital class. The current NAFTA model fails to address the root causes of market dysfunction and growing U.S. trade deficits i.e., the managed market and regulated trade approaches being employed by its European and Asian competitors. With NAFTA, the U.S. chose a low wage strategy competition from trading counterparties that were gaining global edge. The U.S. must counter the managed market and regulated trade approaches of its major competitors in sustainable wage and health benefits expire or are unaffordable. Experienced workers rarely find jobs with comparable pay benefits. Mexico’s vast underclass, underpaid, and exploited lacks a living wage, basic elementary education, basic health care, and systems to gain property ownership and affordable credit even for basic purchases. In order to move forward with any future trade agreements, NAFTA must address its human toll and respond accordingly. NAFTA problems have led to the displacement of thousands of small business, industrial and agricultural workers throughout the U.S., Mexico and Canada. Little provision has been made to address the needs of farmers, and communities with any transitional adjustment assistance. In Mexico, this has...
caused masses of people to stream toward the border and the maquiladora zones in search for jobs.

The North American Development Bank, which was to help local authorities build their human and physical infrastructures, has been an abject failure. It should promote economic investment in those Regions of the United States where jobs have been hollowed out due to NAFTA, or infrastructure is needed. Bank assets could be enhanced by financial contributions that flow from trade-related transactions.

CREATE NEW CONTINENTAL LAW ENFORCEMENT BODY TO COMBAT CREATING CRIME ALONG U.S.- MEXICO BORDER RELATED TO BLOODY WORKERS, DRUGS, AND UNSOLVED MURDERS OF HUNDREDS OF MEXICAN WOMEN

The United States Departments of Labor and Homeland Security should be tasked not only with stopping the trafficking of bonded laborers but devising a continental labor identification card. Along with mass migration, the border has seen an explosion in the illicit drug trade. Law enforcement officers on both sides of the border must battle smuggling in narcotics and persons. A continental working group should be directed to recommend a solution for combating crimes that result from the illegal drug and bonded worker trade that spans the border.


Congress narrowly passed the North American Free Trade Agreement (NAFTA) in November 1993, after an emotional and protracted political struggle that engaged the entire nation. (Final Vote: 234–206—Republican: 192 ayes; 45 noes; Democrats: 162 ayes; 156 noes. Independent: 1 no)

Wall Street confronted Main Street. The full Wildlife battles were best reflected in House deliberations (http://thomas.loc.gov). Never had a trade fight garnered this type of attention from the general public. Multinational corporations, many displaying their products on the White House lawn and using offices in the U.S. Capitol itself, lobbied hard to change the laws and relationships that govern wages and working conditions for the majority of America’s workers.

The workers and people of U.S., Canada, and Mexico also were affected in many ways. Their livelihoods, communities, and the standard of living on the continent were at stake. Congress became the only venue in which their concerns were given some voice.

The evaluation of America’s ten-year experience with this agreement is crucial. In 2004, debates loom over expansion of NAFTA into other poor and middle-income countries in Latin America through the Central American Free Trade Agreement (CAFTA) and the Free Trade Area of the Americas (FTAA).

Is the ‘model’ worthy of expansion? Or does it need to be fixed?

NAFTA was a precedent-setting economic agreement. At the time of its passage “free trade” was a relatively new concept. It had been employed in rare circumstances, only recently in U.S. history, just since 1865, when the U.S. Free Trade Act, and with Israel to eliminate all duties on trade between the two countries over a six year period. Certain non-tariff barriers remained for agricultural products. But Israel was a small country with a middle class population of six million. Its integration with the U.S. market of over 250 million consumers at the time was an almost minimal disruption. Unfortunately, NAFTA’s flawed, untested architecture has served as the “model” for successive trade agreements negotiated by the U.S. with developing nations which have huge impoverished populations, such as China. As a result, the U.S. has amassed trade deficits with most nations in the world and, a loss of U.S. jobs and growing stress on middle class living standards.

The NAFTA “agreement” should actually have been negotiated as a “treaty” due to its wide-ranging impact—socially, economically, environmentally, and politically. Yet, its authors cagily used the legislative vehicle of “treaty” to maintain control since Congress cannot amend trade agreements. A “treaty” would have allowed much closer scrutiny allowing time for amendment and full debate. A NAFTA “treaty” could have been a more appropriate approach in view of the collateral damage NAFTA has caused especially to poor and working people across our continent.

One of NAFTA’s central aims was to stimulate a North American trading bloc that could compete with anticipated competition from a unified European Union. As well, Japanese-Asian integration had been already eating into global market share the U.S. had dominated, particularly automotive production. But rather than addressing root causes of market dysfunction and growing U.S. trade deficits, NAFTA’s piecemeal and regulated trade approaches being employed by European and Asian competitors to gain global edge—with NAFTA, the U.S. chose a low wage strategy. This has had real consequences.

Mexico’s workers have been dispossessed by a global economic system that preys on their workers rather than securing for them the rights and opportunities won by first world workers over the last two centuries. There has been no improvement in economic conditions for the vast majority of workers of Mexico since NAFTA. Moreover, U.S. workers continue to lose middle class jobs. A similar plight afflicts the European Union as it struggles to integrate the corrupt-ridden, emerging states of the former Soviet Union. In Asia, Japan—the second largest market in the world—remains a closed and a formidable economic powerhouse having surpassed the U.S. in 1985 as the world’s premier auto producer. Its protected internal market and bold manipulation of Chinese, Korean, and other Asian labor-intensive operations has allowed it to gain growing market strength. It secures its internal production, exploits cheap labor elsewhere, and exports those goods to first world markets or invests in them.

NAFTA aimed at continental “free trade”, i.e., tariff elimination, between U.S., Mexico, and Canada. Yet by the early 1990’s, most tariffs already had been reduced between the three nations, with an effective overall tariff rate of about two percent. Indeed, NAFTA concerned something else. Its unstated aim was to provide a government sanctioned insurance scheme for rising investments by transnational corporations in low wage nations starting with Mexico, which was close to the U.S. market, and where subsistence labor was plentiful. NAFTA accelerated the U.S. loss of jobs and U.S. jobs. For unlike tiny Israel, the populations of Mexico and Canada totaled over 125 million persons: Mexico’s largely poor population equals over 100 million already and its workers fearful about organizing trade unions to gain living wages. The low wage pull was irresistible.

By the early 1990’s, the U.S. was already falling behind Europe and Asia as its global trade deficit in goods rose with each passing year. With NAFTA’s passage, the export of U.S. jobs to Mexico exploded. Mexico started to import U.S. and Chinese products that then backdoored their way into the U.S. The U.S. job market began to shift millions of jobs to third world environments as reflected in rising global trade deficits. Outsourcing of production and services, even of American icon products like Amana, Kenmore, and tractor-trailer, became commonplace and accelerated.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. Woolsey) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Flake) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. Lee) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Gutierrez) is recognized for 5 minutes.

(Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. Jackson-Lee) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
Mr. Speaker, I especially want to honor those who have given their lives to protect our freedom, including Guam’s Army Specialist Christopher Wesley, Lieutenant Michael Vega, Sergeant Eddie Chan, Corporal Jaygee Meluat, and Specialist Jonathan Santos, all servicemen from Guam who were killed in Iraq.

I mention these heroes as a reminder that Americans in the territories stand shoulder to shoulder with their citizens when our Nation calls, and that we will always share the burdens and the sacrifices to preserve our freedom.

We remember prominent Asian and Pacific Islander Americans who dedicated their lives to public service, doing their part to promote justice, not just for Asian and Pacific Islander Americans, but for all Americans.

Tonight I would like to make special mention of two of our colleagues, the late Congressman Robert Matsui of California who was a staunch advocate for the cause of those, the elderly, and young Americans; and the late Congresswoman Patsy Mink of Hawaii, who was a champion of women’s rights and for the poor. Each has left a legacy that lives on in those whose lives they have touched and improved.

Asian Pacific American Heritage Month is an opportunity to educate our fellow citizens about the history and culture of Asian Pacific Island Americans. Their contribution to America is not just the diverse cultures that they introduced to this land; it is also their stories of incredible journeys to freedom.

Historically, Asians and Pacific Islanders have known war and strife. They have survived and thrived to the benefit of America. They have a powerful story to tell, and they have a love for this Nation that many of us today take for granted.

This year, the people of Guam will commemorate the 61st anniversary of our island’s liberation from the United States Armed Forces during World War II. As the only American territory with a civilian population occupied by the enemy during World War II, Guamanians risked their lives due to their loyalty to America, and endured great hardship and brutality. During this dark period in Guam’s history, our people experienced beheadings, executions, massacres, beatings, torture, rape, forced labor, forced marches, and internment in concentration camps. We want to recognize the survivors of the occupation of Guam for their courage, their sacrifice and steadfast loyalty to our great Nation.

Mr. Speaker, 2 years ago, a Federal commission was tasked by Congress to examine whether the people of Guam received equal treatment in the handling of war claims as compared to their fellow citizens.

The Guam War Claims Review Commission reported in June 2004 that there was indeed a lack of parity and...
that Congress should enact legislation to remedy this injustice. The report stated, "The Review Commission affirms that there is a moral obligation on the part of our national government to pay compensation for war damages, in order that they to the extent possible, that no single individual or group of individuals bears more than a just part of the overall burden of war."

With the support of the Congressional Asian Pacific American Caucus, I have introduced H.R. 1926, the Guam World War II Loyalty Recognition Act, with 75 sponsors, to implement the recommendations of the Review Commission. I urge my colleagues to help us bring closure to this issue for the people of Guam. Let us finally grant recognition to some of the finest patriots America has ever produced, and let us commend the people of Guam for their sacrifices for our Nation during the wartime occupation of our island.

As we commend Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans. Let us celebrate the cultural diversity, the patriotism, and the contributions of Asian and Pacific Islander communities that make America so great.

Mr. HONDA. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I am honored tonight to have this opportunity to pay tribute to Asian and Pacific Islander Americans during this month when we honor their great heritage.

Asian and Pacific Islander Americans constitute one of the fastest growing minority communities in the United States, and I am proud to say that they are a significant part of my constituency in southern California while they represent over 13 million Asian and Pacific Islander Americans who live in this United States. It is estimated by the year 2050, they will comprise about 33.4 million, or 8 percent of our total population.

Asian and Pacific Islander Americans have made tremendous contributions to our society. They are government leaders, scientists, lawyers, athletes, business men and women, artists, soldiers, advocates for civil rights and champions for the underrepresented. As we celebrate this glorious month, let us remember some of the notable Asian and Pacific Islander Americans who have served our Nation with honor and distinction:

Kalpana Chawla, who became the first Indian-American woman astronaut, who, while pursuing her dreams, perished in the Columbia shuttle disaster.

Fred Korematsu, a Japanese American who, for decades, fought tirelessly for civil rights.

Yuan T. Lee, a Taiwanese American who shared the Nobel peace prize in 1986 for his work in chemistry.

And, of course, my dear friend, the Honorable Patsy Mink, the first Asian-American woman and first woman to grace this August body. She has left an indelible mark that gave her the honor of distinguished;

Haing Ngor, the first Cambodian American to win an academy award for his role in the film "The Killing Fields."

And let us acknowledge the great Members of Congress who make up this August body who are Asian American and Pacific Islanders:

The Honorable Mike Honda, who is the caucus chair of our caucus;

The Honorable David Wu;

The Honorable Bobby Scott;

And, newly, the Honorable Doris Matsui.

And let us not forget and pay tribute to our dear friend and colleague, the late Congressman Robert Matsui who recently passed away. He was an extraordinary man. Mr. Speaker, who overcame challenges and obstacles and became a great Member of this body. He will be remembered as a national champion of all Americans, particularly our seniors and Social Security.

Despite hardships and discrimination, Asian and Pacific Islander Americans have maintained an abiding and unwavering belief in the future of our country and they have moved forward to make remarkable contributions to our Nation. I am proud to stand with them tonight as a member of the Asian Pacific Islander Caucus.

This time of tribute is also a time of celebration and reflection upon where we have been and where we are going as a Nation, ever mindful that liberty and freedom for all must be our collective national goal.

Finally, tomorrow I will be introducing a resolution honoring the victims of the Cambodian genocide. I am proud that the largest Cambodian population in the United States resides in my district. Their culture and contributions with all Asians and Pacific Americans, have enriched our community and this American landscape. We are a better country because of their contributions.

Mr. HONDA. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I rise today as a proud member of the Congressional Asian Pacific American Caucus so ably led by the gentleman from California (Mr. HONDA) to join my colleagues in the Asian Pacific American community at the outset of APA Heritage Month.

And I do so with deep respect, great pride, humble appreciation and eager anticipation. Respect, for the great challenges generations of Asians and Pacific Americans have faced in our country and overcome and still face and will overcome. Pride, for the profound role my own Hawaii, has played in the nurturance and maturation of our APA communities throughout our country. And anticipation for the rich tapestry APAs have woven in the fabric of our national identity. And anticipation, for what certainly lies ahead for our APA communities in writing the next great chapters in the ongoing narrative of this great country.

Mr. Speaker, nowhere in our country is the story of Americans of Asian and Pacific Island descent better illustrated than in Hawaii, where over 50 percent of our population is Asian and Pacific American, where our Asian and Pacific American community has achieved the pinnacle of success in all facets of local, statewide, national and international life, and where a majority of all marriages and a majority of all children share more now than one ethnicity, more likely than not an ethnicity of the Asian and Pacific Americans.

And the story of APAs in Hawaii is a rich and compelling story which acts as a microcosm of the story of our very country. Of course, it started millennia ago when the ancestors of our indigenous peoples, the native Hawaiians, came to Hawaii from their ancestral homelands to the south, joining other indigenous peoples in the U.S. mainland and Alaska in the original settlement of our country. And it continued in the last 200 years with the great migrations from Japan and China. And in the last quarter century, from Vietnam and Cambodia and Laos and the other nations of Micronesia, Melanesia and Polynesia. And throughout, of course, many, many other immigrants from other Asian and Pacific countries, India and Pakistan and Sri Lanka and Bangladesh, Thailand and Indonesia and Malaysia and much more.

So when we pause to honor the rich and diverse heritage of our APA communities and honor the capital of our APA world, my Hawaii, a beacon to the world of what can be.

Yet what is throughout our country is not where it can and should be, for there remain challenges aplenty. There is always the specter of racism and discrimination. Yes, less than there was, less overt, less on the surface than it has been, but insidious enough and there enough to flare up with very little warning, a specter against which constant vigilance is required.

And there are still challenges in economic and social advancement for the APA community and unique conditions to be addressed in health care and education and other areas. And there are still goals of fundamental fairness to be accomplished with many of our APA communities, most notably, in my case, Federal recognition for our native Hawaiians.

But while we must remember tonight these challenges and what we must do, we must remember that what is good and great in our APA community. Let me give you just one great example, because we remember tonight that hard
on us is the centennial of sustained immigration from the Philippines to our country, the 1906 exodus from the mother country to the sugar plantations of Hawaii, an exodus that accelerated in 1946 and on and on has yielded fully 2.4 million citizens of our country of Philippine heritage.

Yes, it will be a great year for the Filipino community of celebration, with barrio fiestas and song and dance and remembrances of the pioneers and those who succeeded on their broad shouldered shoulders in so many ways, what we celebrate tonight is the recognition that for the Filipino-American community, the celebration of their centennial will be a celebration in miniature of the Asian and Pacific American experience in our country, for the story of our APA community is the story of our America, from its earliest beginnings to its latest arrivals, a story still unfolding as, for example, is happening right on the floor of this U.S. House of Representatives. As I was gifted with my congressional page appointment, Awapuhi Dancil of Makaha, Maui, a junior at Kamehameha Schools and undoubtedly, no doubt about it, a leader in the making for the APA community and for our country in the future.

And so this is a story worth telling over and over again as we do here again tonight.

Mahalo and aloha.

Mr. HONDA. Mahalo.

Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Americans and Pacific Islanders in U.S. history. I want to thank the gentleman from California (Ms. WATSON), Chair of the Congressional Asian Pacific American Caucus for organizing this special order. I thank the gentleman very much.

Mr. Speaker, I represent one of the most diverse congressional districts in our Nation, with African Americans, Hispanic Americans and Anglo Americans, each making up about 30 percent of my Los Angeles-based district. Los Angeles’ Koreatown, also in my congressional district, is home to 80,000 Asian Americans, who make up roughly 13 percent of my constituency. My congressional district includes Sony Studios, the Los Angeles Film Institute and Raleigh Studios. It is the home of our Nation’s and a great deal of the world’s entertainment industry. Today, I want to address the need for accurate and adequate representation of Asian Americans in film and television.

Many of my colleagues speaking today have already mentioned the fact that there are over 13 million Asian and Pacific Islanders living in the United States and that by the year 2050, there will be an estimated 33.4 million self-identified Asian Americans in the United States. However, while the Asian American and Pacific Islander communities continue to grow, our Nation’s entertainment sector continues to fall behind in recognizing their presence through film and television and their influence in shaping the course of our Nation.

Just last June, the National Asian Pacific American Legal Consortium released a report called “Lights, Camera, and Little Action,” detailing the short- age of Asian-American characters on prime time network television. The report finds that while Asian Americans and Pacific Islanders make up 5 percent of the United States population, they represent only 2.7 percent of regular characters on prime time television. The report also finds that virtually no Asian actors are cast in situ- ation comedies, and the characters they play in dramas tend to have less depth and development than most regulars, with minimal on-screen time and few romantic roles.

For example, programs such as “King of Queens” with its set in a New York Cityborough, features no regular Asian characters, despite the fact that almost one in five residents of the city are Asian Americans. The show “Charmed” on the network WB also includes no Asian characters. As of the 2006 U.S. census San Francisco where a third of the population is Asian American. Such whitewashing of prime time television not only fails to reflect reality, it also denies viewers the opportunity to learn about other cultures and the chance to further cross-cultural understanding and communication.

And, finally, I think an equally disturbing trend is the study’s finding that when AAPIs are depicted on a television show, they are placed in roles that reinforce stereotypes. Let me give the Members an example. While the 100 U.S. census that half of AAPI adults do not have college degrees, all of the Asian American characters on prime time television have professional jobs that often require advanced degrees. These are admittedly very positive portrayals, and many ethnic groups have rallied against their negative portrayals in the media as gang members, pimps, drug dealers, and prostitutes. Nonetheless, any eth- nic stereotyping by media, even positive stereotyping, tends to eliminate the larger public’s understanding of the real conditions of the ethnic group.

Mr. Speaker, the contributions of Asian Pacific Americans to the growth and success of this Nation cannot be overstated. The history of their struggle and triumph in the United States must be captured and remembered. One of the most effective means of com- memoration is through the accurate portrayal of AAPI characters in film and television that illuminates their hopes, dreams, and struggles. The AAPI community makes up an important role in advancing the freedom and equality of all Americans; yet we do not see their achievements ade- quately documented and reflected by the media.

Mr. Speaker, in commemorating this year’s Asian Pacific American Heritage Month, I call on the entertainment industry to further improve their depic- tion of the AAPI communities and urge everyone to remain vigilant about the roles the media play in capturing the shared heritage of Asian and Pacific Islander communities in our Nation.

HONDA. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. WATSON) for her presentation, and I will reiterate her admonition to the media in terms of being able to depict Asian American communities.

Mr. Speaker, I would like to speak on a couple of points before I yield to the gentleman from Oregon. On the issue of immigration, Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty and who sought to be free from persecution from tyrant government. Families fled from their home countries to seek refuge in this great Nation because they too believed in liberty, justice, and freedom for all. Our families overseas have not seen their dreams come true because of our broken immigration system. Over 1.5 million Asians are caught in the family immigration backlog and immediate family members from overseas wait as long as 10 years to reunite with their families in the U.S.; and if they are a young teenager, by the time they reach 18, they get switched to another line. Mothers and fathers wait to reunite with their children, but due to the long years of waiting, their children may have already reached the age of 18 and their families will have to start the process over again.

As we honor the 40th anniversary of the Immigration Nationality Act of 1965 and the 30th anniversary of the Refugee Act of 1975, we need to remem- ber that our country was founded and created to protect our freedom and civil liberties.

As Chair of CAPAC, we have worked closely with the Congressional Hispanic Caucus to speak out against the REAL ID Act. For the AAPI community, the REAL ID will make it harder for those seeking asylum to prove their case. This will prevent legitimate asy- lums seekers from obtaining relief in the United States. The REAL ID Act requires asylum applicants to prove that the central motive for their persecu- tion was race, religion, nationality, membership in a particular social group, or political opinion. The REAL ID Act ignores the fact that those who flee brutal human rights abuses often escape from situations that preclude gathering of corroboration or documentation of persecution and that “corroborating evidence.” Applicants may be denied based on any inconsist- encies or inaccuracies in their stories. An escapee from the Darfur region cannot go back and track evidence of their persecution without facing a life threatening situation.

Therefore, I believe we need comprehensive immigration reform to fix
our broken immigration system, not a national ID that continues the problem.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. Wu).

Mr. Wu. Mr. Speaker, I thank the gentleman for his leadership in organizing this Special Order tonight and for his leadership in chairing the Congressional Asian Pacific American Caucus.

Mr. Speaker, it is with great honor and privilege that I join with my fellow members of the Asian Pacific American Caucus in celebration of Asian Pacific American Heritage Month. This month marks the 27th time America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Our country was founded as a Nation of immigrants. America has reached its greatness in part by the accumulation of ideas from those with varied heritages and backgrounds. In particular, Asian Pacific Americans have made profound contributions to American life, including the arts, education, science, technology, politics, and athletics. Asian Pacific Americans were here to build the transcontinental railroad, to serve in the Civil War, and most recently to develop the latest in Internet technology. Asian Pacific Americans have played an active and crucial role in the development of this country from knitting it together, as I mentioned earlier, to the transcontinental railroad, to bringing us closer to the rest of the world through the technologies of the Worldwide Web.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our Nation. Asian Pacific American civic participation and engagement will help define our collective future. By working together, we can bridge and build upon our great Nation's diverse communities and move forward with determination and unity.

I encourage Congress and the American people to spend time this month learning about the legacy, culture, and achievements of the Asian Pacific American community.

Mr. Honda. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I would like to touch on a couple more subjects, if I may.

As Americans, we need to ensure that our children receive a quality education by providing adequate teacher training, funds for after-school and extracurricular activities, and ensuring that college is affordable for every student that desires to receive a higher education.

According to the U.S. census, 50 percent of Asian Americans have a bachelor's degree or higher level of education. However, I would like to emphasize that when we disaggregate the data for AAPI subgroups, we find that the "model minority" stereotype is, in fact, a myth.

Only 9.1 percent of Cambodian Americans, 7.4 percent Hmong Americans, 7.6 percent Lao Americans, and 19.5 percent Vietnamese Americans and 16 percent of Hawaiian and Pacific Islanders who are 25 years and older have a bachelor's degree. These numbers show that we must do a better job of disaggregating data and information about our communities to assess the needs of those hard-working Americans who still fall behind.

To address the disparities between subgroups of the larger AAPI community, we need Congress to pass the Asian American and Pacific Islander Serving Institutions bill, which the gentleman from Oregon (Mr. Wu) will be introducing later this month. This legislation will provide Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and have a high percentage of its degree-seeking students financial assistance.

As a caucus, we will work to increase the availability of loan assistance, scholarships, and programs to allow AAPIs to pursue a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind Act; to support English language learners; and to support full funding for TRIO programs to expand services to serve AAPI students.

In health, Mr. Speaker, a common misconception is that AAPIs are a group and specific populations within this group do not experience disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the U.S.

Last week, I, along with the gentle- man from Pennsylvania (Mr. Murphy), introduced a resolution to support the goals and ideals of National Hepatitis B Awareness Week. AAPIs are also five times more likely to develop cervical and liver cancer than any other ethnic and racial group. According to the Census Bureau, 18 percent of AAPIs went without insurance for the year 2009. This means that the uninsured are not only more likely to go without care for serious medical conditions; they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventative services, and have fewer visits per year.

At the same time, without appropriate language translation services or properly translated materials, limited English-proficient immigrants cannot receive adequate care, as well as State and Federal benefits for which they may be eligible. In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 52 percent of Korean Americans, and 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services, and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Healthcare Equality and Accountability Act to eliminate racial and ethnic health disparities for all of our community. I will be introducing the Healthcare Equality and Accountability Act, which will address expanding the health care safety net, diversifying the health care workforce, combating diseases that disproportionately affect racial and ethnic minorities, emphasizing prevention and behavioral health; and promoting the collection and dissemination of data and enhance medical research, provide interpreters and translation services in the delivery of health care.

Mr. Speaker, in California a Hmong man was going to the hospital to have his right leg amputated in surgery. And the doctor, in order to confirm whether he had the right leg pointed out, spoke to the gentleman before surgery and asked him if this is the correct leg, and the gentleman did not understand. He just nodded. When he came to from anesthesia after the surgery, he found that his good leg was amputated. And because of lack of translation and lack of linguistic services, this man became more disabled than he should have been.

Mr. Speaker, I now yield to the gentleman from Washington (Mr. Inslee), a great friend and advocate.

Mr. Inslee. Mr. Speaker, I have enjoyed listening to this story of the tapestry of the story of the Asian American Pacific Islander community in America; and that tapestry, of course, consists of quite a number of threads. I would like to take this thread to this great story of this important part of the American tapestry.

And that story began on March 30, 1942, on Bainbridge Island, Washington, actually the island where I live. On that day, a young 21-year-old named Frank became one of the first Americans of Japanese descent to be rounded up by our military and forced to leave his home. We have a picture here. Actually, it is a pretty historic picture. These were the first Japanese Americans to be interned during World War II. They left the dock on Bainbridge Island en masse, surrounded back up here, though we do not see them in the picture, of soldiers with bayonets; and they were marched down into a boat and taken to Seattle and eventually to Manzanar.

Obviously, at that time, after the Japanese bombing of Pearl Harbor, our Nation was really living under a cloud of uncertainty when, along with Frank, 226 other men and women, families left
the dock at Bainbridge Island, and they were the first imprisoned at Manzanar. Eventually, 120,000 Americans of Japanese descent were stripped of their very basic rights and freedoms guaranteed to every American under the Constitution, and most spent the duration of the war in those camps. It took a long time for Americans to come to grips with this, come to grips with these injustices as part of our history. But it is important to remember them lest we forget and allow fear and anxiety that is understandable ever to push us over the edge again to darkness that occurred to those people in those years.

Frank is now known as Dr. Kitamoto, a great dentist on Bainbridge Island. Frank is a grown man. He carries the story of this internment with a very quiet strength and courage. And he knows that while we regret those decisions that were made 63 years ago, he does not cast blame. Instead, Dr. Kitamoto has transferred his personal experience into a living history to try to share the wisdom that comes with such a searing experience. He shares his story so that others can learn from this mistake so that we are reminded not to let it happen again.

Frank has a 45-minute slide presentation that he presents to schools throughout the State of Washington, and California, Oklahoma, Connecticut and Idaho, wherever he is invited, and he makes the trip on his own dime. Frank wants to make sure this story is told and told by someone who knows the story.

For over 20 years he has lead the Bainbridge Island Japanese American community as President, and he has worked to create a memorial, a remembrance to this event in our community’s history. The Bainbridge Island community put a lot of effort into selecting a name for this memorial and, with the help and deliberation, selected a Japanese phrase, “Nidoto Nai Yoni” or “let it not happen again.”

I am proud that the story of Dr. Kitamoto has become part of the American story, and I was proud to sponsor legislation that will hopefully make the “Nidoto Nai Yoni” memorial at Pritchard Park an officially recognized part of our national heritage. That bill passed this Chamber last year, we are in the planning phases now, and we plan to make this a national memorial. Most of this dock is not here now, but we have just a beautiful memorial planned so that this story can remain part of our national tapestry.

It is my honor to join efforts with Dr. Kitamoto and sit beside him at the dedication ceremony for the memorial. It is my honor now to remember and share this story of a group of Americans whose quiet strength and sacrifice and courage and patriotism of the many sons who served in World War II while their families were in the camps. Their story really is an inspiration for everyone everywhere, and I want to thank the gentleman from California (Mr. HONDA) for convening this important discussion.

Mr. HONDA. Mr. Speaker, I would like to thank the gentleman from Washington for his great work and also for making sure that the lessons of internment is not only academic, but that we choose to dedicate sites that will be a hands-on experience for generations to come.

Mr. Speaker, I would like to continue on Social Security and, as we continue this debate on Social Security, I want to emphasize the fact that privatizing Social Security will impact the Asian-Americans and Pacific Islanders just as it will impact all Americans. We need to protect and secure Social Security for the AAPI community, because Social Security provides retirement security to AAPI families. More than 785,000 AAPIs receive Social Security benefits, and the average monthly benefit for AAPIs is $716.

Social Security funds a solid source of funding, not a plan that makes the problem worse by draining trillions of dollars away from Social Security. Social Security is a generational promise to honor our parents and Americans who have paid into Social Security for many years, and it is a method for memory retrieval and stor- age.

On a personal note, my mother, who is 88, has worked all her life. She has worked in the fields, she has worked with my father as a sharecropper in strawberries and later she was a domestic worker, taking care of other people’s homes and cleaning their homes. All of this work has dignity to it. It provided sufficient revenues to put food on our table. However, she did not have a pension plan. She did not have other plans that would sustain her in her retirement years. She is one of those 90 percent of widows who depend upon Social Security for 90 percent of their income on a monthly basis. She is a last resort for children who have survived family tragedies and became orphans, for those who are disabled, that we submit that Social Security should not be deformed, but perhaps reformed and have a sense of solvency into the future.

Mr. Speaker, I would also like to extend my gratitude to the patriotic men and women serving our country in the military, including 60,813 AAPIs serving on active duty in the U.S. armed services, the Reserves and the National Guard. I also commend and thank the 351,000 AAPI veterans who fought for this country.

I would like to highlight and honor the Filipino veterans who have not been compensated and recognized for their service, which I believe is a national disservice to these brave veterans. As a country, it is our duty to ensure that these veterans have equal access to all of the benefits and treatment that other veterans receive. We will all be taken care of when we send them into battle and that they should be given the respect when they return home.

With regard to the Filipino veterans, I stand with my colleagues, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. FILNER) to support their bipartisan legislation, H.R. 302, to restore full benefits to these veterans who served for our Nation in World War II when they were asked and recruited to become our allies in fighting the Japanese military during World War II. However, this effort has been stalled and frustrated over the years. It is in the interest of who the Administration is, it is an issue of the State Department. I would also ask my colleagues in Congress on both sides of the aisle to take note of this bill that is being sponsored by the gentlemen from California (Mr. CUNNINGHAM) and (Mr. FILNER), to study it and understand that a promise made should not be a promise broken as it was in 1946, but a promise kept. We have an opportunity in this session to keep that promise, and to make good our word to those veterans who fought for our veterans and soldiers in World War II.

Mr. Speaker, I would like to discuss a few firsts in our community. I am proud of our community’s accomplishments, and I would like to recognize many of the AAPI firsts in the areas of art, film, sports, sciences, academia, and politics.

In 1863, William Ah Hang, who was a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1944, An Wang, a Chinese American who invented the magnetic core memory, which revolutionized computing and served as the standard method for memory retrieval and storage.

In 1946, Wing F. Ong, a Chinese American from Arizona, became the first AAPI to be elected to a statewide office.

In 1948, Victoria Manalo Draves, a Filipino American diver, the first woman to win Olympic Gold Medals in both the ten-meter platform and three-meter springboard events.

In 1956, Dalip Singh Saud, the first Indian American to be elected to Congress. That only became possible after the anti-Asian laws that prohibited Asian Americans to become naturalized; after that law was rescinded, Asian Americans were able to participate in the government and the democracy of this country who were not born in this country.

In 1963, Patsy Takemoto Mink, the first Japanese American woman and woman of color elected to Congress who championed Title IX.

In 1985, Haing Ngor, a Cambodian American, became the first AAPI to win an academy award for his role in “The Killing Fields” movie.

In 1985, Ellison Onizuka, a Japanese American, became the first Asian American to fly in outer space.
American Pacific Islander astronaut in space.

I would like to close, Mr. Speaker, by saying that the Asian American Pacific Islander community continues to fight for our civil rights as Americans. Even after the imprisonment of the Japanese American and during World War II, we, as a community, did not grow embittered or cowed by discrimination; instead, we progressed and moved forward. I am proud to be a member of the AAPI community, because we continue to serve as diverse contributors to our many communities by investing, investing in education, in business, and cultural opportunities for all Americans.

In closing, this Asian American and Pacific Islander Heritage Month, we take pride in our history, our accomplishments, and the promise of our future as we continue to pave the way for a better tomorrow to form a more perfect union in the name of liberty and freedom for all.

Ms. PELOSI. Mr. Speaker, I rise today to recognize the month of May as Asian American and Pacific Islander Heritage Month and to pay tribute to the significant contributions that the Asian American and Pacific Islander (AAPI) community has made to our country.

As the Representative of California’s 8th District, it is my privilege to represent a strong Asian American and Pacific Islander community that is a vital part of San Francisco’s world-renowned diversity.

As the Democratic Leader in Congress, I am proud to join my colleagues in honoring more than 13 million Asian Americans and Pacific Islanders (AAPIs), representing a diverse community of backgrounds, cultures, and experiences, who make their homes in the United States. Their unique contributions enhance the moral fabric and character of our great country.

As we celebrate the significant progress made by Asian Americans and Pacific Islanders, it is right for us to honor the memory of great leaders of the AAPI community who have recently passed away—including Fred Korematsu, who dared to challenge the U.S. government over the Japanese internment camps, John Tsu, former chair for the White House Initiative on AAPIs and long-time community activist, Patrick Okura, a great civil rights leader and Japanese American internee, and Magdaleno Duenas, a Filipino veteran and community leader.

Mr. Speaker, let us remember our former colleague and my dear friend Congressman Robert Matsui, who despite imprisonment in an internment camp during World War II, never lost faith in our country. He went on to become a national champion for all of America’s seniors, and the first Asian-American to serve in the leadership of the House of Representatives.

Their legacies are part of the ongoing struggle of all American and Pacific Islanders, who, in spite of having to overcome great hardship and discrimination, maintain an abiding and unbreakable belief in the promise of our country, and move forward to make remarkable contributions to our country.

In memory of these great figures in the history of our Nation, it is only fitting that this year’s theme for Asian Pacific American Heritage Month is ‘Liberty and Freedom for All.’ Each of these individuals leaves us with a legacy that still burns to be fulfilled. For despite the great progress that we have made, we still have a long way to go to ensuring equality and expanding opportunities so that all Americans have a chance to achieve their full potential.

This year we also commemorate the 40th anniversary of the Immigration Act of 1965, and the 30th Anniversary of the Refugee Assistance Act of 1975. These laws demonstrate our national commitment to serving as a beacon of hope for the opportunity and freedom that are the promises of America. In the three decades since the signing of the Refugee Assistance Act, the United States has provided shelter to millions of refugees escaping persecution, tyranny, and often, unspeakable tragedies. Each time we look into the face of diversity, we see great heroism and personal dignity.

Mr. Speaker, as we celebrate Asian Pacific American Heritage month, let us re dedicate ourselves to answer their enduring call to service, and fight for justice in our country.

Mr. HOYER. Mr. Speaker, I rise in celebration of Asian Pacific American Heritage Month. It is during this month that we commemorate the significant contributions that the Asian American and Pacific Islander (AAPI) community has made to our country.

I would like to join my colleagues on the Congressional Asian Pacific American Caucus, of which I am a member, and which is chaired by my colleague, Mr. HONDA of California. This bipartisan and bicameral caucus has been active in raising awareness about the concerns and issues that face the Asian American and Pacific Islander community today.

There are more than 12 million Asian American and Pacific Islanders in the United States, including about 275,000 in my home state of Maryland. Asian Pacific Americans also have the most diverse background of any minority population, tracing their roots to almost fifty different countries and ethnic groups.

Today, Asian Pacific Americans play an important role in every aspect of American life, as authors and artists, as business leaders, as political leaders, as military leaders, as scientists and innovators, as athletes, and in virtually every other aspect of American society.

In addition to recognizing the important role that Asian Pacific Americans play in our country, this month’s celebration is also a time to remember significant historical contributions that Asian Pacific Americans have made in our Nation’s history. From the building of our transcontinental railroads to fighting on behalf of our country, Asian Pacific Americans have contributed greatly to the American tapestry.

This year’s theme for Asian Pacific American Heritage Month is “Liberty and Freedom for All.” This spirit was embodied in Representative Robert Matsui, who passed away in December, and to whom I wish to pay tribute. The House of Representatives and the country as a whole suffered a great loss with the passing of Bob Matsui, a dedicated leader who served with distinction for 13 terms in the House and was chairman of the Democratic Congressional Campaign Committee.

During his career, Bob Matsui was an active supporter and champion for all of America’s seniors, and the first Asian-American to serve in the leadership of the House of Representatives.

Mr. Speaker, let me take a few minutes to highlight a few of the important events in the lives of my Asian Pacific American constituents. In Little Tokyo, one event was the celebration of the 25th anniversary of the Little Tokyo Service Center, in which I had the honor to participate. For 25 years, the Little Tokyo Service Center, a nonprofit charitable organization serving Asian and Pacific Islanders throughout Los Angeles County, has been an integral resource of this diverse community. Currently, Little Tokyo Service Center sponsors over a dozen community and social service programs, with over
40 paid staff and hundreds of volunteers who provide competent and compassionate services in seven different languages. The services provided by Little Tokyo Service Center include individual and family counseling, support groups, transportation and translation services, emergency caregivers program, crisis hotlines, and consumer education.

Little Tokyo Service Center is also the sponsor of several major community development projects in the Los Angeles area, including the construction and management of Casa Heiwa, a 100-unit affordable housing project for individuals and families; the rehabilitation of one of our city’s historical landmarks into the Union Center for the Arts; and the development of Pacific Bridge, a housing complex for adults with developmental challenges.

Another noteworthy event took place last year when I was honored to recognize the 100th anniversary of The Rafu Shimpo. The success of this bilingual English-Japanese newspaper, founded in Los Angeles and published in Los Angeles, is an important part of both American and Japanese American history. In April 1914, under the new management of Henry Hoo, three young men, Rippo Iijima, Masaharu Yamaguchi, and Seiijo Shibuya produced in Los Angeles the first mimeographed news bulletin for the Japanese-speaking community. In 1914, under the new management of Henry Toyoaki Hoo, the newspaper began to grow. In 1926, an English language section was added with the help of a 20-year-old UCLA education major, Louise Suski. By 1932, the English section became a daily feature.

On April 4, 1942, The Rafu Shimpo ceased publication as Americans of Japanese descent were forcibly and shamefully removed to desert internment camps. At the end of the war in 1945, while other Japanese Americans were released, H.T. Komi and his family continued to be detained in Santa Fe, New Mexico. Nevertheless, the Komi family’s dedication to publishing The Rafu Shimpo persevered. H.T.’s son, Akira Komi, with a $1,500 loan from three staff members, rebuilt the newspaper. The newspaper grew rapidly from a circulation of 500 in 1946, to 20,000 over the next 30 years. Today, H.T.’s grandson, Michael Komi, serves as the third generation publisher, a position he has held since 1983. The award-winning daily has over 45,000 readers and prevails as the premier news source for the Los Angeles area Japanese American community.

Two years ago, I was also honored to recognize the 100th anniversary of Fujetsu-Do, a family-run bakery in my congressional district. Starting in 1903, Seiichi Kito and his family, later including Roy Kito, began working in a small shop to produce batches of mochi, manju, and other Japanese sweets. In 1942, when the Kito family was forced to relocate to the Heart Mountain, Wyoming internment camp, the family business was closed. At the end of the war, the Kito family returned to Los Angeles and reopened the doors of Fujetsu-Do. Today, Brian Kito, the grandson of Seiichi Kito and the son of Roy Kito, continues the legacy of Fujetsu-Do and continues to serve the Little Tokyo community.

And, of course, there is the wonderful celebration of Japanese culture and tradition during Nisei Week, culminating with the annual parade.

I am also very proud to represent many members of the Korean-American community and to work with this important constituency that greatly contributes to the Los Angeles area and community.

In 1903, Korean immigrants began arriving in the U.S. in 3 distinct waves. The first wave was recruited for back-breaking work on the sugar plantations of Hawaii. The second wave of Koreans arrived after World War II and again to plantation work. In the 1960’s, more Korean immigrants came to the U.S. seeking increased educational opportunities. Many in this last group were medical professionals who came to fill the shortage of health care workers in our inner cities. These immigrants have helped revitalize declining neighborhoods and have been an economic stimulus through small business entrepreneurship.

Korean Americans have also made their influence felt in international trade, the fashion industry, and other community businesses such as restaurants. Still others make significant contributions in emerging from the arts to medicine and the sciences. Last year, I was proud to honor the 100th anniversary of Korean-American immigration to the United States with a statement on the floor of the House of Representatives and to participate in their annual Harvest Moon Festival parade in Los Angeles.

And, of course, I am privileged to represent Los Angeles’s Chinatown, perhaps the Asian Pacific American group with the oldest and best known story in American history.

Immigrants of Chinese origin first came to southern California in the late 1850’s to help build wagon roads and lay railroad tracks across the west. Initially barred from owning property, many Chinese eventually settled near Olvera Street in rented homes and storefronts used for hand laundries, herb shops and markets in downtown Los Angeles. In the 1930’s, this neighborhood of approximately 3000 Chinese was uprooted to make way for the construction of Union Station on Alameda Street.

Chinese families and merchants banded together as the Chinatown Corporation to create a “new Chinatown” on Broadway. Since second-generation Chinese could own property, American-born Peter Soo Hoo led the group in purchasing a railroad storage yard they turned into a traditional Chinese-looking, tile-fringed pedestrian plaza. This “New Chinatown” became one of America’s first shopping malls and was an immediate success. Restaurants and shops abounded, and at night the neighborhood came to life with colorful lights, music and street performers.

In the 1970’s, waves of new Chinese immigrants led an ethnic population shift eastward to the San Gabriel Valley. The original Chinatown, however, retains its historical significance and vitality. To help stimulate its renewal and revitalize this historic, accessible to more southern Californians, the Los Angeles delegation is working to bring the Gold Line through Chinatown.

Among the many other exciting things happening in Chinatown is the Chinese American Museum. In December of 2003, I was pleased to join Cerritos Mayor Laura Rice for the Grand Opening of the museum, located at Olvera Street, the birthplace of Los Angeles. The Chinese American Museum is in the Garnier Building, which was erected in the 1890’s for the exclusive use of the Chinese community. During those early years, the Garnier building housed schools, temples, churches and businesses. And, of course, the annual Chinese New Year parade and dragon dance culminates a week of celebration of Chinese culture and history.

And finally, in 2003, with other Members of Congress, I was pleased to attend a recognition ceremony in honor of Asian American and Pacific Islander veterans and current service members who are defending our country in the armed services. Among those honored were members of the legendary 442nd Infantry Army Regiment, which sustained a higher rate of casualties during World War II than any other unit.

This ceremony was one more reminder of the enormous contributions and sacrifices made to this country by the members of our Asian Pacific American communities.

It is truly an honor to join my colleagues during Asian Pacific Heritage Month to recognize the many heroic and positive contributions of the API community to our American society.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, I am proud to join our nation in celebrating Asian Pacific American Heritage Month. This is a time to recognize the enormous contributions of Asian Pacific Americans to our society. The United States is a country of immigrants, known for its diversity. Asian Pacific Americans have increased that diversity, adding their unique experiences to our culture. I am proud that my home state of California has a larger population of Asian-Americans than anywhere else in the country.

It is important to renew our commitment to serving the specific needs of this community. Congress must not only reflect and acknowledge the past, but also look forward to meeting the future needs of a growing population. We need to work together to make the American dream a reality. Improving access to educational opportunities, enacting comprehensive immigration reform, and reducing health disparities should be priority initiatives. The theme of this year’s Asian Pacific American Heritage Month is “Liberty and Freedom for All.” This month serves as a reminder that we should all strive to make this theme a reality for every American.

We should also acknowledge the contributions of Asian Pacific Americans. My district in particular has benefited from their service and leadership. There are several prominent Asian Pacific Americans who dedicate themselves to improving our community. In southern California, they are a source of strength and inspiration to all of us. I would like to recognize someone who has provided invaluable service.

Laura Lee, of Cerritos, is committed to improving her community by helping those around her. She was elected to the Cerritos City Council in March 2003. However, this barely acknowledges the extent of her public service. She has made Cerritos her home since 1979, and in that time, has built an extensive list of accomplishments. Laura has provided her service and expertise to the American Red Cross, the ABC School District Policy Advisory, the Su Casa Domestic Abuse Network, and the Southern California Chinese Woman’s League.

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Additionally, she is very active professionally as a real estate broker. She has used this experience to take on leadership roles with the California Association of Realtors, the Rancho Southeast Association of Realtors, and the Cerritos College Real Estate Department. Laura has come to care greatly to the growth of our economy, the diversity of our culture, and the quality of our education. She is someone we can all look to as a role model.

This month is a wonderful opportunity to celebrate the Asian Pacific American community. They are a valuable asset to our diverse culture that should be recognized.

Ms. SOLIS. Mr. Speaker, I rise today to join the Nation in celebrating Asian Pacific Islander American Heritage Month. The month of May is a time to celebrate the achievements of Asian American men and women who have made remarkable contributions to our country.

As a member of the Congressional Asian Pacific Islander American Caucus, I am proud to pay tribute to the 120,000 individuals of Asian descent I represent in California’s 32nd Congressional District. Rosemead, Monterey Park and other pockets throughout my district have experienced first hand the economic and cultural contributions of the Asian and Pacific Islander communities.

Since the earliest days of this country, people from all cultures have immigrated to our Nation in search of freedom, opportunity, and the American dream. As an integral part of our society, Asian and Pacific Islander Americans are leaders in public service, government, science, law, education, athletics, and the arts. As business entrepreneurs, Asian and Pacific Islander Americans are helping to strengthen our economy and our communities through their hard work and ingenuity. As patriots, Asian and Pacific Islander Americans continue to risk their lives defending liberty. We are grateful for the service and sacrifice of our men and women in uniform and for their families who love and support them.

The commitment of Asian and Pacific Islanders to family, community and hard work has helped to shape our Nation for many generations. This year the country suffered a great loss at the death of Congressman Rob Pack on November 20, 2005. This 137th District, which will comprise 8 percent of the IDA participants have used their (IDA) savings program, by which more than 10. I was awarded Honorable Mention at the Oakland International Film Festival. EBALDC also facilitates partnerships to provide health, social, security improvements, and after-school services at schools. Moreover, EBALDC engages families through the creation of Parent Action Committees (PACs). Over 500 Asian, Latino, and African American parents are involved in these PACs that were created by parents who had no parent organization had previously existed. These PACs have been enormously effective, fomenting positive change in local schools. For example, one PAC was able to decrease truancy by 40 percent at a middle school that was known for its major gang-related and racial violence.

I also want to mention the East Bay Asian Local Development Corporation. EBALDC (ee-BALD-see) has created a national model to promote affordable housing. Since its inception, it has created over 800 units of affordable apartments for low income families and seniors. It is one of the Bay Area’s— and the Nation’s—most respected community developers. EBALDC has developed nearly 200,000 square feet of retail, office and childcare space, two of which I want to highlight: (1) the Asian Resource Center, a facility that provides key community services to the APA community in Oakland Chinatown and, (2) Preservation Park, a beautifully restored Victorian neighborhood block that is home to a count of non-profit and small businesses. In addition, EBALDC spearheads an Individual Development Account (IDA) savings program, by which more than 10 percent of the IDA participants have used their savings to buy their first homes. Given that the Bay Area’s real estate market makes it one of the least affordable cities in the Nation, it has made a huge impact within our community, EBALDC helps individuals discover and develop the resources to realize their dreams— of owning affordable homes and starting new businesses.

Immigrants face many obstacles today, and organizations like EBALDC and EBALYC help their clients to conquer their problems. These are just a few specific examples of the impact
that APAs have had in my district. I want to salute the achievements of these two organizations tonight.

I believe that it also very important to celebrate the accomplishments of a hero for many of us, someone who has tirelessly devoted his life in this country better than Mr. Korematsu. Ms. Galedo is the Executive Director for Filipinos for Affirmative Action (FAA). During her tenure, Ms. Galedo has spearheaded various initiatives to advocate on behalf of the Filipino American community, especially in the East Bay. Today, Filipinos continue to be among the top three groups immigrating to the U.S., constituting one of the largest Asian populations in California. FAA runs several youth programs, offers services to new immigrants and engages in several community campaigns, working for the rights of immigrants, Filipino-American airport screeners and WWII veterans. FAA is truly an exemplary grassroots organization, and Ms. Galedo has been at the forefront of encouraging civic participation and fighting for the civil rights of the community. Ms. Galedo is a woman warrior—passionate and articulate—and an inspiration for many Asian Americans.

I also want to recognize the contributions of those who have given their lives for us, but who have left an indelible mark in our nation's history.

Tonight I honor the memory and the legacy of a very good friend, my dear colleague Congressman Robert Matsui. He made such a great impact on our time here to celebrate APA Heritage Month, I want to remind everyone of Bob’s great legacy. Bob’s passing is a bitter blow to all of us. But his life and the things he achieved for all of us will live forever as a testament to a life well-lived. I also want to recognize his wife, Doris, who has done an incredible job in the past few months, in carrying on his legacy and reflecting the view and the future that Bob would have for the country.

I also want to highlight the achievements of Fred Korematsu, a courageous champion of the civil rights movement and a role model for Asian Americans. During his life, Mr. Korematsu touched the lives of countless people, shedding light on a past injustice that was forgotten and ignored. Mr. Korematsu was a central figure within the controversy of Japanese Americans during World War II, during which he was arrested for demanding no more than what every American is entitled to—his basic human rights. Mr. Korematsu defied the order to go to the Japanese-American internment camps because he believed it wasn’t right. His case changed legal history and resulted in an apology by the U.S. for its wrongdoings, as well as reparations to 120,000 living Japanese-Americans.

Mr. Speaker, as a Nation, we must embrace the cultures that have worked to advance the needs of all Americans and have helped to define what it means to be American. So as a proud member of the Congressional Asian Pacific American Caucus, I am privileged to join the gentleman from California tonight to make sure that our entire country understands why we are celebrating APA Heritage Month.

Let us all commit to represent Asian Pacific Americans every month, each and every day as we develop our policies and our legislation that ensure liberty and justice for all.

ACCOMPLISHMENTS OF THE 109TH CONGRESS

The SPEAKER pro tempore (Mr. Kuhl of New York). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the majority leader.

Gentleman yields to the Speaker.

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order.

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

There was no objection.

Mr. CONAWAY. Mr. Speaker, I rise tonight to take what will be a brief look back at the first 100 or so days of activity in this House of Representatives. While each new session of Congress holds great promise, it is the actions that that Congress takes that determines whether or not that Congress has been successful. Our success has been as a result, in my mind, of the leadership from the gentleman from Texas (Mr. Tom DeLAY), the majority leader, whose responsibility it is to shepherd legislation through this body.

In a community and a town where exaggeration and hyperbole, overreach and puffery has been elevated to a state of art, you have to be very careful to not indulge in those tendencies, although some in this Chamber have on occasion, rare occasions, I suspect, done that. But if you are looking at facts, if you are talking about things that have been accomplished, then you are less likely to be accused of puffing and of exaggeration.

So during this next 60 minutes, my colleagues and I who have joined me tonight will be talking about the things that we have accomplished, the things that we have done, the good we have done, how it will impact America and Americans, if the bulk of this legislation does, in fact, reach the President’s desk. So to start us off tonight, I have asked my good colleague and fellow freshman, the gentleman from North Carolina (Ms. Foxx), to share with us what is on her mind. So I yield to the gentleman.

Ms. FOXX. Mr. Speaker, I appreciate the support of my friend. It is a real honor to be a Member of this freshman class. Folks keep telling us we are a good group, and we know that from ourselves.

I rise this evening to support our majority leader, the gentleman from Texas (Mr. DeLAY). Congresswoman DeLAY has done a remarkable job in providing strong leadership and guiding the Congress to make many positive changes for our country. It is a shame that Democratic party leaders continue to go off on tangents in order to distract the American people from what is important, all of the progress that is being made in this session of Congress. But rest assured, they will not distract my colleagues and me from getting the job done. It is time for the Democratic leaders to put partisan politics aside and work together on the issues that really matter to the American people.

Mr. Speaker, I am proud to report that the first 100 days of the 109th Congress have been a tremendous success. We have been working hard in a bipartisan fashion to make many positive changes for America.

I get up lots of mornings 5 o’clock, 6 o’clock and leave home, and I am always astonished at how many people there are on the highways of west Texas going out to do their jobs, and I think those people expect us to do the same thing. I say to the gentleman. That is what they want us to be doing, and that is what we are doing.

I am proud of that. In the past 4 months, we have fought to reduce taxes and the burdensome rules and regulations that plague hard-working Americans. When those people set up every morning and go to work, they do not want to be burdened with taxes and rules and regulations.

And just last week, the House passed a budget resolution conference report that will implement $106 billion in tax cuts over the next 5 years. Our fiscal responsibility, budget funds our top priorities, such as national security and defense, while stimulating our economy and creating jobs.

It also reins in spending and reduces the Federal deficit. You know, with the loss of sense of history and civics, many people have forgotten that the number one role of Federal Government is to provide for the defense of our Nation. If we do not provide for the defense of our Nation, nobody else can. Our fiscal responsibility budget funds our top priorities, such as national security and defense, while stimulating our economy and creating jobs.

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am pleased that the REAL ID Act will help solve this problem.

We have passed an $81.4 billion war-time supplemental bill that provides the funds necessary to continue fighting the war on terror, while providing our men and women in uniform with vital equipment and training. I am proud we are supporting our troops who are performing magnificently under difficult conditions.

Just last week, a young man who was injured in Iraq came to see me. He lost both of his legs above the knees. He has the most wonderful spirit and most wonderful attitude about this country, and about keeping the faith that this country has given him. And it is an inspiration to me to meet people like him.

I am proud that we are supporting him and others. They are helping to spread freedom and democracy throughout the Middle East and the rest of the world. Without their sacrifice, Americans would not be able to continue to enjoy the freedom we cherish. We have hosted Ukrainian President Viktor Yushchenko who has become a leading symbol for the pro-American people with more of that in the next few days.

But the way it is going, Mr. Speaker, is that that will get involved in partisan bickering, but it does.

It has been mentioned, of course, the gentleman from Georgia (Mr. GINGREY), who is speaking for the Republican Party. The gentleman from Texas (Mr. DELAY) who is speaking for the Democratic Party. The leader, if you are able to shoot the leader, then the rest of the troops might cower down a little bit. Thank God that has not happened. We have a very strong caucus on our side of the aisle, and you have a Member or two that gets a little squishy and nervous, and that is regrettable.

But I think the important thing is that the vast majority of us are very supportive, we are team players. When the going gets tough, as they know in Texas and as they know in my great home State of Georgia, the tough get going. That is what we have seen from our leader.

There is a country song, if you want to play in Texas you got to have a fiddle in the band. The gentleman from Texas (Mr. DELAY) has a fiddle in the band; and not just in Texas but in this great a majority of us, he is the straw that stirs the drink.

And the courage that he has shown, the leadership, that is the reason why in these first 100 days of the 109th Congress that we have been able to accomplish so much. As you have mentioned by the gentleman from Texas (Mr. CONAWAY), and the gentleman from North Carolina (Ms. FOXX), we have passed the emergency supplemental, $81 billion, to support our troops in Iraq as they continue this battle to democratize the Middle East.

And we are succeeding. We had great bipartisan support on that bill. Just last week, we passed the House budget resolution, which, I think, over 10 or 12 years, we actually cut discretionary spending by a full percentage point; and we limited the growth of mandatory spending.

It has been mentioned, of course, the president eliminated the death tax, which just passed this Chamber a couple of weeks ago. Class action reform, bankruptcy reform, the energy bill just last week, and all of these really remarkable pieces of legislation.

There was an article. I think, Mr. Speaker, in the Hill or Roll Call this week talking about the 20 most important pieces of legislation that have
come through this Congress in the last 40 or 50 years. I think they are going to need to revise that list, because quite honestly in these first 100 days we are beginning to do some historic things, and hopefully the other body will follow suit. But it is because of the leadership of people like the gentleman from Illinois (Mr. HASTERT), the Speaker of this great House; and our majority leader. And I really commend him. He is a strong Christian man, who has committed his life to family values. You know, Mr. Speaker, he was attacked relentlessly, and this quote may not be exact, but in regard to the Terri Schiavo case, and not just that case but a lot of decisions that are made, particularly coming from Federal Courts in the 9th Circuit out on the left coast, when they wanted to take God out of the pledge of allegiance, and make sure that the 10 Commandments are never shown in any public places, and the celebration of Chri-
mas any more, it has to be winter holi-
days. And our leader said, the time will come for the men responsible for this to answer for their behavior. Now, a lot of people, Mr. Speaker, want to say, well, Mr. DELEAY is the head of our Federal judiciary. I do not think so. I do not think that is all what he meant.

Tom DELEAY is a well-known born-
again Christian. When he made that comment, I assumed he was referring to God, that that is who men and women of the Federal judiciary will have to answer to when they forget from whence we came. And I commend him for that. It was no threat, no personal threat on the part of our leader. So to have an opportunity, Mr. Speaker, to be here tonight, to join with my colleagues, with the gen-
tleman from Texas (Mr. CONAWAY) who is managing the time tonight, I com-
menteed to that. And I just want to
tell you how much confidence I have in leader Tom DELEAY. He is someone that has the courage of his convictions, and they are not going to bring him down. They, those on the other side who want to get overly partisan and forget about what the people in this country really want, they want bipartisanship, they want good laws passed, they want tax relief, they want regulatory relief, they want good health care and good public education, and they want a balance budget.

And these are the kind of things that we are working toward under the lead-
ership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. CONAWAY). I appreciate and thank the gentleman from Georgia (Mr. GINGREY) for coming over tonight and spending his time with us to point out to us, Mr. Speaker, that some of the great things that we have, in fact, accomplished in these first 100 days, as I mentioned, if it is a fact, it is not over-reaching, it is not puffing, it is not exaggerating. And these are facts that we lay on the record, facts that most often have wide Democratic sup-
port for the initiatives that have been brought forward on the Republican side.

For that I am thankful for my col-
leagues on the other side of the aisle who have looked at the issues, looked at what is best for America, looked at the solutions that are being presented and voted their conscience as opposed to being obstructionist or just simply taking the party line on issues that are of importance to our great country.

Mr. Speaker, I have also been joined tonight by another colleague, the gen-
tleman from Georgia (Mr. KINSTON) and I yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY) and I would like to make a few remarks on Social Security. Before doing so I wanted to thank the gen-
tleman from Georgia (Mr. GINGREY), the doctor, I should say, for the good work he is doing on health care reform, making health care more affordable and accessible to the American people and working with the insurance sector rather than going through a Canadian or English style of government-spon-
sored health care. We do have a great health care system but also one that needs improvement.

Mr. Speaker, I want to thank Mem-
bers of Congress who are working on immigration reform. We have 8 million illegal aliens in the United States of America. That is about the size of the State of Georgia which is about 8 mil-
lion people. A big issue.

I am very pleased that the gentleman from Wisconsin’s (Mr. SENSENBERNER) lan-
guage will be in the supplemental ap-
propriations bill which we will vote on Thursday. It is a major victory for those of us who are pushing for immi-
gration reform.

Mr. Speaker, I will speak on Social Security reform as well. The last time Social Security was taken up by this Congress was in 1983. At that time, the Members of Congress thought that they had fixed Social Security for an-
other 75 years, but unfortunately that is not the case.

In less than a decade, Social Security will begin to spend out more money than it brings in. Insolvency is not the only issue here for one. We know that in the year 2018, when the baby boomers start to retire, more money will go out than is coming in. And we know by 2041, if we do not cut benefits by 27 percent, Social Security will be bankrupt. The math is simple to follow.

In 1937, when Social Security was started, we had 60 workers for every one retiree. And by 1950, it was 16 workers to every retiree, and today it is 3.3 to 1. And during that period-of-
time life span, our expectancy has in-
creased. In 1937 folks lived to be 59 year old. Today they live to be 77 years old. The math is even easy for a Democrat to follow. Mr. Speaker. You can see why we are having solvency problems.

There is also an issue of generational fairness. As my friends know, if you re-
tired in the year 1980, you got all your money out of Social Security in 12.8 years. But if you retire now, it will take you 17 years to get your money out. Most Americans do not mind. They do not need to have every dime accounted for, every penny accounted for, but generally people expect to get at least the money they put into the system out of it. But that is not going to be the case for today’s 20- and 30-
year-olds who, in addition to having to live longer, past the retirement to get their money back, they are also going to have this great benefit cut. So we have a great challenge. And to the Re-
publican party, the choice is simple.

We need to do it together. We need Democrats and Republicans to come to the House Chamber with the best of their ideas, put them on the table and work through a compromise. This does not focus on the next election, but on the next generation. Something that is fair at the kitchen table where mom and dad and the kids and the grand-
parents can sit down and agree on it. But if we can get agreement square on the kitchen table, it will not be any problem to get it passed in the House Chamber.

Last week under the gentleman from Texas (Mr. CONAWAY) leadership a num-
er of House Republicans and Demo-
crats sat down together with Bill Novelli, the chairman and CEO of the AARP which is the largest older Amer-
icans advocacy group in the United States of America. We sat down, Demo-
crats and Republicans, together with the AARP, to talk about core prin-
ciples, talk about what could be a solu-
tion and what could not. And we knew at the time we were not going to walk out of the room with hands held and all agree. But we knew that this was just the first step.

I have got to say that I have a lot of appreciation for those Members who showed up from the Democrat side. But unfortunately, the Democrat leader, the gentlewoman from California (Ms. PELOSI) decided that this meeting for some reason was off limits, for some reason it is a bad thing for Democrats to sit down with Republicans. And yet publicly she calls for bipartisanship, but in the House Chamber when the gentleman from Texas (Mr. CONAWAY) tried to get this meeting to-
gether, of the five original Members only two actually came. The other three were intimidated by Democrat leadership. Do not come because we talk publicly about bipartisanship, but behind lines, behind the scene we really do not want this.

It is further revealed this week, the gentlewoman from California (Ms. PELOSI) the Democrat leader was on the ABC “This Week” show with George Stephanopoulos, actually one of her fellow Democrats, a former Clinton advisor. And yet in this role he was
being an interviewer, and he asked the gentlewoman from California (Ms. Pelosi) why the Democrats have not put forth their plan. And he asked her a number of times and she would not say. And finally he got so tired of it he said, Why should the American people trust us if the Democrats do not have a specific plan of their own on Social Security? To which the Democrat leader said, “The American people should trust the Democrats because we originated Social Security.”

I guess the Democrats have gone from the Franklin Roosevelt New Deal to the Pelosi No Deal. Because if we need to go back to 1937 to be the last time we could trust a Democrat, then maybe Ronald Reagan was right. The party left him, he did not leave the party. And I guess that is true with many of us. Because I know in the great State of Texas and in the State of Georgia, they were majority Demo- crats States until recent years, when the Democratic party refused to come to the table with mainstream ideas and to put politics aside and say, let us sit down and come up with some solutions. I strongly believe that there are a lot of good Democrats across this country. There are a lot of good Democrats in this House Chamber. I am sad to see so many following lockstep with the radical fringe leadership of their party.

I am sad to see that they are intimi- dated to the extent they do not even offer a plan. But I would also call on them and their Democrat constituents back home to say, you know what, I am 23 years old; and I know I am faced with a benefit cut; and I know the President has offered me an opportu- nity to voluntarily enroll in a per- sonal savings account in which I will have a lot more money than I will if I pay 40 years into Social Security. I am interested. At 23 years old I have got a lot at stake.

And I might say, I do not know if I like what the President has offered, and I am hearing a lot of bad things about it from the Democrats, but what is it that they are offering to me as a 23-year-old new worker into this sys- tem?

And I look and I search the papers and I turn the pages and I look at the bloggers and I look on the Internet and I check my emails, and I find out the only things the Democrats are offering is the problem with Social Security. Tell that to the 23-year-old new worker because they are not buy- ing it.

Mr. GINGREY. Mr. Speaker, I found it very interesting that the Pelosi No Deal, my colleague, the gentleman from Georgia (Mr. GINGREY) mentioned and I watched a little press conference that they had over the weekend or yes- terday in regard to what the President had to say at his press conference Thursday night talking about progres- sive indexing. And the gentleman from Maryland (Mr. HOVER) the minority whip at that press conference said, “Other than individual personal ac- count options, there are at least a dozen other things that we can do to save Social Security.”

I would challenge him to name four. Name two. Give us one rather than this “no deal that my colleague from Georgia was talking about. Because they do not want to talk about any of these dozen other approaches to solv- ing the solvency problem of Social Security. Because some of those could be raising payroll taxes, cutting benefits, raising the age at full retirement. I think that is the reason, and I think my colleague from Georgia would agree, that they basically have a no deal and a hokey pokey plan, if you will, to save Social Secu- rity.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for pointing it out. But again, I want to emphasize, we have a lot of solutions that Members of Congress are promoting. And they are doing this on their own. They have not officially trolling out in the name of the President. The gentleman from Arizona (Mr. KOLBE) being one, the gentleman from Texas (Mr. SAM JOHNSON) being one, the gentleman from Wisconsin (Mr. RYAN), the gen- tleman from Florida (Mr. SMITH). They are coming up with solutions.

But to my knowledge, there is not one Democrat who has offered a Social Security plan since I have been a Mem- ber of Congress over 10 years, except for 3 times I believe. To take the President’s bipartisan commis- sion to save Social Security, and Patri- cia Moynihan, who many years ago as a liberal Democrat from New York, a Senator, said that we have got to act to protect and preserve Social Security because it is going bankrupt.

It is time to do something. Even President Clinton said that. And yet the current membership of the Demo- crat Senate and House are afraid to offer one plan. And doggone it, if you want to raise taxes, and that is one thing the Democrats are good at, put the plan on the table. It is okay. Let us look at it. A bad plan is better than no plan.

But if you want to be the party that used to proudly say we are the party of the new deal, to now be the party shamelessly of the no deal, then con- tinue on the current leadership path because that is what we are getting from the Democrats.

Mr. CONAWAY. Mr. Speaker, I, too, am concerned about Social Security. Probably the single heaviest lift, as that phrase is used in these Chambers, that we have ahead of us. It will look like a walk in the park when we begin to consider Medicare, Medicaid and overall health care spending and costs in this Chamber. So we need to get it done now.

As we address the issue of Social Se- curity we have got more options today than we have in the past. If we do not act, if we continue to keep our heads in the sand, which if you think about the posture that you are in with your head in the sand it is not particu- larly flattering. If we continue that posture, we have add a $600 billion in- crease to the unfunded liabilities that are Social Security for each year that we fail to act, for each year that we do not consider those 23-years-old as they enter the workforce.

Our oldest son is 32 years old, and he will be retiring about the point in time where benefits look like they are going to cut under current conditions, about 27 percent. And that is not something I am particularly excited about.

I am also not excited about the op- portunity of taking our six wonderful grandchildren, of which we are very proud, I am not particularly interested in taking those six down to my local banker, convincing him to draw up a major huge loan packet, in which I will get the proceeds and I will make those six little critters sign on that note and they have to pay it off.

That is a plan that is not particu- larly attractive to me. Because if you do not imagine it is particularly attrac- tive to any grandfather in this body that would consider that. But that is what we are doing as we con- tinue to delay and delay and delay and not address the bad math problem we have with Social Security.

Mr. KINGSTON. Mr. Speaker, one of the things that I think is so important of the Republican model of sitting down at the kitchen table with you as a grandparent, with your children and with your grandchildren to work out something that is fair. That is the ap- proach we need across America. That is the approach that we need in the United States Congress.

But the thing that is important to re- member as we look at this. In 1937, the tax on Social Security was 1 percent employer, one percent employee. A 1 percent 1 percent match. In 1960 it was 3 percent and 3 percent. In 1978, 5 per- cent and 5 percent. Today it is 6.2 and 6.2 percent match. We have raised taxes on Social Security twenty different times since 1937.

Now, there are those on the other side, there is no bill, but they do talk a little bit around the edges, well, they just need to increase taxes.

If you increase taxes 1 percent for you, and you are under 65, I do not know how old the gentleman is. The gentleman is in great shape. I do not know the gentleman had six grand- children. Let us assume he is 45 years old. Let us say he is 50 years old. That means his taxes might go from 6.2 to 7.2 percent. One percent. But think about a 23-year-old entering the work- place, how much that 1 percent means year after year in paying into it.

Okay. Let us just say that is tough, that might just be the way some people think they do not have any sympathy, but in particular the things that we have to understand is that if you are an em- ployer and you have 1,000 employees, every time it gets more expensive to
You are going to look for ways to reduce your workforce. So, if we decide, well, this is the only way out of here is to increase taxes on the workers, which is matched by the employer, then it is going to be a job killer. I do not know how many jobs would be reduced, but we do know from standard economics that the more expensive it gets to hire somebody, the least likely an employer is to hire somebody. They are going to look for ways to reduce the workforce, not to increase it.

One of the things this Republican party has worked very hard on is creating more jobs, and so it is counternarrative to us to increase taxes on employers and employees.

Mr. CONAWAY. Well, I spent 30-plus years as a CPA working for a variety of clients and situations, and it has been my experience with those clients that, as Congress has reduced taxes, as tax bills have gone down, that most employers use that money to invest in new employees and invest in new equipment, in new process, to expand their businesses, and as the gentleman pointed out, when taxes go up, somebody has to pay a tax.

I would also like to point out one other thing while we are talking about Social Security and, that is, current beneficiaries and near-term beneficiaries.

Every chance I have gotten, every chance I hear of anyone talking about a plan, it includes a clear, unequivocal statement that if you are on Social Security benefits, if you are a near-term beneficiary, those benefits will continue; you will continue to get your checks. So whatever it is, whatever solutions we come up with, I will be able to look at my mom and dad, who are current beneficiaries, and tell them that on the 3rd of every month, that direct deposit is going to hit the bank just like it did last month and the month before that. You will not, Mom and Dad, be able to outlive your Social Security benefits because, in my mind, Social Security is a contract with our children.

We are not going to breach Social Security. It is a public policy issue that I think has served this country well for 75 years. It is a great concept to have a floor, a level of lifetime annuity that you will have for the rest of your life. We have got that for the current generation of beneficiaries. I think it is a good idea that we ought to have it for my grandchildren, that they also would have a plan in place, funded over their working life, that would allow them to have a lifetimeannuity, that would provide them and their families, at a modest level, of course, because Social Security was never intended to be a robust retirement. It was always intended to be a safety net, a bare minimum lifestyle that you would lead, but nevertheless, one that would allow you to exist in your retirement age.
control, we have reached out to the Democrats.

Those reasonable Democrats on the other side have said we will join you, we think there is too much lawsuit abuse and we should rein in these class action lawsuits. They have said they need to have a comprehensive energy policy for the United States, and it is a wonderful thing that so many good Democrats on the other side have joined us.

What we are beginning to see is they have complaints in the Democrat leadership. The gentlewoman from California (Ms. Pelosi) and the gentleman from Maryland (Mr. Hoyer) certainly are leading the House members with their policy proposals. I say policy proposals, but it is really process proposals. They cannot beat us when it comes to policy, and so they have to sit on the sidelines and complain about the procedures, complain about the rules and complain about the constituents.

The reason why they are complaining about these things is, quite frankly, they do not have any real substantive proposals. All they can do is sit on the sidelines and complain and complain and complain and complain.

What the Democrat leaders are seeing is that their rank-and-file Democrats see that the Republicans actually have ideas. We have proposals in order to move forward, and it is substantial that we have had so many Democrats join with us on these bills that we have passed here in the U.S. House of Representatives.

It is a wonderful thing to see Democrats also pull up behind and say, you know what, we see you do not have any ideas, so we are going to join the party that has ideas, that is moving America forward, and we are going to vote with them.

So I encourage you please, on the other side of the aisle to come join us, join with the wonderful proposals that we are offering America.

It is wonderful that the gentleman from Texas (Mr. CONAWAY) has had this hour to discuss our first 100 days, the enormous impact that this Congress has had on America in a short amount of time. It is a wonderful thing, as a fellow freshman lawmaker, to join the gentleman from Texas (Mr. CONAWAY) in talking about our successes because, as a freshman lawmaker, we have tried very hard these first 100 days to have a significant impact not only on America but for our constituents back home and, in the people of the 10th District of North Carolina, Western North Carolina; for the gentleman from Texas (Mr. CONAWAY), the people of West Texas.

We have worked very hard on policies that help our constituents and lift votes at home, lift all votes at home, while at the same time doing what is right for the people of America and, in fact, proposals that make the world a more secure place.

So I thank the gentleman from Texas (Mr. CONAWAY) for hosting this hour. I certainly appreciate him yielding me time to be here.

In fact, I just spent a few moments with one of my former colleagues in the North Carolina State House, Tim Moore, a good friend of mine when I was in the State House, and we were talking about the things that Congress has actually done to move things forward, moving conservative agenda forward and do what is right for America. It is wonderful that I was able to come here and participate in this wonderful opportunity that we have had. I say it is wonderful for me to be able to participate,iful that the gentleman hosted this hour, and I am thankful that he opened this time for me.

Mr. CONAWAY. Mr. Speaker, I thank my friend from North Carolina. He also is cutting a wide swath through the activities around here, and he has done a good job for the folks of Western North Carolina.

I would like to amplify a theme that he has talked about, and that is the fact that in a strong bipartisan spirit, we have 50 on six major pieces of legislation. As I walk through these and explain kind of what the legislation did, I will also point out the number of Democrats who joined the Republicans in passage of these bills.

One of the early pieces of legislation was the class action lawsuit reform, the Class Action Fairness Act, in which 50 Democrats joined their Republican colleagues in passing this bill that addresses some very serious problems facing our courts with respect to the large interstate class action cases that are being heard. This legislation moves those cases into Federal courts and allows for the defendants in those cases to have a fair chance of having their rights not abused in forum shopping in State courts.

We also passed the REAL ID Border Security Act. There again 42 Democrats joined the Republican colleagues in passage of this very important first step. As my colleague, the gentleman from Georgia (Mr. KINGSTON) mentioned about immigration reform, which is something that this body ought to be taking up in serious ways, but this is a great first step in that instance by requiring that States, if they want their citizens to use their driver’s license to get on to airplanes and get into Federal facilities, that they will have to have certain standards by which they issue those driver’s licenses to their citizens and to others in their State.

It also closes some loopholes in the asylum laws as well as strengthening our deportation laws.

We have an interesting, odd fact; that if a person were on a terrorist watch list and attempted to get into this country, we have every right to not let them in. We can simply refuse to let them in. We come across this same person already in this country who had these terrorist ties and connections, those are not grounds for deportation. So this REAL ID Act will address that inconsistency.

We also go about finishing an important physical border problem that we have in Southern California and about a 3-mile stretch of a long-needed fence border between Mexico and Southern California.

We have also passed and sent to the Senate the death tax repeal. This is something all good Republicans, of course, have campaigned on for a long time, they have run for office and run for election. This is an important repeal of, in my mind, a bad public policy. We tax every single thing we do in life: We tax our incomes, we tax our sales, we tax purchases, we have excise taxes on everything. We ought to be able to get out of this life tax free. Taxing death seems to me on its face a bad public policy, and this Congress in 2001 and 2003 began the process of repealing the death tax over a 10-year period so that in 2010 it goes away fully.

The bad news is that in 2011 it comes back in, fully, with a 55 percent partner in the Federal Government. The repeal of the death tax will make that requirement in 2011 permanent so that our allies can be about passing on their inheritances to their families and children and their heirs and their charities in ways they choose and that they are not forced to do this in ways that has Uncle Sam as a 55 percent partner in that deal.

I mentioned that 42 Democrats joined the Republicans in passing that bill and sending it to the Senate. We also passed a very abuse bill in this Congress, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which closed many of the loopholes being taken advantage of by folks who really should not have the opportunity to walk away from their debt.

We also passed and sent to the Senate the Bankruptcy Reform Act and the fact that declaring bankruptcy was never meant to be part of someone’s financial planning, it made me think of the gentleman’s comments earlier in his heavy lift, relatively Speaking, of the Social Security modernization, but not nearly as heavy a lift as trying to do something about Medicare and Medicaid, and I just wanted to speak to that just briefly.

First of all, our friends on the other side of the aisle want to suggest to the American people, Mr. Speaker, that we, the Republican majority, have done nothing about Medicare, when in fact we passed the Medicare Modernization and Prescription Drug Act in December of 2003, and we had the interim Medicare Discount Drug Card, which for our
needites seniors, gave a $600 credit per year for 2 years. That is $1,200 worth of free, much-needed prescription drugs for our neediest seniors. And the relief that we bring to them we have not yet seen but we will see it as 2006 begins, January, when part D, the Prescription Drug Act, starts.

But in regard to the Medicaid system, our colleagues on the other side of the aisle also say, well, why do we spend so much money on Social Security when we really need to do is address the Medicaid problem. Let me just say this, Mr. Speaker. We have a Medicaid problem. There is no question about it. But that Medicaid problem is primarily because of three things: Waste, fraud, and abuse. And I can cut it in one phrase: Gaming the system.

In fact, there are States in this great Nation that have figured out a way to leverage the system and draw down more Federal dollars and that sort of thing, and then use the money to cover other expenses that have nothing to do with health care, and that is gaming the system. We need to fix it, and we will.

But these seniors and our children and our grandchildren that need Social Security, Medicare, and Medicaid do not exist because they have gamed the system. And I think my colleague from Texas understands that so well, Mr. Speaker. These people, through no fault of their own, are not going to have something that they paid into with their money. They had no choice. It was absolutely fortified from their paycheck. So we have to solve that first.

And I applaud the leadership for sticking to their guns on this. Not just the President, but, as I said earlier, our great majority leader, the gentleman from Texas (Mr. Delay), and our Speaker of the House. They are right, we need to address this problem, do the heavy lifting, and worry more about the next generation than the next election.

With that, I yield back to my colleague from Texas.

Mr. Conaway. Mr. Speaker, I thank my colleague from Georgia.

There are two other reported bills we have passed in this first hundred days of the 109th Congress that have gained broad Democratic support. The first was the Continuity of Government Act. This would provide set procedures for holding a 100-day Administration if one of our colleagues be killed in some sort of an event. That bill enjoyed 122 Democratic support with their Republican colleagues in the passage of that bill.

The final one I want to talk about which the Democrats showed support for is the Energy Policy Act of 2005. We have all had, those of us who drive automobiles, have had the wonderful opportunity of pulling up to the pump and paying prices for gasoline that are the highest we have ever paid. In our minds, we are talking to whether that is right or wrong, but it is certainly an expensive process to drive an automobile these days.

We passed the Energy Policy Act, which, unfortunately, is not designed and does not have the capacity to have an immediate impact on gasoline prices. That is a long-term problem, it has been a long time coming, and there is no silver bullet. There is no immediate solution to it. It is simply supply and demand.

As more of us continue to drive, as China continues to go from a bicycle economy to a 4-cylinder engine economy, to a 6-cylinder engine economy, to a 8-cylinder engine economy, the demand for crude oil and gasoline continues to grow much faster than anywhere else. India, likewise, has significant growth in their demand for the use of gasoline and crude oil. So it is a supply-and-demand issue that the Energy Policy Act we have just passed and sent over to the Senate just cannot address.

However, it can address opportunities to reduce our dependency on crude oil imported and natural gas imported from other countries. Each barrel of oil and each MCP of natural gas that we need to import from other sources makes us more dependent on those sources. Now, while we will never wean ourselves, or certainly not in our lifetime, from imported oil and natural gas, we can take the necessary steps and the rational thought-out steps to reduce our dependency on that imported crude oil and imported natural gas through a variety of opportunities.

These opportunities include encouraging renewable energy sources, like wind generation for creating electricity. We have to know how to learn to burn coal cleanly. We currently capture sulfur properly, but we do not capture the CO² that is emitted when coal is burned. India and China will dwarf our coal consumption in their own capacity, in their usage of coal to generate electricity. We have to develop technologies that allow us to capture CO² and dispose of it properly. Because whether you believe in greenhouse gases or global warming or not, the evidence is pretty clear there is more carbon dioxide in the air today than certainly in any of our lifetimes. So capturing that CO² is important when coal is burned is an essential part of this. This energy bill would provide dollars for the research for that technology.

It also creates jobs. Because as we continue to develop new ways to provide energy for this country, jobs are created when that happens.

We have a litany of other things I want to quickly run through in the final 5 minutes I have to brag on this House for the first 100 days. We passed a Supplemental Appropriations Act that will provide for the global war on terror funding in Iraq and Afghanistan, as well as some modest tsunami relief and other funding. This has gone to the Senate, is in a conference now, and will be back to us later this week.

We passed a budget resolution last week that for the first time since Ronald Reagan we cut nondefense, non-Homeland Security discretionary spending, and it provides for reconciliation for the first time since 1997. This is another real accomplishment given the circumstances that we find ourselves in.

We have also passed the Transportation Equity Act of 2005. This provides for $235 billion in transportation spending on the needed infrastructure improvements for our highways and bridges and other transportation infrastructure needs that will be spent over the next 6 years. We need that legislation to pass in the Senate so that the President can sign that bill and we can get on with the process of building a transportation infrastructure that will allow our economy to continue to grow and expand.

We have also passed the Job Training Improvement Act earlier in this session, which simplifies and combines some of the job training programs that are in our community colleges and colleges.

Mr. Speaker, we have had a terrific first hundred days. As a freshman, it is my first term here and it has been an exciting hundred days. I suspect the next hundred days will be as exciting if not as well, as we take up hopefully some specific plans on Social Security, and I look forward to joining with my Democrat colleagues, as we have done on six of these bills that I mentioned, in passing solutions to problems that face this country.

HEALTH INSURANCE CRISIS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Wisconsin (Ms. Baldwin) is recognized for half the time until midnight.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

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

There was no objection.

Ms. BALDWIN. Mr. Speaker, for the third consecutive year, this week our country has designated Cover the Uninsured Week. Led by former Presidents Ford and Carter, hundreds of national and local organizations, as well as thousands of Americans in all 50 States, are participating in week-long activities to highlight the national health care crisis. This is one of those annual events that I wish we did not need to observe.

Cover The Uninsured Week should be unnecessary. Moreover, millions of Americans who are uninsured should not be paying such a high price both emotionally and financially. There is simply no justifiable reason
why the United States is the only industrialized country in the world that does not guarantee health care for all. So, Mr. Speaker, I rise tonight to draw attention to the 45 million Americans who do not have health insurance and the millions more who are underinsured.

Our Nation is in the midst of an escalating health care crisis. As health care costs soar, it becomes increasingly difficult for Americans to obtain comprehensive and affordable health care. Our current health care system is failing not only the 45 million Americans who are uninsured, but also millions more who do not receive comprehensive health care. We can no longer turn our backs while millions more lose access to health care.

Additionally, health care is becoming increasingly expensive even for those who are fully insured. Rising premiums, increasing deductibles, and the increasingly high cost of prescription drugs make health care more and more unaffordable for those who have insurance. The lack of comprehensive and affordable health care affects every single Congressional district in this Nation. To highlight this issue and the real impact this is having on the lives of Americans, I have decided to read to my colleagues from the people that I represent in their own words. Often the people most affected tell the story of our uninsured crisis more eloquently than many policymakers.

I would like to begin with a few letters from my district in Wisconsin that express real people’s struggles as part of our Nation’s 45 million uninsured. Starting with Kimberly from Madison, Wisconsin, Kimberly writes: "I am writing you today because of my family’s frustration and anxiety over health care. My husband recently quit his job to launch his new company. Obviously, it will take some time for his new company to get turned around because of the economic downturn and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 years old and I am 58 years old. We have no medical coverage. I have been with the same company and get turned down because of my medical history. All our lives we paid into these insurance companies only to be turned away when we need that coverage the most."

Lisa from Madison writes: "I write to tell you and let you know that I understand why most people would not think there is a health care crisis. Most middle-class employed people never have to do an insurance questionnaire. We just sign on the dotted line and get into a group policy with our employer." Lisa writes: "I am a very healthy person and my husband and children are very healthy. We cannot get insurance. I think everyone should have an insurance policy. I am concerned that people are paying more and more money that needs to be paid. As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the 45 million people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance."

Darla from Fitchburg, Wisconsin writes: "I lost my job because of unpredictable attendance due to my health issues. Upon losing my job, I signed up for COBRA. Last week I received a letter indicating that my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week. My physicians believe that would do me more harm than good relating to my health issues. If I do not get some kind of health insurance, I will need to stop all treatments as I have no money to pay for doctors’ services. My prescription drugs will have to stop as I will not be able to pay for them either. What can I do?"

Janet from Portage, Wisconsin writes: "I am 53-year-old brother who has psoriasis all over his body and arthritis caused by this. Three weeks ago he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. Instead, they would rather support him for the rest of his life instead of trying to help him now."

Gail from Janesville, Wisconsin writes: "My husband lost his job in October 2003. He has applied for over 100 positions only to be told that he lacks a college degree or he is overqualified or they can only pay $8 an hour." Gail writes: "I was diagnosed with breast cancer in June 1989 and again in 2003. I have gone through breast cancer twice, and have undergone a mastectomy and reconstructive surgery. COBRA has run out and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband and I own a home. We live a modest, middle-class life, managing always to have what we need except for health care coverage. My husband has excellent health care at his job, but for me, health insurance is a thing of the past. We would need to pay nearly $400 per month. That is two-thirds as much as our mortgage. Through school, I have worked less and less. In order to maintain health care coverage, I have only been able to afford some type of major medical insurance. I am grateful that we can afford this, but it does make a difference. However, even now if I have a sore throat, I will wait for several days and see how I feel. I will wait because if I do not need to go, I will save money." She writes: "This is disturbing to me as a nursing student because I know about the importance of early treatment and prevention. It is upsetting to me as a person because I value my health, and it is upsetting to me as a citizen because I know there are people just like me who wait and get sicker, or cannot even get the medications that they need."

These are heart-breaking stories, but perhaps what is more heart-breaking is they are just not unique. Millions of American families are confronted with these impossible decisions regarding their health care every single day. According to a recent Kaiser Family poll, 60 percent of all Americans are personally worried about their health care costs than they are about losing their jobs, paying their rent or mortgage, losing money in the stock market, or being the victim of a terrorist attack.

I will give an example. Roberta from Janesville, Wisconsin writes: "I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches with us owing more money that needs to be paid. As a result, I will not get a needed medical..."
Mr. Speaker, part of the reason why I find these letters so compelling and why I make a point to share them with my colleagues and the American public is that finding and affording health care is a challenge faced by all types of Americans, young and old, those living in Wisconsin and those living in Texas, those who have jobs and those who do not. Put simply, this is a national crisis. I have been especially troubled lately that instead of working hard to find a solution to the health care crisis, the majority party here in the House seems to be making the crisis worse for Americans in need. The House recently passed a bankruptcy bill which makes it more difficult for people to cope with the massive costs brought on by health care crises. This is ridiculous, especially since we know that nearly half of all personal bankruptcies filed in the United States are due to medical reasons, be it medical debt or an illness or injury that keeps somebody from the workforce and earning a living.

We are now poised to enact cuts to Medicaid, the Nation’s health care safety net. On that note, I would like to share a few additional stories before I get a chance to call on my colleague from Missouri to make a few statements.

First I share the letter of Chris from Monona, Wisconsin. She writes, “I’m writing because I’m concerned that the fiscal 2006 budget resolution may include drastic funding cuts to Medicaid. I have been in the workforce for over 12 years, and I know that significant decreases in funding would be devastating to people like me who have chronic conditions. I’m still able to work, but other folks with MS depend on Medicaid to ensure critical health care programs. I need you to stick up for me and the thousands of Americans with MS.”

And then there is Mary from Madison, Wisconsin, who came to meet with me in my office to talk about Medicaid coverage after her young son was born with a heart defect. The child had to have heart surgery almost immediately after he was born and was in the hospital for a very long time. During this time, Mary’s insurance for her daughter and her grandson expired, but the Medicaid program refused to step in. Medicaid was the only government program that she had coverage with. Otherwise, her grandson’s health would have suffered and she would literally be hundreds of thousands of dollars in debt.

And lastly, there is the story of Silvia from Fitchburg, Wisconsin. Silvia was uninsured when she was hospitalized with a need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes bill collectors call her home five times a day. Silvia chips away at this bill, sending $20 to $50 a month.

Mr. Speaker, before I continue, I yield to the gentleman from Missouri (Mr. CARNAHAN) who has some words to share about Cover the Uninsured Week.

Mr. CARNAHAN. I thank the gentlewoman from Wisconsin for yielding. Mr. Speaker, this is Cover the Uninsured Week in our country. I rise tonight to voice my concern for the 45 million Americans, including 8 million children and over 600,000 citizens in my home State of Missouri who are currently uninsured. I want to encourage all Americans to get involved in this week-long observance in their communities or on the Web at www.covertheuninsuredweek.org and to demand insurance coverage for all Americans. This is a broad and diverse coalition of individuals and organizations throughout our country, including the U.S. Chamber of Commerce, the AFL-CIO, Health Care Leadership Council, AARP and many other organizations that have the common goal of getting America insured. Uninsured Americans come from many age groups and backgrounds. In fact, eight out of 10 people who do not have insurance live in families with at least one person working full-time. Yet either their employer does not provide health insurance or they cannot afford the premiums that continue to escalate out of control. These Americans live day to day, dreading the slightest cold or injury for their children, that they may not stay healthy. This can no longer continue in our country.

I understand these concerns all too well. When my wife and I owned our own business, we did not have health insurance for the birth of our youngest son. We were fortunate that there were no serious complications and that we were able to obtain insurance eventually. But many American people are not so fortunate. This is a grave and serious problem that affects every American family. I want to encourage all Americans to think about the uninsured. Even those who currently have health insurance are impacted by this. When people do not have the protection of quality health insurance coverage, they often put off seeing a doctor until their condition worsens to the point that they must go to the emergency room. If they cannot pay for the large hospital bill, the costs are passed on to other patients who are in need. Through higher premiums and oftentimes overcrowded emergency rooms.

There is a better way. I am proud to stand here with the gentlewoman from Wisconsin and many other Members of this Congress to recognize Cover the Uninsured Week and to advocate for real solutions to this nationwide crisis. The problem of the uninsured is not something that we can put off solving anymore. I urge Congress to act and improve the lives of millions of hard-working and uninsured Americans by ensuring accessible and affordable health care.

Ms. BALDWIN. I thank the gentleman for his words. As I was earlier mentioned, when I heard from one of my constituents, I recognized how powerful those stories are. I thank the gentleman also for sharing his own and his own experience with this issue. I am sure it strengthens his advocacy on behalf of all of his constituents and all Americans.

Mr. Speaker, when I first announced that I was going to seek a seat in Congress several years ago, I chose the location of the football stadium in my hometown, the stadium where the UW Badgers play their football games. It is a stadium with a capacity of just under 60,000 people. The reason I chose that location was to bring to light the fact that if you filled that stadium, every seat, with people who are uninsured from that congressional district, there would still be a line to get in. That is how many people there are. In other congressional districts around the country, you could fill multiple stadiums of that size.

It is staggering. It is hard for us to get a grip on what it really means that there are 45 million Americans with no health insurance at all. And these are people who have had longtime unemployment. In fact, the Census Bureau, who puts out that number, bases it on being uninsured for a full year. If you count the people who are only uninsured for a month or two, some estimates go as high as 70 million Americans who experience some time without insurance. Forty-five million is a staggering number. And add to that some of the people I referenced earlier who have some type of insurance but are still facing exorbitant expenses, whether it is rising premiums, enormous deductibles, copays. It is a system in crisis.

I hope as we observe Cover the Uninsured Week and as we think about our responsibilities as Members of Congress representing many people who are uninsured or underinsured, that we take serious aim at this crisis in our country. I hope that in a few years, maybe even next year, that there will
be no need to commemorate and observe Cover the Uninsured Week. This is a problem that screams out for our response. I invite my colleagues to join me in working to provide health care for every American.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, we all know someone who is living without health insurance. The perception is that the uninsured don’t work. Over 80 percent of the uninsured have jobs. Most work in retail and service industries, but many are small business owners and employees. They are the individuals who care for our children, check our groceries, or run the local pharmacy. Americans who work hard for a living, should have health insurance.

Often times the uninsured ignore their medical problems and delaying doctors visits. Children go without vaccines because visiting the doctor is just too expensive. They are gambling that they won’t get seriously ill. But those who lose face staggering medical bills. Millions of dollars and many lives can be saved with timely medical attention.

Mr. Speaker, last month the House passed the Energy Bill. This was NOT a positive bill for Americans whose health depends on clean air and clean water.

Under the Clean Air Act, areas that have unhealthy air were required to reduce ozone-forming pollution by strict deadlines. The Energy Bill extends these deadlines allowing poluters more time to continue polluting. This means more asthma attacks, hospital visits, and premature deaths for residents in highly polluted areas.

Today, 45 million American are uninsured. Even those families that do have health insurance today, fear they may not have coverage tomorrow. The truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or accident away from being uninsured.

This country faces an uphill battle in solving this health crisis. Now is the time for this Congress to address this problem with innovative ideas and actions.

The SPEAKER pro tempore (Mr. DENT). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized until midnight.

Mr. BARTLETT of Maryland. Mr. Speaker, several weeks ago I read a treatise written by Matt Savinarn, and I was galvanized by his introduction. Let me read it.

“Dear reader,” he begins, “civilization as we know it is coming to an end. We got a little smarter. Our intestines, our quest for knowledge, our curiosity about something that is better overtook the status quo.

And when the gentleman from Maryland (Mr. BARTLETT) talks about peak oil, he not only did we move away from the status quo when we hear his words about fossil fuel; it is essential. There is a sense of urgency to move away. In all our measurements of oil or natural gas, whenever one looks at a bicycle in their home. It is not a day, and it is a lot more efficient. Then we moved from coal to oil, and oil is a lot cleaner and it is a lot more efficient. Then we moved from coal to oil, and oil is a lot cleaner than coal. Natural gas has more hydrogen than oil. The transition through our energy sources has not come about because we ran out of those energy sources. It has come about because we got a little smarter. Our intellect, our quest for knowledge, our curiosity about something that is better overtook the status quo.

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Mr. GILCHREST was talking about to me and I urge the Speaker to listen.

...energy source, has got to come now. They can grow, which they can use to produce.

...the transition to a new energy source, has got to come now. We cannot wait a decade. It is vastly important.

...I want to pay special attention to. One is Alaska's Prudhoe Bay.

Mr. Speaker, I am sure that my colleagues can remember all of the hulla-bubba about the enormous amounts of oil in the Gulf of Mexico. That was going to solve our energy problems for the foreseeable future. What that turned out to be is this little yellow here. That is all there was to it. And again, it is not bringing us where we were in 1970; we are still sliding down Hubbert's Peak.

I would like to come back to the Alaska oil for just a moment. We are now talking about going into ANWR. It really does not matter whether one is for going into ANWR or one thinks that is a pristine wilderness that we should not drill in, because the amount of oil in ANWR is probably not more than half of this. Even if it were that much, it is not going to make enough difference to matter. My concern is that if we drill in ANWR, Americans will think, gee, we have solved our energy problem, we are drilling in ANWR. It will be little more than a nit in terms of the enormous amounts of energy we use. That kind of helps us put ANWR in perspective, because this is Prudhoe Bay, which may be twice as large as ANWR. So it kind of gives us a picture of what we can expect from ANWR.

The next chart is a generic chart which kind of shows us where we are, very probably where we are, and we have here only a two percent growth. Remember those curves I showed earlier? This is only the two percent growth curve. But what happens: it gets steeper and steeper as we go out. That is the interesting thing about exponential growth. The blue curve here is the available oil. Now, obviously, the use of oil and the production of oil peaked and we are now starting to peak oil to have a problem, as the curve shows here, because we start devaliating from this curve before we get...
to the peak of the curve. So we might expect, if we are at this point where the arrow points here, we might expect it for the next couple of years or so that it will be marginally greater increases in the production of oil, but they will not begin to keep up with the increased demand for oil.

Last year, for instance, China increased their oil imports about 25 percent. They now are the number two importer in the world. They have replaced Japan as the number two importer in the world. Of course, we are number one. We import more oil than anyone else in the world. India is following closely behind China. The Third World is now industrializing and probably, one of the things that we could most productively do would be to help India and help China and help the Third World countries who are industrializing to do it more efficiently. They are not only industrializing 30, 40 years after we did; they are kind of following the model that we followed and using very inefficient techniques. So we could help alleviate the world’s energy problem by helping these countries, which are now following us by 30 years or more in industrialization, to use techniques that are more efficient, which would make more oil available for everyone.

The next chart shows the discovery of oil, and the discovery of oil. If I can have my colleagues see, that peaked for the world back here before 1970, and it peaks for us in the United States considerably before that. So discoveries peak a long time before consumption, and they are down, down, down now. I just had a paper sent to me that says that there is a whole lot more oil out there that we have not found.

I hope that is true. But whether it is true or not for the moment is not going to make a difference, because there is not going to come on line, as Chairman YOUNG says, for maybe 10 years. And in 10 years we are going to be sliding down Hubbert’s Peak. So if there is a lot more oil out there, the most it will do is kind of slow our descent down Hubbert’s Peak. We cannot escape the reality that the world production of oil will peak, many believe that it has peaked, and the demand for oil is certainly not going to peak. That is going to keep on going.

The next chart shows something very interesting, that is, that drilling more will not help. And this is an interesting chart, because what it shows, the green shows the discoveries above use by the United States, and the red shows when we started to run a deficit. What you see is in the 1980ish time zone, the yellow here shows the wells that we drilled. And notice this big spike in the number of wells we drilled. This was early in the Reagan administration.

Now, President Reagan recognized that we had a problem. We were already sliding down Hubbert’s Peak. And he thought that the reason that we did not have more oil was simply because they did not have enough incentive to drill for more oil. And so he gave them incentives to drill for oil, and these incentives did work, they did drill for oil; but notice the increased drilling did not help keep up with the ever-decreasing discovery of oil with increased use, so now we have been operating in the red for a long time.

Notice that in spite of enormously increased profits, the industry is not drilling any more wells. Why aren’t they drilling many more wells? It quite obviously is because they have done a lot of exploration, we are really pretty good at that today, and we use seismic and 3-D and computers. And if they thought there was a whole lot more oil out there to be found, they would be drilling more wells, because they certainly have the capital to do that now.

There is another dimension in this story that our next chart shows for us. And this is what is happening around the world. And I want to pay particular attention to China. China is now, remember, the number two importer in the world, 1.3 billion people, with an economy growing that 10 percent curve, very sharp growth in their economy. And they are now securing the world for oil.

They have contracts in Canada for oil, in Colombia, Venezuela, Brazil, Argentina, in the Middle East and Africa. They are now negotiating with Russia for oil there. They are talking with Russia about building a pipeline from the Sakhalin Island, in the Russian far east. Russia spans 11 time zones.

This ought to be colored green here, because Russia comes clear around here, nearly up to Alaska. They cover 11 time zones. And their far eastern oil is so far away from their major population centers, that they just cannot get it there over this large expanse.

And so now they are talking about a pipeline that would carry it down to China and perhaps down to the Korean Peninsula. By the way, they negotiated for an oil company in our country, and we were just barely out-bid. They may be back bidding for oil companies in our country. They now control a number of assets around the world to make sure that they have access to this oil.

For instance, a number of years now they have had ports at both ends of the Panama Canal. A poll, kind of an informal poll, was conducted in India and China over a several-month period by sending people that would just talk to people across the spectrum of their society there to ask them about energy and the future, and there is pretty broad knowledge in both of those countries that energy is going to be an increasing problem.

And in China they found a big recognition that China was dependent on the sea lanes for their oil, and they do not control the sea lanes. The United States controls the sea lanes. And so China is now aggressively developing a blue water navy. By a blue water navy, I mean a navy that operates in the oceans of the world. Many countries have a navy, but most of them are designed to protect the country close in.

Only now, since the Soviets and the Russians have pulled back, only now do we have a blue water navy that controls the world’s oceans. And China recognizes that we could, if we wished, pull off their oil supply. And so they now are aggressively developing, among other armaments, a blue water navy.

By the way, last year our trade deficit with China was $152 billion. So it is not that they are without resources to develop this blue water navy. The next chart is a very interesting one, and Congressman GILCHREST talked about this. And this shows the transition from one fuel to another. And notice the lower brown curve.

And we really started using wood when we learned how to make steel. As a matter of fact, the hills, the mountains of New England were largely denuded of trees. There are now more forests in New Hampshire than there were when the Industrial Revolution began here, because it began in England a bit sooner, and they were cutting trees from New England to take to England.

As a matter of fact, the Industrial Revolution almost founded because, as Congressman GILCHREST mentioned, we were exhausting the forest and cutting trees for fuel. They now re-discovered coal. And notice how much greater the economy became, because over here is quadrillion BTUs. Remember you talked about BTUs, these are quadrillion BTUs over here. I think you were up, what, over a hundred quadrillion BTUs? Here it is 70. We are now up over a hundred quadrillion BTUs.

And then we discovered oil. And here it goes. Up to a hundred quadrillion BTUs total energy. By the way, the lower curve here is a breakout of these, and it shows what maybe I hope is the future, what better be the future, or the future is pretty grim, that is, some alternatives to fossil fuels. Those are things like nuclear and solar and wind. They are so far down here in the noise level you do not see them so we have blown it up.

By the way, you do not see this big red spike here, because it combines petroleum and natural gas which come together, and here they are separated so you add this to this, you will get this big peak up here.

This explains some of the characteristics that alternative fuels must have, and that is energy density. Why were the BTUs so much higher with coal and enormously higher with oil? And Congressman GILCHREST mentioned this, it is the energy density there.

Give you a little example of energy density. At maybe 25 percent efficiency only, because in your internal combustion engine you are lucky if you get 25
percent efficiency, which is the reason that you have that big radiator and all those pipes and fins to get rid of the heat. A barrel of oil contains the energy of 25,000 man-hours of labor.

That is the equivalent of having 12 people work for you full time for a whole year. And it costs you about $100, $50 for the oil, that is about what it was today, maybe another $50 to refine it. So you have got 42 gallons at $2-something a gallon. That is about $100. Is it not? And that $100 will buy you a couple of weeks ago, they called and you a talk on this summer, when I gave a talk on not last forever, but in this transition there are some finite resources we really need to replace these fossil fuels. Now things we can look to for getting energy to replace these fossil fuels. So that is the challenge we have.

The next chart shows us the kind of things we can look to for getting energy to replace these fossil fuels. Now there are some finite resources we really have to pay attention to. They will not last forever, but in this transition we will have to use them as we can.

The tar sands, and I am going to Canada to talk on a couple of weeks ago, they called and would like me to see their tar sands exploitation so we will look at that. There is a lot of oil in tar sand, but most of it is pretty poor quality and it takes a lot of energy to get it out. It may take almost as much energy to get it out as you get oil out of the tar sands.

There are the oil shale in this country. The same thing is true there. Ultimately when Goldman Sachs has oil going to $105 a barrel, when it gets there it might be feasible to get oil shales. But again, a big environmental penalty and a lot of energy to get it out.

Coal. We will leave this chart up and put another chart in front of this because we want to come back to this one. The chart we put in front shows coal, and you have heard that we have 250 years of use, that is true, with no growth at current use rates. Remember that flat curve we showed before? No growth at current use rates.

This is perfectly flat. It will last us 250 years with no growth, but if it just grows 1.1 percent a year it will only last that long. Less than 150 years. At 2 percent growth it will last less than 100 years. But what are you going to do with coal? You cannot put it in the trunk of your car and go down the road. You have to convert it to a liquid or a gas so that you can use it. And when you have a 2 percent growth rate and after conversion you are now down about 50 years of supply. And you have got to use a lot of energy to make sure that you can use it.

We appropriate money from the Congress for clean coal technology. I support that, because we cannot use coal in the traditional way because it is enormously polluting.

We will go back now to our chart we were looking at the options that we have. The only thing on this table here that comes close to the energy density of fossil fuels is nuclear. Now, a lot of people have some big concerns about nuclear energy. I think there is some potential there that we have not tapped.

The odds of getting fusion in time are pretty small. I would not bank on it. If it happens that is incredible. But that is probably the way you can see me trying to solve my personal economic problems by winning the lottery. We certainly would not bank on it. It if happens that is nice. Like winning the lottery, if it happens that is nice.

Two other kinds of energy is from nuclear. These are fusion. One of those is whiter sand, which is the kind we have in this country. This uses uranium which is in even shorter supply in the world than oil. So that will not last forever.

Ultimately if we are going to get large amounts of energy from nuclear figures, we are going to have to go to breeder reactors. France gets about 80 percent of their electricity from nuclear. These are breeder reactors. With breeder reactors, you buy a problem of waste products that you have to store away but we believe for maybe a quarter of a million years. That is a time span we can even think about. How do you safely store something away for a quarter of a million years?

Anything that has that much energy in it ought to be good for something. If it is so hot, if it has so much energy in it that you have got to store it away, you cannot even come close to it for a quarter of a million years, I would think you have not unleashed the ingenuity of the American people to see what we can do with that energy. I just think there is some potential there that we have not tapped.

Our time for this evening is nearly up. So what I want to do now is just mention, and we will be coming back again for a full hour and we will be talking about in detail about these renewable resources down here, what can we realistically expect from them and what do we need to do to get them started? Solar and wind and geo-thermal, tapping thermal core of the earth. Ocean energy, the tides and the waves. Lots of potential from agriculture, soy diesel, bio diesel, ethanol, methanol, bio mass.

Waste of energy. Great idea. Rather than filling landfills with it, burn it and get energy from it. By the way, the heat you got from it ought to be used for heating people’s home. It ought not be wasted in evaporating water in a big tower outside town.

Last, we will close with hydrogen from renewable. Hydrogen is not an energy source. You cannot mine hydrogen. You cannot suck it out of the air. The only way you get hydrogen is to produce it.

Right now we are getting hydrogen from natural gas. It would be better to get it from renewables. We can do that. We can get it from nuclear. One of the things you might do with nuclear plant is split water to get hydrogen. You put that hydrogen in a fuel cell in your car. It has at least twice the efficiency of the reciprocating engine. It
produces only water when you burn it. You do not have a flame but you are, in effect, chemically burning it in the fuel cell. There are lots of things to look at here. But the real urgency here is that we have come by competition and by efficiency so that we can use the limited resources of oil that we have, not only to continue the economies we now have in the world, but to make the investments we must make in these so that we are going to continue to be able to live the kinds of qualities lives that we have been living. I am sure that Americas are up to this. What we need is leadership articulating the problem and articulating the things that Americans need to do. Americans just need leadership. We are the envy of the world and we need to be a world leader in this because we use most of the oil in the world. I will try to use this opportunity to call to our Web site and there you will find a discussion of these items of links that will carry you are to other places. If you would like to order a video or DVD, this is the telephone number you call at C-SPAN.

CONFERECE REPORT ON H.R. 1288
Mr. LEWIS of California submitted the following conference report and statement on 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 ground for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes:

CONFERENCE REPORT (H. Rept. 109-127)
The conference report on the conference report disagreeing votes of the two houses on the amendments of the Senate 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 ground for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes”, having met, after conference, do recommend and do recommend to their respective Houses:

That the House recede from its disagreeement to the amendment of the Senate and agree to the same with amendment as follows:

SECTION 1. SHORT TITLE

This Act may be cited as the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005”.

SEC. 2. TABLE OF CONTENTS

The table of contents for this Act is as follows:

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005
Title I—Defense Related Appropriations
Title II—International Programs and Assistance for the Protection of American Interests and the War on Terror
Title III—Domestic Appropriations for the War on Terror
Title IV—Military Construction, Operation and Maintenance, and Energy Security
Title V—Other Emergency Appropriations
Title VI—General Provisions and Technical Corrections

DIVISION B—REAL ID ACT OF 2005

SEC. 3. REFERENCES

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY
For an additional amount for “Military Personnel, Army”, $13,609,208,000, of which not to exceed $508,374,000 shall 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).

MILITARY PERSONNEL, NAVY
For an additional amount for “Military Personnel, Navy”, $351,108,000, of which not to exceed $19,928,000 shall 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).

MILITARY PERSONNEL, AIR FORCE
For an additional amount for “Military Personnel, Air Force”, $130,000: 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).

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for “Military Personnel, Marine Corps”, $2,399,943,000, of which not to exceed $16,471,000 shall 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).

MILITARY PERSONNEL, NAVY—RESERVE PERSONNEL
For an additional amount for “Reserve Personnel, Navy”, $9,411,000: 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).

RESERVE PERSONNEL, MARINE CORPS
For an additional amount for “Reserve Personnel, Marine Corps”, $139,627,000: 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).

RESERVE PERSONNEL, AIR FORCE
For an additional amount for “Reserve Personnel, Air Force”, $130,000: 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).

RESEARCH AND DEVELOPMENT
For an additional amount for “Research and Development”, $3,482,055,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and
(2) not to exceed $25,000,000, of which—

(a) not to exceed $1,500,000,000 may be used for the Global War on Terror, for the Department of Defense management and support fund,
(b) up to $62,000,000,000, to remain available until expended, may be used for National Defense, including any other support provided, or to be provided, to States, local governments and other than the United States military operations, notwithstanding any other provision of law.

That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Office of Management and Budget, may determine, in his discretion, based on documentation determined...
by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the funds provided in this paragraph: 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).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ‘‘Operation and Maintenance, Army Reserve’’, $26,354,000: 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).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ‘‘Operation and Maintenance, Navy Reserve’’, $75,164,000: 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).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ‘‘Operation and Maintenance, Marine Corps Reserve’’, $24,920,000: 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).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ‘‘Operation and Maintenance, Army National Guard’’, $226,859,000: 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).

AFGHANISTAN SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)

For the ‘‘Operation and Maintenance, Army Reserve’’ heading—

For the ‘‘Afghanistan Security Forces Fund’’, $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available, notwithstanding any other provision of law, to support the Department of Defense in providing equipment, supplies, services, training, and construction, and for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary’s designee to provide assistance, with the concurrence of the Secretary of State, to security forces of Afghanistan including the provision of equipment, supplies, services, training, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide foreign assistance: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes of this heading: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: 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).

IRAQ SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)

For the ‘‘Iraq Security Forces Fund’’, $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary’s designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide foreign assistance: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes of this heading: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: 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).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ‘‘Aircraft Procurement, Army’’, $458,577,000, to remain available until September 30, 2007: 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).

MISSILE PROCUREMENT, ARMY

For an additional amount for ‘‘Missile Procurement, Army’’, $370,000,000, to remain available until September 30, 2007: 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).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, $511,187,000, to remain available until September 30, 2007: 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).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ‘‘Procurement of Ammunition, Army’’, $332,800,000, to remain available until September 30, 2007: 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 PROCUREMENT, ARMY

For an additional amount for ‘‘Other Procurement, Army’’, $6,250,503,000, to remain available until September 30, 2007: 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).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ‘‘Aircraft Procurement, Navy’’, $200,300,000, to remain available until September 30, 2007: 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).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ‘‘Weapons Procurement, Navy’’, $6,000,000, to remain available until September 30, 2007: 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).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ‘‘Procurement of Ammunition, Navy and Marine Corps’’, $200,000,000, to remain available until September 30, 2007: 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).
$139,835,000, to remain available until September 30, 2007: 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 PROCUREMENT, NAVY**

For an additional amount for “Other Procurement, Navy”, $78,397,000, to remain available until September 30, 2007: 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).

**PROCUREMENT, MARINE CORPS**

For an additional amount for “Procurement, Marine Corps”, $2,283,042,000, to remain available until September 30, 2007: 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).

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for “Aircraft Procurement, Air Force”, $217,100,000, to remain available until September 30, 2007: 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).

**PROCUREMENT, DEFENSE-WIDE**

For an additional amount for “Procurement, Defense-Wide”, $6,031,000,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $39,040,000,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $140,983,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For an additional amount for “Research, Development, Test and Evaluation, Army”, $847,191,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $203,561,000, 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).

**RESEARCH AND DEVELOPMENT, TEST AND EVALUATION, NAVY**

For an additional amount for “Research and Development, Test and Evaluation, Navy”, $242,000,000, 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $2,577,560,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For an additional amount for “Research, Development, Test and Evaluation, Army”, $6,031,000,000, to remain available until September 30, 2007: 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).

**INTELLIGENCE COMMUNITY MANAGEMENT ACT**

**OTHER DEPARTMENT OF DEFENSE PROGRAMS**

**DRUG INTERDICTI ON AND COUNTER-DRUG ACTIVITIES, DEFENSE**

**INTELLIGENCE COMMUNITY MANAGEMENT ACT**

For an additional amount for “Intelligence Community Management Account”, $250,300,000, of which $181,000,000 is 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).

**RESEARCH AND DEVELOPMENT, TEST AND EVALUATION, NAVY**

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $39,040,000,000, to remain available until September 30, 2007: 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For an additional amount for “Research, Development, Test and Evaluation, Army”, $37,170,000, 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).

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $140,983,000, to remain available until September 30, 2007: 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).

**DEFENSE HEALTH PROGRAM**

For an additional amount for “Defense Health Program”, $210,550,000 for operation and maintenance: 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).

**MILITARY CONSTRUCTION, NAVY**

For an additional amount for “Military Construction, Navy”, $847,191,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by 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).

**MILITARY CONSTRUCTION, ARMY**

For an additional amount for “Military Construction, Army”, $847,191,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by 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).

**MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

For an additional amount for “Military Construction, Navy and Marine Corps”, $139,880,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by 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).

**GENERAL PROVISIONS, THIS TITLE**

**SPECIAL TRANSFER AUTHORITY**

**TRANSFER OF FUNDS**

**SEC. 1001.** Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer acquisition appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this title, except for military personnel and maintenance, and procurement: Provided further, That the amounts transferred shall be merged with and be available for the same purposes and for the same time periods as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided therein, such funds may be transferred back to this appropriation: Provided further, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: 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).

**OFFICE OF THE INSPECTOR GENERAL**

**SEC. 1002.** Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-183), is amended by striking "$3,500,000,000" and inserting in lieu thereof "$6,185,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

**COUNTING HOUSE ACTIVITIES**

**SEC. 1003.** (a) AUTHORITY TO PROVIDE SUPPORT—Of the amount appropriated by this Act...
under the heading, “Drug Interdiction and Counter-Drug Activities, Defense”, not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsection (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–388 and Public Law 108–183) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual protective equipment, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1004. The paragraph under the heading “Operation and Maintenance, Defense-Wide” in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 943), is amended in the first proviso by striking “$12,000,000” and inserting “$40,000,000”.

ADVANCE BILLING

SEC. 1005. For fiscal year 2005, the limitation under paragraph (3) of section 2208(b) of title 10, United States Code, on the total amount of advance billing rendered or imposed for all work performed by any covered entities is reduced to such amount as is necessary to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1009. Section 1069(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–58), is amended—

(1) by striking “in the fiscal year after the effective date of this Act” and inserting in lieu thereof “in the fiscal years 2005 and 2006”; and

(2) in paragraph (1) by striking “$50 new personnel billets” and inserting in lieu thereof “the total of 500 new personnel positions”.

COALITION LIAISON OFFICERS


RESERVE AFFILIATION BONUS

SEC. 1011. Notwithstanding subsection (c) of section 2006 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–183), the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (c) to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEN’S GROUP LIFE INSURANCE

SEC. 1012. (a) INCREASED MAXIMUM AMOUNT OF SERVICEMEN’S GROUP LIFE INSURANCE.—Section 607 of title 38, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking clause (i) and inserting the following new clause:—

(i) In the case of a member—

(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

(II) in the case of a member covered by subsection (f) who has made an election under paragraph (3)(A)(i)(I), the amount of insurance provided for the member by subsection (e) or (f); and

(III) in the case of a member covered by subsection (e) who has made an election under subsection (f), the amount of insurance provided for the member by subsection (e) or (f);

(b) INCREASED DECREASED AMOUNTS ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of such section is amended by striking “member or spouse” in the last sentence and inserting “member, be evenly divisible by $50,000, and in the case of a member’s spouse”;

(c) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 6106 of such title is further amended—

(A) by redesignating subsection (e) as subsection (d); and

(B) by inserting after subsection (d) the following new subsection (e):

(1) A member covered by this subsection is any member as follows—

(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

(B) Any member who formerly served in an operation or area designated under this subsection, whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated in service on or after such date.

(2) The additional amount of insurance under this subsection that is provided for a member under this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subsection that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

(3) The total amount payable for a member under this subsection may not exceed $400,000.

(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subsection that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member’s pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.

(5) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting “(1)” after “(b)”; and

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

For each month for which a member inured under this subsection is serving in an operation or area designated as described by paragraph (1) of section 1969(e) of this title, there may, at the election of the Secretary concerned under paragraph (4) of such section, be contributed from the appropriation made for active duty pay of the uniformed service contributed on an amount determined by the Secretary and certified to the Secretary concerned as the cost of Servicemembers’ Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1969(e) of this title in the amount of $150,000.

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting “before the period at the end” before the following:—

“$2,500,000,000: Provided, That funds available for the Commander’s Emergency Response Program for fiscal year 2005, not to exceed $1,000,000,000, to purchase equipment and materials from any person, foreign government, international organization or other entity for the purpose of supporting United States forces overseas, and to dispose of the weapons purchased: Provided further, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports regarding the purchase and disposition of such equipment under this subsection.”

CLASSIFIED PROGRAM

SEC. 1007. Section 809(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–183; 118 Stat. 286), as amended by section 102 of title I of Division J of the Consolidated Appropriations Act, 2005, (Public Law 108–447), is further amended by striking “$500,000,000” in the matter preceding paragraph (1) and inserting “$540,000,000”: Provided, That funds available for the Commander’s Emergency Response Program for fiscal year 2005, not to exceed $1,000,000,000, to purchase equipment and materials from any person, foreign government, international organization or other entity for the purpose of supporting United States forces overseas, and to dispose of the weapons purchased: Provided further, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports regarding the purchase and disposition of such equipment under this subsection.

LIMITATION ON CIVILIAN COMPENSATION

SEC. 1008. (a) During calendar year 2005 and notwithstanding section 5447 of title 5, United States Code, with respect to an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and pay for premium hours in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command in support of, or related to—

(1) a military operation, including a contingency operation; or

(b) Operation in response to a declared emergency.

(b) To the extent that a waiver under subsection (a) results in payment of additional pre-retirement retirement benefits, such payment shall be considered as basic pay for purposes of the limitation on pre-retirement retirement benefits normally credited as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be considered as part of the annual retirement adjustment for the accumulated and accrued annual leave under section 5531 of title 5, United States Code.

(c) The Director of the Office of Personnel Management may, in his or her discretion, issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

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“(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (f)(1), without the written consent of the spouse.

“(E) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(1), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member’s next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary.

“(g) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 790 of this title is amended by adding at the end the following new subsection:

“(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.”.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(i) TERMINATION.—The amendments made by this section shall end on September 30, 2005.

(j) INCREASE IN DEATH GRATUITY.—(1) Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting “, except as provided in subsections (c), (e), and (f),” after “$52,000”,

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

(C) by inserting after subsection (b) the following new subsection (c):

“(c) The death gratuity payable under sections 1475 through 1477 of this title is $100,000 in the case of a death resulting from wounds, injuries, or illness sustained by reason of—

(1) incurred as described in section 1413a(e)(2) of this title; or

(2) incurred in an operation or area designated as a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38.”.

(k) CONFORMING AMENDMENT.—Subsection (a) of section 1478a of this title, as amended, is further amended by striking “as adjusted under subsection (c)” and inserting “as adjusted under subsection (d)”.

(l) RETROACTIVE PAYMENT OF DEATH GRATUITY FOR DEATHS AFTER OCTOBER 7, 2001, FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.—Such Act is amended by adding at the end the following new subsection:

“(e)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable in accordance with this subsection for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (a).

“(2) The amount of additional death gratuity payable under this subsection shall be $238,000.

“(f) A payment pursuant to paragraph (3) by reason of a death covered by this subsection shall be paid—

“(A) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the death gratuity previously paid on the basis of death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38; or

“(B) to the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.”.

(m) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(n) TERMINATION.—(1) IN GENERAL.—This section and the amendments made by this section shall terminate on September 30, 2005, Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be in effect.

(2) CONTINUING OBLIGATION TO PAY.—Any amount of additional death gratuity payable under section 1478 of title 10, United States Code, by reason of the provisions of subsections (b) and (c) of this section that remains payable as of September 30, 2005, shall, notwithstanding paragraph (1), remain payable after that date until paid.

(o) INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1014. Funds appropriated in this title, or made available by the Department of Defense or to the Department of Defense or to a department or agency of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be used for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).
INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1021. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $2,500,000 shall be available for the purpose of mobilizing an industrial mobilization facility at Rock Island Arsenal.

BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS

SEC. 1022. (a) Section 403(l) of title 37, United States Code, is amended by striking “100 days” each place it appears and inserting “365 days.”

(b) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective with respect to the provisions of section 403(l) of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revoked.

PROHIBITION ON CHARGES FOR MEALS

SEC. 1023. (a) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(b) EFFECTIVE DATE.—The prohibition in paragraph (a) shall take effect upon enactment of this Act, and shall apply with respect to meals provided to a member of the Armed Forces during the period beginning on the date of the enactment of this Act and ending on September 30, 2005. Effective on October 1, 2005, the provisions of section 402 of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1024. (a) The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate that "the reconstruction of Iraq and Afghanistan, in such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code, is $813,440,000.

(b) SENATE.—The Senate makes the following sense of the Senate:

(1) No funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $2,500,000 shall be available for the purpose of mobilizing an industrial mobilization facility at Rock Island Arsenal.

(c) No funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available for the purpose of complying with the requirements of section 5383 of title 5, United States Code: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(d) EFFECTIVE DATE.—The prohibition in paragraph (a) shall take effect upon enactment of this Act, and shall apply with respect to meals provided to a member of the Armed Forces during the period beginning on the date of the enactment of this Act and ending on September 30, 2005. Effective on October 1, 2005, the provisions of section 402 of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1025. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy in this Act, necessary funding will be made available for repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of the U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available in this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until 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.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy is any aircraft carrier that is not temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

(d) PACIFIC FLEET AUTHORITIES.—For purposes of section 118 of title 10, United States Code, the Pacific Fleet may be obligated to modify command and control relationships to give Fleet Forces Command

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administered and operational control of U.S. Navy forces assigned to the Pacific fleet. Provided, That the command and control relationships which existed on October 1, 2004 shall remain in force unless obligated by or specifically authorized in a subsequent act.

TRAVEL FOR FAMILY OF HOSPITALIZED SERVICEMEMBERS

SEC. 1026. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (A); and

(B) by striking paragraphs (B) and (C) and inserting the following new subparagraph:

(3) the term “(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967e(a)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment,” and

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

“(3) more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (i) of paragraph (2)(B).”.

(b) CONFORMING AMENDMENTS.—

(1) HEADINGS FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows: “§411h. Travel and transportation allowances: transportation of family members in the active duty or the reserve components of the armed forces who have sustained a serious or life-threatening injury”.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows: “§411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.”.

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and for fiscal years 2005 and 2006 (Public Law 108–287) for the Operation and Maintenance, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

(e) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 411h of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

PROHIBITION ON TERMINATION OF MULTYEAR PROCUREMENT CONTRACT FOR C–130J AIRCRAFT

SEC. 1027. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C–130J aircraft that is in effect on the date of the enactment of this Act.

PROHIBITION FOR THE PURCHASE OF PURPLE HEART COMMENDATIONS

SEC. 1028. None of the funds in this Act or prior Acts may be obligated or expended to purchase Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom.

VITAL PREHOSPITALIZATION DIRECTIONS

SEC. 1030. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following changes to the requirements found in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): Provided, That the amounts transferred shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, “Aircrew, Army, 2004/2006”, $2,000,000;

To:

Under the heading, “Research, Development, Test and Evaluation, Army, 2004/2005”, $2,000,000;

Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, “Other Procurement, Air Force”, $500,000;

To:


Provided further, 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 502 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 1031. (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) The term “torture” has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

TRAUMATIC INJURY PROTECTION

SEC. 1032. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subsection (a) of section 411h of title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

“(II) The term ‘activities of daily living’ means the inability to independently perform 2 of the 6 following functions:

(A) Bathing.

(B) Continence.

(C) Dressing.

(D) Eating.

(E) Toileting.

(F) Transferring.”;

and

(2) by adding at the end the following:

“(g) 1980A. Traumatic injury protection

“(1) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967e(a)(1) shall automatically be issued a traumatic injury protection rider that shall provide payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

(2) A member who is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the National Purple Heart League and the Secretary of Defense, including, but not limited to—

“(A) total and permanent loss of sight;

“(B) loss of a hand or foot by severance at or above the wrist or ankle;

“(C) total and permanent loss of speech;

“(D) total and permanent loss of hearing in both ears;

“(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joint;”

“(F) quadriparesis, paraplegia, or hemiplegia;

“(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face;”

“(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.”;

and

(3) the term ‘hemiplegia’ means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

(b) The Secretary, in collaboration with the National Purple Heart League and the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.
(c) A payment under this section may be made only if—
(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury and from no other cause;
(2) the loss results directly from that traumatic injury and from no other cause; and
(3) the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

(d) This section for losses described in subsection (b)(1) shall be—
(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense, which shall be the same for all such members as the share of the cost attributable to the uniformed service under this section, less any costs traceable to the extra hazards of service provided under this section.
(2) During any month in which a member is a member of the uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs after section 1966 of this title, shall be appropriated from the appropriated by the Secretary for the operation of the Office of Servicemembers' Group Life Insurance.

(e) (1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay, until separation or release from active duty an amount determined by the Secretary of Veterans Affairs in accordance with the policies described in paragraph (1), the Secretary of Veterans Affairs may in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury, if the member sustains the injury, the Secretary shall certify to the Secretary of Defense whether any member claiming the benefit under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment shall not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed service.

(f) Insurance coverage provided under this section is not convertible to Servicemembers' Group Life Insurance.

(g) Certification; Payment.—The Secretary of Defense shall—
(1) certify to the Secretary of Veterans Affairs that the member is insured under a policy of insurance purchased by the Secretary of Veterans Affairs after section 1966 of this title, shall be appropriated from the appropriated by the Secretary for the operation of the Office of Servicemembers' Group Life Insurance.
(2) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

(h) Payment.—(1) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

(i) Coverage for losses resulting from traumatic injury and from no other cause; and
(2) based on the severity of the covered condition; and
(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

(1) In general.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) Rulemaking.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

(j) Effective Date.—
(1) In general.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(k) Definitions.—
(1) For purposes of this section, the term "Secretary" means the Secretary of Veterans Affairs.
(2) For purposes of this section, the term "Secretary" means the Secretary of Defense.

(l) Fiscal year—The Secretary of Veterans Affairs shall provide, to the Committee on Appropriations of the Congress, a report containing such information and data as such Committee may require respecting the conduct of the business of the Department during the fiscal year.
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, $250,000,000 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).

CHAPTER 2
DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
For an additional amount for “Diplomatic and Consular Programs”, $734,000,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $500,000,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in 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”, $592,000,000, 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).

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Contributions for International Peacekeeping Activities”, $80,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, up to $50,000,000 may be transferred to “Peacekeeping Operations” to support the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: 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).

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, $4,400,000, 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”, $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 ASSISTANCE
For an additional amount for “International Disaster and Famine Assistance”, $90,000,000, to remain available until expended, for emergency assistance in response to the humanitarian crisis in the Darfur region of Sudan and other African countries: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, allocable maintenance and support of development operations, 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”, $70,000,000, 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).

DEPARTMENT OF STATE
INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT
For an additional amount for “International Narcotics Control and Law Enforcement”, $629,000,000, to remain available until September 30, 2007: 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”, $120,400,000, to remain available until September 30, 2006: Provided, That the funds appropriated under this heading, not less than $67,000,000 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 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).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS
For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, $24,600,000, to remain available until September 30, 2006, of which not to exceed $7,500,000, 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: 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).

MILITARY ASSISTANCE
Funds Appropriated to the President
FOREIGN MILITARY FINANCING PROGRAM
For an additional amount for “Foreign Military Financing Program”, $250,000,000: 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).

PEACEKEEPING OPERATIONS
For an additional amount for “Peacekeeping Operations”, $240,000,000, to remain available until September 30, 2006, of which up to $200,000,000 is for military and other security assistance to support the global war on terrorism: Provided, That up to $30,000,000 may be used only pursuant to a determination by the President, and after consultation with the Congress, to support the global war on terrorism: Provided further, That these funds may be transferred by the Secretary of State to other Federal agencies to support the global war on terrorism: Provided further, That funds appropriated under this heading shall be subject to
the regular notification procedures of the Committee on Appropriations, except that such notification 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

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2277), is further amended by inserting the following:

"SEC. 2102. The unexpended balance appropriated by Public Law 108-11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

AUDIT REQUIREMENT

SEC. 2103. Section 559 of division D of Public Law 108-447 is amended by adding at the end the following:

"(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation, handling and use of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading "Economic Support Fund". The audit shall include:

"(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

"(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

REPORTING REQUIREMENT

SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 120 days after enactment, and prior to the initial obligation of funds appropriated under this heading, a report regarding the proposed use of all funds on a project-by-project basis, for which the obligation of funds is anticipated; Provided, That up to 15 percent of funds appropriated under this heading may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this heading until all funds have been fully expended.

AUDIT REQUIREMENT

SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading "Economic Support Fund" and "International Narcotics Control and Law Enforcement": Provided, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

REPORTING REQUIREMENT

SEC. 2106. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing:

(1) information regarding the Palestinian security sector, their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy从事 terrorist activities, and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement to violence, to limit media-control over press and electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps taken to further democracy, the rule of law, and an independent judiciary, and transparency and accountability of the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of the Palestinian Authority's expenditure of funds on a project-by-project basis, for which the obligation of funds is anticipated: Provided, That such assistance shall be designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REPROGRAMMING AUTHORITY

SEC. 2107. The amounts set forth in the eighth proviso in the Department of State and Related Agencies Appropriations Act in the fiscal year 2005 Department of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108-447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

CANDIDATE COUNTRIES

SEC. 2109. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108-199) is amended by inserting after "(b)" the following:

"(c) Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit a report to the Committees on Appropriations, in an amount provided under this heading, designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TIMELINE

SEC. 2110. (a) Funds provided in this Act for the following accounts shall be made available for appropriation and execution in the subcommittees of the Committees on Appropriations:

"Economic Support Fund": and

"Assistance for the Independent States of the Former Soviet Union".

(b) Any proposed increases or decreases to the amounts contained in such tables in the joint explanatory statement of the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, shall be subject to the normal notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

CHAP. 2—DOMESTIC SECURITY

DEPT. OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION


IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES


CONSTRUCTION

FOR AN ADDITIONAL AMOUNT FOR "CONSTRUCTION", $51,875,000, TO REMAIN AVAILABLE UNTIL SEPTEMBER 30, 2006: PROVIDED, THAT THE SECRETARY OF HOMELAND SECURITY SHALL PROVIDE THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES NO LATER THAN JUNE 15, 2005, WITH A PLAN FOR THE EXPEDITIOUS IMPLEMENTATION AND EXECUTION OF THESE FUNDS: PROVIDED FURTHER, THAT THE AMOUNT PROVIDED UNDER THIS HEADING, $49,075,000, IS DESIGNATED AS AN EMERGENCY REQUIREMENT PERSUANT TO SECTION 402 OF THE CONFERENCE REPORT TO ACCOMPANY S. CON. RES. 95 (108TH CONGRESS).

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

FOR AN ADDITIONAL AMOUNT FOR "SALARIES AND EXPENSES", $454,250,000, OF WHICH NOT LESS THAN $11,000,000 SHALL BE AVAILABLE FOR THE COSTS OF INCREASING, BY NO LESS THAN SEVENTY-NINE PERCENT OF THE FULL-TIME EQUIVALENTS ON BOARD ON THE DATE OF ENACTMENT OF THIS ACT. PROVIDED, THAT THE TOTAL AMOUNT PROVIDED, $175,250,000, IS DESIGNATED AS AN EMERGENCY REQUIREMENT PERSUANT TO SECTION 402 OF THE CONGRESS REPORT TO ACCOMPANY S. CON. RES. 95 (108TH CONGRESS).
$349,050,000 is designated as an emergency require-
ment pursuant to section 402 of the con-
ference report to accompany S. Con. Res. 95
(108th Congress).

UNITED STATES COAST GUARD
OPERATING EXPENSES
For an additional amount for “Operating Ex-
penses”, $111,950,000: Provided, That the amo-
unt provided under this heading is designated as an
emergency requirement pursuant to section 402 of the conference report accom-
pany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS
For an additional amount for “Acquisition, Con-
structions improvements”, $49,000,000, to remain available until September 30, 2007: Provided,
That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4
LEGISLATIVE BRANCH
HOUSE OF REPRESENTATIVES
PAYMENT TO WIDOWS AND HEIRS OF DECEASED
MEMBERS OF CONGRESS
For payment to Doris K. Matsui, widow of Robert T. Matsui, Representative from the State of California, $162,100.

SALARIES AND EXPENSES
For an additional amount for salaries and ex-
penses of the House of Representatives, $39,000,000, to remain available until expended:
Provided, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL LAW ENFORCEMENT TRAINING
CENTER
SALARIES AND EXPENSES
For an additional amount for “Salaries and Ex-
penses”, $2,568,000, to remain available until September 30, 2006.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
RELATED EXPENSES
For an additional amount for “Acquisition, Con-
structions improvements, and Related Ex-
penses”, $1,882,000, to remain available until September 30, 2006.

CHAPTER 3
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
DETECTION TRUSTEE
For an additional amount for “Detection Trustee”, $184,000,000, for necessary expenses of the Federal Detention Trustee: 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).

LEGAL ACTIVITIES
ASSET FORFEITURE FUND
(RECESSION)
Of the unobligated balances available under this heading, $40,000,000 are rescinded.

UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES
For an additional amount for “Salaries and Ex-
penses”, $11,935,000, for increased judicial se-
curity outside of courthouse facilities, including the installation of detection systems for Federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Ex-
penses”, $73,991,000, to remain available until September 30, 2006: Provided, That of the amount appropriated, $1,250,000 shall be trans-
ferred to and merged with the appropriation for “Department of Justice, General Administra-
tion, Office of Inspector General”: Provided fur-
ther, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Ex-
penses”, $7,648,000, 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).

ARCHITECT OF THE CAPITOL
CAPITOL GROUNDS
SALARIES AND EXPENSES
For an additional amount for “Capitol Grou-
nds”, $8,200,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITOL POLICE
GENERAL EXPENSES
For an additional amount for “Capitol Police”, $11,000,000, to re-
main available until expended: Provided, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITOL POLICE BUILDINGS AND
GROUNDS
For an additional amount for “Capitol Police
Buildings and Grounds”, $4,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency require-
ment pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLe IV—INDIAN OCEAN TSUNAMI
RELIEF
CHAPTER 7
Funds appropriated to the President
OTHER BILATERAL ASSISTANCE
TSUNAMI RECOVERY AND RECONSTRUCTION
FUND
(INCLUDING TRANSFERS OF FUNDS)
For necessary expenses to carry out the For-
eign Assistance Act of 1961, for emergency relief, rehabilitation, and recovery assistance to coun-
tries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian
influenza virus, $656,000,000: Provided, That the
amounts provided herein, together with amounts made available until September 30, 2006: Provided,
That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any
activity authorized under part 2 (including chapter 4 of part II) of the Foreign Assistance
Act, or under the Agricultural Trade Develop-
ment and Assistance Act of 1954, to accompl
ish the purposes provided herein: Provided further, That upon a determination that all or part of the
funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be
used to reimburse fully accounts administered by
the United States Agency for International
Development for obligations incurred for the
purposes provided under this heading prior to
enactment of this Act, including Public Law 480 and
grants: Provided, That of the amounts provided herein: up to $10,000,000 may be transferred to and consoli-
dated with “Development Credit Authority” for the cost of direct loans guaranteed by the United
States Agency for International Development,” and $3,000,000 may be transferred to and con-
solidated with “Emergency Economic Con-
sequences 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, $5,000,000 should be made available for envi-
ronmental recovery activities in tsunami affected
countries: Provided further, That of the funds appropriated under this heading, $2,000,000 should be made available for programs and ac-
}
mental disabilities resulting from the tsunami: Provided further, That the funds appropriated under this heading, not less than $12,500,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unac-
panied children, the reunification of children with their immediate or extended families, the protection of women and children from vio-
ence and exploitation, and activities designed to prevent the capture of children by armed forces or other integration of war af-
acted youth: Provided further, That of the funds appropriated under this heading, $25,000,000 should be made available for microcredit programs, to be admin-
istered by the United States Agency for Interna-
tional Development: Provided further, That the funds appropriated under this heading, $1,500,000 should be made available for traf-
ficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That the President is hereby authorized to defer and reschedule for such purposes any amounts owed to the United States or any agen-
cy of the United States by those countries sig-
dificantly affected by the tsunami and earth-
quake, that are due and payable to the United States and to the Republic of Sri Lanka: Provided further, That funds appropriated under this heading may be 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 referred to in paragraph (1): Provided further, That such amounts shall not be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected countries: Provided further, That any agreement to defer and reschedule such debt will include a commitment by the recipient govern-
ment that resources freed by the debt deferral will benefit directly the people affected by the tsunami: Provided further, That the Secretary of State shall arrange for an outside, inde-
pendent evaluation of each government's com-
pliance with the commitment: Provided further, That the amount provided under this heading is designated as an emergency requirement pursu-
ant to section 402 of the conference report to ac-
company S. Con. Res. 95 (108th Congress).

ANNUAL LIMITATION

SEC. 4101. Amounts made available pursuant to section 492(h) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2362), to address relief and rehabilitation needs for countries af-
fected by the Indian Ocean tsunami and earth-
quakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

REPORTING REQUIREMENT

SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the obligations made prior to enactment, a report on the proposed uses of all funds on a project-by-
project basis, for which such initial obligation of funds is made, as provided in section 502 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AVIAN INFLUENZA VIRUS

SEC. 4104. Of the funds appropriated under this chapter, $25,000,000 shall be available for a coordinated program to prevent and control the spread of the Avian influenza virus: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.

AUTHORIZED FUNDING

SEC. 4103. Funds appropriated by this Act may be obligated to carry out subsection 15 of the State Department Basic Au-

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $124,140,000: 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).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,800,000: 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).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $30,000,000: 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).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: 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).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian Aid, Disaster, and Civic AID", $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emer-
gency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Chapter 2

DEPARTMENT OF DEFENSE—MILITARY OPERTATION AND MAINTENANCE

For an additional amount for "Operation and MAINTENANCE, DEFENSE HEALTH PROGRAM

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,600,000 for Operation and MAINTENANCE: Provided, That the amount pro-
vided under this heading is designated as an emer-
gency 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 Ex-

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, In-

CHAPTER 5

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and opera-

TITLES—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection programs established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2283) to repair damages to waterways and watersheds resulting from natural disasters, $36,000,000, to remain available until September 30, 2006: Provided, That the above amount includes fund-
ing for eligible work identified in the Emergency Watershed Program Recovery Projects Un-

Other reports were updated to reflect recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection programs. 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).
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 HEALTH AND HUMAN SERVICES**

**OFFICE OF THE SECRETARY**

**PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND**

*(INCLUDING RECISIONS OF FUNDS)*

For an additional amount for the “Public Health and Social Services Emergency Fund” in title II of Public Law 108–447, $10,000,000, to remain available until expended, for the construction and repair of national forest facilities and lands necessary to incur obligations and make expenditures pending the receipt of collections to the Fund. Provided further, That the general fund of the Treasury to the extent necessary to fund this provision shall remain available until September 30, 2006.

**RURAL HOUSING ASSISTANCE GRANTS**

SEC. 5102. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the Village of New Miami, Ohio, a rural area for purposes of eligibility for grants funded through the Rural Housing Assistance Grants account.

**WATERSHED PROJECTS IN WEST VIRGINIA**

SEC. 5103. 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 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used to fund projects and activities in the watershed which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3).

**FARM SERVICE AGENCY**

SEC. 5104. The funds made available in section 766 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

**CHAPTER 2**

**DEPARTMENT OF THE INTERIOR**

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

For an additional amount for “Departmental Management” (including transfer of funds) to support department of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: 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**

**DEPARTMENT OF AGRICULTURE**

**FOREST SERVICE**

**CAPITAL IMPROVEMENT AND MAINTENANCE**

For an additional amount for “Capital Improvement and Maintenance”, $24,390,000, to remain available until expended, to repair damage to national forest facilities and lands caused by winter storms in southern California: Provided, That such funds shall be available to perform repair activities including, but not limited to, restoration of roads, trails and facilities; removal of landslides; drainage protection; waste removal; and stream stabilization: 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).

**CHAPTER 4**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**HOUSING PROGRAMS**

**HOUSING FOR PERSONS WITH DISABILITIES**

*(INCLUDING RECISION OF FUNDS)*

Of the amount made available under this heading in Public Law 108–447, $238,080,000, to remain available until expended, for the construction and repair of national forest facilities and lands necessary to incur obligations and make expenditures pending the receipt of collections to the Fund. Provided further, That the general fund of the Treasury to the extent necessary to fund this provision shall remain available until September 30, 2006.

**OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT**

**SALARIES AND EXPENSES**

*(INCLUDING TRANSFER OF FUNDS)*

For an additional amount for the “Office of Federal Housing Enterprise Oversight” for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That the amount made available under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516(c)) is amended by striking “that amount shall be reduced as collections are received” and inserting “that amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.”

**TITLES VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS**

**AVAILABILITY OF FUNDS**

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**REFERENCES TO EMERGENCY REQUIREMENTS**

SEC. 6002. Any reference in this Act to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress) shall be treated as a reference to the emergency provision section of H. Con. Res. 95 (109th Congress), if H. Con. Res. 95 (109th Congress) is adopted prior to the enactment of this Act.

**RURAL BUSINESS-COOPERATIVE SERVICE**

SEC. 6003. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310(b)(1) of the Consolidated and Reorganized 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 310(b)(4) of that Act.

**MCCLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATIONS AND MAINTENANCE**


**ENVIRONMENTAL INFRASTRUCTURE**

SEC. 6005. Section 101 of title I of division C of Public Law 108–447 is amended by striking “all projects that all that follows through the period at the end and inserting “for all applicable programs and projects not to exceed $90,000,000 in each fiscal year.”.

**DE SOTO COUNTY, MISSISSIPPI**

SEC. 6006. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking “$20,000,000” and inserting “$55,000,000” in lieu thereof, and by striking “and” and inserting “or” in lieu thereof.

**FORT PECK FISH HATCHERY, MONTANA**

SEC. 6007. Section 325(f)(1)(A) of Public Law 108–341 is modified by striking “$25,000,000” and inserting “$25,000,000”. H2825

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*May 3, 2005*
INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHEAPEAKE BAY, SR-1 BRIDGE, DELAWARE


5 DECEMBER 2004

SEC. 6009. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production contracts and transportation cost savings that would result from larger navigation channels.

ENVIRONMENTAL INFRASTRUCTURE

SEC. 6010. In division C, title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to Corps of Engineers—Civil, Construction, General, is amended by inserting before the period at the end the following: “: Provided further, That of the funds made available herein for Ohio Environmental Infrastructure, $500,000 shall be used for the Liberty and Cloverbank sewer upgrading project, $1,000,000 shall be used for the Lake County, Concord Township sanitary sewer line improvement: Provided further, That of the funds made available herein, $350,000 shall be used to complete design for the St. Croix Falls, Wisconsin, wastewater infrastructure project.”

INDIANA HARBOR, INDIANA

SEC. 6011. In division C of the Army, acting through the Chief of Engineers, is directed to complete, at full Federal expense, the Indiana Harbor and Canal, Confined Disposal Facility, Indiana, current and future construction.

SEMINOLE TRIBE, BIG CYPRESS PROJECT

SEC. 6012. Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended by adding the following:

“(5) The Seminole Tribe of Florida shall receive a mitigation credit for 50 percent of the net wetland benefits derived within the footprint of the Big Cypress Seminole Water Conservation Plan Project. Such credit may be used to meet the mitigation requirements of section 401(a) of the Clean Water Act as they may apply to future projects proposed by the Seminole Tribe of Florida.”

SAN GABRIEL BASIN RESTORATION

SEC. 6013. In division C, heading under the heading “Water and Related Resources” in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: “: Provided further, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)”.

(b) Section 110(a)(3)(A)(ii) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1a(4) of Public Law 106–554) as amended is further amended by inserting the words “and maintain” after the word “operate”.

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6014. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall consider the following:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary shall comply with all applicable agreements, contracts, and statutory requirements, including agreements for cooperation, interagency agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESMINATION ACT EXTENSION


(1) in paragraph (a) by striking “2004” and inserting in lieu thereof “2005”; and

(2) in paragraph (b) by striking “2004” and inserting in lieu thereof “2005”.

ENERGY SUPPLY

SEC. 6016. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to “Department of Energy, Energy Programs, Energy Supply” is amended by inserting before the period at the end the following:

“: Provided further, That $2,000,000 is made available for the Lake County, Concord Township sanitary sewer line improvement: Provided further, That $350,000 shall be used to complete design for the St. Croix Falls, Wisconsin, wastewater infrastructure project.”

OFFICE OF SCIENCE

SEC. 6017. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to “Department of Energy, Energy Programs, Science” is amended by inserting “: Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–0409945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $1,000,000 is made available within available funds to the University of Texas Southwestern Medical Center, University of Texas at Dallas Metropolis Comprehensive Imaging Center: Provided further, That $2,000,000 is made available within available funds to upgrade chemistry laboratories at Drew University, New Jersey after “3,628,902,000”.”

SEC. 6018. In division E, title II of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to “Department of Energy, Energy Research and Development” is amended by inserting before the period at the end the following: “: Provided further, That $1,000,000 is made available for the National Energy Technology Laboratory in Pennsylvania to work with the Borough of Versailles, Pennsylvania, to remediate leaks from abandoned natural gas wells.”

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. Notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 to the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2004. Provided further, That $250,000 is made available for cybersecurity at Department of Energy laboratories using the CmTrak technology.

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6020. In title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period at the end the following:

“Defense Site Acceleration Completion TRANSFER TO WEAPONS ACTIVITIES

SEC. 6021. Notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $4,000,000 from the Defense Site Acceleration Completion appropriation to the Weapons Activities appropriation contained in the Consolidated Appropriations Act, 2005 (Public Law 108–447), division C—Energy and Water Development.

SMALL BUSINESS CONTRACTING

SEC. 6022. (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 agreement on methodologies for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) 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 awards of—

(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; and

(2) an uniform criteria to be applied by prime contractors when measuring the value and number of subcontracts awarded to small businesses.

(c) Not later than September 30, 2005, the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the National Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration, shall jointly conduct a study regarding the feasibility of possible contract and operating contracts and other management contracts within the Department of Energy to encourage new opportunities for small businesses to increase their role as prime contractors.

(d) In conducting the study under paragraph (1), the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the National Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall jointly consider the impact of changes studied on—

(1) accountability, competition, and sound management practices of Energy and its facilities managed by prime contractors;

(2) safety, security, and oversight of Department of Energy facilities; and

(3) the potential oversight and management requirements necessary to implement the findings of the study.

(e) The Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the National Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall report their joint findings to—

(1) the Committee on Small Business and Entrepreneurship; and

(2) the Committee on Energy and...
Natural Resources, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and
(B) in the case of Small Business, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of Representatives.

(d)(1) Beginning on the date of enactment of this Act and ending at the conclusion of fiscal year 2007, in any case in which the Secretary of Energy in its review of a break-out appropriate larger prime contracts, known as the management and operating contracts, for award to small businesses, the Secretary shall consider whether
(A) the contract has previously been provided by a small business concern; and
(B) the contract is of the type capable of being performed by a small business concern.

(2) In the case of a contract awarded by the Department of Energy as a result of a break-out of subcontractor appropriately awarded by management and operating prime contractors and re-awarded as a small business prime contract under paragraph (1)—
(A) the contract amount valued at more than $25,000,000 shall be required to have a subcontracting plan for small businesses; and
(B) the Secretary shall make a determination on the basis of local presence for small business subcontractors.

NUCLEAR WASTE DISPOSAL
SEC. 6023. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447, 31 Stat. 5332) is amended in the matter under the heading “Nuclear Waste Disposal”—
(1) by inserting “to be derived from the Nuclear Waste Fund and” after “$336,000,000,” and
(2) in the second proviso, by striking “to conduct scientific oversight responsibilities and participate in activities pursuant to this Act” and inserting “to participate in licensing activities and other appropriate activities pursuant to that Act.”

DEPARTMENT OF HOMELAND SECURITY WORKING CAPITAL FUND
SEC. 6024. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments of the Working Capital Fund, except for the activities for fiscal year 2005 contained in the April 11, 2005, report submitted to the Committees on Appropriations of Representatives on the Department of Homeland Security Working Capital Fund, and all activities and services funded by the Federal Emergency Management Agency “Working Capital Fund” before March 1, 2003; Provided, That all organizations shall be charged only for direct usage of each service; Provided further, That for fiscal year 2005, funding for activities shall not exceed the amounts listed in the Department of Homeland Security Working Capital Fund April 11, 2005, report; Provided further, That any additional amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 6025. The Department of Homeland Security shall, therefore, provide an appropriations justification for the “Department of Homeland Security Working Capital Fund” to the Committees on Appropriations of the House of Representatives; Provided, That an annual appropriations justification shall be submitted to the Congress as a part of the President’s budget under Section 1105(a) of Title 31, United States Code, and shall contain the same level of detail as the Department’s Congressional appropriations justification in support of its budget; Provided further, That the “Department of Homeland Security Working Capital Fund” Congressional ap- propriations justification for fiscal year 2006 shall be submitted within 15 days of enactment of this Act: Provided further, That the Chief Financial Officer shall ensure that all planned activities and amounts to be funded by the “Department of Homeland Security Working Capital Fund”, all reimbursable agreements, and all uses of the Economy Act are explicitly identified in each appropriation justification in support of the President’s budget provided for each agency and component of the Department

OPPOSE OF THE CHIEF INFORMATION OFFICER
SEC. 6026. Of the funds provided under the heading “Office of the Chief Information Officer” in Public Law 108-334, $5,500,000 shall not be obligated for salaries and expenses until an expenditure plan developed by the Committees on Appropriations of the Senate and the House of Representatives for any information technology project that: (1) is funded by the “Office of the Chief Information Officer”; or (2) is funded by multiple components of the Department of Homeland Security through reimbursable agreements; Provided, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project. That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003, the current operational status of each system, and the projected continued operation or termination of each system.

RECISSION OF FUNDS
SEC. 6027. Of the funds appropriated by Public Law 108-334 (118 Stat. 1296, 1260, 1262), the following are rescinded: $500,000 under the heading “Office of the Secretary and Executive Management”; $1,300,000 under the heading “Office of the Under Secretary for Management”; $375,000 under the heading “Customs and Border Protection, Salaries and Expenses”; and $65,200,000 under the heading “Immigration and Customs Enforcement, Salaries and Expenses”.

SEC. 6028. Of the unobligated balances available in the “Department of Homeland Security Working Capital Fund”, $20,000,000 are rescinded.

REPROGRAMMING AND TRANSFER OF FUNDS
SEC. 6029. Any funds made available to the Department of Homeland Security by this Act shall be subject to the budget and conditions of Title V of Public Law 108-334.

BUREAU OF LAND MANAGEMENT, TECHNICAL CORRECTION
SEC. 6030. Section 144 of division E of Public Law 108-447 is amended in paragraph (2) by inserting “September 24, 2004” and inserting “November 12, 2004.”

FOREST SERVICE TRANSFER
SEC. 6031. Funds in the amount of $1,500,000, provided in Public Law 108-447 for the “Forest Service, Capital Improvement and Maintenance” account, are hereby transferred to the “Forest Service, State and Private Forestry” account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER
SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES
SEC. 6033. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.
States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

STATE AND TRIBAL ASSISTANCE GRANTS, TECHNICAL CORRECTIONS

SEC. 6037. The referenced statement of the managers under the heading “State and Tribal Assistance Grants” for the Environmental Protection Agency in Public Law 106–237, in reference to item 80, is deemed to be amended by striking all after “for” and inserting in lieu thereof “wastewater infrastructure improvements”.

SEC. 6038. The referenced statement of the managers under the heading “State and Tribal Assistance Grants” for the Environmental Protection Agency in Public Law 108–199 is deemed to be amended, in reference to item 231, by striking all after “to” and inserting in lieu thereof “Wayne County, New York Water and Sewer Authority for wastewater infrastructure improvements” and, in reference to item 23, by striking all after “for” and inserting in lieu thereof “an amendment to”.

SEC. 6039. The referenced statement of the managers under the heading “State and Tribal Assistance Grants” for the Environmental Protection Agency in Public Law 108–447 is deemed to be amended, in reference to item 235, by striking “$650,000” and inserting in lieu thereof “$2,000,000” and is deemed to be amended by adding “$150,000 to the City of Oldsman, Florida for water and wastewater infrastructure improvements”.

TRANSFER AUTHORITY

SEC. 6040. Section 102 of division F of Public Law 108–447 is hereby repealed.

(b) Section 208 of division F of Public Law 108–447 is amended by inserting before the period at the end of the following: “; Provided further, That such authority shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity that was not provided for in the Act,” a new sentence: “; Provided further, That such authority shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity that was not provided for in the Act,”

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6041. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading “Innovation and Improvement of Postsecondary Education,” the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardly Middle School After School Program shall be deemed to read “the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative Program”.

(b) The provision specifying $1,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read “the provision specifying $1,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program”.

(c) The provision specifying $1,000,000 for Battelle for Kids, Columbus, OH for a multi-state effort to learn the most effective ways for accelerating student academic growth shall be deemed to read “the provision specifying $1,000,000 for Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate, and document the most effective ways for accelerating student academic growth”.

(d) The provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program shall be deemed to read “the Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program”.

(e) The provision specifying $3,000,000 for Fairfax County Public Schools, Fairfax, VA for Chinese Immersion Program at Franklin Sherwin Elementary School and Chestertown Elementary School in McLean, Virginia shall be deemed to read “Fairfax County Public Schools, Fairfax, VA for Chinese Immersion Program at Franklin Sherwin Elementary School and Chestertown Elementary School in McLean, Virginia shall be deemed to read “Fairfax County Public Schools, Fairfax, VA for Chinese Immersion Program at Franklin Sherwin Elementary School and Chestertown Elementary School in McLean, Virginia shall be deemed to read “the provision specifying $3,000,000 for Franklin Sherwin Elementary School and Chestertown Elementary School”.

(f) The provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read “University of Alaska Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)”.

(g) The provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read “the provision specifying $25,000 for QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history”.

(h) The provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read “the Foundry Arts Center, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO”.

(i) The provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read “the provision specifying $100,000 for Community Arts Program, Chester, PA, for a community arts program”.

(j) The provision specifying $100,000 for Kids with a Promise—the Bowery Mission, Bushkill, PA shall be deemed to read “the provision specifying $100,000 for Kids with a Promise—the Bowery Mission, New York, NY”.

(k) The provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, a production providing educational programs about the challenges facing our public schools shall be deemed to read “the provision specifying $50,000 for Great Projects Film Company, Inc., New York, NY, to produce Educating America about the challenges facing our public schools”.

(l) The provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Spears and Eliabar shall be deemed to read “American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Spears and Eliabar”.

(m) The provision specifying $163,000 for Space Education Initiatives, De Plore, WI for the Wisconsin Space Science Initiative shall be deemed to read “the provision specifying $163,000 for Space Education Initiatives, De Plore, WI for the Wisconsin Space Science Initiative”.

(n) The provision specifying $100,000 for Clarion County Career Center, Shippenville, PA for curriculum development shall be deemed to read “the provision specifying $100,000 for Clarion County Career Center, Shippenville, PA for curriculum development, technology and/or equipment”.

(o) The provision specifying $100,000 for Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development shall be deemed to read “the provision specifying $100,000 for Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development, technology and/or equipment”.

(p) The provision specifying $100,000 for Forest Area High School, Tionesta, PA, for curriculum development shall be deemed to read “the provision specifying $100,000 for Forest Area High School, Tionesta, PA, for curriculum development, technology and/or equipment”.

(q) The provision specifying $100,000 for Jersey Shore High School, Jersey Shore, PA, for curriculum development shall be deemed to read “the provision specifying $100,000 for Jersey Shore High School, Jersey Shore, PA, for curriculum development, technology and/or equipment”.

(r) The provision specifying $100,000 for Montgomery, Montgomery, PA for curriculum development shall be deemed to read “the provision specifying $100,000 for Montgomery, Montgomery, PA for curriculum development, technology and/or equipment”.

(s) The provision specifying $100,000 for Warren County Career Center, Warren, PA, for curriculum development shall be deemed to read “the provision specifying $100,000 for Warren County Career Center, Warren, PA, for curriculum development, technology and/or equipment”.

(t) The provision specifying $100,000 for Wellboro Area School District, Wellboro, PA, for curriculum development shall be deemed to read “the provision specifying $100,000 for Wellboro Area School District, Wellboro, PA, for curriculum development, technology and/or equipment”.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2006

SEC. 6042. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading “Higher Education”, the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY, for the development of a registered nursing program shall be deemed to read “the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY, for the development of a master’s degree program in nursing education, including marketing and recruitment activities”.

(u) The provision specifying $100,000 for University of Alaska/Southwest to develop distance education coursework for arctic engineering courses and programs shall be deemed to read “the provision specifying $100,000 for University of Alaska/Southwest to develop distance education coursework for arctic engineering courses and programs”.

(v) The provision specifying $710,000 for Shippensburg University, Shippensburg, PA, for the Center for Land Use Scholarship shall be deemed to read “the provision specifying $710,000 for Shippensburg University, Shippensburg, PA, for the Center for Land Use Scholarship”.

(w) The provision specifying $100,000 for Mercer Area Community College, Emmaus, PA, for equipment and technology shall be deemed to read “the provision specifying $100,000 for Mercer Area Community College, Emmaus, PA, for equipment and technology”.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6043. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading “Innovation and Improvement”, the provision specifying $1,500,000 for the University of Alaska at Fairbanks for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read “the provision specifying $1,500,000 for the University of Alaska at Fairbanks for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska”.

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the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6044. The matter under the heading “Corporation for National and Community Service—National and Community Service Programs Operating Expenses” in title III of division I of Public Law 106-478 is amended by inserting before the period at the end the following: “: Provided further, That the Corporation may use up to 1 percent of grant program funds made available under this heading to defray indirect costs of grant program administration, including the use of outside peer reviewers.”

MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

SEC. 6045. (a) IN GENERAL.—Section 189(c) of the Social Security Act (42 U.S.C. 1395hh(c)) is amended—

1. in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “or an entity described in paragraph (3) after a hospital”;

(b) in subparagraph (B)—

(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; and

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 189(b)(2) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(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.

LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hh(c)) 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 on the date of enactment.

TECHNICAL CORRECTION—HIGHER EDUCATION (INCLUDING RESCISION OF FUNDS)

SEC. 6047. (a) RECESSIATION.—Of the funds made available under the heading “Higher Education in title III of division F of Public Law 108-477, $496,000 is rescinded, to be derived from the amount provided pursuant to the last provision under such heading for the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

(b) APPROPRIATION.—The amount rescinded by subsection (a) is appropriated for “General Services Administration—Operating Expenses”, for a grant to the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

COPYRIGHT ROYALTY JUDGES

SEC. 6048. (a) The item relating to “LIBRARY OF CONGRESS—Copyright Office—salaries and expenses” in the Legislative Branch Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3187), is amended by striking the period at the end and inserting the following: “: Provided further, That the Copyright Office shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

CAPITOL VISITOR CENTER

SEC. 6049. (a) The item relating to “Architect of the Capitol—Capitol Visitor Center” in the Legislative Branch Appropriations Act, 2002 (Public Law 107-68; 115 Stat. 586), is amended by striking “chair and ranking minority member of the”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

TECHNICAL CORRECTION

SEC. 6050. Notwithstanding any other provision of law, unexpended and unobligated funds appropriated by section 1007 of the Senate resolution B of Public Law 108-447 shall be used to defray the costs incurred in the administration of the Copyright Royalty Judges program during any portion of fiscal year 2005 in which such program is in effect.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

SEC. 6051. The referenced statement of managers under the heading “National Oceanic and Atmospheric Administration” in title II of division B of Public Law 108-447 is amended to read as follows:

1. in paragraph (1)—

(A) in subsection (a)(1), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”; and

(B) in subsection (b), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”.

2. in subsection (b)—

(A) in paragraph (1), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”;

(B) in paragraph (2), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”;

(C) by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”.

SEC. 6052. The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

TECHNICAL CORRECTION—FILING FEE INCREASE

(a) BANKRUPTCY FILING FEES.—Section 1930(a) of title 28, United States Code, is amended—

(b) by striking paragraph (1) and inserting the following:

(1) For a case commenced under—

(A) chapter 7 of title 11, and

(B) chapter 11 of title 11 of the United States Code, the fees collected under this heading are deemed to be an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6053. (a) The referenced statement of managers under the heading “National Oceanic and Atmospheric Administration” in title II of division B of Public Law 108-447 is amended to read as follows:

1. in paragraph (1)—

(A) in subsection (a)(1), by striking “20,000” and inserting “19,200” in the “Procurement, Acquisition and Construction” account; and

(B) in subsection (b), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”.

2. in subsection (b)—

(A) in paragraph (1), by striking “National Oceanic and Atmospheric Administration” and inserting “National Oceanic and Atmospheric Administration”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

TECHNICAL CORRECTION—TECHNICAL CORRECTION—TECHNICAL CORRECTION

SEC. 6054. Section 621 of title VI of division B of Public Law 108-447 is amended by striking “for the continued modernization of the Mason Building”.

SEC. 6055. Section 621 of title VI of division B of Public Law 108-199, as amended by Public Law 108-447, is amended by striking “for the continued modernization of the Mason Building”.

SEC. 6056. (a) Section 619(a) of title VI of division B of Public Law 108-447 is amended by striking “of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001” (as enacted into law by Public Law 106-553 and section 629 of the Department Appropriations Act, 2002) and inserting “of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77)”.

(b) The amendments made by subsection (a) shall apply to the remaining balances of the grants involved.

TECHNICAL CORRECTION—BANKRUPTCY

SEC. 6058. (a) Section 325 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 is amended to read as follows:

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE

(a) BANKRUPTCY FILING FEES.—Section 1930(a) of title 28, United States Code, is amended—

(b) by striking paragraph (1) and inserting the following:

(1) For a case commenced under—

(A) chapter 7 of title 11, and

(B) chapter 11 of title 11 of the United States Code, the fees collected under this heading are deemed to be an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(c) COLLECTIONS AND DEPOSITS OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 330 note) is amended by striking “any fund pursuant to 28 U.S.C. section 1930(b)” and all that follows through “28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, 28.87 percent of the fees collected under section 1930(a)(1) of that title, 35.00 percent of the fees collected under section 1930(a)(1)(A) of that title, 35.00 percent of the fees collected under section 1930(b) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

(b) This section and the amendment made by this section shall take effect immediately after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

DEPARTMENT OF COMMERCE CONFERENCE

SEC. 6059. Within the amount provided for the Department of Commerce in division B of Public Law 108-447, the Secretary of Commerce shall convene a national conference on science, technology, trade and manufacturing.

TECHNICAL CORRECTION—FUNDING FOR H-E-R-O-E-S

SEC. 6060. Subsection (d) of the section 124 that appears under the item relating to “General Provisions—Department of Justice” of the Consolidated Appropriations Act of 2006 (Public Law 109-148) is amended—

(a) by striking “with the Secretary of the Treasury to prepare and strike, as non-removable basis,” and inserting “for striking”;

(b) by striking paragraph (3).
SEC. 6061. The matter under the heading “Federal Transit Administration, Capital Investment Program, Division B of title II of division I of Public Law 108–447 is amended by striking “$1,591,548” and inserting “$1,362,683” and by striking “$22,554,144” and inserting “$23,815,427”. That the amount which, by reason of the rescission of $1,532,899 for the Northern New Jersey Newark Link Rail MOS 1 project, no funds shall be available for the Northern New Jersey Newark–Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the funds available in Public Law 108–447 is amended by striking “$50,600,000” in reference to the Las Cruces United States Courthouse.”.

SEC. 6063. Section 198 of division II of Public Law 108–447 is amended by inserting “under title 23 of the United States Code, shall be made available immediately for obligation and expenditure to meet the costs of the essential air service program under title 49 U.S.C. 41731 through 41742: Provided, That, if the amounts in this account are insufficient to meet the costs of the essential air service program in such fiscal year, the Secretary of Transportation shall transfer such sums as may be necessary to the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.”

SEC. 6065. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1996 (46 U.S.C. App. 1240(b), 1241(b)).

(3) Public Resolution Number 17, Seventy-third Congress (48 Stat. 500).

(4) Any other specific provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

THE JUDICIARY

SEC. 6066. Section 335 of division B of Public Law 108–447 is amended by striking all after the words “shall be deposited”, and inserting “as offsetting receipts to the fund established under section 7017 of title 31, United States Code, that is available to the Judiciary until expended, to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, the District Courts, and the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Appeals for the Federal Circuit.”.

THE TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6067. Under the heading “Federal Buildings Fund” in title IV of division H of Public Law 108–447, strike $960,000,000 and insert in lieu thereof “$80,600,000” in reference to the Las Cruces United States Courthouse.”.

SEC. 6068. Section 408 in title IV of division H of Public Law 108–447 is amended by striking “Section 572(a)(2)(i)” and inserting in lieu thereof “Section 572(a)(2)(A)(ii)”.

THE TECHNICAL CORRECTIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6069. (a) The referenced statement of the managers under the heading “Community Development Fund” in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item 239 by striking “City” and inserting “Port”;

(2) with respect to item 233 by inserting “Port of” before the words “Brookings Harbor”; and

(3) with respect to item number 39 by inserting “to be used for planning, design, and construction” after “California.”.

SEC. 6070. The referenced statement of the managers under the heading “Community Development Fund” in title II of division K of Public Law 108–7 is deemed to be amended—

(1) with respect to item number 298 by striking “Conference and Training Center” and inserting “to build-out the Prince George’s County Economic Development and Business Assistance Center”;

(2) with respect to item number 316 by striking “for renovation of a visitor center to accommodate Space and Flight Center” and inserting “to build-out the Prince George’s County Economic Development and Business Assistance Center”;

(3) with respect to item number 102 by striking “to the Town of Groveland, California, for purchase of a youth center” and inserting “to the County of Tuolumne for the purchase of a new youth center in the mountain community of Groveland”; and

(4) with respect to item number 218 by striking “construction” and inserting “for design and engineering”.

SEC. 6071. The referenced statement of the managers under the heading “Community Development Fund” in title II of division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 56 by striking “Conference and Training Center” and inserting “North Arkansas College Health Sciences Education Center”;

(2) with respect to item number 102 by striking “to the Town of Groveland, California, for purchase of a youth center” and inserting “to the County of Tuolumne for the purchase of a new youth center in the mountain community of Groveland”;

(3) with respect to item number 218 by striking “for construction” and inserting “for design and engineering”;

(4) with respect to item number 472 by striking “for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood” and inserting “for street renovation”;

(5) with respect to item number 493 by striking “for land acquisition” and inserting “for planning and design of its Sports and Recreation Center and Complex”;

(6) with respect to item number 122 by inserting “to be used for planning, design, and construction” after “California.”;

(7) with respect to item number 369 by striking “for the after Michigan” and inserting “to be used for planning, design, and construction of the”; and

(8) with respect to item number 450 by striking “V.I.C.T.E.M. Family Center in Washoe County, Nevada, for the construction of a facility for multi-purpose social services referral and victim counseling” and inserting “Washtenaw County, Nevada, for a facility and equipment for the SART/CARES victim programs.”

SEC. 6072. The referenced statement of the managers under the heading “Community Development Fund” in title II of division I of Public Law 108–447 is deemed to be amended as follows:

(1) with respect to item number 706 by striking “a public swimming pool” and inserting “recreation fields”;

(2) with respect to item number 667 by striking “to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Pride building” and inserting “for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizer” and inserting “for the Prizer in South Boston, Virginia for renovations and creation of a community arts center”; and

(3) with respect to item number 669 by striking “for the City of Moneta, Virginia for facilities renovation and community outreach center” and inserting “for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations”;

(4) with respect to item number 910 by striking “to review repairs to” and inserting “renovation and construction of”; and

(5) with respect to item number 902 by striking “City of Brooklyn” and inserting “Fifth Ave in Brooklyn.”

TECHNICAL CORRECTIONS—DEPARTMENT OF JUSTICE


(1) striking subsections “and inserting “subsection”,” and

(2) striking “or (6)” each place that it appears.

SEC. 6074. Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking “150,000” and inserting “250,000”.

SEC. 6075. The matter under the heading relating to “Federal Build- sion, Virginia for renovation and construction of an African-American cultural and heritage museum at the Carver-Price building” and inserting “for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizer” and inserting “for the Prizer in South Boston, Virginia for renovations and creation of a community arts center”; and

(3) with respect to item number 669 by striking “for the City of Moneta, Virginia for facilities renovation and community outreach center” and inserting “for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations”;

(5) with respect to item number 910 by striking “to review repairs to” and inserting “renovation and construction of”; and

(6) with respect to item number 902 by striking “City of Brooklyn” and inserting “Fifth Ave in Brooklyn.”

TECHNICAL CORRECTIONS—DEPARTMENT OF JUSTICE

SEC. 6073. The matter under the heading relating to “PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND” in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005 (enacted as Division I of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, 118 Stat. 3297)) is amended by striking the 8th proviso and inserting the follow- ing: “Provided further, That up to $3,000,000 is to support the costs of administrative and judicial receiverships.”

SEC. 6076. Unless otherwise authorized by exist- ing law, none of the funds provided in this Act or any other Act, may be used by an execu- tive branch agency to package a prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notice within the text or audio that the prepackaged news story was prepared or funded by that executive branch agency.

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6077. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) ap- proved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking “$15,000,000” and inserting “$42,000,000, to re- main available until expended,” in its place, and

(B) by amending subsection (5) to read as fol- lows:

(5) The amounts may be obligated or ex- pended only if the Mayor notifies the Commit- tees on Appropriations of the House of Rep- resentatives and Senate in writing 30 days in advance of any obligation and inserting “to the County of Colum- bia to the various headings under this Act as follows:

SEC. 6078. The amount appropriated by this Act may be increased by an additional amount of $296,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be de-
(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading ‘‘Government Direction and Support’’. Provided, That of the funds made available, not less than $10,000,000 shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall be made available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15-717, the ‘‘Ballpark Omnibus Financing and Revenue Act of 2004’’ approved by the District of Columbia, December 29, 2004, and

(2) $15,000,000 from local funds shall be transferred under the heading ‘‘Repayment of Loans’’.

(3) $4,000,000 from other funds shall be transferred under the heading ‘‘Sports and Entertainment Commission’’, and

(4) $9,000,000 from other funds shall be transferred under the heading ‘‘Water and Sewer Authority’’.

USE OF FUNDS FOR EMERGENCY PREPAREDNESS CENTERS

SEC. 6078. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended by inserting before the period ‘‘and’’ at the end of subsection (e) the following:

‘‘(g) E NERGY COMMISSION.

SEC. 6079. Section 1 of division I of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended by striking ‘‘that are deposited into the Medical Care Collections Fund may be transferred and merged with’’ and inserting ‘‘may be deposited into the’’.

CONTRACTS FOR HOSPITAL CARE AND MEDICAL SERVICES

SEC. 6080. Section 1703(d)(2) of title 38, United States Code, is amended by striking ‘‘or shall be available, without fiscal year limitation, for the purposes of’’ and inserting ‘‘shall be or may be available, without fiscal year limitation, for the purposes of’’.

IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES

SEC. 6081. (a) IN GENERAL.—Section 417 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

‘‘(j) DEFINITION.—In this section, the term ‘medical center’ includes any outpatient clinic.’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108-422).

This division may be cited as the ‘‘Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005’’

DIVISION B—REAL ID ACT OF 2005

SECTION 1. SHORT TITLE.

This division may be cited as the ‘‘Real ID Act of 2005’’

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking ‘‘The Attorney General’’; the first place such term appears and inserting the following:

‘‘(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General’’;

(2) by striking ‘‘The Attorney General’’ the second and third places such term appears and inserting ‘‘The Secretary of Homeland Security or the Attorney General’’; and

(3) by adding at the end the following:

‘‘(B) BURDEN OF PROOF.—’’

(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee under subsection (a), the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the application if the applicant establishes such facts, but only if the applicant satisfies the trier of fact that the applicant’s testimony is credible, persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the burden of proof. In determining whether the applicant has met such burden, the trier of fact shall weigh the applicant’s testimony along with other evidence of record. Where the immigration judge deems the applicant’s testimony to be credible and persuasive, the immigration judge shall be required to sustain the application.

(iii) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, the trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant’s or witness’s account, and the consistency between the applicant’s or witness’s written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of Homeland Security, any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.’’.

(b) EXCEPTIONS TO ELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(iv)) is amended—

(1) by striking ‘‘admissible under’’ each place such term appears and inserting ‘‘described in’’;

(2) by striking ‘‘removable under’’;

(c) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by adding at the end the following:

‘‘(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has sustained the burden of proof and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B),’’.

(d) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1220c) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

‘‘(A) APPLICATIONS FOR RELIEF FROM REMOVAL.—’’

(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish his or her eligibility for asylum.

(i) satisfies the applicable eligibility requirements; and

(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant’s application for relief or protection as provided by law or by regulation or in the exercise of discretion. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant’s burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the evidence along with other evidence of record. Where the immigration judge determines that the applicant’s testimony is credible and persuasive, the immigration judge shall provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence.

(C) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, the trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant’s or witness’s account, and the consistency between the applicant’s or witness’s written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of Homeland Security, any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.’’.

(e) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: ‘‘The court shall review a determination made by a fact finder under section 242(b)(4) without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.’’.

(f) CLARIFICATION OF DISCRETION.—Section 242(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(g)(1)(B)) is amended by adding at the end, after subparagraph (D), the following: ‘‘Where no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.’’.

(g) REMOVAL OF CAPS.—

(1) ASYLUM.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(A) in subsection (a)(1)—

(i) by striking ‘‘Secretary’’ and inserting ‘‘Department of Homeland Security’’ each place such term appears; and

(ii) in the matter preceding clause (i), by inserting ‘‘and regardless of whether the judgment, decision, or action is a removal proceeding’’ after ‘‘other provision of law’’;

(B) in subsection (b)—

(i) by striking ‘‘Not more than’’ and all that follows through ‘‘asylum who’’ and inserting ‘‘The Secretary of Homeland Security shall consult with the Attorney General, in the Secretary’s or the Attorney General’s discretion and under such regulations as
SEC. 102. WAIVER OF LEGAL REQUIREMENTS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS; FEDERAL COURT REVIEW.

Section 102(c) of the Illegal Immigration Re- form and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

"(c) Waiver.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements such Secretary, in such Secretary's sole discretion, determines necessary to ensure the construction of the barriers and roads under this section. Any such decision by the Secretary shall be effective upon being published in the Federal Register.

"(2) B(I)R.——

"(A) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1), a cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court shall have jurisdiction to hear any claim not specified in this subparagraph.

"(B) IN CONTACT WITH.—Any action brought pursuant to subparagraph (A) shall be filed not later than 60 days after the date of the action or decision made by the Secretary of Homeland Security. A claim shall be barred unless it is filed within the time specified.

"(C) ABILITY TO SEEK APPELLATE REVIEW.—An action of contempt of court, or any other action or order of the Secretary of Homeland Security issued in connection with this section, may be reviewed by the United States Court of Appeals for the appropriate circuit through a petition for a writ of certiorari to the Supreme Court of the United States.

SEC. 103. IMMIGRATION LAW DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.

(a) IN GENERAL.—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

"(i) IN GENERAL.—Any alien who—

"(I) has engaged in a terrorist activity;

"(II) is a member of a terrorist organization;

"(III) has, with the intent to provide the means to engage in terrorist activity, transported or given aid to any member of such an organization; or

"(IV) has engaged in a terrorist activity;

"(b) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended to read as follows:

"(b) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subsections (i) through (iv) of clause (ii).

"(c) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subsections (i) through (iv) of clause (ii) if the Secretary of State, in consultation with the Attorney General, Secretary of Homeland Security, and the Secretary of State, designates the organization as a terrorist organization after a finding that the organization is engaged in the activities described in subsections (i) through (iv) of clause (ii).

"(d) ENFORCEMENT.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for asylum, withholding, or other relief from removal made on or after such date.

"(e) EFFECTIVE DATES.—

"(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

"(2) The amendments made by subsections (a)(3), (b), and (d) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other relief from removal made on or after such date.

"(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

"(4) The amendments made by subsection (d) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

"(5) The amendments made by subsection (b) shall take effect on the date of the enactment of this division.

(i) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 104. WAIVER FOR CERTAIN GROUPS OF IMMIGRANTS.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

"(1) by striking "(3) and inserting "(3)"; and

"(2) by striking "(A)" and inserting "(B)";

"(3) by striking "(B)" and inserting "(A)";

"(4) by adding at the end the following:

"(5) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subsection (a)(3)(B)(i)(IV)(bb) or (a)(3)(B)(i)(VI)( VII) shall not apply to an alien, that subsection (a)(3)(B)(i)(VI)(bb) shall not apply with respect to any material support an alien afforded to an organization or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(i)(VI)( VII) shall not apply to an alien, that subsection (a)(3)(B)(i)(VI) shall not apply with respect to any material support an alien afforded to an organization or individual that has engaged in a terrorist activity, and the Secretary may grant such waiver if the Secretary of State shall certify that subsection (a)(3)(B)(i)(VI) shall not apply with respect to any alien removal proceedings against the alien are instituted under section 240.

"(6) Not later than 90 days after the end of each fiscal year, the Secretary of State and the Secretary of Homeland Security shall each provide to the Committees on the Judiciary of the House of Representatives and the Senate and to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the aliens to whom such Secretary has applied clause (i). Within one
Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(B)) is deportable.

The amendment made by paragraph (1) shall take effect on the date of the enactment of this division, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

SEC. 106. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by inserting “(statutory or nonstatutory), including section 242(i) of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title” after “Notwithstanding any other provision of law”;

(ii) in each of subparagraphs (B) and (C), by inserting “(statutory or nonstatutory), including section 242(i) of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title” after “Notwithstanding any other provision of law”;

(iii) by deleting the following:

“(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in paragraph (2) or (C), or in any other provision of this Act (other than this section) or in section 242(i) of title 28, United States Code, shall be construed as precluding judicial review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section.”; and

(B) by adding at the end the following:

“(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER FORMS OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, EXCEPT AS PROVIDED IN SUBSECTION (E).”

(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 242(i) of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause of action entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms “judicial review” and “jurisdiction to review” include habeas corpus review pursuant to sections 1361 and 1651 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this division, and the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note), the court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 242(i) of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

TITLE II—IMPROVED SECURITY FOR DRIVERS’ LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) DRIVER’S LICENSE.—The term “driver’s license” means a motor vehicle operator’s license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term “identification card” means a personal identification card, as defined in section 1028(d) of title 18, United States Code.

(3) OFFICIAL PURPOSE.—The term “official purpose” includes but is not limited to accessing Federal facilities, boarding federally regulated commercial air travel, entering nuclear power plants, and any other purposes that the Secretary shall determine.

(4) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(5) STATE.—The term “State” means a State of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands and any other territory or possession of the United States, or any entity or person licensed by a State to any person unless the State is meeting the requirements of this section.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUE AND RENEWAL ISSUANCE FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, any license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(b) EVIDENCE OF LAWFUL STATUS.—To meet the requirements of this section, a State shall include, at a minimum, the following information before issuing a driver’s license or identification card:

(1) The person’s full legal name.

(2) The person’s date of birth.

(3) The person’s gender.

(4) The person’s driver’s license or identification card number.

(5) A digital photograph of the person.

(6) The person’s address of principle residence.

(7) The person’s signature.

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver’s license or identification card to a person:

(A) A photo identity document, except that a nonexpired state identification document issued by a State to any person unless the State is meeting the requirements of this section includes both the person’s full legal name and date of birth.

(B) Documentation showing the person’s date of birth.

(C) Proof of the person’s social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person’s name and address of principle residence.

(2) SPECIAL REQUIREMENT.—In general, to meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver’s license or identification card to a person, valid documentation evidence that the person—

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States by a State; or

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;
(vii) has a pending or approved application for temporary protected status in the United States;
(viii) has approved deferred action status; or
(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS’ LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (xii) of subparagraph (B), the State may only issue a temporary driver’s license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security that it may not be accepted for any purpose.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph shall show on its face a valid temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver’s license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver’s license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall not accept any of the following documents:

(A) Any document furnished by an individual that contains any false or actual authentication features.

(B) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(E) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(F) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(G) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(H) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(I) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(J) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(K) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(L) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(M) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(N) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(O) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(P) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(Q) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(R) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(S) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(T) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(U) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(V) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(W) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(X) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(Y) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(Z) A document issued by a country not recognized by the United States that contains any false or actual authentication features.

(aa) EMPLOY TECHNOLOGY TO CAPTURE DIGITAL IMAGES.—A State shall employ technology to capture digital images of source documents required to be presented by a person under paragraph (1) or (2).

(bb) OPERATE A DATABASE.—A State shall operate a database containing images of source documents required to be presented by a person under paragraph (1) or (2).

(cc) ISSUE A LICENSE OR IDENTIFICATION CARD TO A PERSON.—A State shall issue a license or identification card to a person only after the State has verified the authenticity of each document required to be presented by the person under paragraph (1) or (2).

(dd) LIMIT THE PERIOD OF VALIDITY OF A LICENSE OR IDENTIFICATION CARD.—A State shall limit the period of validity of a license or identification card to a person to a period of time that does not exceed 8 years.

(ee) MAINTAIN A STATE MOTOR VEHICLE DATABASE.—A State shall maintain a state motor vehicle database that contains a minimum—

(A) all data fields printed on drivers’ licenses and identification cards issued by the State; and

(B) motor vehicle violations, suspensions, and points on licenses.

(f) SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES OR FALSE IDENTIFICATION DOCUMENTS.—

(A) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by striking "false or actual authentication features" and inserting "false or actual authentication features".

(B) USE OF FALSE DRIVER’S LICENSE AT AIRPORT.—

(1) IN GENERAL.—The Secretary shall enter, into the automated aviation security screening database, appropriate information regarding any person convicted of using a false driver’s license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED.—In this section, the term ‘false driver’s license’ has the same meaning such term has under section 1028(d) of title 18, United States Code.

(g) SEC. 204. GRANTS TO STATES.—

(A) IN GENERAL.—The Secretary may make grants to a State for purposes of providing access to information, databases, or systems in order to evaluate, for a range of circumstances, the security and efficiency of such systems in the United States.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

(C) SEC. 205. AUTHORITY.—

(A) PILOT PROGRAM.—The Secretary shall carry out a program to evaluate the use of ground surveillance technologies for border security; in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States; and

(B) ADDITIONAL REQUIREMENTS.—The Secretary may make grants to a State in order to evaluate, for a range of circumstances, the security and efficiency of such systems in the United States.

(C) EXTENSION.—Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.

(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility under chapter 7212 of title 49, United States Code, and shall report to Congress on the findings and recommendations from such study at least once every 5 years.

(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary’s findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—Title II of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-357) is repealed.

SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division, the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall—

(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States; and

(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies.

(b) ADDITIONAL REQUIREMENTS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

(c) SEC. 303. AUTHORITY.—

(A) PILOT PROGRAM.—The Secretary shall carry out a pilot program to evaluate, for a range of circumstances, the security and efficiency of such systems in the United States.

(B) SEC. 304. LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.
“(C) An H-2B visa or grant of nonimmigrant status for a returning worker shall be approved only if the alien is confirmed to be a returning worker by—

(i) the Department of State; or

(ii) if the alien is visa exempt or seeking to change to status under section 101 (a)(15)(H)(ii)(b), the Department of Homeland Security.

(b) EFFECTIVE DATE.

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than 14 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate and publish in the Federal Register such regulations as the Secretary deems necessary to carry out the provisions of this section.

SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Under Secretary of Homeland Security for Counterterrorism, shall submit to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security a report setting forth—

(1) a description of the current communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local, and tribal governments, and Indian tribal agencies on matters relating to border security; and

(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Science, and the House Committee on Homeland Security. The report shall include recommendations for term limits for the Under Secretary and the Homeland Security Oversight and Reform Committee and the Committee on Homeland Security and Governmental Affairs, and the Committee on Science, the House of Representatives Committee on Oversight and Government Reform, and the Committee on Homeland Security and Governmental Affairs.

SEC. 304. PROHIBITION ON USE OF FEES.

(a) PROHIBITION.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as added by division G of Public Law 105-277, is amended by adding at the end the following: 

“(1) The Secretary of Homeland Security shall not—

(A) use any fees collected under section 214(c) for nonimmigrant status (other than H-2B, L-1, and E-3 status) during a fiscal year for grants to non-profit organizations that are described in section 501(c)(3) of title 26, or for programs administered by the Department of State.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 305. IMPLEMENTATION OF SPECIFIED PROGRAMS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall use any fees collected under section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) for the following programs:

(1) the extension, modification, reissuance, amendment, or renewal of an alien nonimmigrant status described in section 101(a)(15)(H)(ii)(b) or (L)(ii); or

(2) the enforcement of the laws relating to the nonimmigrant status of aliens described in section 101(a)(15)(H)(ii)(b).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if enacted on October 1, 2004.

SEC. 306. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-2B NONIMMIGRANTS.

(a) PROHIBITION.—The Secretary of Labor shall not issue a certification under section 101(a)(15)(H)(ii)(b) or section 214(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) unless the Secretary—

(1) is in compliance with the certification requirements of section 101(a)(15)(H)(ii)(b); and

(2) provides certification to Congress on an annual basis in the budget documents of the Department of Labor.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on May 23, 2005.

SECT. 401. SHORT TITLE.

This title may be cited as the “Save Our Small and Seasonal Businesses Act of 2005”.

SEC. 402. NUMERICAL LIMITATIONS ON H-2B WORKERS.

(a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) by striking the first sentence of paragraph (1) and inserting the following:

“(1) In determining the level of penalties to be imposed for violations of paragraph (1)(B), the term ‘willful failure to comply’ means the willful failure to comply with the terms and conditions of a petition that involves harm to United States workers.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on October 1, 2004.

SEC. 403. ALLOCATION OF H-2B VISAS OR H-2B NONIMMIGRANT STATUS DURING A FISCAL YEAR.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 402, is further amended by adding at the end the following new paragraph:

“(C) In determining the level of penalties to be imposed for violations of paragraph (1)(B), the term ‘willful failure to comply’ means the willful failure to comply with the terms and conditions of a petition that involves harm to United States workers.”

SEC. 404. SANCTIONS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 403, is further amended by adding at the end the following:

“(14) (A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, that—

(i) a violation of the conditions of a petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

(ii) the Secretary of Homeland Security may, in addition to any other remedy authorized by this subsection (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

(iii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this section during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

(B) The Secretary of Homeland Security may determine in the case of the Secretary of Homeland Security under subparagraph (A)(i) that—

(i) the Secretary of Homeland Security shall allocate additional numbers for fiscal year 2005 based on statistical estimates and projections derived from Department of State data.

SEC. 405. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-2B NONIMMIGRANTS.

Section 316 of the American Competitiveness and Workforce Improvement Act of 1999 (8 U.S.C. 1184 note) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

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

“(B) PROVISION OF INFORMATION.—

(1) SEMIANNUAL NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of Homeland Security and the Secretary of State shall notify, on a semianual basis, the Committee on the Judiciary of the House of Representatives and the Senate of the number of aliens who were granted H-2B status during the preceding 1-year period.

(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall, on an annual basis, the Committee on the Judiciary of the House of Representatives and the Senate submit a report on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) or section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(15)(H)(ii)(b)); or

(3) such a visa or such status be revoked or otherwise terminated.

(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall, on an annual basis, the Committee on the Judiciary of the House of Representatives and the Senate submit a report on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) or section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(15)(H)(ii)(b)) during the previous fiscal year;
“(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

“(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

“(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.”.

SEC. 407. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of chapter 5 of title 5, United States Code (commonly referred to as “Administrative Procedure Act”) or any other law relating to rulemaking, information collection or publication in the Federal Register, shall not apply to any action to implement sections 402, 403, and 405 or the amendments made by such sections to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirements would impede the expeditious implementation of such sections or the amendments made by such sections.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISAS

SEC. 501. RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA.

(a) IN GENERAL.—Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "(or iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the United States if the alien is a national of the United States;"

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 214(p) of such Act (8 U.S.C. 1184(p)), as amended by section 405, is further amended by adding at the end the following new paragraph:

"(p)(1) (A) The Secretary of State may not approve a number of initial applications submitted for aliens described in section 101(a)(15)(E)(iii) that is more than the applicable numerical limitation set out in this paragraph."

"(B) The applicable numerical limitation referred to in subparagraph (A) is 50,500 for each fiscal year.

"(C) The applicable numerical limitation referred to in subparagraph (A) shall only apply to principal aliens and not to the spouses or children of such aliens.”.

(c) SPECIALTY OCCUPATION DEFINED.—Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting "(or iii) " before "section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b)".

(d) ATTESTATION.—Section 212(t) of such Act (8 U.S.C. 1112(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b)" each place it appears; and

(2) by adding at the end 


SEC. 502. VISAS FOR NURSES.

Section 106(d) of the American Competitiveness Immigration and Employment Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence “and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, and 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were approved based on section 1(b)"; and

(2) in paragraph (2)(A), by striking "2003", and inserting "2003", and (3) in paragraph (2), by amending subparagraph (B) to read as follows:

"(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years."

"(ii) MAXIMUM.—The total number of visas actually used under paragraph (1) may not exceed 50,000.”.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and concur in the same.

JERRY LEWIS
C.W. BILL YOUNG
RALPH RUGULA
HAROLD ROGERS
FRANK R. WOLF
JIM KOLBE
JAMES T. WALSH
CHARLES H. TAYLOR
DAVID L. HOBSON
HARRY BONILLA
JOE KNOLLENBERG
JOHN P. MURTHA
NORMAN D. DUCKS
ALAN B. MOLLORAN
PETER J. VISCLOSKY
CHET EDWARDS
Managers on the Part of the House.

THAD COCHRAN
TED STEVENS
PETE V. DOMENICI
CHRISTOPHER S. BOND
MITCH MCCONNELL
RICHARD C. SHELBY
JUDD GREGG
ROBERT F. BENNETT
WAYNE ALLARD
ROBERT C. BYRD
DANIEL K. INOUYE
PATRICK LEAHY
(both with exception for REAL ID),
BARBARA MUKLUSKI
(both with exception for REAL ID),
HARRY REID
(both with exception for REAL ID),
BYRON L. DORGAN
(both with exception for REAL ID),
DIANNIE FEINSTEIN
TOM HARKIN
(both with exception for REAL ID),
TIM JOHNSON
MARY LANDRIEU
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included in the reports of the House (H. Rept. 109–16) and of the Senate (S. Rept. 109–52) accompanying H.R. 1268 should be complied with unless specifically addressed in this statement of the managers.

The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

This conference agreement is organized by subject matter. Due to certain jurisdictional differences between the subcommittees of the Senate and the House Committees on Appropriations, the bills and programs of certain subcommittees are, in some cases, displayed within titles or chapters with the accounts and programs of other subcommittees. The organizational structure of this conference agreement does not predetermine the organization of conference agreements on the fiscal year 2006 appropriations bills.

TITLE I—DEFENSE-RELATED APPROPRIATIONS

The conference agreement recommends $75,888,262,000 for the Department of Defense, instead of $76,923,910,000, as proposed by the House, and $74,900,257,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.
<table>
<thead>
<tr>
<th>Account</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<td><strong>Military Personnel:</strong></td>
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<td>National Guard Personnel, Army</td>
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<tr>
<td>National Guard Personnel, Air Force</td>
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<td>91</td>
<td>91</td>
<td>91</td>
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<td>17,067,094</td>
<td>17,531,786</td>
<td>17,446,686</td>
</tr>
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</table>

| Operation and Maintenance:                 |         |        |        |            |
| O&M, Army                                  | 17,267,304 | 17,432,304 | 16,767,304 | 16,980,304 |
| Transfer from Afghan Security Forces Fund   | -        | -      | [290,000] | [290,000]  |
| Transfer from Iraq Security Forces Fund     | -        | -      | [210,000] | [210,000]  |
| O&M, Navy                                  | 3,423,501 | 3,030,801 | 3,430,801 | 3,030,574  |
| O&M, Marine Corps                          | 970,464  | 962,464 | 970,464 | 962,464    |
| O&M, Air Force                             | 5,601,510 | 5,769,450 | 5,528,574 | 5,627,053  |
| O&M, Defense-Wide                          | 3,521,327 | 3,061,300 | 3,308,392 | 3,042,265  |
| O&M, Army Reserve                          | 8,154    | 8,154  | 21,354 | 26,354     |
| O&M, Navy Reserve                          | 75,164   | 75,164 | 75,164 | 75,164     |
| O&M, Marine Corps Reserve                  | 24,920   | 24,920 | 24,920 | 24,920     |
| O&M, Army National Guard                   | 188,779  | 188,779 | 326,879 | 326,850    |
| Overseas Humanitarian, Disaster and Civic Aid | 10,000    | 10,000     | 0       |            |
| Afghanistan Security Forces Fund            | 1,285,000 | 1,285,000 | 1,285,000 | 1,285,000  |
| Transfer to O&M,A for Train and Equip       | -        | -      | [290,000] | [290,000]  |
| Iraq Security Forces Fund                   | 5,700,000 | 5,700,000 | 5,700,000 | 5,700,000  |
| Transfer to O&M,A for Train and Equip       | -        | -      | [210,000] | [210,000]  |
| **Total Operation and Maintenance**         | 38,076,123 | 37,568,336 | 37,438,852 | 37,100,948 |

<p>| Procurement:                                |         |        |        |            |
| Aircraft Procurement, Army                  | 458,677  | 458,677 | 458,677 | 458,677    |
| Missile Procurement, Army                   | 294,036  | 340,536 | 280,250 | 310,250    |
| Procurement of WTCV, Army                   | 2,425,207 | 2,678,747 | 2,406,447 | 2,551,187  |
| Procurement of Ammunition, Army             | 475,000  | 532,800 | 475,000 | 532,800    |
| Other Procurement, Army                     | 5,316,405 | 6,834,905 | 5,322,905 | 6,250,505  |
| (By transfer - Iraq Freedom Fund)           | -        | [85,000] | -      | 0          |
| Aircraft Procurement, Navy                  | 200,295  | 200,295 | 200,295 | 200,295    |
| Weapons Procurement, Navy                   | 71,600   | 71,600 | 66,000 | 66,000     |
| Procurement of Ammunition, Navy &amp; Marine Corps | 133,635    | 141,735 | 133,635 | 139,635    |
| Other Procurement, Navy                     | 85,672   | 78,372 | 78,372 | 78,372     |
| Procurement, Marine Corps                   | 2,974,045 | 3,588,495 | 2,929,045 | 3,283,042  |
| Aircraft Procurement, Air Force             | 269,241  | 279,241 | 269,309 | 277,309    |
| Procurement of Ammunition, Air Force         | 6,998    | 6,998  | 6,998  | 6,998      |
| Other Procurement, Air Force                | 2,834,328 | 2,658,527 | 2,553,760 | 2,577,560  |
| Procurement, Defense-Wide                   | 591,327  | 648,327 | 591,327 | 645,939    |
| <strong>Total Procurement</strong>                       | 16,136,466 | 18,317,255 | 15,872,045 | 17,378,594 |</p>
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<tr>
<th>Account</th>
<th>Request</th>
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<th>Conference</th>
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<td>159,600</td>
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<td>Total RDT&amp;E</td>
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<td>552,322</td>
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<td>Rescission - Iraq Freedom Fund</td>
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<td>Grand Total</td>
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<td>76,923,910</td>
<td>74,800,257</td>
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<td>(By transfer - Iraq Freedom Fund)</td>
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<td>[85,000]</td>
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</table>

1 Numbers in brackets do not add.
In the wake of the recent Iraqi elections, public discourse about the U.S. occupation of that country has focused on the need for and the advisability of declaring a timetable for U.S. military withdrawal. Instead of focusing on exit strategies, however, the conferees believe there is a need to recast this debate by considering “strategies for success”. Success in Iraq will be achieved, of course, only to the extent any new Iraqi government can legitimately and effectively rule the country, which in turn largely depends on that government’s ability to protect its people and secure its borders.

The discussion on this issue should not be simply about how many Iraqi forces have been trained and equipped, but about how many can perform to reasonable standards so that they may be expected to successfully conduct their assigned missions. This is the basis for assessing U.S. military readiness, and should serve as the basis for judging the capabilities of Iraqi security forces.

The conferees believe that the Administration must develop and provide to the Congress a more comprehensive set of performance indicators and measures of stability and security in Iraq than is currently available. This undoubtedly will lead to a more informed debate over how best to allocate U.S. resources to help secure Iraq. As such, the conferees direct the Secretary of Defense (in consultation with other appropriate members of the National Security Council) to provide a report to the Speaker of the House of Representatives, the Majority Leader of the Senate, and the congressional defense committees that identifies security, economic, and Iraqi security force training performance standards and goals, accompanied by a notional timetable for achieving these goals. At a minimum, the report should include detailed descriptions of the following:

Stability and Security in Iraq:
- Key measures of political stability, including the important political milestones that must be achieved over the next several years.
- The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends describing numbers and types of ethnic and religious-based hostile encounters, and so on. In addition, the report should include:
  - The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters; and,
  - A description of all militia operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.
- The key indicators of economic activity that should be considered as the most important for determining the prospects of stability in Iraq, including: unemployment levels; electricity, water, and oil production rates; and hunger and poverty levels.
- The criteria the Administration will use to determine when it is safe to begin withdrawing our forces from Iraq.

Security Force Training and Performance:
- The training Iraqi military and other Ministry of Defense forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of the Iraqi military forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.
- The operational readiness status of the Iraqi military forces, including: the type, number, size, and organizational structure of Iraqi battalions that are:
  - Capable of conducting counterinsurgency operations independently;
  - Capable of conducting counterinsurgency operations with the support of U.S. or coalition forces; and,
  - Not ready to conduct counterinsurgency operations.
- The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated these forces.
- The training Iraqi police and other Ministry of Interior forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of these forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals. This should include:
  - The number of police recruits that have received classroom training and the duration of such instruction;
  - The number of veteran police officers who have received classroom instruction and the duration of such instruction;
  - The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;
  - The number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and,
  - Attrition rates and measures of absenteeism and infiltration by insurgents.

The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending Iraq’s borders and providing adequate levels of law and order throughout the country.
- The effectiveness of the Iraqi military and police cadres and the chain of command.
- The number of U.S. and coalition advisors needed to support the Iraqi security forces and associated ministries.

Finally, the conferees direct the Secretary to include in this report (or classified annex to the report, as necessary) an assessment of U.S. military requirements, including planned force rotations, through the end of calendar year 2006. The conferees direct the Secretary to submit this report not later than 60 days after the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2006.

Classified Programs
Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

VETERAN-OWNED BUSINESSES

The conferees are aware that Presidential Executive Order 13360, issued on October 20, 2004, established a goal of not less than 3 percent for participation by service-disabled veteran-owned businesses in Federal contracting with the Department of Defense and all Federal agencies. The conferees note with concern that the Department is far from reaching that goal with only 0.2 percent of total prime contracts and 0.3 percent of total subcontracts awarded to service-disabled veteran-owned business in fiscal year 2005. The conferees would encourage the Department to follow the intent of Executive Order 13360 and make every effort to increase contracting opportunities with service-disabled veteran-owned businesses and to report to the congressional defense committees not later than September 30, 2005 a plan of action to reach the goal established by the President.

MILITARY PERSONNEL

The conference agreement recommends $17,446,686,000 for the Military Personnel accounts, instead of $17,067,094,000 as proposed by the House, and $17,531,786,000 as proposed by the Senate. Adjustments to the Military Personnel accounts are shown below:

Personnel Accounts

<table>
<thead>
<tr>
<th>Account</th>
<th>Proposed</th>
<th>Adjusted</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel</td>
<td>$17,067,094,000</td>
<td>$17,446,686,000</td>
<td>$3,789,592</td>
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</table>

Note: The table above shows the proposed, adjusted, and difference in personnel accounts. The difference indicates the adjustment made by the conferees to achieve the recommended amount.
<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Military Personnel, Army</strong></td>
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<td>Incremental Wartime Costs</td>
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<td>1,921,100</td>
<td>1,921,100</td>
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<td>Enhanced Death Benefits</td>
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<td>508,374</td>
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<td>Recruiting and Retention</td>
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<td><strong>Total, Military Personnel, Army</strong></td>
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<td><strong>Military Personnel, Marine Corps</strong></td>
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<td>Incremental Wartime Costs</td>
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<td><strong>Total, Military Personnel, Marine Corps</strong></td>
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<td>Incremental Wartime Costs</td>
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<td><strong>Total, Military Personnel, Air Force</strong></td>
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<td><strong>Reserve Personnel, Army</strong></td>
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<tr>
<td>Training Base Instructors</td>
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<td>Enhanced Death Benefits</td>
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<td>TTAD Special Missions</td>
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<td>Foreign Language Proficiency Pay</td>
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<td><strong>Total, Reserve Personnel, Army</strong></td>
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<td>Account</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<td>-----------------------------------------------------------</td>
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<td>------------</td>
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<tr>
<td><strong>Reserve Personnel, Navy</strong></td>
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<tr>
<td>Incremental Wartime Costs</td>
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<td>Pay and Allowances</td>
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<td>Enhanced Death Benefits</td>
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<td>Premobilization Training</td>
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<tr>
<td><strong>Total, Reserve Personnel, Navy</strong></td>
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<td><strong>Reserve Personnel, Marine Corps</strong></td>
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<td>Incremental Wartime Costs</td>
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<td>Pay and Allowances/MOS Training</td>
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<td><strong>Total, Reserve Personnel, Marine Corps</strong></td>
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<td>Incremental Wartime Costs/Foreign Language Proficiency Pay</td>
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<td><strong>National Guard Personnel, Army</strong></td>
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<tr>
<td>Incremental Wartime Costs</td>
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<tr>
<td>Premobilization Training</td>
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<td>Enhanced Death Benefits</td>
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<td>Security Guards</td>
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<td>Recruiting and Retention</td>
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<td>Recruiting and Retention (Transfer to O&amp;M, Army National Guard)</td>
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<td>(138,100)</td>
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<td>Foreign Language Proficiency Pay</td>
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<td><strong>Subtotal, National Guard Personnel, Army</strong></td>
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<tr>
<td><strong>National Guard Personnel, Air Force</strong></td>
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<tr>
<td>Incremental Wartime Costs/Foreign Language Proficiency Pay</td>
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<td>91</td>
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<tr>
<td><strong>Total Military Personnel</strong></td>
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<td>17,531,786</td>
<td>17,446,686</td>
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</table>
OPERATION AND MAINTENANCE

The conference agreement recommends $37,100,948,000 for the Operation and maintenance accounts, instead of $37,568,336,000 as proposed by the House, and $37,438,852,000 as proposed by the Senate. Adjustments to the Operation and maintenance accounts are shown below:
<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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</thead>
<tbody>
<tr>
<td>Operation and Maintenance, Army:</td>
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<tr>
<td>Incremental Wartime Operating Costs</td>
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<td>Transportation</td>
<td>3,439,800</td>
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<td>LOGCAP</td>
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<td>1,518,400</td>
<td>1,518,400</td>
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<td>Other Transportation</td>
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<td>Depot Maintenance</td>
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<td>SAPI Plates and Body Armor</td>
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<td>Contract Linguists</td>
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<td>Facilities Sustainment, Restoration, &amp; Modernization</td>
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<td>OCONUS Contract Security Guards</td>
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<td>Other GWOT Support: Equipment; Services</td>
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<td>Classified Activities and Support</td>
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<tr>
<td>Train and Equip</td>
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<tr>
<td>Transfer from Afghanistan Security Forces Fund</td>
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<tr>
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<td>Commanders Emergency Response Fund</td>
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<td>Mobilization and Demobilization Base Support</td>
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<td>Operations</td>
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<td>Project and Admin Office Support</td>
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<td>(1,150,000)</td>
<td>(1,150,000)</td>
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<tr>
<td>Reprogramming Restoral</td>
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<td>Account</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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<tr>
<td>Operation and Maintenance, Navy:</td>
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<tr>
<td>Incidental Rate for Deployed Sailors</td>
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<td>Flying - Carrier and Expeditionary Strike Groups</td>
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<tr>
<td>C4I, Logistics, Material, and Training Support</td>
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<td>629,500</td>
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<td>Classified activities</td>
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<td>Afghan Freedom Support Act Drawdown</td>
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<td><strong>3,430,801</strong></td>
<td><strong>3,030,574</strong></td>
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</table>

<p>| Operation and Maintenance, Marine Corps:                                |          |          |            |
| TDY                                                                    | 6,300    | 6,300    | 6,300      |
| Clothing &amp; Other Personnel Eqpt &amp; Supplies                              | 24,900   | 24,900   | 24,900     |
| Medical Support/Health Services                                         | 3,500    | 3,500    | 3,500      |
| Other Personnel Support                                                 | 3,900    | 3,900    | 3,900      |
| Morale, Welfare and Recreation                                          | 2,900    | 2,900    | 2,900      |
| OPTEMPO (Fuel, Other POL, Parts)                                        | 311,380  | 311,380  | 311,380    |
| SAPI Plates and Body Armor                                              | 12,000   | -        | 12,000     |
| Organizational Level Maintenance                                        | 150,900  | 150,900  | 150,900    |
| Intermediate Level Maintenance                                          | 15,800   | 15,800   | 15,800     |
| Depot Level Maintenance                                                 | 92,400   | 92,400   | 92,400     |
| Reconstitution/Settling the Force; Supplies                             | 171,000  | 171,000  | 171,000    |
| Support (C4I, Logistics, Material) and Training                         | 95,584   | 95,584   | 95,584     |
| Increase in Composite Fuel Rate                                         | 22,000   | 22,000   | 22,000     |
| <strong>Total Operation and Maintenance, Marine Corps</strong>                       | <strong>982,464</strong> | <strong>970,464</strong> | <strong>982,464</strong> |</p>
<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and Maintenance, Air Force:</td>
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<td></td>
<td></td>
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<tr>
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<td>139,600</td>
<td>139,600</td>
</tr>
<tr>
<td>Operating Support/Flying Hours</td>
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<td>2,371,000</td>
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<td>Transportation</td>
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<td>1,386,600</td>
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<td>Fuel Rate Increase</td>
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<td>Transportation Working Capital Fund Transfer</td>
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<td>Contract Logistics Support/Depot Maintenance</td>
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<td>628,800</td>
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<td>Commercial Transportation</td>
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<td>90,000</td>
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<td>Classified and Other Support Costs</td>
<td>175,610</td>
<td>102,674</td>
<td>131,153</td>
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<td><strong>Total Operation and Maintenance, Air Force</strong></td>
<td>5,769,450</td>
<td>5,528,574</td>
<td>5,627,053</td>
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<td>Operation and Maintenance, Defense-Wide</td>
<td></td>
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<tr>
<td>TJS - Combatant Commander Initiative Fund</td>
<td>25,000</td>
<td>25,000</td>
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<td>TJS - Requirements Planning</td>
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<td>-</td>
<td>-</td>
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<td>Special Operations (SOCOM)</td>
<td>635,400</td>
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<td>610,400</td>
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<td>SOCOM - SOF Center in Jordan</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>AFIS - Stars and Stripes Distribution in Theater</td>
<td>6,600</td>
<td>6,600</td>
<td>6,600</td>
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<td>DCAA - Contract Audit</td>
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<td>DCMA - Contract Management</td>
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<td>1,500</td>
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<td>DODA - Family Assistance Programs</td>
<td>92,000</td>
<td>92,000</td>
<td>92,000</td>
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<td>DLSA - Legal Services</td>
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<td>15,000</td>
<td>15,000</td>
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<td>DSCA - Regional Centers</td>
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<td>DSCA - Coalition Support</td>
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<td>1,370,000</td>
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<td>OSD Rewards Program</td>
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<td>OSD Counter MANPADS</td>
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<td>OSD Lift &amp; Sustain</td>
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<td>100,000</td>
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<td>OSD - Network and Information Services (NII)</td>
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<td>10,500</td>
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<td>WHS- Iraq Project Contracting Office and OSD</td>
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<td></td>
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<td>Pentagon Support</td>
<td>4,600</td>
<td>4,600</td>
<td>4,600</td>
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<td>Other Programs/Intelligence</td>
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<td>969,665</td>
<td>927,865</td>
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<td><strong>Total Operation and Maintenance, Defense-Wide</strong></td>
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<td>Account</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<tr>
<td>--------------------------------------------------------------</td>
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<tr>
<td>Operation and Maintenance, Army Reserve</td>
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<td></td>
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<tr>
<td>Alerted Unit Training</td>
<td>5,154</td>
<td>5,135</td>
<td>5,154</td>
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<tr>
<td>Second Destination Transportation</td>
<td>2,400</td>
<td>2,389</td>
<td>2,400</td>
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<tr>
<td>Repair/Replace information/logistics Automation syst</td>
<td>600</td>
<td>630</td>
<td>600</td>
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<tr>
<td>Recruiting and Retention Support</td>
<td>-</td>
<td>13,200</td>
<td>13,200</td>
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<tr>
<td>Tuition Assistance</td>
<td>-</td>
<td>-</td>
<td>5,000</td>
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<td>Total Operation and Maintenance, Army Reserve</td>
<td>8,154</td>
<td>21,354</td>
<td>26,354</td>
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<td>Operation and Maintenance, Navy Reserve</td>
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<td></td>
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<tr>
<td>Reserve Flying Hours</td>
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<td>22,800</td>
<td>22,800</td>
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<td>Increased fuel rates</td>
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<td>49,000</td>
<td>49,000</td>
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<td>Operation Vigilant Mariner</td>
<td>3,364</td>
<td>3,364</td>
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<td>Total Operation and Maintenance, Navy Reserve</td>
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<td>75,164</td>
<td>75,164</td>
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<tr>
<td>Operation and Maintenance, Marine Corps Reserve</td>
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<td>Initial Issue, Travel, Training and Supplies</td>
<td>20,820</td>
<td>20,820</td>
<td>20,820</td>
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<td>Reconstitution</td>
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<td>3,100</td>
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<tr>
<td>Increased fuel rates</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
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<tr>
<td>Total Operation and Maintenance, Marine Corps Res</td>
<td>24,920</td>
<td>24,920</td>
<td>24,920</td>
</tr>
<tr>
<td>Operation and Maintenance, Army National Guard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alerted Unit Training</td>
<td>8,800</td>
<td>8,800</td>
<td>8,800</td>
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<tr>
<td>Second Destination Transportation</td>
<td>12,600</td>
<td>12,629</td>
<td>12,600</td>
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<tr>
<td>Family Readiness Programs</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
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<tr>
<td>ARNG Recruiting and Retention</td>
<td>157,379</td>
<td>295,450</td>
<td>295,450</td>
</tr>
<tr>
<td>Total Operation and Maintenance, Army National Gd.</td>
<td>188,779</td>
<td>326,879</td>
<td>326,850</td>
</tr>
<tr>
<td>Overseas Humanitarian, Disaster, and Civic Aid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afghanistan Security Forces Fund</td>
<td>1,285,000</td>
<td>1,285,000</td>
<td>1,285,000</td>
</tr>
<tr>
<td>[Transfer to O&amp;M,A for Train and Equip]</td>
<td>[290,000]</td>
<td>[290,000]</td>
<td>[290,000]</td>
</tr>
<tr>
<td>Iraq Security Forces Fund</td>
<td>5,700,000</td>
<td>5,700,000</td>
<td>5,700,000</td>
</tr>
<tr>
<td>[Transfer to O&amp;M,A for Train and Equip]</td>
<td>[210,000]</td>
<td>[210,000]</td>
<td>[210,000]</td>
</tr>
<tr>
<td>Total Operation and Maintenance</td>
<td>37,568,336</td>
<td>37,438,852</td>
<td>37,100,948</td>
</tr>
</tbody>
</table>
Medical Support for Tactical Units

The conferees recommend an increase of $150,000,000 in Operation and Maintenance, Army, to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The conferees encourage the Department of the Army to focus these funds on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and other blood-clotting supplies that utilize advanced hemostatic, wound-dressing technologies, and on the provision of medical care for soldiers who have returned home in a medical holdover status.

Critical Medical Research

The conferees believe the military treatment facilities and other medical research and teaching organizations of the Department of Defense are playing a critical role in support of our forces serving in harm’s way in Iraq and Afghanistan. The conferees note that these facilities and organizations have provided and are continuing to provide much needed improvements in critical care for military personnel who have been wounded in battle.

The conferees recognize the need for maintaining all of our military medical facilities in time of war, believing the continuation of this capability to be of the highest importance. As such, the conferees direct that funding available to the Department of Defense should not be used to close any military medical facility which is conducting critical medical research, or medical training, or caring for wounded soldiers.

Telephone Calling Cards for Injured Servicemembers

The conferees commend the individuals, organizations, and corporations who have donated telephone cards for use by injured servicemembers recuperating from injuries sustained while serving in the Global War on Terrorism. The conferees encourage the Services to distribute the donated cards to all military treatment facilities providing care to those injured during contingency operations. The Services should also ensure that servicemembers recuperating in Fisher Houses, Malone Houses, or similar rehabilitation facilities are provided phone cards on a similar basis.

Post Deployment Stand-down Program

The conferees are aware of the success of the Air National Guard’s Post Deployment Stand-down Program. The conferees direct the Director, Army National Guard, in consultation with the Director, Air National Guard, to assess the feasibility and advisability of implementing a similar program for the Army National Guard. The Director, Army National Guard shall report his findings and recommendations to the congressional defense committees not later than September 30, 2005.

Overseas Humanitarian, Disaster and Civic Aid

The conference agreement does not include $10,000,000 for Overseas Humanitarian, Disaster and Civic Aid proposed by the House.

Afghanistan Security Forces Fund

The conference agreement includes $1,285,000,000 for the Afghanistan Security Forces Fund to accelerate efforts to provide assistance to Afghan Security Forces. The agreement includes a transfer of $290,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

Iraq Security Forces Fund

The conference agreement includes $5,700,000,000 for the Iraq Security Forces Fund to accelerate efforts to provide assistance to Iraqi Security Forces. The agreement includes a transfer of $210,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

Procurement

The conference agreement includes a total of $17,378,594,000 for various procurement appropriations, instead of $18,317,255,000 as proposed by the House and $15,872,045,000 as proposed by the Senate.

The following table identifies changes made to the request and other funding provided.
### Aircraft Procurement, Army

<table>
<thead>
<tr>
<th>Description</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>UH-60 Blackhawk (MYP)</td>
<td>50,800</td>
<td>50,800</td>
<td>50,800</td>
</tr>
<tr>
<td>GUARDRAIL MODS (TIARA)</td>
<td>13,850</td>
<td>13,650</td>
<td>13,650</td>
</tr>
<tr>
<td>ARL MODS (TIARA)</td>
<td>36,000</td>
<td>36,000</td>
<td>36,000</td>
</tr>
<tr>
<td>Longbow</td>
<td>321,100</td>
<td>321,100</td>
<td>321,100</td>
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<tr>
<td>ASE Infrared CM</td>
<td>37,127</td>
<td>37,127</td>
<td>37,127</td>
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<tr>
<td><strong>Total Aircraft Procurement, Army</strong></td>
<td>458,677</td>
<td>458,677</td>
<td>458,677</td>
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</tbody>
</table>

### Missile Procurement, Army

<table>
<thead>
<tr>
<th>Description</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Javelin (AAWS-M) System Summary</td>
<td>146,786</td>
<td>133,000</td>
<td>133,000</td>
</tr>
<tr>
<td>TOW 2 System Summary</td>
<td>52,000</td>
<td>52,000</td>
<td>52,000</td>
</tr>
<tr>
<td>Army Tactical Missile Systems (ATACMS) System Summary</td>
<td>91,000</td>
<td>91,000</td>
<td>91,000</td>
</tr>
<tr>
<td>ITAS/TOW MODS.</td>
<td>50,750</td>
<td>4,250</td>
<td>34,250</td>
</tr>
<tr>
<td><strong>Total Missile Procurement, Army</strong></td>
<td>340,536</td>
<td>280,250</td>
<td>310,250</td>
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</tbody>
</table>

### Procurement of Weapons and Tracked Combat Vehicles, Army

<table>
<thead>
<tr>
<th>Description</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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</thead>
<tbody>
<tr>
<td>Bradley Base Sustainment</td>
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<td>1,254,764</td>
<td>1,254,764</td>
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<tr>
<td>Stryker</td>
<td>114,040</td>
<td>44,500</td>
<td>114,040</td>
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<tr>
<td>Carrier, Mod.</td>
<td>209,332</td>
<td>209,332</td>
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<tr>
<td>FIST Vehicle (MOD)</td>
<td>147,140</td>
<td>147,140</td>
<td>147,140</td>
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<tr>
<td>BFVS Series (MOD)</td>
<td>59,700</td>
<td>33,700</td>
<td>53,700</td>
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<tr>
<td>Howitzer, Med SP FT 155MM M109A5 (MOD).</td>
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<td>625</td>
<td>625</td>
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<tr>
<td>System Enhancement Pgm: SEP M1A12</td>
<td>294,000</td>
<td>294,000</td>
<td>294,000</td>
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<tr>
<td>Abrams Mod.</td>
<td>90,000</td>
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<td>-</td>
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<tr>
<td>Armor Machine Gun, 7.62MM M240 Series</td>
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<td>59,358</td>
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<tr>
<td>Machine Gun, 5.56MM (SAW)</td>
<td>19,860</td>
<td>19,860</td>
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<tr>
<td>Grenade Launcher, Auto, 40MM, MK19-3</td>
<td>23,841</td>
<td>23,841</td>
<td>23,841</td>
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<tr>
<td>Mortar Systems</td>
<td>24,254</td>
<td>24,254</td>
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<tr>
<td>M107, CAL .50, Sniper Rifle</td>
<td>3,755</td>
<td>3,755</td>
<td>3,755</td>
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<tr>
<td>Modification of Weapons</td>
<td>68,000</td>
<td>-</td>
<td>55,200</td>
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<tr>
<td>5.56 Carbine M4</td>
<td>55,380</td>
<td>55,380</td>
<td>55,380</td>
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<td>Common Remotely Operated Weapons Station (CROWS)</td>
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<td>11,300</td>
<td>11,300</td>
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<td>M4 Carbine Mods</td>
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<td>Squad Automatic Weapon (MOD)</td>
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<tr>
<td>Medium Machine Guns (MODS)</td>
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<td>1,344</td>
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<td>Howitzer, Light, Towed, 105MM</td>
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<td>Items Less Than $5.0M (WOCV-WTCV)</td>
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<td>6,249</td>
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<td>Small Arms Equipment (Soldier Enhancement Program)</td>
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<td>IRV</td>
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<td>146,600</td>
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<td>Armored Vehicle Launch Bridge (AVLB)</td>
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<td><strong>Total WTCV, Army</strong></td>
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<td>2,406,447</td>
<td>2,551,187</td>
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### Procurement of Ammumition, Army

<table>
<thead>
<tr>
<th>Description</th>
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<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammunition Production Base</td>
<td>57,800</td>
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<tr>
<td>CTG, 5.56 MM, All Types</td>
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<td>76,682</td>
<td>76,682</td>
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<tr>
<td>CTG, 7.62 MM, All Types</td>
<td>55,803</td>
<td>55,803</td>
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<tr>
<td>CTG, .50 CAL, All Types</td>
<td>52,515</td>
<td>52,515</td>
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<tr>
<td>CTG, 25 mm, All Types</td>
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<td>4,523</td>
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<td>CTG, 30MM, All Types</td>
<td>7,162</td>
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<tr>
<td>CTG, 40 mm, All Types</td>
<td>84,841</td>
<td>84,841</td>
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<tr>
<td>60 mm Mortar, All Types</td>
<td>20,017</td>
<td>20,017</td>
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<tr>
<td>81 mm Mortar, All Types</td>
<td>55,402</td>
<td>55,402</td>
<td>55,402</td>
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<tr>
<td>CTG, Mortar, 120 MM, All Types</td>
<td>81,540</td>
<td>81,540</td>
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<tr>
<td>CTG, Tank, 120 mm Tactical, All Types</td>
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<tr>
<td>Rocket, Hydra 70, All Types</td>
<td>12,941</td>
<td>12,941</td>
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<tr>
<td>Demolition Munitions, All Types</td>
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<td>Grenades, All Types</td>
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<tr>
<td>Signals, All Types</td>
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<td>Items Less Than $5 million</td>
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<td><strong>Total Procurement of Ammumition, Army</strong></td>
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<tr>
<td>Other Procurement, Army</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
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<td>------------</td>
</tr>
<tr>
<td>Tactical Trailers/Dolly Sets</td>
<td>6,051</td>
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<tr>
<td>Semitrailer, Flatbed</td>
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<td>712</td>
<td>712</td>
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<tr>
<td>Up-Armored HMMWW</td>
<td>51,300</td>
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<td>150,000</td>
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<td>Hi Mob Multi-Purp Wild Veh (HMMWW)</td>
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<td>320,827</td>
<td>400,827</td>
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<tr>
<td>Family of Medium Tactical Vehicles (FMTV)</td>
<td>735,432</td>
<td>334,432</td>
<td>559,432</td>
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<tr>
<td>Family of Heavy Tactical Vehicles</td>
<td>516,677</td>
<td>309,577</td>
<td>423,577</td>
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<tr>
<td>Armored Security Vehicle (ASV)</td>
<td>550,300</td>
<td>550,300</td>
<td>550,300</td>
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<td>Mine Protection Vehicle Family</td>
<td>24,950</td>
<td>24,950</td>
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<tr>
<td>Truck, Tractor, Line Haul, M915/M816</td>
<td>10,384</td>
<td>10,384</td>
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<td>Heavy Expanded Mobile Tactical Truck Ext Serv Program</td>
<td>90,270</td>
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<td>HMMWV Recapitalization Program</td>
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<td>Modification of In Service Equipment (Note: includes funding for Add-on Armor kits;</td>
<td>610,900</td>
<td>582,900</td>
<td>610,900</td>
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<tr>
<td>Gunner Protective Kit; Rollover Protection Kits. In addition, of the amounts provided</td>
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<td>27,000</td>
<td>27,000</td>
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<tr>
<td>within this line not less than $4 million is available only for Mobile Up-Armor Retrofit Kits)</td>
<td>27,000</td>
<td>27,000</td>
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<td>SHF TERM</td>
<td>27,000</td>
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<td>Army Data Distribution System</td>
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<td>SINCgars Family</td>
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<td>Bridge to Future Networks</td>
<td>432,300</td>
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<td>Radio Improved HF Family</td>
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<td>TUAV</td>
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<td>Distributed Common Ground System - Army</td>
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<tr>
<td>MOD-In-SVC (Intel Spt)</td>
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<td>CI Humint Info Management System</td>
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<tr>
<td>Items less than $5M (Trojan Spirit)</td>
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<td>JLENS Family</td>
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<td>Artillery Accuracy EQ</td>
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<td>Profiler</td>
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<td>Force XXI Battle Cmd Bde &amp; Below (FBCB2).</td>
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<td>Lightweight Laser Designator/Range Finder</td>
<td>31,000</td>
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<td>Mortar Fire Control System</td>
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<td>Tactical Operations Center</td>
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<td>Advanced Field Artillery Tactical (Data Syst).</td>
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<td>Battle Command Sustainment Support System</td>
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<td>FAAD C2</td>
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<td>Knight Family</td>
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<td>Maneuver Control System (MCS)</td>
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<td>Tactical Bridge Float Ribbon</td>
<td>1,556</td>
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<td>Handheld Stand-off Mine Detection System (HSTAMIDS)</td>
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<td>-</td>
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<td>Items Less Than $5 million (Eng Spt Eq)</td>
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<td>110</td>
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<td>Distribution System Petroleum and Water</td>
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<td>Shop Equipment Contact Maint Truck</td>
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<td>48,011</td>
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<td>Items Less Than $5M (Maint Eq)</td>
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<td>462</td>
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<td>Loaders</td>
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<td>Tractor, Full Tracked</td>
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<td>Generators and Associated Equipment</td>
<td>79,866</td>
<td>79,866</td>
<td>79,866</td>
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<td>Item</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<td>Rough Terrain Handler</td>
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<td>Calibration Sets</td>
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<td>Test Equipment Modernization (Spectrum Analyzer TEMOD)</td>
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<td>Building, Pre-Fab, Relocatable</td>
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<td>Classified programs</td>
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<td><strong>Total Other Procurement, Army</strong></td>
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<td><strong>6,250,505</strong></td>
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<td><strong>Aircraft Procurement, Navy</strong></td>
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<td>AV-8(B) Series Mods</td>
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<td>AH-1W Series Mods</td>
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<td>H-53 Series Mods</td>
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<td>SH-60 Series Mods</td>
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<td>H-1 Series Mods</td>
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<td>EP-3 Series Mods</td>
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<td>P-3 Series Mods</td>
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<td>C-130 Series Mods</td>
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<td>Common Ground Equipment</td>
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<td>War Consumables – Aircraft Ammunition Equipment</td>
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<td><strong>Total, Aircraft Procurement, Navy</strong></td>
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<td><strong>200,295</strong></td>
<td><strong>200,295</strong></td>
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<td><strong>Weapons Procurement, Navy</strong></td>
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<td>Hellfire Missile</td>
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<td>Small Arms and Weapons</td>
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<td><strong>Total, Weapons Procurement, Navy</strong></td>
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<td><strong>66,000</strong></td>
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<td><strong>Procurement of Ammunition, Navy and Marine Corps</strong></td>
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<tr>
<td><strong>Navy</strong></td>
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<td>Air Expendable Countermeasures</td>
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<td>Small Arms and Landing Party Ammunition</td>
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<td>76 MM Gun Ammunition</td>
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<td>Other Ship Gun Ammunition</td>
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<td>Ammo Less than $5 million</td>
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<td><strong>Marine Corps</strong></td>
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<td>5.56mm Ammunition</td>
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<td>7.62mm Ammunition</td>
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<td>.50 Cal Ammunition</td>
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<td><strong>Grenades</strong></td>
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<td>Demolition Munitions</td>
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<td>Items Less than $5 million</td>
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<td><strong>Total, Procurement of Ammunition Navy and Marine Corps</strong></td>
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<td>Conference</td>
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<tr>
<td>Other Procurement, Navy</td>
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<td>Construction and Maintenance Equipment</td>
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<td>Items Less Than $5 Million</td>
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<td>Total, Other Procurement, Navy</td>
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<td>Procurement, Marine Corps</td>
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<td>Communication Switching &amp; Control Systems...</td>
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<tr>
<td>Repair and Test Equipment</td>
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<td>General Purpose Tools &amp; Test Systems</td>
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<td>Items Under $5 Million (Comm &amp; Elec)</td>
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<td>Air Operations C2 Systems</td>
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<td>Joint Tactical Radio Systems</td>
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<td>RADAR SET AN/TPS-98</td>
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<td>Fire Support System</td>
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<td>Small Unit Remote Scouting System [SURSS]</td>
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<td>Intelligence Support Equipment</td>
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<td>81</td>
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<td>Comm &amp; Elec Infrastructure Support</td>
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<td>HMMWV</td>
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<td>216,781</td>
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<td>Motor Transport Mods (Armor kits for MTVRs)</td>
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<td>Other Weapons &amp; Combat Vehicles (various)</td>
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<td>Improved Recovery Vehicle [IRV]</td>
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<td>Weapons and Combat Vehicles Under $5 Million</td>
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<td>Javelin</td>
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<td>Family of Construction Equipment</td>
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<td>Family of Internally Transportable Veh [ITV]</td>
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<td>Bridge Boats</td>
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<td>Rapid Deployable Kitchen</td>
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<td>Modification Kits</td>
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<td>Items Less Than $5 Million</td>
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<td><strong>Total Procurement, Marine Corps</strong></td>
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<td>ATP/Rover PACMAN</td>
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<td>C-17 LAIRCM</td>
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<td>C-5 Missile Warning System</td>
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<td>C-40 LAIRCM</td>
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<td>Improved Ballistic Armor Sub-System</td>
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<td>TARS</td>
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<td>Improved Hoover Infra Red Suppression System (i-HIRSS)</td>
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<td>A/OA-10 Extended Duration Covert Infrared Countermeasures System</td>
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<td>C-130 LAIRCM</td>
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<td>JSTARS Blue Force Situational Awareness</td>
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<td>Beddown</td>
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<td>National Airborne Operations Center</td>
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<td>Predator A Retrofit</td>
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<td>OEF/OIF Predator B MTB Initial Spares</td>
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<td>Red Horse Response Equipment (Transfer from OPAF)</td>
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<td><strong>Total Aircraft Procurement, Air Force</strong></td>
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<td>Night Vision Goggles</td>
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<td>Battlefield Laser Rangefinder</td>
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<td>Cargo pallets and Nets</td>
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<td>Red Horse Equipment</td>
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<td>Thermal Imaging Equipment</td>
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<tr>
<td></td>
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<td>Senate</td>
<td>Conference</td>
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<tr>
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<td>Predator Receive Terminal</td>
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<td>Medical Equipment</td>
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<td>Teleports Program</td>
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<td>Total Procurement, Defense-Wide</td>
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<td>591,327</td>
<td>645,939</td>
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</table>

| Total Procurement               | 18,317,255| 15,872,045| 17,378,594|
Modularity

The conferees direct the Secretary of Defense to submit to the congressional defense committees a report, not later than September 1, 2005, detailing the Department of Defense’s long-range plan for executing and funding the Army’s Modular Force initiative (Modularity). The report should identify personnel and equipment requirements, unit restructuring timelines, and associated costs. In addition, the conferees are concerned that the budgeting methods employed to support this initiative may result in inefficient program management and acquisition practices. Accordingly, the conferees direct that this report also include DoD plans to review multi-year procurement authority or any other measures to ensure the DoD can contract for required equipment as efficiently as possible.

Up-Armored HMMWV Reporting Requirement

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs). In addition, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act setting forth the most effective and efficient options available to the Department of Defense for transporting Up-Armored HMMWVs to Iraq and Afghanistan.

Joint Improvised Explosive Device (IED) Neutralizer

Improvised Explosive Devices (IEDs) continue to kill and seriously injure U.S. Service men and women as they prosecute the Global War on Terrorism. The conferees are deeply concerned that currently employed counter-IED technology has failed to achieve desired results for our warriors. The conferees are aware of a new direct discharge technology, known as Joint IED Neutralizer or JIN, which has recently demonstrated the capability to effectively neutralize IEDs. The conferees strongly encourage the Department of Defense to procure and employ JIN for counter-IED operations.

Litening Pods

The conferees clarify that funding in the bill for additional F/A-18 Litening pods is available for all Expeditionary Marine Corps F/A-18 aircraft.

Special Operations Command

The conference agreement provides $475,627,000, an increase of $55,000,000 above the President’s request, as proposed by the House, for equipment required by the United States Special Operations Command (USSOCOM) to prosecute the Global War on Terrorism. The conferees agree that from the additional funding provided $20,000,000 shall be for the procurement of Multi-Band/Multi Mission radios and that $5,000,000 shall be for Silver Fox Unmanned Aerial Vehicles. The conferees have adjusted the amounts in the project level table for the Communications Equipment and electronics and the Small Arms and Weapons lines accordingly. The conferees are aware that, subsequent to the submission of the President’s request, another Special Operations Combat Talon II aircraft was lost, significantly diminishing the combat capabilities of USSOCOM. The conferees agree that the remaining $30,000,000 of the funds provided above the request shall be used for a combat loss replacement aircraft.

Research, Development, Test and Evaluation

The conference agreement provides a total of $587,282,000 for Research, Development, Test and Evaluation appropriations, instead of $508,321,000 as proposed by the House, and $552,322,000, as proposed by the Senate. The following table identifies changes made to the request and other funding provided.
### Research, Development, Test and Evaluation, Army

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<th>Account</th>
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<th>Conference</th>
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<td>Combating Terrorism, Technology Development (Note: of the funds available within this line not less than $3 million is available only for Suicide Bomber Detection and Interdiction Through)</td>
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<td>Existing Sensor, Biometric, and Thermal Matrix Technologies)</td>
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<td>17,170</td>
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<td>Close-in APS for Stryker</td>
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<td>Classified Program</td>
<td>4,800</td>
<td>4,800</td>
<td>4,800</td>
</tr>
<tr>
<td><strong>Total Research, Development, Test and Evaluation, Army</strong></td>
<td>25,170</td>
<td>37,170</td>
<td>37,170</td>
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### Research, Development, Test and Evaluation, Navy

<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>USMC Advanced Technology Demo</td>
<td>20,171</td>
<td>20,171</td>
<td>20,171</td>
</tr>
<tr>
<td>TADIRCM for CH-53</td>
<td>14,900</td>
<td>14,900</td>
<td>14,900</td>
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<tr>
<td>Marine Corps Communications Systems</td>
<td>6,320</td>
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<tr>
<td>Classified Programs</td>
<td>160,660</td>
<td>137,660</td>
<td>160,660</td>
</tr>
<tr>
<td>Force Protection Applied Research/Thin Film Battery Technology</td>
<td>-</td>
<td>-</td>
<td>2,000</td>
</tr>
<tr>
<td>DDX Permanent Magnet Motor</td>
<td>-</td>
<td>-</td>
<td>[5,000]</td>
</tr>
<tr>
<td><strong>Total, Research, Development, Test and Evaluation, Navy</strong></td>
<td>202,051</td>
<td>179,051</td>
<td>204,051</td>
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### Research, Development, Test and Evaluation, Air Force

<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<tr>
<td>Mission Planning Systems</td>
<td>-</td>
<td>-</td>
<td>2,100</td>
</tr>
<tr>
<td>Global Hawk Upgrades (Note: of the funds available within this line, not less than $5 million is available only for Volumetric Radar Processing To Detect IEDs)</td>
<td>38,700</td>
<td>39,740</td>
<td>39,700</td>
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<tr>
<td>STEEL EAGLE</td>
<td>-</td>
<td>-</td>
<td>1,000</td>
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<tr>
<td>Classified Programs</td>
<td>79,700</td>
<td>89,700</td>
<td>99,700</td>
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<tr>
<td>Other Items</td>
<td>3,100</td>
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<td><strong>Total Research, Development, Test and Evaluation, Air Force</strong></td>
<td>121,500</td>
<td>132,540</td>
<td>142,500</td>
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### Research, Development, Test and Evaluation, Defense-Wide

<table>
<thead>
<tr>
<th>Account</th>
<th>House</th>
<th>Senate</th>
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<tbody>
<tr>
<td>Quick Reaction Special Projects</td>
<td>13,100</td>
<td>13,100</td>
<td>13,100</td>
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<tr>
<td>Long Lead Items for Test GBIs</td>
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<td>50,000</td>
<td>50,000</td>
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<tr>
<td>Classified Programs</td>
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<td><strong>Total, Research, Development, Test and Evaluation, Defense-Wide</strong></td>
<td>159,600</td>
<td>203,561</td>
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</table>

**Total Research, Development, Test and Evaluation**                       | 508,321| 552,322| 587,282    |
The Department of Defense Appropriations Act, 2005 (Public Law 108–287) appropriated $6,300,000 under “Research, Development, Test and Evaluation, Navy” for the Draft-Capable Watercraft Demonstration. To clarify the intent of Congress, the funding provided for this program in P.L. 108–287 is intended for the High Speed, Heavy Lift, Shallow Draft-Capable Watercraft Demonstration.

DDX Permanent Magnet Motor

The conferees agree with language included in the Senate report regarding the DDX permanent magnet motor and direct that not less than $5,000,000 of the funds provided in this Act, 2005 (Public Law 108–287) be available for this program.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement includes $1,511,300,000 for the Defense Working Capital Funds, instead of $1,411,300,000 as proposed by the House, and $1,311,300,000 as proposed by the Senate, to be allocated as follows:

Location Project description Request Conference agreement
--- --- --- ---
Alaska: Fort Wainwright Aircraft Mainte- 31,000,000 31,000,000
Alaska: Fort Wainwright Aircraft Mainte- 31,000,000 31,000,000
Colorado: Fort Carson Barracks—Utilit- 26,000,000 26,000,000
Georgia: Fort Benning Site Preparation 10,000,000 10,000,000
Kansas: Fort Riley Barracks—Utilit- 22,000,000 22,000,000
Kansas: Fort Riley Site Preparation 25,000,000 25,000,000
New York: Fort Drum Aircraft Hangar and Site Prepa- 37,000,000 37,000,000
North Carolina: Fort Bragg Site Preparation 19,000,000 19,000,000
Texas: Fort Bliss Site Preparation and Utility Work 22,000,000 22,000,000
Texas: Fort Bliss Site Preparation and Utility Work 47,000,000 47,000,000
Afghanistan: Camp Lemonier O&M Barracks 36,100,000 36,100,000
Afghanistan: Camp Lemonier Fuel and Water Tank Farm 57,000,000 57,000,000
Afghanistan: Camp Lemonier Joint Op-erations Center 6,400,000 6,400,000
Afghanistan: Camp Lemonier Prime Power Gen- erator 31,600,000 31,600,000
Afghanistan: Camp Lemonier Ammunition Supply 16,000,000 16,000,000
Afghanistan: Camp Lemonier Camp & Detention 36,000,000 36,000,000
Afghanistan: Camp Lemonier Radio Range Secu- rity Fence 4,400,000 4,400,000
Iraq: Camp Hope O&M Barracks 2,500,000 2,500,000
Iraq: Camp Taji O&M Barracks 24,600,000 24,600,000
Iraq: Camp Warhorse O&M Barracks 12,000,000 12,000,000
Iraq: Camp Warhorse Tactical Ops Build- ing 6,100,000 6,100,000
Iraq: LA Anacostia Battalion and Camp Warhorse 7,800,000 7,800,000
Iraq: LA Anacostia Equipment Support 17,100,000 17,100,000
Iraq: LA Anacostia Hospital Facility 39,000,000 39,000,000
Iraq: Marcel O&M Barracks 9,300,000 9,300,000
Iraq: Marcel Hospital 9,900,000 9,900,000
Iraq: Marcel Technical School 2,900,000 2,900,000
Iraq: Mathis Annex Hospital, Ammu- nation Bunkers 11,300,000 11,300,000
Iraq: Various Locations O&M Barracks 55,200,000 55,200,000
Iraq: Various Locations Main Supply Route 36,000,000 36,000,000
Iraq: Various Locations Overhead Cover 300,000,000 300,000,000
Worldwide Unspec- ified Planning and De- sign 43,400,000 39,019,000
Total 990,100,000 847,191,000

The conference agreement includes $139,880,000, instead of $92,720,000 as proposed by the House and $107,380,000 as proposed by the Senate. The conference agreement also makes these funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location Project description Request Conference agreement
--- --- --- ---
California: Camp Pendleton Force Inland Oper- ations Center 8,700,000 8,700,000
California: Camp Pendleton Force Inland FRP Facility 4,980,000 4,980,000
LAR Company 11,900,000 11,900,000
Total 20,680,000 20,680,000

Defense Logistics Agency (DLA)

Military Sealift Command Fuel Costs $842,300

DOD Fuel Delivery Costs $67,000

Navy In-Phased Capital Fuel Costs $200,000

NATIONAL DEFENSE SEALFUND

The conference agreement provides $32,400,000, as proposed by both the House and Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $20,550,000 for the Defense Health Program, instead of $17,550,000 as proposed by the House and $22,550,000 as proposed by the Senate. The increase above the request is directed to fund additional workload at Army military treatment facilities as a result of the global war on terrorism, including mental health and combat stress related care.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conferees strongly endorse the Senate Report language in its entirety with respect to Chemical Agents and Munitions Destruction and direct the Department of Defense to fully comply with the two reporting requirements therein.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $232,000,000, instead of $257,000,000 as proposed by the House, and $227,000,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $148,000, as proposed by both the House and the Senate.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $250,300,000, as proposed by both the House and the Senate.

MILITARY CONSTRUCTION ARMY

The conference agreement includes $847,191,000, instead of $897,191,000 as proposed by the House and $897,191,000 as proposed by the Senate. The conference agreement also makes these funds available until September 30, 2006 by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

MARINE CORPS FORCE STRUCTURE REVIEW

The Department of Defense requested $75,020,000 in emergency funding for the Marine Corps Force Structure Review Group (FSRG) initiative, which will provide additional combat forces within the Marine Corps’ current end-strength of 175,000. By increasing the number of combat-ready marines while turning over less-essential tasks to sailors, FSRG will help to alleviate the overall stress on the Marine Corps produced by deployments related to the Global War on Terrorism. While the conferees understand and appreciate this critical service concern, they are concerned over the manner in which the military construction requirements were programmed and budgeted. Although the FSRG initiative was set in motion in April 2001, no funding for FSRG military construction was programmed into the fiscal year 2006 budget request. The Marine Corps and DOD instead chose to use this supplemental request as the sole vehicle for funding the FSRG, yet the emergency appropriation requested provides only half of the fiscal year 2006 requirement. The conferees are disappointed that the FSRG was deemed important and urgent enough to proceed immediately, yet the appropriate budgeting decisions were not given commensurate priority. The conferees expect that future military construction requests for the Marine Corps, including any fiscal year 2006 budget amendment, will include the necessary funding to accommodate the force structure and basing decisions being made under FSRG.

The conferees also note that the request was submitted prior to the final basing decision for the second of two infantry battalions, the 1st and 2nd Battalions, 9th Marine Regiment, to be created under FSRG. After submission of the request, the Marine Corps confirmed that both battalions will be stationed at Camp Lejeune, North Carolina. These two battalions will add 1,904 marines at Camp Lejeune, more than half of the projected net increase of 3,546 to the base population under FSRG. A field visit to Camp Lejeune confirmed that the installation does not currently have adequate billeting for the existing base population, let alone the two additional battalions that the Marine Corps will begin standing up this year. The present occupancy rate at the camp already greatly exceeds the Marine Corps standard, and this situation will worsen under FSRG without relief action. The conferees believe that additional unaccompanied housing is urgently needed at Camp Lejeune, and agree to provide $32,500,000 for the construction of bachelor enlisted quarters in support of the marines of the 29th Battalion.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $140,983,000 as proposed by the Senate, instead of $361,389,000 as proposed by the House. The conference agreement also makes these funds available until September 30,
Aerial Port, Ali Al Salem Air Base, Kuwait—The Air Force requested $75,500,000 to construct the first phase of an Aerial Port at Ali Al Salem Air Base in Kuwait. The conference agreement provides no funding for this facility at this time.

The conferees support the United States presence in Kuwait and appreciate the long-standing cooperation between our two nations. The conferees recognize the importance of the Government of Kuwait to move U.S. aerial port operations out of Kuwait City International Airport (KCIA) in order to free space at the airport for other uses. However, for several reasons, the conferees have declined to recommend funding for a new aerial port facility at this time.

The $75,500,000 in emergency supplemental appropriations requested for this facility would fund only the first phase of a nearly half-billion dollar plan for financing improvements at Ali Al Salem. However, given construction times and the limited scope of the project proposed here, the first phase would provide neither emergency relief nor a complete replacement of the extant port capacity at KCIA. In addition, since submission of the supplemental request, the Air Force has learned that extensive runway repair at Ali Al Salem will be required for the base to accommodate the volume and type of air traffic envisioned in aerial port operations.

Moreover, as both the House and the Senate noted in their respective reports, the United States currently has a formal agreement with the host nation regarding future use of this facility or the sharing of costs for subsequent construction phases. Consideration is possible for the conferees to determine the commitment the United States would be undertaking by providing the first phase of funding now. The conferees also note that because of uncertainties regarding the future of other facilities in the region, there is some question as to whether an extensive aerial port facility in Kuwait would be emergent.

The conferees are not opposed to a U.S. contribution to what would be a mutually beneficial project, but encourage the Defense Department to coordinate with the Government of Kuwait an agreement regarding appropriate phasing, use, and cost-sharing. ISR Launch and Recovery Facility and Maintenance Complex, Al Dhafra Air Base, United Arab Emirates—The Air Force requests $66,000,000 to build these facilities. The conference agreement provides no funding for these facilities at this time.

As with the aerial port facility in Kuwait, this facility represents more a long-term investment in sustaining infrastructure than it does an immediate response to emergency requirements. ISR operations have been conducted successfully from Al Dhafra for several years and would be more convenient to conduct operations from permanent rather than expeditionary facilities, the conferees do not believe this is a compelling argument for language which provides that during the current fiscal year working capital funds of the Department of Defense may increase the limitation on available funding to $1,500,000,000.

The conferees agree to delete language, as proposed by the Senate, which provides that from funds made available in this Act under “Operation and Maintenance, Defense Wide”, $10,000,000 may be used to purchase and dispose of weapons. The conferees agree to provide for weapons buy back in section 1002 of the House’s version of the Commander’s Emergency Response Program.

The conferees agree to retain and amend section 1006, as proposed by the House and Senate, which amends section 8005 of the Department of the National Defense Authorization Act for Fiscal Year 2005, as amended by the Consolidated Appropriations Act, 2005 is further amended by striking "$545,000,000" and inserting "$584,000,000" for the Commander’s Emergency Response Program.

The conferees agree to retain section 1007, as proposed by the House and Senate, which increases the amount of the funds for a classified program pursuant to section 8990(b) in Public Law 108-287.

The conferees agree to retain section 1008, as proposed by the House, which waives, for calendar year 2005 only, the $200,000 limitation on total compensation for civilian employees while in the Central Command’s area of responsibility in support of military operations.

The conferees agree to retain section 1009, as proposed by the House and Senate, which provides the Director of National Intelligence (DNI) additional flexibility with respect to the amount of the reserve affiliation bonuses not to exceed $10,000.

The conferees agree to retain and amend section 1012, as proposed by the House and Senate, which amends title 38, to increase the maximum amount of coverage available for the Servicemembers’ Group Life Insurance program to $400,000.

The conferees agree to retain and amend section 1013, as proposed by the House and Senate, which provides additional authority for extraordinary and emergency expenses.

The conferees agree to retain and amend title V, as proposed by the Senate, which amends chapter 75 of title 10, to rename the death gratuity for combat and combat-related deaths, and provides a one-time retroactive death gratuity for—a member for the increased coverage of the Servicemembers’ Group Life Insurance and increased amount of the death gratuity.
The conferees agree to retain and amend section 1014, as proposed by the House and Senate, which provides that funds appropriated or made available by transfer for intelligence activities are deemed to be authorized for purposes of section 504 of the National Security Act of 1947.

The conferees agree to retain and amend section 1016, as proposed by the House and Senate, which prohibits funds provided in this Act to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees, except for certain Army ammunition programs.

The conferees agree to retain and amend section 1016, as proposed by the Senate, regarding chemical weapons demilitarization and the Assembled Chemical Weapons Alternatives Program.

The conferees agree to retain and amend section 1017, as proposed by the Senate, which amends section 115 of division H of the fiscal year 2004 Consolidated Appropriations Act to provide grant authority. The conferees include language to provide grant authority for Woody Island from funds available in “Operation and Maintenance, Army” in the fiscal year 2005 Defense Appropriations Act.

The conferees agree to retain section 1018, as proposed by the Senate, which transfers $19,000,000 from “Shipbuilding and Conversion, Navy, 2005-2009” for the LCU(X) program to “Shipbuilding and Conversion, Navy,” and designates this provision as an emergency requirement.

The conferees agree to retain and amend section 1019, as proposed by the Senate, which prohibits funds, made available in this Act, or by prior Acts, to be used to implement a winner-take-all strategy for the acquisition of DD(X), the next generation Navy destroyer.

The conferees agree to retain section 1020, as proposed by the Senate, which earmarks $12,500,000 from funds made available in the Department of Defense Appropriations Act, 2005 only for industrial mobilization capacity at Rock Island Arsenal.

The conferees agree to retain and amend section 1022, as proposed by the Senate which extends the period of temporary continuance of Basic Allowance for Housing for dependents of members of the armed forces who die while on active duty, and includes a sunset provision.

The conferees agree to delete language, as proposed by the Senate, which provides sense of the Senate language concerning the phase-in of concurrent receipt of retired pay and veteran’s disability compensation for military retirees.

The conferees agree to retain and amend section 1023, as proposed by the Senate, which prohibits the Department from charging military personnel for meals if they are undergoing medical recuperation or therapy at a military treatment facility.

The conferees agree to delete language, as proposed by the Senate, which prohibits funds to be obligated to implement or enforce any legal guidance, rule, order, or directive by the General Counsel and Judge Advocate General of the Air Force.

The conferees agree to retain section 1024, as proposed by the Senate, which includes sense of the Senate language that any re-quest for funds after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget for that fiscal year.

The conferees agree to delete language, as proposed by the Senate, requiring the President to submit to Congress reports concerning the Joint Combined Exchange Missions (JCEMs). The agreement includes a modified set of reporting requirements in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, requiring the Secretary of the Army to report to the congressional defense committees, except for certain Army ammunition programs.

The conferees agree to retain section 1025, as proposed by the Senate, which includes sense of the Senate language concerning the phase-out of the current TRICARE low deductible program.

The conferees agree to include a new section 1028, which prohibits funds in this Act to be used to revoke Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom.

The conferees agree to include a new section 1029, which transfers $2,000,000 from “Aircraft Procurement, Army” to “Research: Development, Test and Evaluation, Army” for the Virtual Training Cockpit Optimization Program.

The conferees agree to retain and amend section 1030, as proposed by the House, which makes certain technical adjustments and directs the transfer of funds for the purpose of ensuring proper budget execution for critical force protection items previously funded.

The conferees agree to delete language, as proposed by the Senate, which prohibits funds to be obligated to subject any person in custody or under the control of the United States to torture or to cruel, inhuman, or degrading treatment or punishment.

The conferees agree to retain section 1032, as proposed by the Senate, which amends title 38, to provide a traumatic injury protection rider to servicemembers insured through the Servicemembers’ Group Life Insurance (SGLI) under section 1967(a)(1) of title 38.

The conferees agree to include a new section 1033, which rescinds $50,000,000 from the “9/11 Freedom Fund.”

The conferees agree to include a new section 1034, making technical corrections to Public Law 108-287 making available existing funds for the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

The conferees agree to a new section 1035 which provides an additional appropriation for “Research, Development, Test and Evaluation, Defense- Wide”, and provides authority for certain specified activities.

The conferees agree to include a provision to provide an additional appropriation for “Research, Development, Test and Evaluation, Defense- Wide”, and provides authority for certain specified activities.

The conferees agree to include a provision to provide an additional appropriation for “Research, Development, Test and Evaluation, Defense- Wide”, and provides authority for certain specified activities.
The conference agreement does not include a Sense of the Senate provision (Sec. 1142) on TRICARE coverage of children. The House bill contained a similar provision.

The conference agreement does not include a Senate amendment permitting eleven employees of the Executive Office of the President to use government vehicles for commuting between their homes and offices. The conference agreement does not include a Senate amendment regarding federal employee pay while in active service of the National Guard.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER I
Department of Agriculture

The conference agreement includes $203,000,000 for P.L. 480 Title II grants, to remain available until expended, instead of $150,000,000, as proposed by the House and $470,000,000, as proposed by the Senate.

This appropriation shall be used to reimburse the account for funds used to address emergency food needs for individuals in need of humanitarian assistance in the Darfur region of Sudan and other parts of Africa, which would otherwise not be available. Contributions to these and other critical food situations, including the mitigation of the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on individuals, households, and communities. In addition, the conferees provide that funds may be used to restore executed agreements of the Public Law Title II non-emergency sub-minimum program requirements, as proposed by the Senate.

Department of State and Related Agency

The conference agreement includes $734,000,000 for “Diplomatic and Consular Programs”, instead of $748,500,000 as proposed by the House, $537,700,000, as proposed by the Senate, and $577,200,000 as contained in the request. The conference agreement provides $666,300,000 for the operation and security costs of the U.S. Mission in Iraq. Within the amounts included under this heading, $10,000,000 is for the enhancement of Embassy security in Iraq and Afghanistan through explosive detection technologies certified and/or deployed by the Department of Homeland Security, and $250,000 is designated for Iraqi and Afghan scholars, as proposed by the Senate. The conference agreement also includes $60,000,000 for operations and security requirements of the U.S. Mission in Kabul, Afghanistan as a result of the withdrawal of U.S. military forces. Finally, the conference agreement includes $7,700,000 for the Office of the Coordinator for Reconstruction and Stabilization, and expects these funds to support additional personnel requirements for Washington and Afghanistan, up to and including the United States and match them with host universities. The conferees direct the Secretary of State to work with the Institute of International Education to implement this program. The conferees agree that within the amounts previously appropriated for fiscal year 2005, the Secretary of State shall fund an external study of the publicly available data on foreign public opinion about the United States to include a thorough analysis of the impact of foreign perceptions of the United States, and a list of concrete responses and “best practice” actions and strategies for securing and enhancing positive perceptions.

Embassy Security, Construction, and Maintenance

The conference agreement includes $592,000,000 for the construction of a new secure embassy compound in Baghdad, Iraq, including office, housing, and support facilities, infrastructure, project supervision, and construction security as proposed by both the House and Senate. The conferees expect the recommended funding level to be sufficient to ensure completion of a secure compound within 24 months of the project start date.

International Organizations

Contributions for International Organizations (including Transfer of Funds)

The conference agreement includes $580,000,000 for United States assessed contributions for international peacekeeping missions instead of $590,000,000 as proposed by the House, and $780,000,000 as contained in the request. Of the amount provided, up to $50,000,000 may be used to “Peacekeeping Operations” account for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan.

Related Agency

Broadcasting Board of Governors

International Broadcasting Operations

The conference agreement includes $1,800,000 to expand United States broadcasting programs in local languages to Pakistan, Iran, Indonesia, and Muslim populations in Europe.

Broadcasting Capital Improvements

The conference agreement includes $2,500,000 to make capital improvements related to broadcasting, including broadcasting directed toward the People’s Republic of China.

Bilateral Economic Assistance

Funds Appropriated to the President United States Agency for International Development

International Disaster and Famine Assistance

The conference agreement provides $90,000,000 for “International Disaster and Famine Assistance”; instead of $94,000,000 as recommended by the House and $44,000,000 as requested in the budget request for that country contains an amount of $830,000,000.

The conferees intend that $40,000,000 of funds made available from this account be provided for assistance for those individuals displaced by this study conducted in Darfur. The conferees are also concerned about the severity of other needs in Africa, and allocate $50,000,000 of funds from this account to the Office of the Coordinator for Reconstruction and Stabilization, including those in Somalia, Liberia, Uganda, and the Democratic Republic of the Congo.

The conferees include language as proposed by the Senate to provide authority to the United States Agency for International Development (USAID) to use funds appropriated under this heading to reimburse accounts from which obligations were incurred prior to the enactment of this Act.

Transition Initiatives

The conference agreement does not include funding for “Transition Initiatives”.

Operating Expenses of the United States Agency for International Development

The conference agreement provides $2,400,000,000 for “Operating Expenses of the United States Agency for International Development” to audit the expenditure of funds used for relief and reconstruction in Iraq.

Other Bilateral Economic Assistance

Economic Support Fund

The conference agreement provides $1,433,600,000 for the “Economic Support Fund”, instead of $1,058,200,000 as proposed by the House and $1,538,000,000 as proposed by the Senate. These funds would remain available until September 30, 2006.

The conference agreement includes $1,086,600,000 for Afghanistan, $200,000,000 for assistance to Palestinians, of which $50,000,000 should be for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel, $20,000,000 for Haiti, $5,000,000 for Lebanon, $100,000,000 for Jordan, and $22,500,000 for Sudan.

The conference agreement provides $1,086,600,000 for Afghanistan under this heading, instead of $739,300,000 as proposed by the House and $1,309,300,000 as proposed by the Senate. The conference agreement assumes full funding for health programs and provincial reconstruction team expenses and support. The conferees direct the Department of State to consult with the Committees on Appropriations prior to the obligation of funds.

The conference reiterate their firm commitment to the long term development of Afghanistan and note that the fiscal year 2006 budget request for that country contains an additional $520,000,000.

The conference agreement does not include Senate language recommending $5,000,000 for Afghan women’s organizations. However, the conferees believe that this amount would be more proactive in assisting women-led non-governmental organizations in Afghanistan, particularly those that defend women’s rights and support women’s efforts to participate in the political process. The conferees recommend that $5,000,000 be made available to strengthen the capacity of these organizations.

The conference agreement includes language similar to a Senate amendment that provides $5,000,000 for assistance for displaced Afghans.

The conference agreement does not include Senate requirements for security forces training, as proposed by the Senate in section 2108. However, the conferees direct the Department of State to submit a report to the Committees on Appropriations no later than 90 days after enactment of this Act.
The conference agreement includes $22,000,000 to support emergency needs in the implementation of the Comprehensive Peace Agreement in southern Sudan. These needs include the evacuation of southern governmental institutions and support for the commissions established in the North-South peace accords.

The conference agrees to the importance of adequate health care for Palestinian women and children and recommends $3,500,000 to support the activities of the Holy Family Hospital and $2,000,000 to support the activities of the Holy Family and children and recommends $3,500,000 to adequate health care for Palestinian women.

$22,000,000 to support emergency needs in the

The conference agreement includes $24,600,000 for “Nonproliferation, Anti-Terrorism, Demining and Related Programs” instead of $17,100,000 as proposed by the House and $25,000,000 as proposed by the Senate.

The conference agreement includes $240,000,000 for “Peacekeeping Operations” instead of $10,000,000 as proposed by the House and $210,000,000 as proposed by the Senate.

The conference agreement includes $20,000,000 for assistance for Haiti, of which $2,000,000 is for criminal case management, case tracking and the reduction of pre-trial detention, and $5,000,000 is for the prolonged detention of Haitians, many of whom have not been charged with any crime, and is provided with $8,000,000 to support the healthcare activities of Hadassah, $2,000,000 to support the activities of the Holy Family and children and recommends $3,500,000 to adequate health care for Palestinian women.

The conference agreement includes $50,000,000 for assistance for the West Bank, Gaza, and Palestinian Authority contained in the General Provisions section of division D of Public Law 108-447 to assist for the West Bank and Gaza recommended under this heading, as well as the separate account requirement contained in its section 529 of that law. The conference further agree that the waiver detailed in Presidential determination 2005–10 shall not be extended to funds appropriated under this Chapter.

The conference agreement includes a provision providing $50,000,000 for assistance for Israel to reinforce the movement of people and goods in and out of Israel, as proposed by the Senate. The conference are aware that additional funds will be needed on both the Palestinian and Israeli sides of the separation lines and intend that these funds be used to meet the great need in developing this infrastructure. The resulting flow of goods and people should greatly improve the economic well-being of the Palestinian people while building the revenue base of the Palestinian Authority.

$200,000,000 provided in this account shall only be allocated as requested and detailed in the following table. The Administration may reallocate, only within the projects listed here, up to 10 percent of any of the following allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent. Any reallocations shall be subject to prior consultation with the Committees on Appropriations.

[In thousands of dollars]

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<tr>
<th>Economic Revalorization</th>
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<td>Roads and water</td>
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U.S. bilateral assistance made available under “Economic Support Fund” for assistance for the West Bank and Gaza and assistance for the Palestinian Authority.

Sec. 2106. The conference agreement includes a general provision, as proposed by the Senate, that establishes certain auditing requirements for counternarcotics and alternative development funding in fiscal year 2005 in Afghanistan.

Sec. 2107. The conference agreement includes a provision allowing certain amounts in the fiscal year 2005 Department of State Appropriations Act to be subject to certain reprogramming requirements, as proposed by the Senate.

Sec. 2108. The conference agreement includes a provision similar to that proposed by the Senate, which earmarks $20,000,000 in Public Law 106-166 under the heading “Customs and Border Protection” for assistance for families of victims of the military operations. This assistance is designated as the “Marla Ruzicka Iraqi War Victims Fund”, in memory of Marla Ruzicka who on April 18, 2005, died at the age of 28 in a car bomb attack in Baghdad. Marla Ruzicka inspired the creation of this program and a similar program in Afghanistan.

Sec. 2109. The conference agreement includes a general provision, as proposed by the Senate, that makes a technical change to the Millenium Challenge Authorization Act, 2003.

Sec. 2110. The conference agreement includes a provision, similar to that proposed by the House, requiring that recipients of United States emergency humanitarian assistance establish a code of conduct consistent with internationally accepted principles established to protect victims of disasters from exploitation.

Sec. 2111. The conference agreement includes a new provision requiring that funds in the following accounts be allocated as indicated, consistent with the intent of managers accompanying this Act: “Economic Support Fund” and “Assistance for the Independent States of the Former Soviet Union”. Any change to these allocations is subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement does not include Senate sections 2104, 2107, 2108, and 2111.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

Department of Energy

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $84,000,000 for defense nuclear nonproliferation, of which $55,000,000 is to address urgent priorities outside of the former Soviet Union to secure nuclear materials from diversion or theft by terrorists or states of concern, and $29,000,000 is for the deployment of radiation detection equipment and the training of law enforcement officials in overseas ports to provide with the technical means to detect and prevent trafficking in nuclear and other radioactive materials through the MegaPorts program.

CHAPTER 2

Department of Homeland Security

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conference provides $51,875,000 for construction costs associated with hiring, training, equipping and supporting 500 Border Patrol agents, instead of $15,451,000 as proposed by the Senate. Immigration and Customs Enforcement (ICE) has included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expedient implementation and execution of these funds. The conferees are concerned that the amounts appropriated in Public Laws 107-112 and 108-11 for “Customs and Border Protection” have not been fully obligated. The conferees direct the Secretary of Homeland Security to immediately utilize the remaining funds for the purposes appropriated. The conferees further direct the Secretary to submit, within 30 days of enactment of this Act, a plan for the expeditious use of these funds.

CONSTRUCTION

The conferees provide $51,875,000 for construction costs associated with hiring an additional 500 Border Patrol agents, instead of $15,451,000 as proposed by the Senate. Funds are to remain available until September 30, 2006. The conferees have included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expedient implementation and execution of these funds. The conferees are concerned that the amounts appropriated in Public Laws 107-112 and 108-11 for “Customs and Border Protection” have not been fully obligated. The conferees direct the Secretary of Homeland Security to immediately utilize the remaining funds for the purposes appropriated. The conferees further direct the Secretary to submit, within 30 days of enactment of this Act, a plan for the expeditious use of these funds.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees provide a total of $45,225,000 for Immigration and Customs Enforcement, Salaries and Expenses, and oppose to $276,000,000 proposed by the Senate and no funding as proposed by the House. Of these funds, $349,050,000 is designated as an emergency requirement. Of this amount, $93,050,000 is made available to fund an additional 50 criminal investigator positions, 168 Immigration Enforcement Agents and Deportation Officers for additional detention beds; and not less than $11,000,000 is made available to immediately lift the hiring freeze. The conferees do not provide the $589,613,000 in non-emergency funding that was proposed by the Senate.

The conferees endorse the views expressed in the Senate Committee report (Senate Report 109-152), and direct Immigration and Customs Enforcement (ICE) to realign its Detention and Removal Operation Program, by program, project, and activity, as set forth on page 52 of that report. The conferees also direct ICE to make available additional user fees as set forth on page 52 of that report. Because the conferees have included amounts that are referenced above, in lieu of the Senate report, the conferees direct the Secretary to submit a detailed report by June 15, 2005, to the Committees on Appropriations on the Department’s plan for an expeditious implementation of the hiring and spending authorized in this Act, showing the on-board level of FTEs for each individual office by location; the number of vacant FTEs; and the new hires planned by week for each office. The conferees also direct the Departments of Labor, Health and Human Services, and Education to incorporate the hiring requirements regarding the Palestinian Authority.

The conference agreement includes $11,950,000 for U.S. Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $43,200,000 as proposed by the House and the Senate, to remain available until September 30, 2007. The conferees agree that the funds may be used for procurement of new U.S. Coast Guard 110-foot patrol boats, major refits, renovation, and subsystem replacement for these boats, as proposed by the House. The Senate proposed this funding be used only for renovation and subsystem replacement. The entire amount is designated as an emergency requirement.

By July 1, 2005, or prior to the obligation of funds, the Coast Guard is directed to provide to the House and Senate Appropriations Committees an analysis of the costs and benefits of procuring new 110-foot or 123-foot patrol boats versus replacing 116-foot patrol boats. This analysis is to include the expected available patrol boat mission hours over the next 10 years. The entire amount is designated as an emergency requirement.

The conference appropriates $38,961,300 for the Customs and Border Protection Office of Field Operations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees provide funding for the Federal Law Enforcement Training Center salaries and expenses of $2,588,000 and make the funds available until September 30, 2006, to accommodate the training for new Border Patrol Agents and Immigration and Customs Enforcement agents and officers.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS/AND RELATED EXPENSES

The conferees provide $1,882,000 for facilities that remain available until September 30, 2006, for costs associated with additional Border Patrol and ICE training.
CHAPTER 3
Department of Justice

GENERAL ADMINISTRATION

DETECTION TRUSTEES

The conference agreement includes $183,000,000 for the Detention Trustee account. Funding is provided in lieu of any previous transfers made into this account in fiscal year 2005 from the Asset Forfeiture Fund.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND (RESCSSION)

The conference agreement includes a rescission of $40,000,000 from unobligated balances in this account.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $11,935,000 for the United States Marshals Service (USMS) as proposed by the Senate. Recent events have increased the need for additional security outside of courthouse facilities to better detect, assess and respond to threats and inappropriate communications made to attorneys. The conference agreement provides this funding for off-site security enhancements for judges, as home intru-

sion detection systems.

In coordination with the Administrative Office of the United States Courts, the USMS shall submit a spending plan to the Committees on Appropriations prior to the obligation of any of these funds. The conferees also believe the USMS should reevaluate existing policies governing judicial protection and direct the USMS to submit a report on its updated policies to the Committees on Appropriations no later than July 30, 2005.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides $73,961,000 for the Federal Bureau of Investigation (FBI), instead of $76,970,000 as proposed by the House and $66,512,000 as proposed by the Senate. The conferees strongly support the FBI’s deployment in Iraq and the operations of the Terrorist Screening Center. However, the conferees are disappointed that the fiscal year 2005 budget request did not include sufficient funding for these critical ongoing operations. If additional resources are needed for either of these activities, the conferees will support a reprogramming of funding from other programs.

Iraqi Operations.—The conference agreement includes $34,531,000 for operations in Iraq instead of $40,000,000 as proposed by the House and $29,062,000 as proposed by the Senate. The conference agreement adopts the Senate’s plan to lease up to 175,000 square feet of additional facility space within its immediate surrounding area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $9,709,000,000 as proposed by the Senate. The conference agreement provides $3,200,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as proposed by the Senate. The House did not propose any funding for this account. This funding is provided to support ATF’s on-going activities in the Iraq theater of operations, including assistance to the U.S. military. Within the amount provided, $2,100,000 shall be for expenditures in direct support of explosives enforcement and firearms tracking in Iraq; $400,000 shall be for a Combined Explosives Exploitation Cell to provide improvised explosive device (IED) technical support to the Department of Defense components in Iraq; and $1,500,000 for operations to track explosives incidents in Iraq in a centralized database and to provide technical support in the application of IED’s. The conferees direct that, prior to the obligation of the funds for a centralized database, the ATF shall submit a plan to the Committees on Appropriations that identifies the timetable, requirements, scope and costs related to its creation.

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECREASED CONGRESSIONAL RECORD—HOUSE May 3, 2005

be a member of the Joint Committee on the Library and the Board of Trustees of the Open World Leadership Program.

CAPITOL POLICE

GENERAL EXPENSES

The conference agreement provides an additional amount of $1,500,000 for the General Expenses, Capitol Police. This includes $1,600,000 for technical counter measures during the construction of the Capitol Visitor Center. The conference directs the Police to purchase the necessary equipment for the Security Services Bureau with available unobligated balances. In addition, $8,400,000 is provided for the purchase of bonds for the Capitol Complex. The conference agreement does not provide funding for radio system repairs and security infrastructure for the Fairchild Building, as proposed by the Senate. The Capitol Police are directed to fund these items with available unobligated balances.

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

The conference agreement provides an additional amount of $8,200,000, to remain available until September 30, 2006, to complete perimeter security for the Capitol Square.

CAPITOL POLICE BUILDINGS AND GROUNDS

The conferes have agreed to provide $5,000,000 for an Interim Offsite Delivery/Screening Facility and $1,600,000 for design of a permanent Offsite Delivery Facility, both to be located at DC Village. The conferees expect that the Architect will move expeditiously to complete this critical project and keep the Committees apprised of progress on a regular basis.

TITLE IV—INDIANOCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $656,000,000 for emergency relief, rehabilitation and reconstruction aid to countries affected by the tsunami of December 26, 2004 and the earthquake of January 12, 2005, as proposed by the Senate instead of $659,000,000 as proposed by the House.

The conference agreement authorizes the Secretary of State to transfer funds to any Federal agency or account for activities authorized under the Post-Tsunami Relief Act of 1961 or under the Agricultural Trade Development and Assistance Act of 1954. Of these funds, up to $17,500,000 may be transferred to USAID’s operating expenses and $1,000,000 may be transferred to USAID’s Office of Inspector General to cover the unexpected costs of administering and auditing the assistance.

The conference agreement includes authority, as proposed by the Senate, to use funds appropriated under this heading to address the potential health effects of the avian influenza virus become pandemic in Southeast Asia. The Committees on Appropriations expect to be consulted prior to the obligation or expenditure of such funds.

The conference agreement allows $10,000,000 to be transferred to and consolidated with USAID’s “Development Credit Authority” for the potential health effects of the avian influenza virus. An additional $5,000,000 may be transferred to and consolidated with the State Department’s ‘Emergencies in the Diplomatic and Consular Service’ account.

The conference agreement provides authority for the United States to participate with
other countries in a multilateral agreement to defer and reschedule the debt owed to United States Government agencies by the governments of countries affected by the tsunami and earthquakes. To get their debt rescheduled, the governments of these countries must commit to provide an equivalent amount of resources to the victims of the natural disasters. To ensure transparency, the Secretary of State is required to arrange for an outside independent evaluation of each country’s compliance with the commitment.

The conference agreement provides $225,650,000, as proposed by the House and Senate, to reimburse the Department of Defense accounts for Indian Ocean Tsunami relief costs, as follows:

The conference agreement does not include House section 5003 or Senate sections 6052 and 6054.

The conference agreement does not include Senate language regarding the protection of the Galapagos. However, the conferees endorse the findings of that amendment and strongly urge the Government of Ecuador to (1) refrain from actions that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve; (2) select the directorship of the Galapagos National Park Service through a transparent process based on merit; (3) enforce the Galapagos Special Law in its entirety; and (4) prohibit long-line fishing.

The conference agreement does not include sense of the Senate language regarding Nepal. However, the conferees deplore the February 1, 2005 action by the King of Nepal dissolving the multi-party government, and call for the immediate release of all political detainees, the restoration of constitutional liberties, and good faith negotiations with Nepal’s political party leaders to restore democracy.

CHAPTER 2
Department of Defense—Military

The conference agreement recommends $225,650,000, as proposed by the House and Senate to reimburse the Department of Defense accounts for Indian Ocean Tsunami Relief costs, as follows:

The conference agreement includes a general provision, similar to language proposed by the Senate, providing $12,000,000 as proposed by the Senate.

The conference agreement includes a general provision proposed by both the House and Senate that provides that funds appropriated to be obligated and expended notwithstanding section 15 of the State Department Basic Authorization Act, section 313 of the Foreign Relations Authorization Act, section 10 of Public Law 91-672, and section 504(a)(1) of the National Security Act of 1947.

The conference agreement includes a general provision similar to that proposed by both the House and Senate that allows funds appropriated to be obligated and expended notwithstanding section 15 of the State Department Basic Authorization Act, section 313 of the Foreign Relations Authorization Act, section 10 of Public Law 91-672, and section 504(a)(1) of the National Security Act of 1947.

The conference agreement includes a general provision, similar to language proposed by the Senate, providing $25,000,000 to combat the spread of the avian influenza virus. The conferees are gravely concerned by the current outbreak in Southeast Asia, and therefore initiate a coordinated inter-agency program to prevent and control the spread of this virus. The conferees understand that the Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Services have the necessary expertise to implement the bulk of these activities and have accordingly transferred $15,000,000 to CDC for use in combating the spread of the avian influenza virus in Southeast Asia. The conferees appreciate the valuable role the World Health Organization (WHO) played in combating the SARS outbreak and expect that the United States agencies will work closely with both the WHO and the Food and Agricultural Organization to address the human and animal components of this outbreak of the avian influenza virus. The conferees recognize that, given the variety of specialties necessary to mount such a program, an inter-agency taskforce and plan will be developed and implemented. The Committees on Appropriations expect to be consulted by this taskforce not later than 30 days following enactment of this Act on the status and implementation of such a plan.

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CHAPTER 3
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD
OPERATING EXPENSES

The conference agreement provides $350,000 to fund the cost of national U.S. Coast Guard’s air operations in support of tsunami relief efforts in Southeast Asia, as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

CHAPTER 4
DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $8,100,000 for surveys, investigations, and research, as proposed by both the House and the Senate, to provide increased earthquake and tsunami detection through expansion of the Global Seismographic Network and the National Earthquake Information Center.

CHAPTER 5
Department of Commerce
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,070,000 for “Operations, Research, and Facilities,” as proposed by the Senate, instead of $4,830,000 as proposed by the House. The conference agreement includes, by reference, language in the Senate report regarding the submission of an implementation plan and timetable and regarding Native American communities living near the Cascadia subduction zone, and language in the Senate report regarding inundation mapping.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $10,170,000 under this account as proposed by the House, to support the improvement of seismic measurements and the acquisition and deployment of 32 additional tsunami-reporting buoys. The conferees encourage NOAA to develop buoys with capabilities beyond the single purpose of tsunami reporting. The conference agreement includes, by reference, language in the Senate report regarding the submission of a spending plan.

TITLE VIII. EMERGENCY APPROPRIATIONS

CHAPTER 1
DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

Asian Soybean Rust.—The conferees are aware that Asian Soybean Rust has been identified in the United States and that great harm to soybean production and rural economies may result. It is important that the Department of Agriculture initiate an immediate and strong response to meet this threat. The conferees urge the Secretary to utilize funding from available sources, including flexibilities and CCR resources, to concentrate research, outreach, and regulatory activities in those areas where Asian Soybean Rust has been identified and where the greatest risk for disease expansion is evident.

(i) Common Computing Environment.—The conference direction that the funds made available to the Administrator of the Farm Service Agency, not less than $35,000,000 shall be available for Geographic Information System of New Miami, Ohio, for which not less than $23,500,000 shall be available to the National Agricultural Imagery Program.

Cooperative State Research, Education, and Extension Service Research and Education Activities

The conference agreement does not include $3,000,000 for a grant to the College of Tropical Agriculture and Human Resources in Hawaii, as proposed by the Senate.

Natural Resources Conservation Service

Emergency Watershed Protection Program

The conference agreement provides $104,500,000 for eligible work identified in the Emergency Watershed Protection Program, Recovery Projects Unfunded list, including full funding for projects 238 and 244 in the state of Utah. The Senate proposed $103,000,000 for this account and the House proposed no funding. The conference agreement directs the Secretary to continue certain local financial and technical resources contributed toward flood recovery in Utah toward local project requirements, as proposed by the Senate.

CHAPTER 2
DEPARTMENT OF THE INTERIOR
DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $5,000,000 in emergency appropriations for salaries and expenses as proposed by the Senate instead of no funding as proposed by the House.

RELATED AGENCY
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $24,390,000 in emergency appropriations for capital improvement and maintenance instead of $24,390,000 as proposed by the Senate and no funding as proposed by the House. The managers have included the $2,410,000, as proposed by the Senate, for the repair of lands damaged in the national forest system account, in this account to provide management flexibility to use these emergency funds for the most urgent priorities. Funding is also included for the repair of national forest facilities and lands damaged by severe storms in southern California, including, but not limited to, the Angeles, Cuyama, Los Padres and San Bernardino National Forests.

CHAPTER 3
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

The conference agreement includes modified language proposed by the Senate providing $10,000,000 for a grant to Pocono Township, Tannersville, Pennsylvania to assist in the expansion of the only existing injectable influenza vaccine production facility in the United States, which is located in Swiftnwater, Pennsylvania. The conferees are agreed that this emergency appropriation is in the nation’s interest because of the national need to increase the domestically produced influenza vaccine and to decrease the likelihood of another influenza vaccine shortage. The agreement includes five rescissions of inactive Department of Health and Human Services (HHS) funds to offset the spending. The funding and rescissions were included in the Senate bill. The House did not include neither the appropriation nor the rescissions.

The conference agreement also includes a new paragraph providing an additional $58,000,000 to the Public Health and Social Services Emergency Fund to be transferred to the Centers for Disease Control and Prevention for the purchase of influenza countermeasures for the Strategic National Stockpile. The conferees understand that influenza countermeasures include, but are not limited to, antiviral medications and vaccines. The conferees believe these funds are urgently needed to enhance our nation’s preparedness to respond to a severe influenza outbreak, particularly in light of the current reports of Avian influenza activity in Southeast Asia.

This additional funding is offset by a rescission of $58,000,000 of the cancer hospital loan fund created by section 104 of the Medicare Modernization Act of 2003.

RELATED AGENCY
INSTITUTE FOR MUSEUM AND LIBRARY SERVICES
OFFICE OF MUSEUM AND LIBRARY SERVICES

The conference agreement does not include $10,000,000 in emergency funding for the University of Hawaii Library as proposed by the Senate. The House bill did not include a similar provision.

CHAPTER 4
THE JUDICIARY

COURTS OF APPEALS DISTRICT COURTS AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include additional funds for the Judiciary, as proposed by the Senate. The House did not include a similar provision.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HOUSING PROGRAMS
HOUSING FOR PERSONS WITH DISABILITIES (INCLUDING RESCISION OF FUNDS)

The conference agreement includes the rescission and reapportionment of fiscal year 2006 funds in this account in order to provide two-year availability, as proposed by the Senate. The House did not include a similar provision.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $5,000,000 in additional funds for the Office of Federal Housing Enterprise Oversight (OFHEO), as proposed by the Senate, with modifications. The House did not include a similar provision. These additional funds have been made available to ensure OFHEO has enough resources to complete necessary audits and to pay for any litigation costs, as necessary. However, by undertaking
an assessment without first seeking an appropriation and prior to receiving an appropriation, OFHEO has placed the conferences in an untenable situation of appropriating funds for a purpose and a serious attempt by OFHEO to ignore statutory intent. In providing these funds, the conferences require that prior to any use of these appropriations, OFHEO provide the conferees with a detailed operating plan and henceforth must provide quarterly reports on the use of all funds appropriated.

GENERAL PROVISION, THIS CHAPTER

The conference agreement does not include a provision providing $10,000,000 in new funds to cover the costs of repairs at the University of Hawaii, as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Sec. 6001. The conference agreement includes a provision concerning the availability of funds, as proposed by both the House and the Senate.

Sec. 6002. The conference agreement includes a provision clarifying the application of section 325(f)(1)(B) of Public Law 106-375, regarding the Pajarito Plateau Restoration Fund.

Sec. 6003. The conference agreement includes language relating to the prohibition on new and existing programs and activities and statutory requirements, and provides for the transfer of up to $2,000,000 to the San Gabriel Basin Restoration Fund.

Sec. 6004. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 106-375, regarding the Pajarito Plateau Restoration Fund.

Sec. 6005. The conference agreement includes a provision providing $2,000,000 for the National Center for Manufacturing Sciences in Michigan, and $255,000 for a research and development project to advance the state of metal hydride hydrogen storage using a technologically feasible and commercially viable approach.

Sec. 6006. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund and the authorized uses of the San Gabriel Basin Restoration Fund.

Sec. 6007. The conference agreement includes a provision authorizing the Bureau of Reclamation to expand funds in meeting the terms of the Biological Opinion 2003 for the Rio Grande River.

Sec. 6008. The conference agreement includes a provision providing $1,000,000, within the funds appropriated by Congress, for the continuation of Project DE-GC02ER64382-04090945, the Southeast Regional Cooling, Heating, and Power and Biotech Application Center in Mississippi, and $3,000,000 for the Ten Southwestern Medical Center, Dallas Metropolitan Comprehensive Imaging Center, $500,000 for desalination technology at University of Nevada–Reno, $500,000 for the Oral History of Nevada–Reno, $500,000 for the Oral History of California to advance desalination technology at University of Nevada, and $2,000,000 for the upgrade of chemistry laboratories at Drexel University, New Jersey.

Sec. 6009. The conference agreement includes a provision providing $1,000,000, within the funds appropriated by Congress, for the completion of project DE–GC02ER64382-04090945, the Southeast Regional Cooling, Heating, and Power and Biotech Application Center in Mississippi, and $3,000,000 for the Ten Southwestern Medical Center, Dallas Metropolitan Comprehensive Imaging Center, $500,000 for desalination technology at University of Nevada–Reno, $500,000 for the Oral History of Nevada–Reno, $500,000 for the Oral History of California to advance desalination technology at University of Nevada, and $2,000,000 for the upgrade of chemistry laboratories at Drexel University, New Jersey.

Sec. 6010. The conference agreement includes a provision providing $1,000,000, within the funds appropriated by Congress, for the completion of project DE–GC02ER64382-04090945, the Southeast Regional Cooling, Heating, and Power and Biotech Application Center in Mississippi, and $3,000,000 for the Ten Southwestern Medical Center, Dallas Metropolitan Comprehensive Imaging Center, $500,000 for desalination technology at University of Nevada–Reno, $500,000 for the Oral History of Nevada–Reno, $500,000 for the Oral History of California to advance desalination technology at University of Nevada, and $2,000,000 for the upgrade of chemistry laboratories at Drexel University, New Jersey.

Sec. 6011. The conference agreement includes a provision authorizing the Bureau of Reclamation to expand funds in meeting the terms of the Biological Opinion 2003 for the Rio Grande River.

Sec. 6012. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 106-375, regarding the Pajarito Plateau Restoration Fund.

Sec. 6013. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 106-375, regarding the Pajarito Plateau Restoration Fund.

Sec. 6014. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 106-375, regarding the Pajarito Plateau Restoration Fund.

Sec. 6015. The conference agreement includes a provision providing $1,000,000 in new funds for the operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.

Sec. 6016. The conference agreement includes a provision providing $1,000,000 for the operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.

Sec. 6017. The conference agreement includes a provision providing $1,000,000 in new funds for the operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.

Sec. 6018. The conference agreement includes a provision providing $1,000,000 in new funds for the operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.
costs, key milestones, obligations to date, contracts entered into, and a list of all funding sources specifying the exact dollar amount.

In addition, the conferees direct the Department to submit a report detailing all reimbursable agreements between the Department’s office and local organizations in effect or planned for fiscal year 2005, as well as all of those anticipated for fiscal year 2006.

The CIO is directed to submit to the House and Senate Appropriations Committees an analysis demonstrating that the Homeland Security Data Network (HSDN) is more cost effective than alternatives that were considered prior to the initiation of the project. The report on the HSDN should accompany the expenditure plan required by this Act. The conferees have no bias towards development of the HSDN, but are extremely concerned by the lack of any presentation on the need for this project in the fiscal year 2004 or 2005 appropriations justifications. The conferees note, for example, that the contract for the development and implementation of the Homeland Security Warning System was awarded on December 12, 2004, yet the fiscal year 2004 project plans for the CIO’s office were submitted April 20, 2004, with no mention of the HSDN project.

Section 6032. The conference agreement includes a provision reserving funds appropriated by Public Law 108-334.

Section 6033. The conference agreement includes a provision rebalancing unobligated balances in the “Department of Homeland Security Working Capital Fund.”

Section 6039. The conference agreement includes a legislative provision, as proposed by the Senate, that requires all Department of Homeland Security funding contained in this appropriation be subject to reprogramming and transfer guidelines outlined in Public Law 108-334.

Section 6046. The conference agreement includes a technical correction to the fiscal year 2005 appropriations Act, as proposed by the House and the Senate, dealing with a land transfer by the Bureau of Land Management.

Section 6031. The conference agreement includes a transfer of funds in the Forest Service from the capital improvement and maintenance account to the State and private forestry account, as proposed by the Senate. This is a technical correction to the fiscal year 2004 appropriations Act.

Section 6032. The conference agreement includes a provision, as proposed by the Senate, permitting the use of appropriated funds within the National Park system for construction, operation, and maintenance of an expansion to the West Yellowstone Visitor Information Center at Yellowstone National Park in Montana.

Section 6033. The conference agreement includes a limitation on the use of funds, as proposed by the Senate, specifying that none of the funds in this or any other appropriation Act may be used by the Environmental Protection Agency or any other Federal agency, including the Endangered Species Office, to publish a pesticides tolerance fee rulemaking.

Section 6034. The conference agreement modifies a provision, proposed by the Senate, dealing with oil and gas mineral activities at Gulf Islands National Seashore in Mississippi. The modification clarifies the specific lands upon which certain activities are authorized and makes several other technical changes to the language.

Section 6035. The conference agreement includes a provision as proposed by the Senate, extending the authorization for section 402(b) of the Surface Mining Control and Reclamation Act of 1977 through September 30, 2005.

Section 6036. The conference agreement includes the Reaffirmation of State Regulation enforcement fees.

The conference agreement includes a provision making technical corrections to State and Tribal Assistance Grants projects in the Environmental Protection Agency.

TRANSFER AUTHORITY

Section 6040. The conference agreement modifies a general provision as proposed by the Senate (section 6035) pertaining to the repeal of transfer authority for the Department of Labor, Human Services, and Education. The conference agreement repeals the Department of Labor transfer authority provided in Public Law 108-447 and specifies that the general transfer authority for the Department of Health and Human Services shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity for which no funds were provided in division F of Public Law 108-447.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

Section 6041. The conference agreement includes modified language, similar to that proposed by the Senate (section 6036), making technical corrections to projects provided in Public Law 108-447 in the Fund for the Improvement of Education for fiscal year 2006.

Section 6042. The conference agreement includes modified language, similar to that proposed by the Senate (section 6037), making technical corrections to projects provided in Public Law 108-447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2004

Section 6043. The conference agreement includes a provision proposed by the Senate (section 6038), making a technical correction to a project provided in Public Law 108-199 in the Fund for the Improvement of Education for fiscal year 2004. The House bill did not include similar language in section 5010.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2003

Section 6044. The conference agreement includes a provision proposed by the Senate (section 6039), making a technical correction to the appropriation for the Corporation for National and Community Service for fiscal year 2003.

Section 6045. The conference agreement includes a provision proposed by the Senate (section 6040), making a technical correction to the appropriation for the Corporation for National and Community Service for fiscal year 2004.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

Section 6046. The conference agreement includes a provision as proposed by the Senate (section 6041), making a technical correction to the appropriation the Corporation for National and Community Service. The House bill contained the same provision (section 5011).

TECHNICAL CORRECTION—HIGHER EDUCATION (INCLUDING RESCission OF FUNDS)

Section 6047. The conference agreement includes a new provision making a technical change to a project provided in Public Law 108-447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005. The House bill did not include this provision.

DETOUR LABOR BUILDING

The conference agreement deletes without prejudice a provision proposed by the Senate to transfer the full title on the Detroit Labor Building to the State of Michigan. The conferees understand this provision is not necessary to complete the sale of the building. The House bill contained no similar provision.

Section 6048. The conference agreement includes language which authorizes using royalties and payments due to Congress, Copyright Office, Copyright Royalty Judges program.

Section 6049. The conference agreement makes a technical correction to Public Law 107-68, regarding the Capitol Visitor Center.

Section 6050 makes a technical correction to Public Law 107-41, regarding patents.

Section 6051. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Section 6052. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Section 6053. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Section 6054. The conference agreement includes a provision, as proposed by the House, making a technical correction for the purpose of a grant.

Section 6055. The conference agreement includes a provision, as proposed by the House, making a technical correction to the name of a grant recipient.

Section 6056. The conference agreement includes a provision, as proposed by the Senate, making two technical corrections to a grant recipient.

Section 6057. The conference agreement includes a provision, modified from the Senate bill, providing a technical correction to the bankruptcy fee collection authorities.

Section 6058. The conference agreement includes a provision, modified from the Senate bill, providing a technical correction to the bankruptcy fee collection authorities.

Section 6059. The conference agreement includes a provision regarding a Department of Commerce activity.

Section 6060. The conference agreement includes a provision that modifies that provides a technical correction regarding the $11 Heroes Medal of Valor Program.

Section 6061. The conference agreement includes a provision making a technical correction regarding the Capital Investment Grants” in P.L. 108-447, as proposed by the Senate.

Section 6062. The conference agreement includes a new provision making technical corrections to grants under the heading “Capital Investment Grants” in P.L. 108-447, with regard to the Oklahoma City urbanized area, as proposed by the House.

Section 6063. The conference agreement includes a new provision authorizing the Secretary of Transportation to access over-flight fees beyond the authorized level of
$50,000,000 for the purpose of maintaining existing services under the essential air service program. Should the total amount of overflight fees collected not be sufficient to meet all these expenses, the program in the program for the fiscal year, then the Secretary is authorized to transfer funds from the available balances of any program appropriated to, or directly administratively responsible to, the authority to the essential air service program. The Conferences expect the Senate to consult with the Committees on Appropriations of the Senate and of the House of Representatives if such a transfer is necessary and identify the source of the funds of said transfer subject to normal reprogramming guidelines.

Sec. 6055. The conference agreement includes a provision making technical corrections to certain judicial fees, as proposed by both the House and the Senate.

Sec. 6056. The conference agreement includes a provision that corrects the amount provided in P.L. 108-447 for the Las Cruces United States Courthouse to read $60,600,000 instead of $80,000,000, as proposed by the Senate.

Sec. 6058. The conference agreement includes a provision that corrects a citation in P.L. 108-447 to read “52(a)(2)(A)(i)”, as proposed by the Senate.

Sec. 6059. The conference agreement includes a provision making technical corrections to three grants under the heading “Community Development Fund” in P.L. 108-447.

Sec. 6070. The conference agreement includes a provision making technical corrections to two provisions under the heading “Community Development Fund” in P.L. 108-7.

Sec. 6071. The conference agreement includes a provision making technical corrections to eight grants under the heading “Community Development Fund” in P.L. 108-199.

Sec. 6072. The conference agreement includes a provision making technical corrections to seven grants under the heading “Community Development Fund” in P.L. 108-447.

Sec. 6073. The conference agreement includes a technical correction to Section 222 of Title II, Division I of P.L. 108-447, as proposed by the Senate.

Sec. 6074. The conference agreement includes a new provision that raises the ceiling on the number of Home Equity Conversion Mortgages that FHA may insure from 150,000 to 250,000.

Sec. 6075. The conference agreement includes a new provision that permits HUD to use 2005 appropriation to run Public Housing Authorities that are placed under Federal receivership in 2005.

Sec. 6076. The conference agreement includes a provision that prohibits executive branch agencies from creating packaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency. The Government Accountability Office confirms the opinions of the Government Accountability Office dated February 17, 2005 (B-303427).

Sec. 6077. The conference agreement includes a provision amending the use of District of Columbia local funds, as proposed by both the House and the Senate.

Sec. 6078. The conference agreement includes a provision proposed by the House (Sec. 5012) to amend section 114 of title I of division I of Public Law 108-447 to restrict the use of funds for medical preparedness centers by the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6079. The conference agreement includes a provision proposed by the House (Sec. 5013) to amend section 117 of title I of division B of Public Law 108-447 to allow for the direct deposit of funds into the two construction accounts of the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6080. The conference agreement includes a provision proposed by the Senate (Sec. 1126) to amend Public Law 108-447, adding to the definition in the law concerning “medical center.” The House bill contained no similar provision. The conferees are cognizant of the concerns of the Department of Veterans Affairs. As such, the conferees direct the Department to report to the Committees on Appropriations of the House and Senate a summary of schedule implications at the affected locations. If such implications are significant, the Committees may address these issues in the fiscal year 2006 regular appropriations bill.

Sec. 6081. The conference agreement includes a provision proposed by the Senate (Sec. 1142) to amend Public Law 108-447, adding to the definition in the law concerning “medical center.” The House bill contained no similar provision. The House and Senate Appropriations Committees, the House and Senate Judiciary Committees, the Department of Justice, the Department of Homeland Security, and the Government Accountability Office are required by statute to report to Congress on the expenditures of independent counsel offices every six months. These reports are submitted to the House and Senate Appropriations Committees, the House and Senate Judiciary Committees, the Department of Justice, the Department of Homeland Security, and the Government Accountability Office. The conferees expect the Office of the Secretary of Defense to continue for all ongoing independent counsel activities.

The conference agreement does not include language proposed as Senate Section 6047 expressing the Sense of the Senate regarding timely enactment of appropriations for the United States Armed Forces. The House did not include similar language.

CONGRESSIONAL RECORD—HOUSE
May 3, 2005

CONFERENCE TOTAL—WILLIAMSBURG

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Conference of Committees, comparison to the 2005 budget estimates, and the House and Senate of Congress is as follows: (In thousands of dollars)

<table>
<thead>
<tr>
<th>Budget estimates of new (obligational) authority</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>House bill, fiscal year 2005</td>
<td>$82,042,628</td>
</tr>
<tr>
<td>Senate bill, fiscal year 2005</td>
<td>$81,366,878</td>
</tr>
<tr>
<td>Conference, fiscal year 2005</td>
<td>$81,219,945</td>
</tr>
</tbody>
</table>

Conference compared with: Budget estimates of new (obligational) authority, fiscal year 2005 $82,041,478

House bill, fiscal year 2005 $1,150

Senate bill, fiscal year 2005 $674,500

$82,533

DIVISION B—REAL ID ACT OF 2005

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

Section 101 of the conference agreement includes language modified from language proposed in section 101 of division B of the House bill. The Senate did not include similar language.

Asylum Reform: As the staff of the 9/11 Commission determined, terrorist aliens have exploited our asylum laws to enter and remain in the United States.

Aliens who pose a danger to the national security of the United States have been receiving unauthorized reentry, withholding of removal by regulation since 1990. In 1996, Congress amended the Immigration and Nationality Act so that any bar aliens who are inadmissible or deportable under terrorism provisions from receiving asylum and withholding. Despite these bars to asylum aliens who were, however, the 9/11 Terrorist Travel monograph notes that “[a] number of terrorists [have] . . . abused the asylum system.” Mono. at 10.

For example, Ramzi Yousef and Ahmad Ajaj, plotters of the first World Trade Center bombing, “concocted bogus political asylum claims when they arrived in the United States in 1992. Id. at 50. Similarly, the Blind Sheikh, Sheikh Abdul Rahman, ‘avoided being removed from the United States by filing an application for asylum and withholding of deportation to Egypt in . . . 1992.’ Id. at 55.

In addition to these aliens whose asylum abuse was specifically described in the Terrorist Travel Monograph, other alien terrorists have abused our generous asylum laws.


‘The Open Door’, at 7. Hesham Hedayat killed two in a shooting spree at LAX on July 4, 2002. Immigration and Naturalization Service (INS’s) Director Nuradin M. Hedayat Before the Subcommittee on Immigration, Border Security and Claims of the House Judiciary Committee, 107th Cong., 2nd Sess. (2002) (statement of William Yates, Deputy Director of OECD Commissioner, INS) (2002). He entered the United States in 1992, and extended his stay by filing an asylum application one month before his stay ended. Id. His application was administratively denied, but he adjusted his status 17 months later after he won the visa lottery. Id.

Nur did the reforms in the mid-1990’s end such abuse? In February 1997, for example, General Ibrahim Abu Mezer entered the United States illegally after entering the United States legally and after stating that he would be applying for asylum. Special Report of the United States and Senate Committee on Governmental Operations of the Department of Justice, Office of Justice Inspector General, ‘Bombs in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Reentered the United States’ (March 1998). In April 1997, he filed an asylum application in which he claimed that “the Israeli government continuously persecuted him.” Id. On April 9, 1997, Moses A. Kapersky, an illegal alien in a Brooklyn apartment for allegedly planning to bomb the New York City subway system.

In January 1999, Somali national Nusrudin Allah Cagga was granted asylum on the Motion to Detain Defendant and Memorandum in Support at 4, United States v. Nurudin M.

Section 101 of Division B responds to terrorism, where such evidence is available by amending the INA to limit fraud. As there are no explicit evidentiary standards for granting asylum in the INA, standards are consistent with federal courts. Different results have been reached in federal courts. Because these standards are not consistent across federal appellate courts, different results have been reached in similar cases, depending on the court that hears the case.

With regard to sufficiency of the evidence, for example, the BIA and the federal courts agree that credible testimony alone may suffice to sustain the applicant’s burden of proof in some cases, but disagree on what credible evidence, if any, one can meet the burden and when corroboration is needed. The BIA has held that: “Because the burden of proof is on the alien, an applicant should provide supporting evidence, both of general country conditions and of the specific facts sought to be relied on by the applicant, where such evidence is available. If such evidence is unavailable, the applicant must explain its unavailability, and the Immigration Judge must ensure that the applicant’s explanation is reasonable.” Matter of M-J-, 21 I&N Dec. 722 (BIA 1997).

Section 101 resolves conflicts between administrative and judicial tribunals with respect to standards to be followed in assessing asylum claims. In addition, it makes similar amendments to the standards governing other forms of relief from removal. Finally, this section corrects references within the asylum provisions to reflect changes in the INA generally.

Authority: Subsection 101(a) of Division B would amend paragraph 208(b)(1) of the INA to clarify that the Secretary of Homeland Security and the Attorney General both have discretion in determining whether both the Secretary of Homeland Security and the Attorney General may now exercise authority over asylum depending on the context in which asylum issues arise, paragraph 101(a)(1) and (2) of Division B would accordingly amend paragraph 208(b)(1) of the INA to insert references to both the Attorney General and the Secretary of Homeland Security.

Paragraph 101(g)(1) of Division B would provide references to the Secretary of Homeland Security under the Reorganization Plan.

Burden of Proof and Central Reason: Paragraph 101(a)(3) codifies case law standards for granting asylum, both to resolve conflicts between fora and to codify procedural rules.

First, that paragraph would create a new clause 208(b)(1)(B)(i) in the INA. This clause codifies existing regulations and case law and provides that proof is required on the asylum applicant to establish eligibility as a refugee. This clause also will clarify that the standard that an asylum applicant must meet to establish the motivation for persecution claimed.

The INA requires all aliens seeking asylum to establish that they suffered or fear persecution “on account of race, religion, nationality, membership in a particular social group, or political opinion.” As the Supreme Court has held: “since the statute makes motive critical, [an asylum applicant] must provide some evidence of it, direct or circumstantial.” INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992).

In explaining the Supreme Court’s decision, the Ninth Circuit stated: “[In those cases in which a persecuted activity could stem from many causes, some protected by the statute and others not, the victim must tie the persecution to a protected cause. To do this, the victim needs to show the persecutor had a protected basis (such as the victim’s political opinion) in mind in undertaking the persecution].” Cansas-Segovia v. INS, 970 F.2d 599, 601 (9th Cir. 1992). The BIA has explained that the asylum applicant “bear[s] the burden of establishing facts on which a reasonable person would fear that the danger arises on account of one protected factor.” Matter of Fuentes, 19 I & N Dec. 658, 662 (BIA 1988).

The main issue in assessing motivation in an asylum context occurs in so-called “mixed motive” cases, where there is more than one possible motive for harm, one protected, others not. In requiring an asylum applicant to establish that at least one central reason for persecution was or will be one of the five factors for asylum relief, this subsection calls for an evaluation of whether the protected characteristic is central to the persecutor’s motivation to act. Similar language has been advanced as a uniform standard for assessing motivation in asylum cases dealing with Asylum and Withholding Definitions (the so-called “R-A-” rule dealing with domestic violence cases), former Attorney General Janet Reno proposed to amend the asylum regulations to implement an almost identical standard stating that the burden of proof is sufficient for one to reasonably believe that the harm suffered was motivated in meaningful part by a protected ground.”


Because this standard has not yet been adopted by the BIA and was not followed in INS v. Hernandez-Oritz, 977 F.2d 831 (9th Cir. 1992). If there is no evidence of a legitimate prosecutorial purpose for a government’s harassment of a person . . . there arises a presumption that the motive for harassment is political.”

This presumption violates the Supreme Court precedent Elias-Zacarias, which requires asylum applicants to provide evidence of motivation. Further, this presumption is fatally, if improperly, shifted the burden to the government to prove either a “legitimate purpose” for the foreign government’s interest in the alien, or that the alien’s claim is not credible. If the government can show that the alien was barred from asylum relief because, for example, that alien actually is a terrorist or a persecutor. Plainly, an alien who is a terrorist could more easily fabricate a claim that his home government believes erroneously that he is a terrorist. This is suggested by the case of Usama Mezer, who was convicted of a federal offense and sentenced to life imprisonment for planning to bomb the New York subway system in 1997. See United States v. Khalil, 254 F.3d 111, 115 (2d Cir. 2001). Mezer was free in the United States after he was arrested in Washington State by the Border Patrol, which initiated formal deportation proceedings after the support of the United States Department of Justice, Office of the Inspector General, “Bombs
Corroboration of Credibility. Clauses 208(b)(1)(B)(i) and (ii) of the INA are identified in case law on which an adjudicator may make a credibility determination, including demeanor, candor, responsiveness, inconsistencies, and plausibility of consistencies between the written and oral statements (regardless of when it was made and whether it was under oath, and considering whether the statements were made, internal consistency of a statement, consistency of statements with the country conditions in the country from which the applicant came, and any inaccuracies or falsehoods in such statements. This section reiterates the rule that an asylum adjudicator is entitled to consider credible testimony along with other evidence.

Finally, with respect to so-called ‘mixed-motive’ claims, under this amendment asylum applicants will not be required to identify a particular claim that was made in support of the asylum claim. Instead, they may meet the burden of proof by identifying a claim that was made in support of the asylum claim, and the credibility of that claim will be determined separately. Thus, an asylum applicant who provides documentary support for material facts may be required to provide corroboration of testimony regarding specific allegations, while an applicant who provides documentary support for general allegations may not be required to provide corroboration of testimony regarding those allegations. This will allow Immigration Judges to base their credibility determinations on the specific allegations at issue in the case, rather than on the entire asylum application.

In conclusion, the concerns raised by the Ninth Circuit in Elias-Zacarias are valid, and Congress has taken steps to address them. The new standard for corroboration of asylum claims is a significant improvement over the previous standard, which was based on the requirement that asylum applicants provide corroborative evidence for every factual claim that is central to their asylum claim. This new standard will allow Immigration Judges to base their credibility determinations on the specific allegations at issue in the case, rather than on the entire asylum application. This will allow Immigration Judges to make more accurate credibility determinations, and will help to ensure that asylum claims are decided on a case-by-case basis, rather than on a one-size-fits-all basis.
In assessing an applicant’s demeanor for purposes of making a credibility assessment, Congress determined that triers of fact will rely on those aspects of demeanor that are indicative of truthfulness or deception. For example, in enacting §501(c), it intended “to bring the Nineteenth-Century administrative law judge’s determinations of credibility for the obvious reason that he or she sees the witnesses and hears them testify, while the Board and the reviewing court look only at cold records.” All aspects of the witness’s demeanor, including the expression of his or her countenance, how he sits or stands, whether he is inordinate nervous, his coloration during critical examination, the modulation or pace of his speech and other non-verbal communication—may convince the observing trial judge that the witness is testifying truthfully or falsely.” Mendonca Maminbbo v. Ashcroft, 379 F.3d 962 (9th Cir. 2004) (en banc).

Noted, a credibility determination should follow an examination of all relevant circumstances, including the circumstances of the interview.

Finally, this provision makes it clear that there is no presumption of credibility, but if no adverse credibility determination is explicitly made, the applicant or witness has a rebuttable presumption of credibility on appeal.

Effective Dates. Paragraph 101(g)(2) would provide that the asylum standards established in paragraphs 101(g)(3) of Division B shall take effect on the date of enactment and apply to applications made on or after such date. Thereafter, the standards would not apply by statute to asylum applications filed before the date of enactment, although such standards in existing case law would apply.

Standards for Granting Withholding of Removal. Paragraph 242(b)(3) of the INA places restrictions on removal to a country where an alien’s life or freedom would be threatened. Withholding is a form of protection similar to asylum, with some critical differences. Withholding is discretionary, whereas asylum relief, for which the standard is a “well-founded fear of persecution.” Withholding of removal, on the other hand, is mandatory protection, provided that the alien satisfies the higher standard of a “clear probability of persecution,” also expressed as “more likely than not” that an alien would be persecuted. There are other key differences between the two forms of relief. A person who has been granted asylum has been admitted into the United States, although the status is not a right to reside permanently in the United States. An alien who is granted withholding has not been granted legal permanent resident status in the United States and may be removed to his or her country where there is no longer any threat to his or her life or freedom. Withholding of removal is only specific to a particular country and therefore does not preclude removal to another country.

An alien granted withholding of removal may not adjust to the status of a lawful permanent resident and the alien’s family members are not eligible to come to the United States via the alien’s status in the United States. In contrast, an alien granted asylum may adjust to the status of a lawful permanent resident of the United States. Despite the existing waiver provision, Congress determined is necessary to ensure expeditious construction of barriers and roads along the border near San Diego, beginning at the Pacific Ocean and extending eastward. It provides for a waiver of the National Environmental Policy Act of 1969 (NEPA) to the extent the Attorney General determines is necessary to ensure expeditious construction of barriers and roads.

The California Coastal Commission has prevented completion of the San Diego border security infrastructure because it alleges that plans to complete it are inconsistent with a coastal program. The California Coastal Commission has determined that provisions barring judicial review of denials of discretionary relief applies regardless of whether the discretion involved. The provision is made in removal proceedings. It also amends paragraph 242(a)(2)(B) of the INA by clarifying that the Secretary of Homeland Security, to clarify that the provision bars judicial review of denials of discretionary relief. The provision is made in removal proceedings. It also amends paragraph 242(a)(2)(B) of the INA by clarifying that the Secretary of Homeland Security, to clarify that the provision bars judicial review of denials of discretionary relief. The provision is made in removal proceedings.

Clarification of Discretionary Relief Provision: Subsection 101(f) would amend subparagraph 242(a)(2)(B) of the INA by clarifying that the Secretary of Homeland Security, to clarify that the provision bars judicial review of denials of discretionary relief. The provision is made in removal proceedings.

Subsection 101(g)(4) of Division B would provide that the amendments in subsection 101(f) shall take effect on the date of enactment and apply to all cases pending before, or on or after such date.

Removal of Caps. Section 209 of the INA currently provides that the Attorney General may adjust the status of aliens granted asylum under subsection 201(a) or 205(a)(4)(B) of the INA if they satisfy certain conditions, subject to a cap of 10,000 persons per fiscal year (aside from certain groups of asylees who are or who have been Members of Congress). Paragraph 101(g)(2) would also replace references to the “Immigration and Naturalization Service” with references to the “Department of Homeland Security.” Subsection 101(g)(2) defines “Attorney General” with references to the “Secretary of Homeland Security or the Attorney General.”

Similarly, under section 207(a)(5) of the INA, not more than 1,000 aliens may be admitted as refugees or granted asylum under the provision of section 101(a)(42) therein referenced. Paragraph 101(g)(2) would apply the credibility and corroboration standards to other applications for relief and protection, including those asylum standards in existing case law would apply.

Other Applications for Relief. Subsection 101(d) would also add paragraph 242(c)(4) to the INA. This paragraph would apply the credibility and corroboration standards to other applications for relief and protection from removal. The new paragraph also codifies the current requirement that an alien applying for relief or protection, and also that relief as a matter of discretion, if the relief is discretionary.

Subsection 101(h)(2) of Division B would provide that the standards established in subsection 101(d) shall take effect on the date of enactment and apply to withholding applications made on or after such date. Accordingly, those standards would not apply by statute to applications filed before the date of enactment, although such standards in existing case law would apply.

Judicial Review of Corroboration Determinations: Subsection 101(e) of Division B would amend paragraph 242(h)(4) of the INA by clarifying that judicial review of reversal of determinations concerning the availability of corroboration evidence by an adjudicating officer is before the Board of Immigration Appeals and other applications for relief or protection. This subsection would apply the prevailing standard of review for factual determinations in subsection 242(h)(4)(B) of the INA to determinations about the availability of corroboration evidence, itself a factual determination. This provision underscores that the applicant’s and immigration officer’s determination is the deferential factual review standard.

Subsection 101(g)(3) of Division B would provide that the standards established in subsection 101(e) shall take effect on the date of enactment and apply to all cases in which the final removal order was issued before, on, or after such date.

Clarification of Discretionary Relief Provision: Subsection 101(f) would amend subparagraph 242(a)(2)(B) of the INA by clarifying that the Secretary of Homeland Security, to clarify that the provision bars judicial review of denials of discretionary relief applies regardless of whether the discretion involved. The provision is made in removal proceedings. It also amends paragraph 242(a)(2)(B) of the INA by adding reference to the Secretary of Homeland Security, to clarify that the provision bars judicial review of denials of discretionary relief.
Customs and Border Protection (CBP) of the Department of Homeland Security testified before the California Coastal Commission that the plans for completion were consistent with the Coastal Management Program to the maximum extent practicable without sacrificing the effectiveness of the border security infrastructure. Continued delays in the implementation of those plans have necessitated the need for additional waiver authority with respect to other laws that might impede the expedient construction of border security infrastructure, such as the Coastal Zone Management Act.

Current Law. Section 102(c) of IIRIRA provided that the Attorney General and the extent to which the Attorney General determines is necessary to ensure expedient construction of barriers and roads.

Section 106 of Division B would amend the current provision to require the Secretary of Homeland Security to waive all laws that he or she determines, in his or her sole discretion, are necessary to ensure expedient construction of the border barriers.

Additionally, it would prohibit judicial review of a waiver decision or action by the Secretary and bar judicially ordered compensatory, declaratory, or injunctive, equitable, or other remedies. Any such decision or action alleged to result from any such decision or action. As discussed above, current statutes and the Reorganization Plan for the Department of Homeland Security require that the Department of Homeland Security has the authority throughout the United States.

The Conference has revised the House provision by substituting a reference to waiver of local, state or federal statute, regulation, or administrative order that would impede expedient construction of border security infrastructure. Second, the provision clarifies the intent of the conference report by substituting a reference to waiver of all legal requirements for the prior reference to waiver of all laws, clarifying Congress' intent that the Secretary's discretionary authority be limited to expedient construction of border security infrastructure. Finally, the Conference has provided federal judicial review for claims alleging that the actions or decisions of the Secretary violate the United States.

The Conference further provided that such claims must be filed within sixty days of the Secretary's action or decision, and that interlocutory or final orders of the district courts on such claims may be reviewed within sixty days of the Secretary.

The Conference note the importance of the border security infrastructure, and the need to ensure that the Secretary has the authority to waive all laws, statutory, regulatory, or administrative, that might impede the expedient construction of border security infrastructure.

Section 106 of Division B addresses a number of judicial review anomalies improperly favoring criminal aliens that were created by court decisions interpreting changes to the INA in 1996. Since 1996, Congress has consistently provided that only the courts of appeals may review removal orders. From 1996 until 1998, the decision in the courts of appeals shall be the sole and exclusive procedure for judicial review of deportation orders. See INA subsection 106(a)(10) (incorporating the Hobbs Act, 28 U.S.C. § 224 (1961)). Congress' "fundamental purpose" was "to abbreviate the process of judicial review of deportation orders, to provide for uniformity of procedure among the courts of appeals, thereby ensuring appropriate public notice of the Secretary's decisions and bar judicially ordered compensatory, declaratory, or injunctive, equitable, or other remedies. Any such decision or action alleged to result from any such decision or action. As discussed above, current statutes and the Reorganization Plan for the Department of Homeland Security require that the Department of Homeland Security has the authority throughout the United States.

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St. Cyr, some issues are still reviewable in the circuit courts while others are reviewable only in the district courts, resulting in bifurcated and inefficient review. Additionally, the split on the issue of which court may entertain constitutional challenges to criminal aliens’ removal orders (a question left open in St. Cyr). All of this has resulted in additional discretion by the courts of appeals, uncertainty, lack of uniformity, and a waste of resources for both the judicial branch and Government lawyers. The opposite side of what Congress tried to accomplish in 1996.

Section 106 of Division B would address the anomalies created by St. Cyr and its progeny by requiring review in the courts of appeals. First, under this section, criminal aliens will have fewer opportunities to delay their removal, because they will not be able to obtain habeas corpus in addition to the circuit court review, and will not be able to ignore the thirty-day time limit on seeking review. Second, criminal aliens will not receive more judicial review than non-criminals. Under the amendments in section 106, all aliens will get review in the same forum—the courts of appeals. Third, by channeling review to the courts of appeals, subdivision B would eliminate the problems of bifurcated and piecemeal litigation. Thus, the overall effect of the new section is to give every alien a fair opportunity to obtain judicial review while restoring order and common sense to the judicial review process.

Significantly, this section does not eliminate judicial review, but simply restores such review to its former settled forum prior to 1996. Under section 106, all aliens who are ordered removed by an immigration judge will be able to appeal to the BIA and then raise constitutional and legal challenges in the courts of appeals. No alien, even criminal, will be able to get review under the courts of appeals. This also eliminates the problems of bifurcated and piecemeal litigation. Further, the new section will preclude aliens from appealing before the courts of appeals constitutional claims questioning the constitutionality of the INA. Thus, the district courts will be the forum for review of constitutional claims and questions of law before the courts of appeal. It should be noted that the word “pure,” in the phrase “pure question of law,” had been deleted from the subparagraph after St. Cyr, a question of law is a question regarding the construction of a statute. The word “pure” adds no meaning. The purpose of section 106(a)(1)(A) is to permit judicial review over those issues that were historically reviewable on habeas—constitutional and statutory-construction questions, the claim that the Act is unconstitutional, etc. Where a court is presented with a mixed question of law and fact, the court should analyze it to the extent there are legal elements, but preclude aliens from raising factual claims. Factual questions include those questions that courts would review under the “substantial evidence” or 242(b)(4) standard, reversing removals only where the evidence is insufficient. Moreover, to be compelled to conclude that the decision below was erroneous.

Section 106(b) adds a new section 242(a)(4) to the INA. This provision will allow aliens in section 240 removal proceedings to seek review of “any cause or claim under the United States Constitution, treaties, statutes, regulations, or Executive determinations or factual issues that would preclude criminals from obtaining removal or other forms of relief.” The BIA explained in St. Cyr, v. INS, 533 U.S. 63, 71 (2001) (habeas jurisdiction under 2241 does not extend to factual or discretionary determinations). Moreover, section 106 would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

Review in the Courts of Appeals. Subparagraph 106(a)(1)(A) of Division B would replace habeas corpus review of specified removal orders with habeas corpus review of specified removal orders with constitutional claims and questions of law before the courts of appeal. It should be noted that the word “pure,” in the phrase “pure question of law,” had been deleted from the subparagraph after St. Cyr, a question of law is a question regarding the construction of a statute. The word “pure” adds no meaning. The purpose of section 106(a)(1)(A) is to permit judicial review over those issues that were historically reviewable on habeas—constitutional and statutory-construction questions, the claim that the Act is unconstitutional, etc. Where a court is presented with a mixed question of law and fact, the court should analyze it to the extent there are legal elements, but preclude aliens from raising factual claims. Factual questions include those questions that courts would review under the “substantial evidence” or 242(b)(4) standard, reversing removals only where the evidence is insufficient. Moreover, to be compelled to conclude that the decision below was erroneous.

Section 106(a)(2) of Division B would amend section 224(b)(9) of the INA, concerning conciliation of issues for judicial review, to clarify that, except as otherwise provided in section 242 of the INA, no court has jurisdiction for habeas review or other non-direct judicial review of a removal order or questions of law or fact arising from such an order. Moreover, similar to habeas corpus review in section 242(c)(2) of the INA. Subsection 242(g) of the INA, concerning exclusive jurisdiction, is also amended to clarify that no direct or indirect review would be available for any claim arising from a decision or action by the Attorney General regarding the initiation and adjudication of removal proceedings or the execution of removal orders against any alien. Under subsection 242(b)(9), the effective date of the amendments in subsection 106(a) is the date of enactment of Division B, and the amendments would apply to cases in which removal orders have been issued before, on, or after the date of enactment. Subsection 106(c) of Division B would provide for the transfer of pending habeas cases from the district courts to the federal appellate courts in which they could have been properly filed under section 242(b)(2) of the INA or the transitional rules of IIRIRA. Subsection 106(d) provides that IIRIRA transition-rule cases filed under former subsection 106(a) of the INA (1995), concerning the Illegal Immigration Reform and Responsibility Act (IIRIRA) and the IRA, would not be treated as if they had been filed under section 242 of the INA and that such petitions or applications would fall under the jurisdiction for habeas corpus review of specified removal orders.

Finally, it should also be noted that section 106 would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

TITLE II—IMPROVED SECURITY FOR DRIVERS’ LICENSES AND PERSONAL IDENTIFICATION CARDS

Section 201 of the conference agreement includes language modified from language proposed in section 201 of division B of the House bill. The Senate did not include similar language.

Section 201 is necessary to clarify the Federal law as it pertains to driver’s licenses, and relates it to other federal laws that govern state issuance and records keeping of “motor vehicle operator’s license.” That means that, to the degree that commercial truck driver’s licenses and HAZMAT licenses are separately defined by Title 49, this law is directed to the personal driver’s licenses and state motor vehicle operator’s licenses. Moreover, it provides a minimum definition of “Official Purpose” to limit the use of any licenses or ID cards issued by states that do not meet the Act’s standards. The conference agreement provides direction as to what certain categories of temporary license marked clearly on their face to indicate they are not acceptable for federal or commercial purposes and cannot be used. For example, non compliant driver’s licenses or non-compliant state issued ID cards cannot be used for identification for any federal purpose. The Secretary is authorized to establish other purposes for which only license and ID cards that meet federal standards can be used.

Section 202 of the conference agreement includes language modified from language proposed in section 202 of division B of the House bill. The Senate did not include similar language.

202(a)(1) states that the law is binding on Federal agencies—not the states. Consequently, this Act does not directly impose federal standards with respect to states’ issuance of driver’s licenses and personal identification cards. The application of the law is indirect, and hence states need not comply with the listed standards. However, states would nevertheless need to adopt such standards and modify any conflicting laws or regulations in order for such documents to be recognized by federal agencies for official purposes. The Federal Government regulates driver’s licenses issuance now for HAZMAT and commercial trucks, but not with regard to their physical security, counterfeit resistence, and status as a valid ID for Federal purposes. The Federal Government requires state issued ID cards to be clearly on their face to indicate they are not acceptable for federal purposes and cannot be used. The conference agreement provides direction as to what certain categories of temporary license marked clearly on their face to indicate they are not acceptable for federal or commercial purposes and cannot be used. For example, non compliant driver’s licenses or non-compliant state issued ID cards cannot be used for identification for any federal purpose. The Secretary is authorized to establish other purposes for which only license and ID cards that meet federal standards can be used.
features to enable distinction between learner’s permits and valid driver’s licenses. There is also a National Driver Register Problem Driver Point System, established under the Driver Register Act of 1982. This Act established a mandate for states to share information about “bad drivers” through this system. Participation in the NDR is optional under federal law; all 50 States and the District of Columbia participate in the NDR. The system is also used as the Problem Driver Point System (PDPS). Requirements governing participants require states to collect more information than required for the minimum one-third of states under 202 as part of the license issuance process. However, the requirements for proof of identification to obtain a license are generalized. When a driver’s license becomes law, it will need to be substantially revised by DOT to add details to the pertinent sections, as determined through the Department of Homeland Security established regulations implementing the Act. The primary process by which states will share information regarding the identities of driver’s license holders will be the PDPS, once upgraded and with complimentary system capacity up-grading by the States.

202(a)(2). The Conferences revised HR 418, which contains minimum certification requirements for states under the authority of the Secretary of Homeland Security, based on certification by the Secretary of Transportation, so that the Secretary of Homeland Security can determine whether a state is complying with its certifications of compliance with the Act. This establishes a new channel of federal reg- ulation and coordination to be audited by the Depart- ment of Homeland Security for identity management, while requiring coordination of regulations with the Department of Trans- portation (DOT) of the driver’s license certification.

Section 202(b) Minimum Document Re- quirements. The intent of this requirement is to improve the ability of law enforcement officers at all levels to confirm the identity of the individuals presenting state issued driver’s licenses or identification cards. 202(b)(1) Many states don’t follow the convention of full legal name. For example, a person might “use” a middle name versus his/her first name, and therefore prefer that the digitized version use the name without regard to the “real” first name. Instead of William Beauford Brown, the state driver’s license states simply “Beau Brown.” Using a name different from legal name is a frequent pur- pose. The importance of this requirement cannot be overstated. A majority of states maintain a high level of physical security in the manufacture of their cards. Unfortu- nately, a significant minority of states do not issue licenses or ID cards with secure unique identifiers to prevent tampering, counterfeiting or du- plication. Photographic images or biometric identifier. It allows law enforcement and airport security to quickly match or “match” a person against a wants and war- rant list. The system used is essentially the same throughout the country would not only improve identification of suspected terror-}

ists, it would expedite the checks on everyone else by reducing “false positives” where a person is erroneously matched by name with a wanted person. 202(b)(4) Every state does post a driver’s license number on a permanent driver’s license “card,” but not all states employ traceable computer-readable devices and temporary state ID cards. This is obviously an important tool in differentiating counterfeit identify from valid licenses—via a num- ber check. 202(b)(5) requires a digital photograph of the person so that it can be confirmed by comparison to the current and/or future photos on their licenses. It also allows using existing secure technology designed for that purpose. More than 20 states continue to use a process where “regular” photos are glued into license forms. These are easily al- tered by breaking the plastic seal, and re- placing the valid photo with one of the per- son who has stolen or “borrowed” the license of ID card from the person to whom it was validly issued. The intent of requiring a digi- tal photo, as in a passport, is to insure that the photo accurately captures the appear- ance of the person to whom it was issued. It also allows the state to retain a record of the digital image at a relatively low cost, and be able to provide that image to law enforce- ment officers at all levels to confirm the identity of the person. This will also allow the person to provide that image to law enforce- ment officials—national forensic document laboratory—to validate that the driver’s licenses of these states are not secure from counterfeiting using easily available technology. 202(b)(9) A common machine-readable tech- nology exists, along with common defined minimum data elements, under the Inter- state driver’s license to which 46 states already belong. There is inconsistency in ac- tual practice with regard to the order of the data. Further, there has been little research into matching the data contained on the machine readable strip. Im- provements in the machine readable tech- nology would allow for less data being stored, as well as the future case where all other data stored securely and only able to be read by law enforcement officials.
owes permanent allegiance to the United States”).

For those states electing to conform to the requirements of this Act, so that their driver’s licenses and identification cards are acceptable for identification purposes by the federal government, this set of requirements establishes the basis for a new statutory basis for subsequent federal regulations.

202(c)(2)(B) The evidence of Legal Status requirements conform almost exactly to those found in Virginia and the Commonwealth of Virginia, and are parallel to the state laws of New York, Florida, California and roughly thirty other states which have passed laws requiring evidence of legal status prior to issuance of a driver’s license. It requires for state license and ID cards verification that an applicant is lawfully present not present in violation of the Immigration and Naturalization laws of the United States before issuing a driver’s license or personal identification card that is intended to be used for identification purposes by federal agencies. Under this section, persons would only be eligible for temporary drivers’ licenses or identification cards if evidence is presented that they: (1) have a valid, unexpired non-immigrant visa or non-immigrant visa status for entry into the United States; (2) have a pending or approved application for lawful permanent residence in the United States; (3) have entered into the United States in refugee status; (4) have a pending or approved application for temporary protected status in the United States; (5) have an approved deferred action status; or (6) have a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

202(c)(2)(C) This establishes that, in order to issue temporary licenses or temporary ID cards that will be acceptable to the federal government for identification purposes, a state may only issue a temporary driver’s license or identification card with an expiration date equal to the period of time of the applicant’s authorized stay in the United States. Clause ii provides that if there is an indefinite end to the period of authorized stay, the card’s expiration date shall be one year. The temporary card shall clearly indicate that it is temporary and shall state the expiration date. Clause iii provides for a display of the expiration date on a temporary card, which is an extremely important requirement for the benefit of public safety and law enforcement personnel, and others who need to inspect people for entry to airports, secure facilities, and for official federal purposes, as defined in the act and by subsequent regulations. A clear display facilitates an expedited inspection, and a clear date to determine validity of the temporary licenses. Clause iv provides that renewals of the temporary cards would be done only upon presentation of valid documentary evidence that the status had been extended by the Secretary of Homeland Security. This is important because renewals of temporary licenses were exploited by the 9/11 terrorists, and have been a major security vulnerability with the result that some who decide to overstay their valid visas.

202(c)(3)(B) The requirement that licenses for ID purposes for foreign visitors not be issued to applicants whose identity is confirmed by a passport is intended to strengthen the identify confirmation process for foreign visitors, and to stop the process of accepting foreign documents in lieu of identification. Should an applicant who is not a U.S. citizen or immigrant otherwise meet the identification standards set out in the Act, but only provides a limited foreign passport or license or certificate limited to one year’s duration and clearly marked as not for identification, with the notification to the holder that it is not valid for federal identification or official federal purposes.

202(c)(3)(C) The Act, for purposes of validating the presence of a permanent resident of the United States, requires that all States enter into a memorandum of understanding with the Secretary to determine identity and to utilize the automated system known as Systematic Alien Verification for Entitlements, to verify the legal presence status of a permanent resident of the United States, applying for a driver’s license or identification card.

Section 202(d) Other requirements are each subject to modification by the Secretary of Homeland Security. This is in line with the requirement that the temporary cards would be done only for foreign visitors, and to stop the process of accepting foreign documents in lieu of identification. The Act provides for those categories of aliens lawfully admitted for temporary purposes where the identity of the applicant cannot be assured, or for whom

202(d)(4) The requirement to establish an effective procedure to confirm or verify a renewing applicant’s information will establish a qualitative floor standard to correct any errors in the state’s database. The reissuance of a license and ID card renewal is done without adequate confirmation of identity of the applicant. Those inadequate procedures are being exploited by the 9/11 terrorists and others who need to inspect people for entry to airports, secure facilities, and for official federal purposes where the identity of the applicant cannot be assured, or for whom
lawful presence is not determined. Examples of such licenses or Florida license issued as valid only “in-state” purposes, and certificate of driving privileges issued by Tennessee, which the applicant cannot meet the identity confirmation requirements of the Act. Subparagraph A establishes the requirement that such documents provided DHS confirms its certification that it’s procedures don’t provide any “back doors” to licensees or ID cards that tend to federal, state, local, or federal purposes. Subparagraph B requires a unique design or color indicator such as a special colored border so that federal officials can quickly recognize it is not valid for federal identification or federal purposes.

202(d)(12) requires each state to be able to electronically access information contained in other states’ motor vehicle databases. DHS will be expected to establish regulations which adequately protect the privacy of the holders of licenses and ID cards which meet the standards established by the regulation and federal purposes. DHS regulations pertaining to the overall security of state databases to safeguard them from unauthorized access or theft, will be required by this Act because DHS is already subject to privacy protection standards through other federal laws pertaining to cyber security.

202(d)(13) The requirement for states to maintain a motor vehicle database that contains all data fields printed on driver’s licenses or ID cards is directed toward states which currently don’t store adequate records to allow other states to confirm the validity of the original issues. This requirement is necessary to address identity management minimum standards, and to support the goal of “only one license for one driver.” This provision in both parts will correct a significant problem that has led to some states refusing to provide reciprocity to other states with regard to both adequate data and assurance of driver safety, particularly with regard to Driving Under the Influence citations.

Section 203 of the conference agreement includes language modified from language proposed in section 204 of division B of the House bill. The Senate did not include similar language.

Section 203. This section amends 18 U.S.C. §1028(a)(8), which makes it a federal crime to transport, transfer, or otherwise dispose of to another, materials or features used on a document of the type intended or commonly used for identification purposes. By replacing the phrase “false identification features” with “false or actual authentication features, this clarification that the scope of the criminal provision, making it a crime to traffic in identification features regardless of whether the feature is false. In addition, section (b) requires that the Secretary of Homeland Security enter conviction information into the appropriate aviation screening database. This provision should improve the screening of passengers while reducing incidents of travelers being delayed because of similar names with people on the “do not fly” list.

Section 204 of the conference agreement includes language modified from language proposed in section 205 of division B of the House bill. The Senate did not include similar language.

Section 205 provides grants to states under the discretion of the Secretary of Homeland Security using DHS to establish a process for grant requests, and the time table under which states will need to meet the requirements of the regulations. Some states are already in compliance with nearly all of the standards established by the act, and it will be incumbent upon DHS to recognize those states and not to delay them. DHS will also need to establish internal criteria and a mechanism for determining if funds are spent for the purposes identified. This provision also authorizes the Secretary to request funds and assign personnel for the administration of this Act through the normal process.

Section 205 of the conference agreement includes language modified from language proposed in section 206 of the House bill. The Senate did not include similar language.

Section 205 requires the Secretary of Homeland Security to consult with the Secretary of Transportation and with the states in the process under which DHS issues regulations, sets standards, and issues grants under this title. This provision establishes that the Secretary, consistent with the Administrative Procedures Act, will follow a conventional regulatory notice procedure, including the regulatory notice publication, and will not engage in any other form of rule making, such as negotiated rulemaking.

Section 206 allows the Secretary of DHS to grant an extension of time only to meet the requirements of section 202(a)(1), which means that all states must meet minimum standards established by the regulation with a uniform deadline for their respective driver’s licenses and ID cards to be used for federal identification and federal purposes. Section 206 of the conference agreement includes language modified from language proposed in section 207 of division B of the House bill. The Senate did not include similar language.

Section 206 also repeals overlapping and potentially conflicting provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 207 of the conference agreement includes language modified from language proposed in section 208 of division B of the House bill. The Senate did not include similar language.

Section 207 provides a normal limitation on statutory authority to preserve the authorities and responsibilities of the Secretary of Transportation.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

Section 301 of the conference agreement includes language modified from language proposed in section 301 of division B of the House bill. The Senate did not include similar language.

Section 301 requires the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, to study the technology, equipment, and personnel needed by field offices of the Bureau of Customs and Border Protection to address security vulnerabilities within the United States. The study must be a follow-up study at least once every five years thereafter. The Under Secretary of Homeland Security for Border and Transportation Security is required to submit a report to Congress of findings and conclusions from each study, along with legislative recommendations for addressing security vulnerabilities. Section 301(c) requires that the report is due to the Appropriations Committees by April 15, 2006, for fiscal years 2006 through 2011 to carry out recommendations from the first study.

Section 302 of the conference agreement includes language modified from language proposed in section 302 of division B of the House bill. The Senate did not include similar language.

Section 302 requires the Department of Homeland Security to establish a pilot program to identify and test ground surveillance, tracking technologies to enhance border security. The program would cover both northern and southern border locations. It also requires DHS to submit a report to designated House and Senate committees within a year of program implementation describing the program and recommending whether it should terminate, be made permanent, or be enhanced.

Section 303 of the conference agreement includes language modified from language proposed in section 303 of division B of the House bill. The Senate did not include similar language.

Section 303 requires the Secretary of Homeland Security, in consultation with various federal, state, local, and tribal agencies, to develop and implement a plan to improve interoperability communication systems and enhance information-sharing on matters related to border security on the federal, state, local, and tribal level. DHS would submit a report to designated House and Senate committees within a year of program implementation which would include any recommendations that the Secretary of Homeland Security found appropriate.

TITLE IV—TEMPORARY WORKERS

The conference agreement includes language modified from language proposed by the Senate regarding numerical limits for H-2 visas for certain nonimmigrant workers. The House did not include similar language.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISA

The conference agreement includes language modified from language proposed by the Senate regarding reciprocal visas for nationals of Australia. The House did not include similar language.

The conference agreement includes language modified from language proposed by the Senate regarding visas for nurses. The House did not include similar language.

The conference agreement includes language relating to the title of the Act. The Senate amended the title to read “An Act Making Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.”
Mr. SMITH of New Jersey, for 5 minutes, today and May 4.

Mr. GOMPERT, for 5 minutes, May 4.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 19. Joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 20. Joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 5, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1772. A letter from the Director, Office of National Drug Control Policy, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1773. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the status of female members of the Armed Forces for FY 2004, pursuant to 10 U.S.C. 481 note Public Law 107-314 section 562(a); to the Committee on Armed Services.

1774. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Baker, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.


1778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of the proposed list of qualified reserved articles or defense services sold under a contract with Russia and Kazakhstan (Transmittal No. DDT 06-05), pursuant to 22 U.S.C. 2778(c); to the Committee on International Relations.

1779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 122(a); to the Committee on International Relations.

1781. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of the Commission’s administration of the Freedom of Information Act for Fiscal Year 2004, pursuant to 5 U.S.C. 552 Public Law 99-570; to the Committee on Government Reform.

1782. A letter from the Secretary, Department of State, transmitting a letter on the Administration of the Foreign Agents Registration Act of 1938, as amended, pursuant to 18 U.S.C. 1015; to the Committee on Government Reform.


1784. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1785. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1786. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. DeFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Ms. WOODS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. WIju, for 5 minutes, today.

Ms. KAPU, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MECK of Florida, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. BARROW, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

(At the following Members (at the request of Mr. Poe) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and May 4 and 5.

Mr. FLAKE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, May 4.

Mr. BURTON of Indiana, for 5 minutes, today and May 4 and 5.

Mr. Fortune, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 10.

Mr. NORWOOD, for 5 minutes, May 5.

Mr. McCaul of Texas, for 5 minutes, May 4.

Mr. SMITH of New Jersey, for 5 minutes, today and May 4.

Mr. GOMPERT, for 5 minutes, May 4.
PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TOM DAVIS of Virginia (for himself, Mr. CASTLE, Mr. CLEAVER, Mr. CUMMINGS, Mr. DELAURO, Mr. ENGEL, Mr. FARR, Mr. HOLDEN, Mr. KILDREE, Mr. KIND, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MALoney, Mrs. MCArTHUR, Mr. McDOUGALL, Ms. MITKIE of Florida, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. ROSS, Ms. SLAUGHTER, Mr. SNYDER, Ms. UdALL, Ms. WASSERMANN SCHULTZ, Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. OWENS):

H.R. 2045. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide protections for the Surface Transportation Board, as amended not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X. Referred to the Committee on Transportation and Infrastructure for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X. Referred to the Permanent Select Committee on Intelligence for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(u), rule X. Referred to the Committee on Energy and Commerce for a period ending not later than May 13, 2005 for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2046. A bill to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes; to the Committee on Veterans Affairs, and in addition to the Committee on Governmental Reform, for consideration and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEE (for himself and Mr. SHAYS):

H.R. 2044. A bill to improve air cargo security, and to the Committee on Homeland Security.

By Mr. PENCE (for himself and Ms. BALDWIN):

H.R. 2043. A bill to establish the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. EVANS, Mr. BOOZMAN, and Ms. REED):

H.R. 2046. A bill to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BAKER (for himself, Mr. OBERSAT, Mr. ALEXANDER, Mr. BOUSTANY, Mr. REINBERG, Mr. P اCHEE, Mr. HOLLER, Mr. BERRY, Mr. PASTOR, Mr. MELANCON, Mr. POMEROY, and Ms. HERSCHT):

H.R. 2045. A bill to authorize appropriations for the Surface Transportation Board, to enhance rail transportation competition, and for other purposes; to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself and Mr. TOWNS):

H.R. 2048. A bill to protect the rights of consumers to diagnose, service, and repair motor vehicles in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, and Mr. CULBERSON):

H.R. 2049. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 2050. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the Old Man of the Mountain, the symbol of New Hampshire that passed on to its granite roots in the dawn of May, 2003; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. STRICKLAND):

H.R. 2051. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immigrant beneficiaries under the Medicare Program that have received an organ transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIBCHET (for himself and Mr. GILCHREST):

H.R. 2052. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

By Mr. CARDIN (for himself and Mr. GILCHREST):

H.R. 2053. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia as a National Historic Trail; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. CONROY, and Mr. ACKERMAN):

H.R. 2054. A bill to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2055. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 2056. A bill to reduce temporarily the excise tax on tire smoke, and for other purposes; to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MERRIN (for himself and Mr. ACKERMAN):


By Mr. MALTBEE (for himself, Mr. ABEL-CROMBIE, Mr. CARDIN, Mr. CASE, Mr. CASTLE, Mr. CLEAVER, Mr. CUMMINGS, Ms. DELAURO, Mr. ENGEL, Mr. FAHR, Mr. HOLDEN, Mr. KILDREE, Mr. KIND, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MALoney, Mrs. MCArTHUR, Mr. McDOUGALL, Ms. MITKIE of Florida, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. ROSS, Ms. SLAUGHTER, Mr. SNYDER, Ms. UdALL, Ms. WASSERMANN SCHULTZ, Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. OWENS):

H.R. 2058. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information on individuals’ health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals’ wishes are known and can be used by health care providers to disseminate information about and assist in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MALLENE:

H.R. 2059. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. SCHAKOWSKY, Mr. SCHOLZ, Mr. WELDON of Florida, and Mr. JONES of North Carolina, and Mr. MCKEON):

H.R. 2060. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself and Mr. CANNON):

H.R. 2061. A bill to enhance the ability of community banks to foster economic growth and serve their communities, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. PLATTS, Mr. HOLDEN, Mr. DENT, and Mr. WELDON of Pennsylvania):

H.R. 2062. A bill to amend the Internal Revenue Code of 1986 to permit one-time, tax-free distributions from retirement plans to fund health savings accounts; to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 2064. A bill to assure that development of certain Federal oil and gas resources proceeds in ways that respect the resources and respect the rights of the surface owners, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
ADDITIONAL SPONSORS

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

H.R. 22: Mr. Neal of Massachusetts, Mr. Latham, and Mr. McGovern.
H.R. 23: Mr. Doyle, Mr. Tierney, Mr. Crowley, Mr. Simmons, Ms. Solis, and Ms. Wasserman Schultz.
H.R. 25: Mr. Keller and Mr. Lewis of California.
H.R. 34: Mr. Inhofe of Oklahoma, Mr. Scott of Georgia, and Mr. Lipinski.
H.R. 97: Mr. Gibson of Tennessee.
H.R. 98: Mr. Pearce and Mr. Blunt.
H.R. 136: Mr. Hayworth, Mr. Rohrabacher, and Mr. Stearns.
H.R. 181: Mrs. Musher and Mrs. Norton.
H.R. 196: Mrs. Mugar.
H.R. 216: Mr. Ferguson.
H.R. 262: Mr. Wamp, Mr. Udall of Colorado, Mr. Peterson of Pennsylvania, Mr. Cardin, Mr. Reichert, Mr. Boyd, Mr. Skelton, Mr. Boren, Mr. Paschel, Mrs. Napolitano, Mr. Marshall, Mr. Hastings of Washington, Mr. Herssling, and Mr. Inslee.
H.R. 294: Mr. Emanuel.
H.R. 303: Ms. Schakowsky and Mr. Mack.
H.R. 354: Mr. Cardin.
H.R. 371: Mr. Oxley, Mr. McIntyre, and Mr. Shaw.
H.R. 175: Mr. Serrano.
H.R. 389: Mr. Higgins and Ms. Wasserman Schultz.
H.R. 404: Mr. Feeney.
H.R. 405: Mr. Conyers.
H.R. 438: Ms. Loretta Sanchez of California, Mr. Berman, Mrs. Napolitano, Ms. Millender-McDonald, Mrs. Davis of California, and Mr. Waxman.
H.R. 515: Mr. Menendez.
H.R. 534: Mr. Barrett of South Carolina.
H.R. 554: Mr. Terry and Mr. Alexander.
H.R. 556: Mr. Frelinghuysen.
H.R. 557: Mr. Davis of Florida.
H.R. 558: Mr. Berkley, Mr. Osborne, Ms. Hooley, Mr. Jenkins of Butlerfield, and Ms. Ginny-Brown-Waite of Florida.
H.R. 559: Mrs. McCarthy and Mr. Lipinski.
H.R. 562: Mr. Scott of Virginia.
H.R. 575: Mr. Burton of Indiana, Mr. Gilijalva, and Mr. Crowley.
H.R. 602: Mr. Tanner, Mr. Baca, and Mr. Scott of Virginia.
H.R. 653: Mr. Melancon.
H.R. 662: Ms. Lee, Mr. Owens, Mr. Brady of Pennsylvania, Mr. Davis of Illinois, Mr. Jefferson of New York, Mr. Schakowsky of Illinois, Ms. Waters, Ms. Kilpatrick of Michigan, Mr. Wynn, Mr. Meeks of New York, Mr. Abercrombie, Mr. Gonzalez, Ms. Millender-McDonald, Mr. Thompson of Mississippi, Mr. Payne, Mr. Cummings, and Ms. Norton.
H.R. 699: Mr. Filner, Mr. Brown of South Carolina, Mr. Kind, Ms. Linda T. Sanchez of California, Mr. Lewis of Georgia, Mr. Young of Florida, and Mr. Gilchrest.
H.R. 700: Mr. Kildee.
H.R. 712: Mr. Beaufre and Mr. Van Hollen.
H.R. 731: Mr. Abercrombie.
H.R. 738: Mr. Moore of Kansas.
H.R. 764: Mr. Gohmert.
H.R. 766: Mrs. Myrick.
H.R. 800: Mrs. Northup, Mr. Osborn, Mr. Tom Davis of Virginia, Mr. Istook, Mr. Hydrick, Mr. Lucas, Ms. Ross-Leftin, Mr. Ryan of Wisconsin, and Mr. Weldon of Pennsylvania.
H.R. 807: Ms. Bordallo, Ms. Corrine Brown of Florida, Mr. Kucinich, Mr. Kind, Mr. Farr, Mr. DeFazio, Ms. Lefler, Ms. McCollum of Minnesota, Mr. Honda, and Mr. Jackson of Illinois.
H.R. 809: Mrs. Myrick, Mrs. Curb, Mr. McHenry, Mr. Flake, Mr. Borelli, and Mr. Wicker.
H.R. 817: Mr. Evans, Mr. Cardin, Mr. Hyde, Mr. Issa, Mr. Baird, Mr. Daniel E. Lungren of California, and Mrs. Northup.
H.R. 827: Mr. Ferguson, Mr. Hayworth, and Mr. Ramstad.
H.R. 846: Mr. Lewis.
H.R. 869: Mr. Pitts, Mr. Nadler, Mr. Mollohan, Mr. Wexler, and Mr. McGovern.
H.R. 880: Mr. Owens.
H.R. 896: Mr. Westcott.
H.R. 913: Mr. Hoech, Mrs. Musher, and Mr. Pombo.
H.R. 916: Mr. Pascrell, Mr. Gilchrest, Mr. Beaufre, Mr. Bachus, Mr. Ramstad, Mr. Bradly of New Hampshire, Mr. Bishop of Utah, Mrs. Capito, Mr. Inslee, Mr. Capuano, Mr. Tom Davis of Virginia, Ms. Slaughter, Mr. Kennedy of Rhode Island, and Mr. Lucas.
H.R. 917: Mr. Bradly of New Hampshire.
H.R. 939: Mr. Lipinski.
H.R. 940: Mr. Bilirakis.
H.R. 997: Mr. Barrett of South Carolina, Mr. Deal of Georgia,Mrs. Bogtrotter, Mr. McCrery, and Mr. Bishop of Utah.
H.R. 1016: Mr. Engel, Mr. Owens, Mr. McDermott, and Mr. Frank of Massachusetts.
H.R. 1043: Mr. Norwood and Mr. Van Hollen.
H.R. 1049: Mr. Gallingly.
H.R. 1070: Mr. Deal of Georgia.
H.R. 1106: Mr. Lewis of Georgia, Ms. Baldwin, Ms. Corrine Brown of Florida, and Mr. Langvein.
H.R. 1108: Mrs. McCarthy, Mr. Rogers of Alabama, Mr. Garamendi, Mr. Gutierrez, Mr. Berkey, Mr. Hinchey, Mr. Dickis, Mr. Meehan, and Mr. Tierney.
H.R. 1120: Ms. Schakowsky, Mrs. Matsui, and Mr. Lipinski.
H.R. 1133: Mr. Ackerman, Mr. McGovern, and Mr. Souders.
H.R. 1135: Mr. Wexler, Mrs. Maloney, and Mr. Crowley.
H.R. 1155: Mr. Cardin.
H.R. 1157: Mr. Watt and Mr. Al Green of Texas.
H.R. 1175: Mr. McCollum of Minnesota, Mr. Case, and Mr. Kildee.
H.R. 1186: Mr. Burton of Indiana, Mr. Ferguson, and Mr. Chocola.
H.R. 1188: Mr. Platts.
H.R. 1191: Mr. Saxton.
H.R. 1201: Mr. Valz of Florida.
H.R. 1204: Mr. Miller of North Carolina, Mr. Taylor of Mississippi, Mrs. Tauscher, Mrs. Lowey, Mr. Costello, Mr. George Miller of California, Ms. Millender-McDonald, Mr. Boswell, Mr. Strickland, Mr. Hoyer, Ms. Corrine Brown of Florida, Mr. Cardin, Mr. Ryan of Ohio, Mr. Delahunt, Mr. Meehan, Mr. Brady of Pennsylvania, Ms. Matsui, Mr. Carson, and Mr. Meeks of New York.
H.R. 1216: Mr. Kuhl of New York.
H.R. 1217: Mr. Weldon.
H.R. 1226: Mr. Feeney and Mr. Ney.
H.R. 1227: Mr. Wicker, Ms. Berkley, Mrs. McCarthy, and Mr. Watt.
H.R. 1241: Mr. Pascrell.
H.R. 1258: Mr. Eshleman.
H.R. 1266: Mr. Beaufre, Mr. Pallone.
H.R. 1396: Mr. Crowley, Mr. Abercrombie, Mr. Baldwin, Mr. Terry, Mr. Bonilla, and Mr. Miller of Florida.
H.R. 1314: Mr. Kanjorski.
H.R. 1329: Mr. Statham.
H.R. 1337: Mr. Tiahrt, Mr. Norwood, Mrs. Drake, Mr. Upton, and Mr. Ryan of Kansas.
H.R. 1365: Mr. Kanjorski, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Mr. Lewis of Georgia, Mr. Emanuel, and Mr. Ford.
H.R. 1378: Mr. Skelton.
H.R. 1380: Mr. Bishop of Utah.
H.R. 1405: Mr. Sanders.
H.R. 1409: Mr. Sullivan.
H.R. 1425: Mr. Frank of Massachusetts.
H.R. 1436: Mr. Harmon.
H.R. 1445: Mr. McCaul of Texas.
H.R. 1474: Ms. Kaptur, Mr. Simmons, Mr. Larson of Connecticut, Mr. Owens, Mr. Hugel, and Ms. Bordallo.
H.R. 1480: Mr. Serrano, Mr. Evans, Mr. Wu, and Mr. Frank of Massachusetts.
H.R. 1499: Mr. Moran of Kansas, Mr. Hayworth, Ms. Ginny Brown-Waite of Florida, Mr. Barrett of South Carolina, and Mr. Conaway.
H.R. 1505: Mr. Turner and Mr. Shaw.
H.R. 1531: Mr. Gex.
H.R. 1522: Mr. Wexler.
H.R. 1549: Mr. Norwood.
H.R. 1554: Mrs. Musher of Michigan.
H.R. 1576: Mr. Bachus, Mr. Jones of North Carolina, and Mr. Istook.
H.R. 1586: Mr. Lantos, Mr. Owens, and Ms. Watson.
H.R. 1588: Mr. Larsen of Washington, Mr. Cardoza, Ms. Solis, Mr. Wexler, Mr. Menendez, Ms. Zoe Lofgren of California, Mr. Peck of North Carolina, and Mrs. Capps.
H.R. 1618: Mr. Taylor of North Carolina and Mrs. Emerson.
H.R. 1620: Mr. Owens.
H.R. 1622: Mr. Wexler.
H.R. 1633: Mr. Culverson.
H.R. 1638: Mr. Osborne, Mr. Upton, and Mr. Lipinski.
H.R. 1639: Ms. Solis and Mr. Holt.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 513: Mr. McNulty.
EXTENSIONS OF REMARKS

A PROCLAMATION IN MEMORY OF JAMES M. FELTIS III

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:
Whereas, I hereby offer my heartfelt condolences to the family, friends, and fellow officers of James M. Feltis III; and
Whereas, James M. Feltis III was a man committed to his family, a devoted husband to his wife of 21 years, and loving father to his six-year-old daughter; and
Whereas, James M. Feltis III was a member of St. Mary Catholic Church, the Fraternal Order of Police, and the Federal Law Enforcement Officers Association; and
Whereas, James M. Feltis III had been a field training officer, a criminal investigator, and a member of the HAZMAT Response Team through his 11 years of service with the Pentagon Police Department; and
Whereas, James M. Feltis III will be remembered for his ultimate sacrifice of self while protecting others, earning the Office of the Secretary of Defense Medal of Valor. His example of strength and courage will be forever remembered by those who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family, friends, and colleagues of James M. Feltis III.

TRIBUTE TO LT. COL. JOHN D. BARTH, UNITED STATES MARINE CORPS

HON. C. W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. YOUNG of Florida. Mr. Speaker, it is my pleasure and privilege to rise today and recognize an outstanding Marine, Lieutenant Colonel John D. Barth, who will retire this summer after 20 years of active service in the United States Marine Corps. During the past three and one-half years, a time of great importance to the Marine Corp as we are a Nation at war, he has served admirably as the Marine Corps Liaison to Congress for Appropriations.

Many of my colleagues and their staffs have come to know Lieutenant Colonel Barth as an exceptional spokesman for the United States Marine Corps. He has earned the complete confidence of the Members and staff of the Appropriations Defense Subcommittee, which I have the honor to chair, and the personal staff of Committee Members.

His straightforward approach and complete grasp of all facets concerning expeditionary warfare and program management, coupled with his gifted leadership and superb management have been of great benefit to my staff, the U.S. Congress and our national security.

Lieutenant Colonel Barth ensured that the U.S. Congress had the information necessary to determine how to best equip, maintain and support the United States Marine Corps, America’s force-in-readiness. These important programs include the MV-22, Joint Strike Fighter (JSF), Expeditionary Fighting Vehicle (EFV), Lightweight 155 Howitzer (LW-155), Maritime Prepositioned Force (Future), LHA(R), LPD-17, initial issue of gear for the Marine Corps America’s force-in-readiness. These important programs include the MV-22, Joint Strike Fighter (JSF), Expeditionary Fighting Vehicle (EFV), Lightweight 155 Howitzer (LW-155), Maritime Prepositioned Force (Future), LHA(R), LPD-17, initial issue of gear for the Marine Corps.

Lieutenant Colonel Barth’s uncompromising professionalism and interpersonal skills have provided a great service to the Congress. He has helped ensure that the Congress has the proper information about Marine Corps requirements and issues at the right time to make critical decisions about the future of the Marine Corps. His responses to numerous congressional inquiries made by House and Senate Members have always been timely, accurate, and professional.

Mr. Speaker, I have personally known Lieutenant Colonel Barth to possess an unquestionable devotion to duty, impeccable integrity, absolute sound character, and an exceptional sense of humor. He is a true consummate professional. His judicious use of these traits has allowed him to handle even the most delicate situations with what appears to be relative ease.

On a more personal note, I wish to highly commend Lieutenant Colonel Barth for his unwavering devotion to the injured and wounded Marines returning from our current combat operations overseas. On many occasions over the last several years, my wife Beverly and I have enlisted Lieutenant Colonel Barth’s assistance in addressing the needs of our Marines and their families at the National Naval Medical Center in Bethesda and other hospitals. Lieutenant Colonel Barth has not only addressed the needs and concerns of the Marines and their families promptly, but he has gone beyond the call of duty by personally visiting these young Marines, building personal relationships, offering counsel and other words of encouragement and advice, and providing true Marine leadership to these young men otherwise facing daunting personal challenges.

Through his exceptional personal efforts, Lieutenant Colonel Barth has contributed immeasurably to the Marine Corps, helping to ensure the strength and vitality of the Navy/Marine Corps team for years to come. In doing so, he has gone beyond his own service and positively impacted our Nation’s defense. Lieutenant Colonel Barth has made a lasting contribution to the capability of today’s Marine Corps and the future shape of tomorrow’s Corps.

It has been a distinct pleasure to work closely with Lieutenant Colonel Barth over the past three and one-half years. His insights have always been invaluable. He has set a high standard for others to emulate. His superior performance of duties highlighted the culmination of 20 years of honorable and dedicated Marine Corps service.

In closing, Mr. Speaker, I join my colleagues in the House and on the Appropriations Committee in wishing Lieutenant Colonel John Barth, his wife Michele, and their wonderful family continued success in their future endeavors. Many thanks, and Semper Fidelis, Lieutenant Colonel Barth. Our Nation has benefited from your outstanding leadership.

ANNOTATION TO SPECIAL ORDER OF APRIL 28, 2005 ON AMERICA’S RICE FARMERS

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. POE. Mr. Speaker, please annotate that in my Special Order of 28 April 2005 on America’s rice farmers, the profiles highlighting the farming legacies of the two Texas rice farmers—Mr. Ray Stoesser and Mr. Jack Wendt—were derived from Texas A&M University System Agricultural Research and Extension Center (Beaumont, TX)’s Texas Rice Newsletter in the July 2002, Volume II, Number 5 and June 2003, Volume III, Number 4 editions, respectively. Moreover, Mr. Wendt’s letter to President George W. Bush appeared in a Special Guest Editorial published in the March 2005, Volume V, Number 1 edition of the aforementioned newsletter.

Thank you for your attention to this information.

TRIBUTE TO JOSEPH ANTHONY CITTA

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Joseph Anthony Citta who is retiring at the age of 97 after almost a century of life lived to its fullest.

An attorney in Toms River, New Jersey, Joe was admitted to the New Jersey Bar in 1934. After his induction into the U.S. Army in 1941, he was discharged as a Major in 1946, following duty in Germany with the War Crimes Section.

Returning to Toms River with his wife and children, he built his law practice, Citta, Holzapfel, Azbarsky and Simon, of which he is CEO today.

He has served on the State Veterans Services Council, having been appointed by Governor Driscoll. Joe Citta was appointed as first Public Defender in Ocean County, and is a member of the Ocean County Bar Association, the New Jersey Bar Association and the American Bar Association.

Joe has served as President of many community organizations, among them the Toms
River Athletic Association, the Board of Edu-
cation of Toms River, the Ocean County Bar
Association, the Toms River Rotary Club, the
Ocean County Council Boy Scouts of America,
and Toms River Chamber of Commerce. He
was named Ocean County College (OCC)
Foundation’s Humanitarian of the Year twice,
and also received the OCC Distingui-
shed Service Award.

His benevolent acts in the community
through the Citta Foundation are legendary.
His significant contributions through the Foun-
dation are directed at the betterment of edu-
cation and life in Dover Township, which he
has called home for so many years.

I am pleased to congratulate my friend, Jo-
seph A. Citta, on his retirement, and to extend
the gratitude of the community for his gen-
erosity and support during a lifetime of serv-
ice.

A PROCLAMATION IN MEMORY OF
GEORGE TOZZI, SR.
HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005
Mr. NEY. Mr. Speaker:

Whereas, George Tozzi, Sr. was a retired
meat cutter with Kroger company, the former
owner of the Tee-Pee in West Bellaire, and
former owner of Phillip’s Trailer Court; and

Whereas, George Tozzi, Sr. was a member
of St. Mary’s Catholic Church in St. Clairsville,
the Knights of Columbus, Board of Directors
for A Special Wish Foundation, former mem-
ber of the Bellaire Civil Service Commission,
and American Legion Post 52 of Bellaire; and

Whereas, George Tozzi, Sr. bravely de-
fended our country for four years aboard the
U.S.S. Nashville in the Pacific Theater of
World War II; and

Whereas, the understanding and caring to
which he gave to others will stand as a monu-
ment to a truly fine person. His life and exam-
ple inspired all who knew him.

Therefore, while I understand how words
cannot express our grief at this most trying
times, I offer this token of profound sympathy
to the family, friends, and colleagues of George Tozzi, Sr.

IN RECOGNITION OF THE 90TH AN-
NIVERSARY OF THE ARMENIAN
GENOCIDE
HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005
Mr. KNOLLENBERG. Mr. Speaker, I rise
today to recognize the 90th Anniversary of
the Armenian Genocide.

April 24th, of every year, marks the anniver-
sary of the Armenian Genocide. Ninety years
ago, 1.5 million innocent Armenians were
killed at the hands of the Ottoman Empire.
This, the first genocide of the 20th century,
must be remembered, acknowledged, and
continuously reaffirmed.

It must be our goal to remind the Congress,
remind the country, and remind the world that
the Genocide happened. It is a historical fact,
and we will never forget. The United States should affirm the geno-
cide once and for all for so many reasons. But
one of the most important reasons is so that
we prevent atrocities from happening in the fu-
ture.

If we’re ever going to prevent genocides in
the future, the world has to admit to the past.
When genocides happen, we have to con-
demn them for what they are.

The quote from Adolf Hitler, in justifying his
evil acts, says it all—"who remembers today the extermination of the Armenians?"

Well, as Co-Chair of the Congressional Caucus on Armenian Issues, I’m here today to answer that question. We remember. And we’ll never forget.

And we’re not alone by a long shot. In fact,
37 States in this country have formally recog-
nized the Armenian Genocide. I think that’s a strong statement about the level of support in
this country for recognizing the Genocide.

And of course the Congressional Caucus on
Armenian Issues is fully committed to this
cause. On April 24th of every year, the Presi-
dent is required to issue a statement on the
Armenian Genocide. Recently, 178 Members
of the House of Representatives, and 32 Sen-
ators sent letters to the President urging him
to use the word “genocide” in this year’s state-
ment.

We will continue our efforts here in Con-
gress and use all the means at our disposal.

Some dispute the charge against the Otto-
mans, but let me make my feelings clear: the
Armenian Genocide happened, and it is the
duty and responsibility of the United States
and this Congress to affirm that. I rise today,
to reaffirm my position; it is time the United States Congress does the same.

PERSONAL EXPLANATION
HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005
Ms. GINNY BROWN-WAITE of Florida. Mr.
Speaker, on April 27, 2005, I was out of the
Congress and used all the means at our disposal.

Some dispute the charge against the Otto-
mans, but let me make my feelings clear: the
Armenian Genocide happened, and it is the
duty and responsibility of the United States
and this Congress to affirm that. I rise today,
to reaffirm my position; it is time the United States Congress does the same.

Tribute to Van Johnson
HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005
Ms. MATSUI. Mr. Speaker, today I rise in
tribute to a man with a truly distinguished ca-
erre in the healthcare community. To say that
Van Johnson has made a permanent mark in
the healthcare field would only begin to skim
the surface of the many wonderful contribu-
tions that he has made as a leader in the
healthcare industry and in his own community.
As his family, friends, and colleagues gather
to celebrate Mr. Johnson’s illustrious career, I
ask all my colleagues to join me in saluting
one of Sacramento’s most outstanding citizen
leaders.

Mr. Johnson earned his bachelor’s degree
in international relations and psychology from
Brigham Young University, and a master’s de-
gree in healthcare administration from the Uni-
versity of Minnesota. Upon completion of his
education, Mr. Johnson served for 13 years in
leadership roles at Intermountain Healthcare in
Salt Lake City, Utah.

Prior to assuming his current position as
president and chief executive officer of Sutter
Health in 1995, Mr. Johnson served as senior
vice president and chief operating officer for
Sutter’s acute and non-acute facilities as well
as services and physician organizations in the
Sacramento, Placer and Yolo County region.

Under his exemplary and innovative leader-
sHIP, Sutter Health has built or replaced more
than a dozen hospitals and major patient care
centers, and has introduced hundreds of new
patient services. Mr. Johnson’s commitment
dedictation culminated in an initiative worth
over 5 billion dollars to rebuild, replace, and
expand much of Northern California’s health
care infrastructure. In just the past five years,
Sutter Health has invested well over 1 billion
dollars in services for the poor and in pro-
grams and services that benefit local commu-
nities.

Mr. Johnson has also long been active with
community-based organizations. In 2001, the
Sacramento division of the Boy Scouts of
America recognized him as “Man of the Year,”
and the United Cerebral Palsy Association
named him “Humanitarian of the Year.” In
2002, he received the prestigious National
Healthcare Award from B’nai B’rith Intern-
national, one of the world’s oldest and largest
organizations focused on human rights, com-
munity action, and humanitarian causes.

In addition to his duties as president and
CEO of Sutter Health in Northern California,
he is currently board chairperson for the In-
tegrated Healthcare Council of California and
an advisory council member for the University
of California-Davis Graduate School of Business.

He also serves on the boards of the Sac-
ramento Regional Foundation and the North-
ern California chapter of the March of Dimes.
Mr. Speaker, as Van Johnson’s friends,
family, and colleagues gather to celebrate his
great career, I am honored to pay tribute to
one of Sacramento’s most honorable citizens.
Mr. Johnson’s continued leadership is a true
testament to public service. If a template for
commitment to healthcare could be made, it
would surely bear the resemblance of Van R.
Johnson. Although his time at Sutter Health
may soon be complete, his involvement in
community service is, fortunately for us, far
from over. I ask all of my colleagues to join
with me in wishing Mr. Van Johnson continued
success in all his future endeavors.

A PROCLAMATION IN MEMORY OF
NATALIE J. VANNELLE
HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005
Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt con-
dolences to the family and friends of Natalie J.
Vannelle; and
TRIBUTE TO FALLEN HEROES OF THE KENTUCKY FRATERNAL ORDER OF POLICE

HON. BEN CHANDLER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. CHANDLER. Mr. Speaker, with great honor I rise today to pay tribute to the fallen heroes of the Kentucky Fraternal Order of Police. We are the beneficiaries of their bravery and sacrifice. We will always be indebted to these men and women who sacrifice daily to protect our communities and ensure our safety. Their commitment to this country inspires future generations and stands as a powerful symbol of what we as Americans can. I want to commend them for setting such a fine example of what it means to live a life of duty and honor.

In these difficult times of fighting terror abroad, it is important to remember and thank those who keep us safe at home. Every day police officers put their lives on the line to protect the freedoms we often take for granted. Every day police officers work so America’s children will always know what it means to be free.

At a minimum, Mr. Speaker, we must always remember to give police officers the resources they need to do their jobs to the best of their ability. Shortchanging our police departments does more than hurt the officers, it hurts our entire country. And we must do more than fund our police departments; we must also be advocates for their service so all citizens know of their honor and courage, and sometimes ultimate sacrifice.

I am extraordinarily grateful to the men and women of Kentucky’s Fraternal Order of Police. Their service, dedication and commitment to protecting the citizens of Kentucky are vital to the future of our Commonwealth and reflected in all our past successes. It is my great honor to recognize these American heroes today.

A TRIBUTE TO VERMONT JOHNSON

HON. DAVID R. OBEY
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. OBEY. Mr. Speaker, I rise today to pay tribute to Mr. Vermont Johnson of Bayfield, Wisconsin, who recently retired after nearly twenty years as an Advisor to the Great Lakes Fisheries Commission. Mr. Johnson represented the sport fishing interests on that Committee and worked tirelessly to support measures that protect and improve the Great Lakes fishery.

The Commission’s Committee of Advisors was established under the 1965 Great Lakes Fisheries Act. The Committee is charged with advising the Commission about all fishery matters relating to fish stocks shared by Canada and the United States and is also an avenue for citizens to be heard on issues that concern them. Representatives on the Committee speak for the sport fishery, the commercial fishery, the public-at-large, and State agencies.

Mr. Johnson has a lifetime of experience with the Great Lakes and has a deep knowledge of the matters relating to the resource. As a motel owner, he certainly appreciated how the Great Lakes and their fisheries lured tourists. During his tenure on the Committee of Advisors, Mr. Johnson took on a number of issues of vast importance to the Great Lakes, and although he technically represented the sportfishing concerns of the Lake Superior waters of Wisconsin, his contributions to the Committee had a basinwide impact. He was, by all accounts, an integral member of the Committee, providing leadership on issues ranging from the rehabilitation of native species to the effect of underwater log salvage on fish habitat. He regularly attended and led meetings—often at great distance from home and at his own expense—and interacted with interests throughout the Great Lakes region.

Mr. Johnson grew up in Bayfield, Wisconsin, on the shores of Lake Superior. After attending the University of Wisconsin, he enlisted in the U.S. Navy as a Chief Boatswain’s Mate aboard the Coast Guard buoy tender Balsam in the Pacific—which I am told is the only vessel of its type to sink a Japanese submarine during World War II. After his service, he returned to Wisconsin, earned a degree in school administration, and served as a school superintendent for 35 years in several districts, as well as continuing on in the Coast Guard Auxiliary.

Mr. Johnson and his wife Harriett, who have been married for more than 60 years, continue to reside in Bayfield. He is an active leader in his community, helping to enlarge his church, and leading the building committee of the Bayfield Heritage Association. In fact, he remains involved in almost every civic activity in Bayfield.

For twenty years, Mr. Johnson—and usually Harriett—were stalwart participants in the meetings of the Great Lakes Fishery Commission and the Committee of Advisors, and happy to honor Mr. Vermont Johnson as he retires from the Great Lakes Fishery Commission’s Committee of Advisors—it is a pleasure to take note of his service.

VERMONT’S COMMUNITY ACTION PROGRAMS: FORTY YEARS OF SUSTAINING COMMUNITY

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. SANDERS. Mr. Speaker, in Vermont we are celebrating the fortieth anniversary of the Community Action Programs which have transformed the lives of thousands and thousands of people in our state. These CAP agencies provide citizens with assistance: the young and the elderly, rural residents and urban residents, homeowners and renters and the homeless, those with jobs and those without. These are not programs created to give handouts; instead, they work to develop comprehensive approaches to addressing the root causes of poverty, and to alleviating the consequences of poverty. Nor are they spinoffs of some far-distant Washington bureaucracy: the CAP agencies are locally staffed and their programs result from collaborative efforts with the lower-income people they are meant to serve.

Vermont’s Community Action Programs are community-based networks for social and economic development. There are five of them: Vermont Community Action (SEVCA), Central Vermont Community Action Council (CVCAC), Community Action in Southwestern Vermont (BROC), Northeast Kingdom Community Action Agency (NEKCA), and Champlain Valley Office of Economic Opportunity (CVOEO). Nearly 3,000 individuals (in 116 families) were provided services through the SEVCA’s Community Services department last year. NEKCA serves more than 6,000 moderate-to-low income families. Over 8,000 individuals obtained early childhood education, crisis fuel assistance, meals, and household insulation through CVCA. CVOEO provides a wide variety of vital services to approximately 8,000 households (just over 19,000 individuals) every year.

But numbers alone, as impressive as they are, do not tell the whole story. From child care to fuel assistance in cold weather, the CAP agencies are always there when people have needs. CAP agencies not only help hardest-pressed families find food, they support family farms through the Farm to Family coupon redemption program. They help retrain workers who have lost their jobs, and they provide a sound basis for a lifetime of learning through Head Start. They run micro-business development programs—and help citizens with their tax returns.

In SEVCA’s building there is a wonderful version of the Washington mural of mothers waiting in a breadline in the 1930’s, a reminder that economic need is—unhappily—always among us. That mural reminds us too of Franklin Roosevelt’s eloquent words, which are painted on the mural itself: “The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little.” Those words ring, today, with truth.

Too often the glowing colors of our television screens ignore the hard work of our newspapers ignore the actuality of life in America: that in the midst of the richest Nation in the history of the world, many go hungry, or are without health insurance, or lack adequate
education, or search fruitlessly for decent-paying jobs. The CAP agencies of Vermont never forget the realities in which we all live. They know that there are people who can benefit from the help of the government programs established by Roosevelt and Lyndon Johnson, programs begun in times when it was the purpose of government to serve all Americans—and not just wealthy Americans. The CAP agencies, and those who work for them, do much to help tens of thousands of Vermonters live the life that should be theirs, a life free from hunger, homelessness, hopelessness and want.

So after 40 years of hard and extraordinarily important work by those who work for and sustain the CAP agencies, let me say on behalf of all the citizens of my state: Congratulations on what you have done! All of us in Vermont are richer for the community you have built and sustained.

A PROCLAMATION HONORING MR. AND MRS. BOCEK

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker: Whereas, Joseph and Audrey Bocek were united in marriage January 9, 1953, and are celebrating 52 years of marriage; and

Whereas, Joseph and Audrey Bocek have dedicated their lives to each other; and

Whereas, Joseph and Audrey Bocek have illustrated the love and commitment necessary to live a long and beautiful life together.

Therefore, I, join with the residents of Toronto, and the entire 18th Congressional District of Ohio in congratulating Joseph and Audrey Bocek as they celebrate their 52nd Wedding Anniversary.

KENNETH B. CLARK
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. ENGEL. Mr. Speaker, I rise today to pay honor to Kenneth B. Clark, an educator and psychologist who spent his life working to improve the lives of African-American children. It is Clark’s pioneering research on the detrimental effects of racial segregation in schools that was cited by the Supreme Court in the landmark 1954 ruling, Brown v. Board of Education. Clark was born in the Panama Canal Zone in 1914 and, at age 5, moved with his family to a tenement in New York City to pursue the American Dream. Clark eventually earned his Masters degree from Howard University. Clark went on to become the first African-American to earn a doctorate in psychology at Columbia and also the first to hold a permanent professorship at the City College of New York. While teaching psychology at City College, Clark developed an interest in the effects of segregation on children and conducted his famous study on school segregation. This study demonstrated how racial segregation marred the development of black students and eventually influenced the landmark Supreme Court case.

After his professorship, Clark continued his work for children and became the first African-American to join the New York State Board of Regents, and again the first African-American to serve as president of the American Psychological Association. He belonged to a number of other prestigious organizations including the New York Psychoanalytic Institute and Development Corporation, the Society for Psychological Studies of Social Issues, and Phi Beta Kappa. He founded Harlem Youth Opportunities Unlimited and, with his wife Mamie Phillips, formed what became the North Side Center for Child Development. After retiring from the Board of Regents, Clark began his own consulting firm in my district, in Hastings-On-Hudson, New York. Kenneth B. Clark and Associates assists corporations with racial policies, affirmative action, and other minority hiring programs. Clark wrote many books, including “Prejudice and Your Child” and “Dark Ghetto” and was awarded many honors for his life’s work.

Clark dedicated his life to improving racial equality and never abandoned his belief in the importance of equal access to education, regardless of race. His free thinking and steadfast commitment to this racial equality will sorely be missed.

INTRODUCTION OF AIR CARGO SECURITY ACT

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. MARKEY. Mr. Speaker, more than three and a half years after the September 11th attacks, gaping loopholes in our country’s homeland security continue to put Americans at risk. The Department of Homeland Security’s former Inspector General Clark Kent Ervin testified recently before the Homeland Security Subcommittee on Management, Integration, and Oversight. Mr. Ervin told the Subcommittee that: “Even in the area where the most time, attention, and resources have been invested—airline security—serious vulnerabilities remain.”

One of our most dangerous vulnerabilities is the failure to screen 100 percent of the cargo that is carried on passenger planes and all-cargo aircraft. Every time we fly, we wait in security lines, empty our pockets, remove our shoes, walk through metal detectors, and have our baggage inspected. We do not complain much anymore, but this is enforced after all, we are told that is required to keep our planes secure—and we accept that. But what many people do not realize is that every time commercial cargo is loaded onto the very same passenger planes or placed on aircraft that transport only cargo, almost none of it is ever inspected at all.

The security risk created by unscreened cargo is not just theoretical: Pan Am Flight 103 was brought down in 1988 over Lockerbie, Scotland by a bomb contained in unscreened baggage, and Air India flight 182 was blown up in 1985 off the coast of Ireland by a bomb placed in unscreened luggage.

Uninspected freight on all-cargo carriers also poses a serious danger. Last summer, the 9/11 Commission’s Board of Inquiry and investigative teams found the Saudi-led Al Qaeda terrorist organization had purchased tons of ammonium nitrate at Alabama and other US ports. The amount would have been more than enough to power a bomb that could have killed 20,000 people in a single day and causing $6 billion in damage.

Today, Representative CHRISTOPHER SHAYS (R-CT) and I are introducing the Air Cargo Security Act to require the Secretary of Homeland Security to establish and begin implementing a system to inspect all the cargo transported on passenger planes and all-cargo carriers, so that this cargo is subject to the same level of scrutiny as passengers’ luggage. Our legislation also includes additional measures to close the cargo loophole, such as: a mandate that the Secretary of Homeland Security establish systems to inspect cargo using equipment, technology and personnel that meet, at a minimum, the same standards established to inspect passenger baggage; a requirement that the Secretary of Homeland Security monitor and evaluate the research and development of effective cargo screening technologies; establishment of a system of regular inspection of shipping facilities for shipments of cargo to ensure that appropriate security controls and systems are observed, both at facilities inside the U.S. and abroad; and a directive that the Secretary of Homeland Security report to Congress on the number of cargo shipping facilities that have been inspected, the number of facilities that have failed to comply with security controls, and the number of agreements concluded with foreign aviation authorities to ensure that regular inspections are conducted for cargo transported to the United States; and creation of a training and evaluation program for cargo handlers to improve the security ensure that cargo is safe-guarded from security breaches.

The House has voted overwhelmingly—by votes of 278 to 146 and 347 to 47—to require 100 percent screening of cargo on passenger planes. The airline industry and the Bush Administration strenuously objected to the 100 percent screening mandate, and the Senate ultimately dropped it from the final version of the Department’s FY04 appropriations bill. Last year, the House narrowly defeated our 100 percent screening amendment after strong opposition from the airline industry.

The experts who are our aviation system’s “eyes and ears”—namely, the pilots and flight attendants who work on board aircraft every day—have endorsed the Air Cargo Security Act. The Coalition of Airline Pilots Associations (CAPA), which represents 22,000 pilots at American Airlines, Southwest, AirTran and other airlines, and the Association of Flight Attendants, with its 46,000 members, have endorsed this important legislation. Since introducing similar legislation last year, I have addressed the concerns of the Air Line Pilots Association (ALPA) by including all-cargo carriers under the 100 percent cargo screening mandate, providing for regulations to implement this mandate. When I offered the Air Cargo Security Act as an amendment during the committee mark-up of the Homeland
Security Department’s FY06 authorization bill, ALPA supported my amendment.

While last year’s appropriations bill for the Department and the 9/11 reform implementation act included funding for cargo screening R&D, additional cargo inspectors, and related provisions, these measures do not go far enough.

TSA currently handles the screening of cargo carried on passenger planes by using a process it calls the “Known Shipper Program.” The Known Shipper Program requires only paper work to be filed, but no screening to be done. Mail and packages weighing less than 16 ounces are not even subject to the paperwork check—they are loaded straight onto the plane without even a perfunctory paper check! When that on-all-cargo inspection is the exception, not the rule—one tiny portion is physically inspected before loading onboard. TSA now requires air carriers to conduct random inspections of cargo that are randomly verified by TSA—but this still results in almost no cargo on passenger planes being physically inspected for explosives or other dangerous materials. TSA is unable to inform us of how many cargo inspections are performed by the air carriers because the air carriers do not have to report to TSA the number of cargo inspections they conduct.

Some have argued that the technology to screen 100 percent of cargo is not available. But the companies currently selling technology that is being used to screen cargo, including American Science and Engineering; L3 Security and Detection Systems; and Raytheon CargoScreen, some have argued that 100 percent screening is not technically infeasible. But countries including Israel, the United Kingdom, and the Netherlands routinely screen cargo. Moreover, Logan Airport in Massachusetts, which has been conducting a cargo screening pilot program, reported in February that “100 percent of all cargo on all types of aircraft is technically possible.” According to Massport, which is responsible for the operation of Logan Airport, a federal mandate to screen 100 percent of cargo and a funding mechanism to distribute cost among the major players involved are required. The Air Cargo Security Act provides this mandate and authorizes the appropriations needed to accomplish it.

Some have argued that the Known Shipper Program is enough to assure the security of cargo. The Known Shipper Program is dangerous and easily exploited. TSA has admitted that it has not audited most of the so-called known shippers in its database, and packages weighing less than 16 ounces are not even subject to the Known Shipper Program, even though the bomb that brought down Pan-Am Flight 103 contained less than 16 ounces of explosive!

I urge my colleagues to support the Air Cargo Security Act and close a dangerous loophole that puts our Nation at risk.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. McDERMOTT. Mr. Speaker, I rise to honor the contributions made by Asian Pacific Americans. May is Asian Pacific American Heritage Month and a time when every American should acknowledge the important role of Asian Pacific Americans in building our great nation.

The 7th congressional District in Washington State, which I represent, is home to more than 78,000 Asian Americans, the largest minority group in the district comprising over 13% of the population. Today, Seattle is home to a rich and ethnically diverse cultural weave of Japanese, Asian Indian, Korean, Chinese, Filipino, Cambodian, Laotian, Hmong, Vietnamese, Pacific Islanders and other Asian Americans.

The 1880 U.S. Census records the first resident of Japanese descent in the state of Washington. Over the next 150 years, Asian Americans contributed to our state and nation in many ways. In 1963, Wing Luke became the first Chinese American elected to the Seattle City Council, and today a museum is named in his honor. There were other triumphs: Ruby Chow was the first Chinese American woman elected locally and Gary Locke was the first Asian American elected Governor. Many Asian Americans serve today in the Washington State Legislature, other local elected offices, key leadership roles in civic organizations, business and industry.

Asian American role models come from all walks of life. Like many populations, Asian Americans had to persevere against prejudice, racial injustice and discrimination. When they immigrated, they worked in the mines and Alaskan canneries, logged the forests, were the first non-Native fishermen, and farmed the land. Up until World War II, Japanese Americans supplied nearly three-quarters of western Washington’s fruits and vegetables.

The war marked a turning point. Internment camps, including one near Seattle, were a stain on America’s conscience and it took four decades before we acknowledged the mistake, and the suffering inflicted on thousands of innocent Asian Americans. We learned a lot during World War II, about the courage and patriotism of Asian Americans, and about our own shortcomings in letting fear override reason at a time of world conflict. In a small but important way, naming a federal courthouse in Seattle after William Nakamura, a Japanese American Medal of Honor winner, was a statement about America being stronger because of Asian Americans.

In Seattle, we proudly celebrate Asian Pacific American culture and heritage, from the Vietnamese Tet in Seattle Lunar New Year celebration to other local cultural festivals. We also honor Asian Pacific Americans by preserving the ethnic heritage of our citizens. Places like the Museum of History, the Seattle Art Museum, the Filippino American National Historical Society, and Denso: The Japanese American Legacy Project keep us in touch with the roots of our neighbors. These wonderful resources proudly recall the past and promise a better future.

By celebrating Asian Pacific American Heritage Month, we honor the spirit of America as a nation of immigrants. By honoring Asian Pacific Americans, we honor Americans from every ethnic background. This celebration reminds us that America is a melting pot where we retain our ethnic heritage even as we assimilate the American experience. It is what makes America strong. It is what makes America the destination for people willing to risk their lives floating in rafts in the ocean to reach this great land. Celebrate Asian Pacific American Heritage Month.

IN RECOGNITION OF THE GREAT EDUCATOR, HUMANITARIAN, AND CIVIL RIGHTS ACTIVIST, DR. KENNETH B. CLARK

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor an outstanding American whose tireless work helped end segregation, raised the educational expectations of generations of New Yorkers, and advanced the idea of a truly integrated society. My dear friend, Dr. Kenneth B. Clark, Mr. Clark is a giant among us, and he will be missed by all who knew him. I extend my condolences to his family and I know I am joined by thousands of New Yorkers, as well as those throughout the Nation, who benefited from his work to end the injustice of segregated schooling and to create a society where all could have an equal opportunity to succeed.

Kenneth B. Clark was a brilliant scholar and teacher who influenced a generation of social scientists by his work, for example as a teacher at the City College of New York. He was also, and at heart perhaps he was even moreso, an activist who sought to bring about the social change required to attain equality of opportunity for African-Americans in our society. He inspired the vision of Dr. Martin Luther King Jr. and the leaders of the Civil Rights Movement toward a society in which people would be judged, as Dr. King put it “by the content of their character and not the color of their skin.”

Mr. Clark was committed to the achievement of an integrated society in America that would remove the barriers to full participation by blacks, but would also make whites more aware of the benefits to be derived from participation by all based upon talent. Dr. Clark had an impressive career of work for civil rights and education. His research in the 1950s established the inherent problems of segregated system and alerted the Supreme Court and the Nation to the negative effects of segregation on African-American youth. As a member of the New York State Board of Regents for twenty years, he continued to advise elected officials on ways to transform and improve their school systems. He was a passionate advocate for children and did not spare those who failed them.

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Dr. Clark was a leader in the civil rights movement that developed after World War II. He was the first black to earn a doctorate from Columbia University, the first to become a justice from Columbia, and in 1966, the first black elected to the New York State Board of Regents.

He wrote several influential books and articles and used his considerable prestige in academic and professional circles and as a participant on many boards and congressional committees to advance the cause of integration. He battled white supremacists and black separatists alike because he believed that a “racial consciousness” evitably destroys and damages human beings; it brutalizes and dehumanizes them, black and white alike.

It was his research with black school children that became a pillar of Brown v. Board of Education, the 1954 Supreme Court decision that toppled the “separate but equal” doctrine of racial segregation that prevailed in 21 states.

While for decades Dr. Clark was one of the great noblemen of the students’ revolt, his effect was particularly profound in New York City and New York State. Mayors and governors consulted him, and he expressed firm views on virtually every delicatory matter from school busing to housing discrimination.

He was a fearless and blunt about his views, and willing to change them when the empirical evidence led him to believe that his original sentiments were wrong. An early champion of a sweeping reorganization of the school system in rural Arkansas and when he asked one black doll looked “nice.” Seven of the 16 told Dr. Clark that they actually saw themselves as being closest to the white doll in appearance when asked, “Now show me the doll that’s most like you.”

“The children saw themselves as inferior, and they accepted the inferiority as part of reality,” Dr. Clark said.

Dr. Clark’s testimony in Clairemont County was used by the NAACP Legal Defense and Educational Fund in its challenge to the constitutionality of the separate-but-equal doctrine because it showed actual damage to children who were segregated and a violation of equal protection under the Fourteenth Amendment.

The Supreme Court, under Chief Justice Earl Warren announced its decision in Brown v. Board of Education, and Marshall, who had argued the case before the court, spoke to the press with the words of hope.

Dr. Clark recalled that Marshall told him that “Justice Warren had specifically mentioned the psychological testimony as key.”

The Office of War Information, for which he traveled over a career that spanned more than 50 years, Dr. Clark was uncompromising in his insistence that blacks be given equal rights and that even in the face of violence, threats and fear, they must “adopt a courageous, calm and confident position.”

Besides Ms. Harris, of Lausanne, Switzerland, and Jacqury, Fla., he is survived by his son, Hilton B. Clark of Manhattan, three grandchildren and five great-grandchildren. Dr. Clark’s wife died in 1946.

In terms of the basic objective,” he said, “decentralization did not make a damn bit of difference.”

Dr. Clark, who grew up in New York, gained firsthand knowledge of the effects of legally mandated segregation.

He was named to lead a Board of Education commission to integrate the city’s dilapidated public schools and to push for smaller classes, an enriched curriculum and better facilities in the city’s slum schools.

During this period he also served as a visiting professor both at Columbia and at the University of California. Berkeley. He became a full tenured professor in the city university system in 1960 and in 1961 won the Spingarn Medal of the National Association for the Advancement of Colored People for his contributions to promoting better race relations.

In 1962, Dr. Clark organized Harlem Youth Opportunities Unlimited, or Haryou, in an effort to recruit educational experts to reorganize Harlem schools, provide for preschool programs and after-school remedial education and reduce unemployment among blacks who had dropped out of school. Two years later, a committee headed by Attorney General Robert F. Kennedy endorsed, Haryou’s work, and as a result, President Lyndon B. Johnson’s administration earmarked $10 million to finance the program.

He served in the administration of a joint organization formed by the merger of Haryou and Associated Community Organizations by president Adam Clayton Powell Jr., the Harlem Congressman and minister. Mr. Powell and Dr. Clark, who served as acting chairman of Haryou-Act, were the sole directors of the new di-rector. Mr. Powell charged that Dr. Clark stood to profit personally from control of the program. Dr. Clark denied this and said that the two programs merged mostly in terms of the political power it gave him.

The struggle between the two was long and hard. Dr. Clark and journalists who grew to despise each other, something that Dr. Clark denied.
“I liked him,” Dr. Clark said of Mr. Powell. “Adam was one of the most honest, cor-rupt human beings I have ever met. One of the reasons I liked Adam is that he had so few lies in him.”

Dr. Clark quoted Mr. Powell as telling him, in the middle of the controversy, “Ah, Ken- neth, stop being a child. If you come along with too much attention to the problem, you’ll be a million bucks.” Dr. Clark explained that what Mr. Powell didn’t understand was: “I didn’t want any million dollars. What the hell was I going to do with a million dollars?”

In 1950, Dr. Clark became convinced he should move his family from New York City to West Orange. He wanted to live in Harlem because he and his wife could not bear to send their children to the public schools that he was trying so hard to improve. They were “my children only have one life,” he said.

At the same time, he decided that perhaps the way to hasten the improvement of city schools was to decentralize them. But after the schools were decentralized, they continued their decline. Dr. Clark came to think of the decentralization experiment as a “dis- aster.” He condemned many of the educational objectives he had sought.

By the 1970s, after the assassinations of the Rev. Dr. Martin Luther King Jr. and John F. Kennedy, and the difficulty in achieving integration in the North, many blacks were growing more wary of whites, more doubtful about overcoming prejudice and achieving racial equity. Dr. Clark was discouraged too, but he remained a firm ad- vocate of the integration of American society.

His colleagues described him as “an incorrigible integrationist,” convinced of the rightness of the civil rights struggle and cer-tain that the nation could not and should not go black.

In 1973, with a backlash to integration mounting, Dr. Clark said in an interview in The New York Times Magazine that “one of the things that disturbs me most is the sophisti-cated form of intellectual white back-lash,” citing the writings of Daniel Patrick Moynihan, among others. “In their ivory towers, they have lost all empathy with low-income people and black people. They are seeking to repudiate their own past liberal positions, fighting against their own heritage at the expense of the poor.”

Dr. Clark said he neither admired nor re-pected such intellectuals and said he was “dis-burmed, too, about it.” He recoiled at the thought of the students of the 1940s and 1950s having been better at asking probing questions. Dr. Clark was not so impressed with the students of the 1960s and said he thought their revolu-tion “was pure fluff.” He also retired from the Metropolitan Applied Research Center, which he had founded eight years earlier, and embarked on a consulting business on race relations and affirmative action.

Dr. Clark’s books included “Dark Ghetto” (1965); “A Relevant War Against Poverty” (1969); “A Possible Reality,” (1972); and “Pa-thos of Liberation” (1974). Despite the many honors he won and the respect he commanded, Dr. Clark said he thought his life had been a series of “mag-nificent and pitiful failures.” He added, at the age of 76, he confessed: “I am pessimistic and I don’t like that. I don’t like the fact that I am more pessimistic now than I was two decades ago.”

Yet as a conscience of New York politics and of the civil rights movement, he re-mained an unreconstructed, if anguished, in-tegrationist. His posture at one of his last lengthy interviews, chain-smoked Marlboros in his home, flanked by vivid Afri-can carvings and walls of books wrapped in sun-faded dust jackets, as he professed optim-ism but repeatedly expressed disappoint-ment over dashed expectations about experi-ments in school decentralization, open ad-missions at City University and affirmative action.

“There’s no question that there have been changes,” he said. “They are not as deep as they appear to be.”

Among the cosmetic changes was an rhe-rotical evolution from Negro to black to Af-rican-American. What, he was asked, was the best thing for blacks to call themselves? “White,” he replied.

He said a lack of meaningful progress could be blamed on blacks who saw themselves only as victims and on whites too narrow-minded to recognize their own self-interest in black success. As whites become a minori-ty in a polyglot country, he was asked, won’t they see that it is in their interest that blacks succeed? “They’re inc-ently bright,” he replied. “I don’t think you can expect whites to under-stand the effects of prejudice and discrimina-tion against blacks affecting them. If whites really understood, they would do something about it.”

A PROCLAMATION IN HONOR OF PETTY OFFICER SECOND CLASS MELVIN MAHLKE

HON. ROBERT W. NEY OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, Melvin Mahlke has served for twenty years in the United States Navy; and

Whereas, Melvin Mahkle is to be commended for the honor and bravery that he displayed while serving our nation; and

Whereas, Melvin Mahkle has demonstrated a commitment to meet challenges with enthu-siasm, confidence, and outstanding service; and

Whereas, Melvin Mahkle is a loving husband to his wife, Candra, and father to his children, Brittany, Mason, and Dalton.

Therefore, I, join with the family, friends, and the residents of the entire 18th Congressional District of Ohio in thanking Petty Officer Second Class Melvin Mahkle of the United States Navy for his service to our country. Your serv-ice has made us proud.

IN RECOGNITION OF THE NORTH JERSEY AVALANCHE YOUTH HOCKEY TEAM; WINNERS OF THE 2005 USA HOCKEY TIER I CHAMPIONSHIPS IN THE 12 & UNDER DIVISION

HON. STEVEN R. ROTHMAN OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pride to honor a tremendous group of young people from the great state of New Jersey, the North Jersey Avalanche PeeWee A hockey team. The Avalanche recently won the 2005 USA Hockey Youth Tier I National Championship in the 12 & Under Division. The team skates out of the Ice House in Hackensack, NJ, which lies in the heart of my congressional district, and happens to be the largest ice-skating facility in the Garden State.

Led by head coach Glenn Carlough and assistant coach J.J. Picinic, the North Jersey Aval-anche won the National Championship in a very convincing fashion. After cruising through preliminary tournaments, the group of 17 youngsters, many of whom have been playing hockey since they were toddlers, made their way to the Tier 1, 12 & Under Division Championships in Fairbanks, Alaska. In six games of fierce competition, the Avalanche rose to the top, with an outstanding record of five wins and one loss, and scoring a total of 29 goals, while only allowing 11.

On April 13, 2005, over 1,000 people were in attendance for the Championship game, in which the North Jersey Avalanche took on the Los Angeles Hockey Club. The team hit the ice strongly, scoring two goals in just the first minute of the game. They maintained their inten-sity, as evidenced by the strong perform-ances of players like Charles Orzetti, who scored two goals, including the game-winner. Anchoring the team’s performance in the final game was goalie Jonathan Dargis, who faced 27 shots and made 25 saves. The monu-mental effort put forth by all the team mem-bers led the Avalanche to a decisive 8–2 vic-tory.

The North Jersey Avalanche Tier I championship is one of two national hockey teams based at the Ice House in Hackensack. Built in 1997, the Ice House is widely regarded as one of the premier ice-skating facilities in the Nation. In addition to the thousands of
young athletes who play in year-round leagues and train in a variety of clinics, several Olympic figure skaters practice at the Ice House routinely, including 2002 Gold Medalists Sarah Hughes, Elena Berezina and Anton Sihanaridze. The Ice House’s athletic programs continue to train and accommodate Northern New Jersey’s youth, teaching the importance of physical fitness and upholding the values of good sportsmanship—values that the national champion Northern New Jersey Avalanche proudly uphold.

Mr. Speaker, I would like to ask my distinguished colleagues to join me in recognizing the tremendous achievements of the outstanding group of young athletes who comprise the National Champion Northern New Jersey Avalanche, and acknowledge the success they have achieved, and the pride that they bring to the people of the great state of New Jersey.

TRIBUTE TO THE LATE DR. NSIDIBE N. IKPE
HON. KENDRICK B. MECK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. MEKK of Florida. Mr. Speaker, it is with great pride—but with deep sorrow—that I rise to pay tribute to the late Dr. Nsidibe N. Ikpe, one of my community’s quiet unsung heroes. On Saturday, May 7, 2005, he will be memorializing during a service to be held at Miami’s Glendale Missionary Baptist Church.

Born on February 18, 1949 in the village of Ndíya, Akwa Ibon State, Nigeria, West Africa, he was the first son of Chief Nelson Ikpe and Ant Akpan Uko. His genuine character as an industrious youth paved the way to his becoming one of the most accomplished professionals of Nigeria.

Married to Helen Roberts of Nigeria in 1969, Dr. Ikpe immigrated to the United States to pursue higher education. He supported himself with odd jobs and was soon employed by the Boy Scouts of America, where he won several accolades. It was while he served as a custodian in a psychiatric hospital in Iowa that he was inspired by the work of the doctors there and decided to pursue a career in medicine.

Entering Washburn University in Topeka, Kansas, he earned his Doctorate of Medicine and completed his internship and residency at Westchester General Hospital in Des Moines, Iowa. Afterwards, he established the Legion Park Medical Center in Miami, and expanded his practice to three more community clinics in South Florida at which he treated over 50,000 patients. It is this commitment that endeared him to our community, and it is with this remembrance that he will be sorely missed as one of our preeminent minority physicians.

Though a highly private individual, he virtually conducted a service to himself to public service. In so doing, he symbolized everything that is good and noble about the spirit of idealism and optimism in serving his fellow man, particularly the downtrodden and less fortunate.

The numerous accolades he received during his lifetime buttress the unequivocal testimony of the gratitude and respect he enjoyed from the community. I am deeply privileged to have enjoyed his friendship, and I now join our community in remembering his giving spirit and the magnificent works that emanated from his boundless heart.

TRIBUTE TO THEODORE BIKEL
HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Theodore Bikel, a Renaissance man who has made his mark as an accomplished musician, actor, author, lecturer, and activist. Throughout his life, Theodore has been committed to arts awareness, human rights, and Jewish activism, and his service to the Los Angeles community and the world has been truly remarkable.

Theodore was born in 1924, in Vienna, Austria. At the age of 13, Theodore and his parents fled Austria to avoid Nazi persecution. They eventually settled in Palestine, where Theodore began to develop a deep respect for Jewish tradition and the performing arts. He soon began acting in the famous Habimah Theater. After a few years of training, Theodore left for London, where he performed in theatre productions. He eventually caught the attention of Sir Laurence Olivier and was cast as Mitch in “A Streetcar Named Desire.”

After his initial success, Theodore went on to star in Broadway productions of “The Sound of Music,” “The Lark” and “The King and I,” but he is most famous for his portrayal of the character Teyve in “The Fiddler on the Roof,” a role he has played more than 2,000 times. Theodore later branched into film, and in 1959 he was nominated for a Best Supporting Actor Academy Award for his role as the Southern Sheriff in “The Defiant Ones.”

In 1965, Theodore made his concert debut at the Carnegie Recital Hall, and in 1988 he won an Emmy Award for his portrayal of Harry Newmark, an early immigrant pioneer of the West Coast. In recognition of his inspirational work on stage, Theodore will be honored this spring with a star on the Hollywood Walk of Fame.

Off stage, Theodore has used his talents to advance causes near to his heart. During the Civil Rights Movement, he helped produce the album “Sing” for Freedom: Civil Rights Movement Songs. He has also dedicated himself to human rights movements around the world, visiting and entertaining soldiers during the Yom Kippur War of 1973 and serving as a board member of Amnesty International. Back on stage, Theodore has been a member of the Actors’ Equity Association and a member of President Carter’s National Council on the Arts.

Throughout his life, Theodore has also made serving the Jewish community a priority. Most notably, he has been involved in the South African Jewish movement and has served as senior vice president in the American Jewish Congress. In the Los Angeles Jewish community, Theodore has collaborated with Rabbi David Baron and cofounded Temple Shalom for the Arts in L.A.

Mr. Speaker, please join me in recognizing Theodore Bikel, an influential leader, a visionary artist, and a talented individual whose spirit and activism have inspired our generation and will undoubtedly touch generations to come.

INTRODUCING THE RAILROAD COMPETITION IMPROVEMENT AND REAUTHORIZATION ACT OF 2005
HON. RICHARD H. BAKER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. BAKER. Mr. Speaker, today I am joined by House Transportation and Infrastructure Committee Ranking Member JAMES OBERSTAR to introduce the Railroad Competition Improvement and Reauthorization Act of 2005, a bill designed to restore a measure of competition to our Nation’s freight rail marketplace. We are also joined by our colleagues Representatives RODNEY ALEXANDER, CHARLES BOUSTANY, WILLIAM JEFFERSON, CHARLIE MELANCON, Denny REHBERG, COLLIN PETERSON, DARLENE HOOLEY, MARION BERRY, and Ed PASTOR. This bill, I believe, captures the true intentions of railroad deregulation.

Like all Americans, Mr. Speaker, I want our national railroad industry to remain the most efficient in the world. Indeed, our railroad system is a model for other national systems. My home state of Louisiana in particular relies heavily on efficient railroads to deliver product to market and provide the feedstock for our manufacturing base. Without reliable rail service, Louisiana—and all of America—would be economically harnessed.

Congress deregulated the railroad industry in 1980 when it passed the Staggers Act. This law revitalized the industry, built efficiencies in the system, and bolstered the railroads as a critical component to America’s transportation infrastructure. As Chairman of the Louisiana House Committee on Transportation and Highways, I observed closely the implementation and success of the Act.

However, one lingering element of the Staggers Act provides for “differential pricing,” which in effect allows railroads to “price gouge” customers served by a single railroad in order to help make up for revenue that is lost to customers served by more than one railroad. In other words railroads can overcharge a customer where the railroad is a monopoly to help recover the revenue it loses in a competitive, multiple-railroad environment.

Prior to the Staggers Act, the federal government administered the finances of railroads by imposing price controls. But by allowing railroads to institutionalize price gouging, are we not continuing the practice of price controls? Indeed, is differential pricing the thriving legacy of regulatory control? I believe it is. I assert that differential pricing is no more “de-regulation” than the artificially imposed government price controls that existed before 1980.

I do not believe Congress intended to institutionalize price gouging when it passed the Staggers Act in 1980. Rather, the Staggers Act was an attempt to revive an important industry in America’s economy. It was not enacted to allow the industry to thrive at its customers’ expense. When the 109th Congress reflects back on the success of the Staggers Act, we can indeed take pride in “getting it right.” Congress achieved its goal of resuscitating the ailing railroad industry, but Congress...
Mr. HIGGINS. Mr. Speaker, I rise today to recognize a proud son of Buffalo and Empire State, Mr. Thomas Hobart on his recent retirement as President of the New York State United Teachers. Mr. Hobart skillfully served in that capacity for the past 33 years.

Tom Hobart is a graduate of Buffalo State College and in 1959 he began his career teaching Industrial Arts in the Buffalo Public Schools. At that time the furthest thing on his mind was union activity, but by struggling to get by on a starting teaching salary he easily recognized that teachers needed to join together to get collective bargaining rights. In 1964 Tom became his Building representative to the Buffalo Teachers Federation, in 1969 he became BTFT President, and in 1971 he was elected President of the New York State Teachers Association.

Tom realized that the presidency enabled him to be an advocate not only for teachers but also for public school students and for children in general. He realized that greater numbers provided greater influence, and the best way to achieve that influence was to merge the two State Teacher unions. Tom immediately began pressing for the merger and worked with New York City’s legendary Albert Shanker to create NYSTY. In March of 1973 Tom was one of the first President of a 200,000 member statewide union. Today because of his leadership, the New York Teachers Federation boasts a membership of over one half million members and it is regarded as one of the most respected, influential and effective labor organizations in the nation.

On Thursday, January 25, 2005, President Hobart will be recognized for his outstanding service to New York States Teachers at a reception honoring him upon retirement. I would like to extend my sincere congratulations to Tom and his wife Dorothy, and wish them many happy years together in retirement.

TRIBUTE TO SGT. DON MALARKEY, LT. LYNN “BUCK” COMPTON, AND VANCE DAY

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, I rise today to convey my deepest appreciation to Sgt. Don Malarkey, Lt. Lynn “Buck” Compton and Vance Day, on the occasion of their trip to our Nation’s Capital to share their stories, talents and leadership qualities with the Congress this evening.

Don Malarkey and Buck Compton are highly decorated veterans of World War II. They served with the 101st Airborne Division’s Easy Company throughout the Allied advance to victory. Their distinguished service and that of their company were memorialized in Stephen Ambrose’s Band of Brothers and the riveting Band of Brothers mini-series in which they were featured prominently.

From their dramatic parachute drop behind enemy lines to securing German positions and reduce resistance to the amphibious D-Day invasion, to action in Holland, Bastogne, Germany, Austria and eventually Hitler’s Eagle’s Nest, they showed courage under fire, perseverance, personal sacrifice and compassion in the heat of battle. Both Don and Buck served with distinction during the war, and have lived extraordinary lives out of the service as well.

I’m proud to claim Don Malarkey as a born and bred Oregonian. Born in Astoria in 1921, he volunteered for the “Parachute Troops” after the bombing of Pearl Harbor. He was an original member of Easy Company and served more consecutive days of combat than any other member of his unit. During his service he received a number of decorations including the Bronze Star with Oak Leaf Cluster and the Purple Heart. After his final tour of serv-ice, Don went on to become one of the young-est elected county commissioners in Oregon’s history. He later worked as a real estate consultant and broker and became a renowned lecturer who has spoken at the United States Military Academy at West Point and numerous locations in North America and Europe. He now resides in Salem, Oregon, with his wife Irene.

Buck Compton was born in Los Angeles and attended UCLA where he played catcher on the baseball team with Jackie Robinson and was a starting guard in the 1943 Rose Bowl game. He was commissioned as a 2nd Lieutenant out of UCLA’s ROTC program and went on to jump school at Ft. Benning, GA. He earned a Silver Star for bravery on D-Day for his role in the successful destruction of four 105 mm cannons, a Purple Heart after sustaining an injury in Holland, the America Defense Medal and World War II Victory Medal. After the war, Buck completed his law degree at UCLA then went to work in the Los Angeles County prosecutor’s office where he convicted Robert Kennedy’s assassin, Sirhan Sirhan. In 1970, Governor Ronald Reagan appointed him to the California Court of Appeals where he served until his retirement in 1990. He now lives in Mt. Vernon, Washington near his two daughters and their families where he pursues weekly policy and political commentary on local radio.

In addition to the decorations already mentioned, both Don and Buck were awarded the Combat Infantry Badge; Presidential Citation with Oak Leaf Cluster; European, African, Mid-Eastern Campaign Medal and the American Campaign Citation.

Mr. Speaker, Don and Buck forged a fast and enduring friendship that helped them through day after day of combat and has kept them close contact ever since when Buck was injured by a German round, Don led the effort to drag him to the back of a tank and off the battlefield. Their continuing friendship is a testament to the adventures they shared and I’m pleased to welcome them today.

I am also pleased to welcome their friend and mine, Vance Day, from my home state of Oregon. Vance has long been a friend with whom I’ve worked on many political issues of importance in the State. He is a former news reporter and historian who now is a partner at a law firm in Salem. It was Vance who first approached me about sponsoring this event, and I thank him for moderating the presentation today as he has at similar events around the country. In fact, due to his diligence, similar presentations are being held at the Heritage Foundation, Family Resource Council, and the White House during their trip to Washington, D.C.

It is truly fitting that we are here with Don, Buck and Vance at this time, just days before the 60th Anniversary of the Allied victory in Europe, a day we are able to celebrate only because of the sacrifices made by men like Don, Buck and countless others of “The Greatest Generation” who stood in the face of
Champion Award for Regional Small Business Administration

RECOGNIZING THE GEORGE MARK CHILDREN’S HOUSE

HON. FORNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize the George Mark Children’s House in San Leandro, California, the first free-standing residential children’s hospice and respite care facility in the United States. The House offers around the clock respite care; transitional care, end-of-life and family care services to children with life-threatening or terminal illnesses.

The George Mark Children’s House’s focus is on keeping the family intact while in the midst of profoundly challenging circumstances. The House features private family quarters that allow parents and siblings to stay together with a child during the final stage of his or her life, when care at home or the hospital is no longer practical and/or desirable. The House helps families make the most of the precious time they have remaining together. In this unhurried, nurturing and non-institutional setting, child focused end-of-life care and bereavement support is available for the entire family.

An interdisciplinary team of specialists staff the House; pediatric physicians, nurses, social workers, spiritual care counselors, therapists and intensively trained volunteers. Through the generosity and support of the community, the George Mark Children’s House is accessible to medically eligible families, regardless of their ability to pay.

It is anticipated the House will serve up to 150 families per year from the San Francisco Bay Area and beyond. I am hopeful the George Mark Children’s House will serve as a model to be replicated throughout the country for the establishment of other residential children’s hospices for terminally ill children, and respite care for their families with a full spectrum of supportive services.

I send best wishes to the George Mark Children’s House as we welcome them to our community.

CONGRATulating KAREN KUREK
OF HINSDALE, ILLINOIS

HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate Karen Kurek, a resident of the 13th Congressional District of Illinois, on receiving the U.S. Small Business Administration’s 2005 Illinois District Office and Midwest Regional Small Business Administration Champion Award for “Women in Business Champion of the Year.”

Karen Kurek began her career in Arthur Andersen’s Audit practice in 1981 where she became a manager in 1985 and a partner in 1994. Soon after her elevation to partner she gave birth to twins, which made it difficult for Karen to continue with the 60-hour workweeks that are customary for partners. Facing a dilemma common to many—how to manage a career and family—she paved a pioneering path at Arthur Andersen by proposing and negotiating a reduced work schedule on what was to be a one-year trial basis. Karen faced her fair share of skeptics, but she proved them wrong and was reappointed at Arthur Andersen, but she committed herself to making these same benefits available for other women working for the firm.

Karen’s success led to her appointment as head of Arthur Andersen’s Innovative Growth and Retention of Women (GROW) Initiative. Established in 1998, GROW’s purpose was to significantly enhance the recruitment, retention, advancement and leadership paths of women within the firm. Under Karen’s leadership, the GROW initiative led to reduced turnover among women, an increased number of women in leadership positions, greater implementation of flexible work schedules, and Arthur Andersen’s repeated citation in Working Mother Magazine’s annual list of “100 Best Companies for Working Mothers.”

Today, Karen continues to help women excel in the workforce. As a partner at RSM McGladrey, she heads the firm’s Women’s Initiative—an ongoing, multi-faceted program of networking, mentoring and career-building activities designed to create a culture that encourages diversity and allows women professionals to excel.

Throughout Karen’s career, she has paved the way for the women who followed her. Working tirelessly to establish a supportive environment for women in the workforce, she helped to create an atmosphere in which women looking to balance a career and family can thrive professionally. I commend her for improving the lives of women and their families and I once again congratulate her on receiving this much deserved award.

PERSONAL EXPLANATION

HON. ELTON GALLEGGY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. GALLEGGY. Mr. Speaker, on Thursday, April 28, 2005 I was unable to vote on the motion to suspend the rules and agree to H. Res. 210, Supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and Worldwide. Had I been present, I would have voted “yea” on roll call vote 150.

CELEBRATING THE CITY OF TREASURE ISLAND, FLORIDA’S 50TH ANNIVERSARY

HON. C. W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise to ask my colleagues to join me this afternoon in celebrating the 50th anniversary of incorporation of the City of Treasure Island, which I have the great privilege to represent. It was at 2:32 p.m. on May 3, 1955 that the Florida State Legislature by a special act incorporated the towns of Sunset Beach, Boca Ciega, Sunset Beach, and Treasure Island into the City of Treasure Island.

Throughout this past half-century, the city has grown into a favorite destination for beachgoers from throughout Florida, our Nation and the world. Although the current population of Treasure Island is 7,500, in the winter months it more than doubles to accommodate the many visitors who want to experience its beautiful beaches; colorful sunsets; unique shops, restaurants and businesses. It is a great community in which to live, to work, and to play.

Many individuals, volunteer organizations, and elected officials have made significant contributions to the development of Treasure Island over the past 50 years. Eight individuals have had the honor to serve the city as Mayor and countless others have served on the city council. Together, they have worked hard to maintain the small town feel for this jewel of Florida’s Gulf Coast.

In closing, Mr. Speaker, let me again congratulate the people of Treasure Island as they gather today for the reenactment of the signing of their charter of incorporation. It has been an honor to represent the city in public office for 45 of their first 50 years and to call it home for many of those years. Please join me in wishing the City of Treasure Island and its residents and visitors well as they embark on their next 50 years of living and working together.

PERSONAL EXPLANATION

HON. JEFF FLAKE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 149 and 150. I was regrettably absent from the chamber today during rollcall votes 149, and 150. Had I been present, I would have voted “yea” on rollcall 149, and “yea” on rollcall 150.

INTRODUCTION OF LEGISLATION

HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. CARDIN. Mr. Speaker, today I am introducing two pieces of legislation that will be catalysts for the forthcoming national commemoration of the Bicentennial of the War of 1812. The first bill, entitled the “Star-Spangled Banner National Historic Trail Act”, will establish within the National Park Service’s National Trails System a 290-mile long trail extending from Southern Maryland through the District of Columbia and Virginia and north to Baltimore, Maryland. The trail will follow and recognize
the Chesapeake Campaign of the War of 1812. That campaign culminated with the British bombardment of Ft. McHenry which inspired our National Anthem.

The second bill, entitled the “Star-Spangled Banner and War of 1812 Bicentennial Commission Act,” establishes a National commission to organize, facilitate and encourage observance and commemoration of America’s Second Revolutionary War—the War of 1812. The Commission will also seek to protect historic and cultural resources associated with the War of 1812.

The War of 1812 tested our young nation to its roots. Shortly after conclusion of the Revolutionary War and the establishment of a federal government for our nation, the English and French entered 22 years of war. Our nation, dependent upon trade to survive, was increasingly drawn into this conflict. Though we struggled to remain neutral traders, essential tools in the English-French conflict were the naval blockade and other trade-restricting efforts. The English, with the most powerful navy, were particularly effective in enforcing blockades, often directly off our shores—frequently intercepting American trading vessels in our own territorial waters. In addition, the British aggressively impressed American sailors. England claimed the right to halt American ships and remove both suspected deserters from the Royal Navy and former subjects of His Majesty though they were American citizens.

From 1793 through 1812, our country sought to establish its neutrality and reduce growing tensions between the British and French through diplomacy. But anti-British feelings grew, particularly in the West and South where expansionists were strong. Growing economic pressures also led to young, aggressive Members of Congress from these regions gaining control and declaring war against the British in 1812.

Central to the War of 1812 was the Chesapeake Campaign. The British were depending largely upon their navy to vanquish the Americans and they almost immediately began a very effective blockade of the Chesapeake and Delaware Bays. In the summer of 1814 the British launched a land and naval attack upon the United States beginning in Southern Maryland. The British engaged with the American Chesapeake Flotilla on St. Leonard’s Creek in Calvert County in June. In August they put troops ashore at Benedict, on the Patuxent River and began marching towards the largely undefended City of Washington. After the brief Battle of Bladensburg, the British marched into Washington and burned much of the new federal city.

The British then turned to the greater prize of the era, an attack on Baltimore. The City of Baltimore in 1814 was far larger, wealthier and more important than Washington. Three American warships were under construction in the Baltimore harbor at the time and the City’s shipyards were well known for crafting the most effective privateers—the Baltimore Clippers. But Baltimore was well defended. Local leaders had organized defensive efforts, acting independently from the national government. Private donations of more than $500,000 had been made to go freighters and militias from Maryland, Virginia and Pennsylvania gathered, joining with many local citizens to defend the city.

The British first met strong resistance at the Battle of North Point, but they prevailed through greater numbers and then held up just outside the city limits to await the naval cooperation necessary to occupy Baltimore. Thus Ft. McHenry became the crucial battle line. The heroic defenders at Fort McHenry held off the British fleet through the ships’ long-range cannon fire, which advanced our English ambassador and preserving liberty and independence for our young nation. Our National Anthem, written that fateful night by Francis Scott Key as a poem, well recognizes the historic importance of this battle to our people and nation.

The proud history of this Second War of Independence deserves broad national commemoration upon its bicentennial. The first bill introduced today will designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. Today, the Park Service has designated 16 National Historic Trails, from the Lewis and Clark trail of exploration, to the trail from Selma to Montgomery. The Star Spangled Banner Trail will recognize the most important sites from the War of 1812’s Chesapeake Campaign and the role played by the patriots of these battles in the ultimate defeat of the British by our young nation.

The second bill we are introducing today authorizes the “Star-Spangled Banner and War of 1812 Bicentennial Commission” to plan, coordinate and undertake other efforts to commemorate the historic events associated with the War of 1812. The Commission will be made up of citizens from 9 key states involved in the War from Alabama to New York, representatives of the cities of Baltimore, Washington and New Orleans, members of National Park Service, and appointees of the House and Senate. The Commission will have broad authority and responsibility for bicentennial events, but will also work to assure that the natural and cultural resources of the war are protected for the long term. As well, the Commission will enable improvements at sites and to facilities necessary to enhance and maximize our citizens’ appreciation of this era’s proud history.

Several years ago Congressman Gilchrest and I worked closely on legislation directing the Park Service to conduct the studies that have lead to introduction of these bills. I am pleased that he is joining me today as the original co-sponsor on both. I would also like to recognize all the legislative work of Senator Paul Sarbanes for the commemoration of the Bicentennial of the War of 1812. He has introduced companion legislation in the Senate to the two bills we are introducing today.

Mr. Speaker, I hope all our colleagues from the regions directly impacted by the War of 1812 and throughout the nation will join us in support of both these bills.

HONORING CHANCELLOR JAMES H. MULLEN, JR. AND HIS SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE AND WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. TAYLOR. Mr. Speaker, I rise today in grateful recognition of Dr. James H. Mullen, Jr., Chancellor of the University of North Carolina at Asheville. Dr. Mullen, who has served as Chancellor since July 1999, will leave UNC Asheville in July 2005. As an incredible advocate of excellence in liberal arts education and a proponent of community partnerships, Chancellor Mullen leaves a legacy of achievement at the University of North Carolina at Asheville that will surely be missed.

Under his leadership, Chancellor Mullen has advanced UNC Asheville’s national prominence in public liberal arts education. UNC Asheville is ranked fourth among the nation’s 21 public liberal arts universities by U.S. News & World Report magazine, has been a “best buy” in the Fiske Guide to Colleges for 11 years, and is one of just 81 colleges included in the “America’s Best College Values.”

Among the notable University initiatives begun during his service the past six years are the Pisgah Astronomical Research, Science and Education Center, a collaboration that created a national radio astronomy observatory and education center; the National Environmental Modeling and Analysis Center, which partners academia, governmental agencies, non-profit organizations, and businesses in the area of prediction and analysis of air, land and water environmental data; the Craft Campus, that will provide a much-needed facility for its students, will serve as a national model for green building, and add to the region’s growing craft economy; and the North Carolina Center for Health and Wellness Promotion, a unique academic and outreach program that will focus on regional problems of childhood obesity, workplace wellness and senior wellness.

During his tenure, the University has also undertaken a $49 million, bond-funded capital construction program. The new Highsmith University Union opened in Fall 2004 and the new Carmichael Hall classroom building will open in Fall 2005. Under way are the new Zeis Science and Multimedia Arts classroom building, a facilities management complex, and renovations to the Zageir Hall classroom building.

Under other funding sources, the University also completed the Governors Hall residence hall and the Reuter Center, home to the North Carolina Center for Creative Retirement.

Dr. Mullen has also overseen the development of new and innovative academic and co-curricular programs, such as Integrative Liberal Studies, which is a new and innovative approach to general education.

Perhaps Chancellor Mullen’s most valued legacy is his strong personal relationship with students, in whom he vested his confidence, trust and hope for the future. Dr. Mullen has always demonstrated an intense personal interest in all students, attending organization meetings, joining students for lunch in the Dining Hall, for chats on the Quad and for an occasional tag football game.

On behalf of North Carolina’s Eleventh District, I would like to thank Chancellor Mullen for his dedicated service to the students at the University of North Carolina at Asheville and wish him the best of luck and success as he becomes Chancellor at The College of Our Lady of the Elms in Massachusetts.
IN HONOR AND REMEMBRANCE OF NORBERT “WHITEY” PRIEBE

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my dear friend, Mr. Norbert ‘Whitey’ Priebel—beloved husband, father, stepfather, grandfather, brother, and friend to many. His passing marks a great loss for his family and friends, and also for the people of Slavic Village and Newburgh Heights.

Throughout his entire life, Mr. Priebé’s caring heart and concern for others reflected along Fleet Avenue. He was born in Cleveland, grew up in Newburgh Heights, and graduated from St. Stanislaus High School. Although he was of Polish heritage, Mr. Priebé became an honorary son of Cleveland’s Czech community. His forty year involvement with the heart and soul of Fleet Avenue, Ceska Sin Karlin Hall, served to uplift every aspect of this significant cultural organization—an organization that bridges modern life and antiquity, and connects the people of America to their traditions and customs of their Eastern European origins.

Mr. Priebé maintained an unwavering focus on family, community and country. During the Korean War, he served with honor and courage as an infantryman in the United States Army. Following his discharge, he remained an active member of the VFW to promote the lives of so many in the so-called “Mexican-American” community of the times, and he was one of the first of his generation to call public attention to the civil rights struggle of Latino people after decades of indifference, benign neglect and outright discrimination.

Priebé also was an accomplished poet and lover of art and literature often extolling the virtues of education and urging his followers to use their minds as a means of fighting injustice. Anita, his oldest daughter, has said that the standard bill of fare in the Gonzales household was the latest fad or fashion, but discussions on art, literature, politics and philosophy. In this regard, Corky was a true “Renaissance man”—although I suspect he would flinch at that description.

In 1965 he founded the Crusade for Justice”, which became a Mecca for like-minded individuals committed to the cause of justice and equality for those on the margins of society. While the nation’s television news covered the marches in Selma and the civil rights struggle of African-Americans throughout the South, young Corky was raising a similar voice for equality in the West.

In 1967 he wrote a celebrated epic poem “I am Joaquin” which many describe as the greatest poem to come out of the Chicano Civil Rights Movement. The poem, an odyssey of self discovery and affirmation of ethnic pride quickly became a blueprint for social action and a clarion call to an entire generation of Americans young and old alike.

He was not without his detractors, but anyone who attempts to achieve anything of lasting importance for people of my generation, he was a much needed voice for change. To his followers and to those who loved and respected him he was “the hurricane that rose from the barrios of Denver to lift his people into the 21st century.”

This fearless warrior left an indelible imprint on our society and future generations of leaders. But for his early journey, paving the way for others, Colorado might never have witnessed Federico Pena as Mayor of Denver or Ken Salazar as a United States Senator. Corky launched the idea of Chicano Pride long before it became fashionable to celebrate Hispanic identity.

He had been born a few decades later perhaps, the young boxer might have exchanged his gloves for a seat in this House, but his contributions to our country and to the communities of color that are so deeply a part of the mosaic of the Southwestern United States remain a testament to his memory.

In the Chicano and Mexican-American communities in my part of the country there is a deep sense of pride in being called to service. Corky Gonzales was like all great heroes, a human being who contributed to the great tradition of being involved in something greater than his own self-interest. In that great tradition it is my pleasure to declare . . . Rodolfo “Corky” Gonzales, Present!

IN SUPPORT OF A BILL FOR THE FURTHER STUDY OF DYSTONIA

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of a bill I introduced expressing the need for further study of the neurologic disorder dystonia, which is characterized by powerful and painful muscle spasms that cause the body to pull into distorted postures. It is the third most common movement disorder after Parkinson’s disease and Tremor. Dystonia affects more people than Parkinson’s disease and strabismus and is a debilitating disease.

To personalize the importance of research pertaining to dystonia, let me tell a short story about Art Kessler, a man from the 7th District of Illinois, who was diagnosed at age 12 with early-onset dystonia. He and his wife, Wendy, decided to remain childless to prevent another life from being burdened with dystonia. However, due to recent technological advances and a ground breaking procedure called preimplantation genetic diagnosis (PGD), Mr. Kessler and his wife are the proud parents of a dystonia-free child. Benjamin is the first child ever to be born using PGD.

I urge my colleagues to support this resolution to bring in increased public awareness about dystonia and to encourage future research into the causes and possible cures. The efforts put forth by agencies such as the National Institute of Neurological Disorders and Stroke and the National Institute on Deafness and Other Communication Disorders have been very valuable, but more needs to be done. Let us strive to make success stories like that of Mr. Kessler everyday occurrences. This is the path we hope to take by supporting and eventually passing this resolution.

HONORING THE TOWN OF SUMMERDALE, ALABAMA, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor the community of Summerdale, Alabama, in the 100th anniversary of its founding.

The Town of Summerdale was founded by Eli Summer on October 4, 1904, was incorporated in 1929, and was initially intended to
IN HONOR OF THE 100TH ANNIVERSARY OF THE LEGAL AID SOCIETY OF CLEVELAND

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Legal Aid Society of Cleveland, as we join them in celebrating 100 years of outstanding service in advocating for the legal rights of our most vulnerable citizens, our poor. The Legal Aid Society was formed in May 1905 as a beacon of protection and hope in assisting low-income individuals in matters of legal concern. Isadore Grossman was its sole attorney until 1912. He served thousands of immigrants in desperate need of a trusted legal advocate.

Over the past century, the Legal Aid Society has grown and evolved, yet its core mission has remained constant and unwavering—to provide compassionate support to those unable to afford legal representation, and also to advocate on behalf of issues facing our community. The work of the Legal Aid counselors is far-reaching. During the early part of the twentieth century, Legal Aid attorneys helped establish the Cleveland Municipal Court and Small Claims Court that served to replace corrupt local judges. In 1966, C. Lyelon Jones was appointed the Legal Aid Society's executive director, a position he has held today. His passion for social justice and compassion for the people of our community is reflected throughout his tenure.

Mr. Speaker, the 754 residents of Summerdale, Alabama, are firmly rooted in their proud past, and at the same time are keeping a careful and optimistic eye on the road ahead. The vision displayed by their community leaders during the past 100 years has led to the creation of a stable community and one of the anchors for all of Baldwin County, and I have no doubt that the continued inspired leadership and vision of today's residents and leaders will lead to even greater successes in the years ahead.

It is my hope the Town of Summerdale continues its story of success for another one hundred years.

HONORING DR. MARIE V. MCDERMOND

HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor Dr. Marie V. McDemmond, who is retiring from her role as President of Norfolk State University (NSU).

During her inspiring career in higher education, Dr. McDemmond has served more than 35 years as an extraordinary leader and educator. Dr. McDemmond has worked tirelessly to ensure fair access to higher education for minority and underprivileged populations throughout the country. Her steadfast commitment to this principle is well documented through her testimony before Congress and her service on numerous national boards and commissions.

As a member of President Bush’s Board of Advisors for Historically Black Colleges and Universities, Dr. McDemmond’s service has brought national recognition to the issue of equity in funding and support for minority-serving institutions throughout these United States.

Dr. McDemmond is the first African-American woman to serve as President of a four-year college in Virginia. Her success has established the financial and academic credibility for her institution that exemplifies NSU’s creed: “Achieving with Excellence.”

In recognition of Dr. McDemmond’s unwavering integrity, wisdom and dedicated service to others, members of the Commonwealth of Virginia’s Congressional delegation offer the following:

Our Commonwealth owes Dr. McDemmond a debt of gratitude for her outstanding commitment to higher education. Her leadership has helped Norfolk State to gain the financial resources and infrastructure necessary for prominence in science and technology. The success of her efforts has earned the accolades of government officials and legislators throughout Virginia, and her insights have been sought on several occasions by President George W. Bush. I join with the other members of Virginia’s Congressional Delegation in commending Dr. McDemmond for a lifetime of exceptional work.—Senator John Warner (R-VA)

Dr. McDemmond has been one of our Commonwealth’s outstanding educational and technological leaders. Her tireless work to secure the financial resources necessary to help Norfolk State University move to the forefront in science and technology has helped close the so-called opportunity divide. For her efforts, she has received wide recognition and much deserved praise and admiration.

Dr. Marie V. McDemmond has been an invaluable asset to Norfolk State University and to higher education in Virginia. Norfolk State University has truly benefited from her innovative and visionary leadership, which has positioned the university to excel in the 21st century. It has been a distinct pleasure to work with Dr. McDemmond specifically in bridging the digital divide between Historically Black Colleges and Universities and other universities. She will be very much missed at Norfolk State University and within the entire collegiate community—Congressman Randy Forbes (R-VA)

Dr. McDemmond is everything a leader should be: full of energy, dedicated to her students and determined to do the very best for her students. She has tremendous accomplishments, and she is always willing to tackle big challenges. Often such people can be intimidating, but to the contrary, Dr. McDemmond is so easy to work with, so genuine, so kind, so a great friend, and my prayers are with her as she retires from her service—Congresswoman Thelma Drake (R-VA)

Under the leadership of Dr. Marie McDemmond, Norfolk State University (NSU) has developed into a vibrant institution with cutting edge programs and operations. Dr. McDemmond has positioned NSU as a national leader in the areas of science and technology, and she has been sought on several occasions by President George W. Bush. I join with the other members of Virginia’s Congressional delegation in commending Dr. McDemmond’s leadership of NSU will be sorely missed, we are gratified to know that she has chosen to continue to serve NSU and to aid in the academic and personal growth of her students—Congressman Robert C. “Bobby” Scott (D-VA)

On the occasion of her retirement, it gives me great pleasure to recognize and commend Dr. McDemmond for her service and dedication to the cause of higher education in Virginia.
NATIONAL TEACHER’S DAY

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in celebration of National Teacher’s Day, which is taking place today. This week (May 1–May 7) is Teacher Appreciation Week, and as we continually work to improve the American education system, we should take time to honor the hardworking, patient, passionate and understanding people who are the backbone of this system.

National Teacher’s Day began due to the persistence of Arkansas teacher Mattye Whyte who wrote to politicians and education leaders starting in 1944 pushing for a national day to honor teachers. Eleanor Roosevelt persuaded the 81st Congress to proclaim such a day in 1953. In March 1985, the National Education Association, NEA, and the National Parent-Teacher Association, PTA, established Teacher Appreciation Week as the first full week of May, with the first Tuesday remaining as National Teacher’s Day.

As a former educator, I can attest to the great responsibility that falls on the shoulders of teachers. This responsibility is accepted with aplomb by energetic, passionate and caring teachers who are dedicated to bettering the lives of their students. Teachers are a guiding force in the lives of our youth, just as they were for us when we were children. As Dan Rather once explained, “The dream begins with a teacher who believes in you, who tugs and pushes and leads you to the next plateau...”

Children are the key to the future of the United States, and we entrust them to the incredible corps of teachers who give everything they have, each day they enter the classroom.

Today, let us remember the teacher’s who pushed us to greatness and let us show our appreciation for these teachers and the teacher’s of today’s children, who through their intense dedication leave lasting contributions on our society as a whole.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. NEUGEBAUER. Mr. Speaker, due to official congressional business, I missed Rollcall vote No. 150 on H. Res. 210, a resolution supporting the goals of World Intellectual Property Day. Had I been present, I would have voted “aye.”

HONORING MARLA RUZICKA

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and work of human rights activist Marla Ruzicka. Marla devoted her life to fighting for peace and justice, spending much of her adult life either abroad working to provide relief to victims of violent conflict, or in Washington, D.C. lobbying for the foreign aid those victims so desperately need. Most recently, Marla founded a non-profit organization called Campaign for Innocent Victims in Conflict (CIVIC), the objective of which is to accurately count the number of Iraqi civilian deaths in the war. While working to gather first-hand accounts of civilian casualties in Iraq, Marla was killed when a car bomb exploded in Baghdad on April 16, 2005.

At the time of her death, Marla had been working to advance human rights and social justice for more than ten years. After hearing a talk given at her high school in Lapeort, California by a staff member of the international non-profit group Global Exchange, she went to the Global Exchange office to see what she could do to help. Marla’s energy and passion for helping those in need was an inspiration to other activists in the group, and she learned quickly as she became more involved in human rights efforts. In college, Marla chose an institution and course of study that allowed her to travel the world, learning from diverse cultures and helping to facilitate relief efforts underway in a number of countries.

In the course of her travels, Marla worked with people impacted by the AIDS epidemic in Zimbabwe, with refugees in Palestine and rural farmers in Nicaragua. Following the U.S. invasion of Afghanistan in 2001, Marla traveled to that country with a Global Exchange delegation. She was so moved by the plight of the civilian victims of this conflict that she met there that she decided to devote her life to providing relief to people in those circumstances. Until the summer of 2002, Marla remained in Afghanistan, where she conducted a survey on the military campaign’s effects on Afghan civilians and used that information to get assistance to the families that were harmed. Immediately following her return from Afghanistan, Marla moved to Washington, D.C. to lobby for U.S. assistance for civilian victims of armed conflict.

Working with USAID and the Senate Appropriations Committee, Marla advocated the allocation of money to rebuild homes for families that suffered as a result of U.S. military actions.

In 2003, Marla once again heeded the call of duty and went abroad, this time traveling to Iraq before the U.S.-led invasion. In the months that followed, she founded CIVIC and formed survey teams to fan out across the country to gather first-hand accounts of civilian casualties. Marla was instrumental in securing millions in aid money from the federal government for distribution in Iraq, and by the time of her death she had interviewed and routed assistance to thousands of Iraqis.

Today we come together in sadness over the loss of someone who was such a bright light during such a dark time in our world. However, we are also here to celebrate the help and hope Marla devoted her life to giving to people who needed it to provide the federal government to increase aid to victims of violent conflict, traveling the world to provide direct relief, or inspiring those around her simply by being the vibrant and giving person that she was. Marla never ceased to work for what was right and improve the lives of those around her.

And though the scope and impact of her work in providing aid to those in need is truly beyond compare, what she has given to us is greater than the measurable sum of her actions. Marla’s passion for defending human rights and advocating for those who have no voice led her to challenge convention, and to do so without concern for herself. The conviction and compassion that drove Marla to do everything in her power to help others leaves a bright legacy from which we can all draw inspiration, and that we must all strive to emulate. On behalf of the 9th Congressional District, I salute Marla Ruzicka for all that she gave of herself to our community, our country and our world.

HONORING MR. ANTWAN DEON ODOM ON THE OCCASION OF HIS BEING HONORED ON “ANTWAN ODOM DAY” IN BAYOU LA BATRE, ALABAMA

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor Mr. Antwan Deon Odom of Bayou La Batre, Alabama, on the occasion of his being honored by his community on “Antwan Odom Day.”

Antwan was born on September 24, 1981, in Mobile, Alabama. During his early years, he worked in Bayou La Batre’s seafood industry and during high school worked part-time after class unloading both shrimp boats and crab trucks. Early in life, he became an active football player and played in the Zillrott Park youth football league and, later, at Alba Middle and Alba High schools. Following the merger of Alma and Bryant High schools, Antwan played on the new school’s varsity team. His talent and accomplishments on the field drew national attention, and he was named by Parade Magazine to their All-American Team and was also honored as both the Class 6A “Lineman of the Year” and the Super Prep Player of the Year. Antwan graduated from Alma-Bryant High School in 2000 and received a high football scholarship to the University of Alabama. Antwan’s outstanding success on the Crimson Tide football team earned him further accolades throughout Alabama and across the country. Following his freshman year, he was named an honorable mention Freshman All-American by Rivals.com. By the end of his collegiate career, Antwan ranked fifth in the university’s all time sack leader list with 21 and had registered 98 tackles, 40 quarterback pressures, four forced fumbles, one fumble recovery, five pass deflections, and two blocked kicks. Rather than finish his senior year at Alabama, he opted to declare his eligibility for the 2004 National Football League draft. In the second round of the draft, Antwan was made the 57th pick by the Tennessee Titans.

Mr. Speaker, Antwan Odom is certainly very deserving of being honored with his own hometown celebration. Although he is a young man who has progressed quite far in just a few short years and who has developed into one of the leading stars in professional football today, he has not forgotten his roots. To this day, he continues to split time between his hometown and his new home in Tennessee, and the fame he has achieved has done little to diminish his love for his family,
his community, and his state. I ask my colleagues to join me in congratulating Antwan Odom for both the great success he has enjoyed in his life and his outstanding representation of the First District of Alabama. I know his family—his wife, Brooke, and his sons, Antwan, Jr., and Baylor—and many friends are also proud of him, and I wish his entire family much health and success in the time ahead.

IN RECOGNITION OF COLONEL MARC E. FREITAS, UNITED STATES MARINE CORPS (RET.)

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. JONES of North Carolina. Mr. Speaker, today I recognize Colonel Marc E. Freitas on the occasion of his retirement from the United States Marine Corps. Colonel Freitas has honorably served our great Nation for more than 33 years.

A native of Oakland, California, Colonel Freitas first enlisted in the Marine Corps in 1971, earning the title of Marine at the Marine Corps Recruit Depot, in San Diego California. Within a year, Colonel Freitas was selected to become a Marine Officer, and was subsequently commissioned a 2nd Lieutenant of Marines in June 1974. Following completion of The Basic School at Quantico, Virginia, Colonel Freitas attended and completed Naval Flight Training at Pensacola, Florida, and was designated a Naval Flight Officer.

Colonel Freitas has served with distinction throughout his career. His unselfish sacrifice has taken him throughout the globe in the service of our Nation. He has flown RF-4B reconnaissance aircraft off the deck of the U.S.S. Midway during the Iranian Hostage crisis, flown missions from Guantanamo Naval Base, Cuba, and served with the United States Air Force, flying reconnaissance aircraft at Shaw Air Force Base, in Sumter, South Carolina. He has also held several commands, to include a squadron detachment of Phantom aircraft deployed to the Republic of Korea, Marine Wing Headquarters Squadron 2 at Marine Corps Air Station, Cherry Pt., North Carolina, and the Marine Aviation Detachment located at Naval Air Station, China Lake, California.

In 1992, Colonel Freitas deployed to Mogadishu, Somalia, as the Plans Officer for the Joint Force Air Component Commander. His efforts there helped provide relief to people throughout the region. Colonel Freitas has completed Marine Corps Command and Staff College, Amphibious Warfare School, and the Armed Forces Staff College, and in 1993 he was selected to become the first Marine Corps Fellow at the RAND Corporation, where he worked to find solutions to the issues facing both the Marine Corps and the Nation in the decades ahead. Marc was promoted to the rank of Colonel in October 1996, and several award-winning accomplishments include the Defense Superior Service Medal, two Legions of Merit, two Meritorious Service Medals, the Joint Service Commendation Medal, the Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal.

In October 2001, Colonel Freitas began his assignment as the Deputy Legislative Assistant to the Commandant of the Marine Corps. In the 3 years he served in this important position, his support to Members of Congress has played a vital role in addressing this body to readily address issues of national importance. Further, his complete grasp of all facets of naval warfare and his ability to provide this Congress with accurate and timely responses to congressional inquiries helped to ensure a bright future for our Marine Corps.

Throughout his career, Colonel Marc Freitas has demonstrated those values that we as a Nation expect from our Marines. His impeccable moral character, skilled leadership, and absolute professionalism have helped to make the Marine Corps the premier institution it is today. On behalf of the Congress and the nation, I wish Marc, his wife Linda, and their children Jenny and Matthew, fair winds and following seas, as they enter this new chapter of their lives.

INTRODUCTION OF H.R. 2046, THE SERVICEMEMBERS’ HEALTH INSURANCE PROTECTION ACT OF 2005

HON. STEVE BUYER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. BUYER. Mr. Speaker, today I am introducing H.R. 2046, the Servicemembers’ Health Insurance Protection Act of 2005, to strengthen the rights of men and women serving in the Reserve components of our armed forces when they seek to have their health insurance reinstated upon release from active military duty. As Chairman of the Committee on Veterans’ Affairs, I am pleased that Mr. EVANS, Ranking Minority Member of our Committee; Mr. BOOZMAN, Chairman of the Committee’s Economic Opportunity Subcommittee; and Ms. HERSETH, the Subcommittee’s Ranking Minority Member, have joined me as original cosponsors in introducing this legislation.

Frequently, members of the National Guard and Reserve drop their health insurance coverage upon their mobilization, because they and their families have become eligible for the Department of Defense TRICARE health care system. Under the Servicemembers Civil Relief Act (SCRA), a servicemember ordered to active duty who terminates health insurance coverage is entitled to reinstatement of coverage until they have begun active duty, they may lose their right to reinstatement of coverage. This measure would conform the USERRA health care insurance reinstatement right to the change in TRICARE eligibility and ensure no loss of coverage.

Mr. Speaker, these improvements in our laws would further protect members of the National Guard and Reserve who so willingly make great personal sacrifices in the defense of our Nation. I urge my colleagues to support H.R. 2046, the Servicemembers’ Health Insurance Protection Act of 2005, to provide new health insurance protections for these guardians of freedom.

TRIBUTE TO KAHUKU HIGH AND INTERMEDIATE SCHOOL

HON. ED CASE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. CASE. Mr. Speaker, I rise today to extend my deepest congratulations to the incredible students of Kahuku High and Intermediate School for their great achievement in winning 4th place at the national finals of the We the People: The Citizen and the Constitution program, held in Washington, DC from April 30 to May 2, 2005. These outstanding students from my Oahu’s North Shore underwent months of intensive study and hard-won victories to earn the right to represent Hawaii in the finals, where they competed against a class from every state in the country and demonstrated a remarkable understanding of the fundamental ideas and values of American constitutional government.

This is the second consecutive year in Hawaii’s 9-year history at this rigorous competition that Kahuku has competed in the final 10. This is truly a wonderful accomplishment that our whole state is deeply proud of!

I want to again commend Kahuku’s great teacher, Sandra Cashman, for her unending support and devotion to her students and for producing new generations of responsible citizens. Recommendations are also in order for State Coordinator (and State Representative) Lyla Berg and District Coordinator Carolina Kaanehe for fostering development of what will surely be our leaders of tomorrow.

However, ultimately this competition is by and about our outstanding students. So I would like to extend my heartfelt congratulations to each and all of them by entering their names for posterity into our CONGRESSIONAL RECORD: Genevieve Allen, Yesenia Arevalo, Anaysha Baines, Bonnie Cameron, Mei Ching, Dannah Christensen, Krystle Corpuz, Oliver Howells, Loma Kekua, Jokke Kokkonen, Jacqueline Lautaha, William Law, Catalina
Markowitz, Ani McArthur, Sara Mirels, Brad Rasmussen, Ashley Rillamas, Lizette Sague, Noelle Spring, Shirl Tagayuna, Joseph Trisolini, and Morgan Wright. You have all done your Hawaii proud, and we wish you only best wishes and aloha in all of your future endeavors.

IN HONOR OF THE NEWLY NAMED,
WALTER F. EHRFELT, JR. U.S. POST OFFICE
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise to today in tribute and remembrance of Mayor Walter F. Ehrenfelt, Jr., as the U.S. Post Office in the City of Strongsville is renamed in honor of his outstanding legacy. Mayor Ehrenfelt was a devoted family man, accomplished community leader, and admired friend and mentor. His vision, integrity and love for his community led the City of Strongsville through an amazing journey that extended over a quarter of a century, leading this quiet, rural village through the evolution of inevitable progress, without rustication, leading this quiet, rural village through the evolution of inevitable progress, without rustication. His leadership established clear requirements for proper management of ground water that is extracted in the course of oil and gas development.

Second, it would provide for greater involvement of surface owners in plans for oil and gas development and requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing energy development.

Finally, it would require developers to draft reclamation plans and post reclamation bonds for the restoration of lands affected by drilling for federal oil and gas.

The bill is based on one introduced in the 108th Congress that was endorsed by the Colorado Farm Bureau. The House has made revisions suggested by the American Farm Bureau Federation, which has indicated its support for the bill as I am introducing it today.

Mr. Speaker, the western United States is blessed with significant energy resources. In appropriate conditions, they can and should be developed for the benefit of our country. But it’s important to recognize the importance of other resources—particularly water—and other uses of the lands involved—and this bill responds to this need.

PURPOSES OF LEGISLATION

The primary purposes of the Western Waters and Farmlands Protection Act are—(1) to assure that the development of these energy resources in the West will not mean destruction of precious water resources; (2) to reduce potential conflicts between development of energy resources and the interests and concerns of those who own the surface estate in affected lands; and (3) to provide for appropriate reclamation of affected lands.

WATER QUALITY PROTECTION

One new provision that is receiving great attention—gas associated with coal deposits, often referred to as coalbed methane. An October 2000 United States Geological Survey report estimated that the U.S. may contain more than 700 trillion cubic feet (tcf) of coalbed methane and that more than 100 tcf of this may be recoverable using existing technology. In part because of the availability of these resources and because of tax incentives to exploit them, the West has seen a significant increase in its development. Development of coalbed methane usually involves the extraction of water from underground strata. Some of this extracted water is reinjected into the ground, while some is retained in surface holding ponds or released and allowed to flow into streams or other water bodies, including irrigation ditches.

The quality of the extracted waters varies from one location to another. Some are of good quality, but often they contain dissolved minerals (such as sodium, magnesium, arsenic, or selenium) that can contaminate other waters—something that can happen. Leaks or leaks or leaching from holding ponds or because the extracted waters are simply discharged into a stream or other body of water. In addition, extracted waters often have other characteristics, such as high acidity and temperature, which can adversely affect agricultural uses of land or the quality of the environment.

In Colorado and other States in the arid West, water is scarce and precious. So, as we develop our domestic energy resources, it is vital that we safeguard our water—and I believe that clear requirements for proper disposal of these extracted waters are necessary in order to avoid some of these adverse effects. That is the purpose of the first part of the bill.

The bill (in Title I) includes two requirements regarding extracted water.

First, it would make clear that water extracted from oil and gas development must comply with relevant and applicable discharge permits under the Clean Water Act. Lawsuits have been filed in some western states regarding whether or not these discharge permits are required for coalbed methane development. The bill would require oil and gas development to secure permits if necessary and required, like any other entity that may discharge into the waters of the United States.

Second, the bill would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to develop plans to make sure their activities do not harm water resources. Under this legislation, oil or gas operators who damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement water. And the bill requires that water produced under a mineral lease must be developed in ways that comply with all Federal and State requirements.

Further, because water is so important, the bill requires oil and gas operators to make the protection of water part of their plans from the very beginning, requiring applications for oil or gas leases to include details of ways in which operators will protect water quality and quantity and the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states.

SURFACE OWNER PROTECTION

In many parts of the country, the party that owns the surface of some land does not necessarily own the minerals beneath those lands. In the West, mineral estates often belong to the federal government while the surface estates are owned by private interests, who typically use the land for farming and ranching.

This split-estate situation can lead to conflicts. And while I support development of energy resources where appropriate, I also believe that this must be done responsibly and in a way that demonstrates respect for the environment and overlying landowners.

The second part of the bill (Title II) is intended to promote that approach, by establishing a system for development of federal oil and gas in split-estate situations that resembles—but is not identical to—the system for development of federally-owned coal in similar situations.

Under the federal law, the leasing of federally owned coal resources on lands where the surface estate is not owned by the United States is subject to the consent of the surface estate owners. But neither this consent requirement
nor the operating and bonding requirements applicable to development of federally owned locatable minerals applies to the leasing or development of oil or gas in similar split-estate situations. I believe that there should be similar respect for the rights and interests of split-estate owners affected by development of oil and gas and that this should be done by providing clear and adequate standards and increasing the involvement of surface owners. Accordingly, the bill requires the Interior Department to notify surface owners of reclamation and posting of an adequate bond. This section also requires the Interior Department to provide surface owners with an opportunity to comment on proposed plans of operations, participate in decision making, and contest the amount of the bonds that will be required, and to participate in on-site investigations if the surface owners have reason to believe that the operation of the wells is not being followed. In addition, this section allows surface owners to petition the Interior Department for payments under bonds to compensate for damages and to request that the Interior Department release bonds after the energy development is completed and any damages have been compensated.

Title III—This title amends current law to require parties producing oil or gas under a federal lease to restore affected lands and to post bonds to cover reclamation costs. It also requires the GAO to review Interior Department implementation of this part of the bill and to report to Congress about the results of that review and any recommendations for legislative or administrative changes that would improve matters.

Title IV—This title deals with abandoned oil or gas wells. It includes three sections.

Section 401 defines the wells that would be covered by the title.

Section 402 requires the Interior Department, in cooperation with the Department of Agriculture, to establish a program for reclamation and closure of abandoned wells on federal lands or that were drilled for development of federally-owned minerals in split-estate situations. It authorizes appropriations of $5 million in fiscal years 2005 and 2006. Section 403 requires the Interior Department, in consultation with DOE, to establish a program to assist states and tribes to remEDIATE environmental problems caused by abandoned oil or gas wells on non-federal and Indian lands. It authorizes appropriations of $5 million in fiscal years 2006, 2007, and 2008.

TRIBUTE TO HOBY’S DELICATESSEN AND RESTAURANT’S “OPERATION SALAMI DROP”

HON. DONALD M. PAYNE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. PAYNE. Mr. Speaker, earlier today before returning to Washington, I had the privilege of participating in a remarkable and inspiring event organized by the owners of Hobby’s Delicatessen and Restaurant, a proud Newark institution for the past ninety-five years. In a spirit of generosity and patriotism, owners Jonathan and Marc Brunner of this family-owned and operated establishment, have organized a campaign known as “Operation Salami Drop” to provide a culinary piece of home to our troops in Iraq specifically the 42nd Infantry “Rainbow” Division based in Tikrit. Initially, Michael sent a care package of hard salami and black and white cookies to his former college roommate, Captain Michael Rothman, who is currently serving our country in Iraq. Upon hearing how well the package was received by Captain Rothman and his fellow soldiers, the Brunner brothers decided to send an open letter to the 42nd Infantry Division stating, “We had been looking for something we could do for our troops and this was a perfect fit.”
Having patronized Hobby’s for many years, I can attest to the fact that this show of community spirit is in keeping with the reputation of this wonderful institution that has served generations of New Jerseyans, New Yorkers and connoisseurs of the deli world. As a young eating-out enthusiast, I would converse with the older Mr. Brummer, who would engage his customers in lively conversation. When other businesses moved to the suburbs, Hobby’s remained a part of our neighborhood, faithfully serving their loyal customers. The business has been owned by Samuel Brummer since 1962, and his sons joined him in the late 1980s. Sam’s lovely wife Ronni handles accounts receivables, and his hard-working 94-year-old mother-in-law Helen still handles the bills.

The Newark community has rallied around our troops by participating in “Operation Salami Drop”. For ten dollars, customers can buy a salami and deli mustard to send to a soldier in the 42nd. Customers also have a chance to write a note to the soldier receiving the package, adding a nice personal touch.

The Newark Branch of the United States Postal Service also became involved by providing boxes and assisting in the shipping process. “It doesn’t matter how you feel about the war,” Marc Brummer said. “This is a chance to show the troops that you care about them.”

Today Hobby’s hosted the “Departure Ceremony,” shipping the first two tons of salamis to Iraq. Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in honoring Hobby’s Delicatessen and expressing our gratitude for the contribution they have made to our troops overseas.

NATIONAL TEACHER DAY

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my colleagues in honoring our most honorable profession—teaching. Today, we take time to pay tribute to teachers in the Dallas Independent School District who so valiantly serve the students in my district. We should also recognize the invaluable contributions of the National Education Association, American Federation of Teachers, and the Parent Teacher Association, of which I was a member and former president.

Today, let us not only commit to teachers in words but in our actions. We have the obligation and power to make their jobs easier. We could start by fully funding the No Child Left Behind Act, created not only to hold schools and teachers accountable but also the Congress. It is a dishonor to our teachers that this program is funded by $27 billion. Because, it makes no sense that they be held accountable without the resources they need to successfully implement their job.

This day is of particular significance, as I have long championed the need for more emphasis in science and math education, particularly for young children. I believe teachers help illustrate to students how they will become tomorrow’s leaders in these fields that are important to our future. Showing students the importance and the value of the science and technology fields is a long-term process. Mr. Speaker, I ask my colleagues to join me in congratulating our nation’s teachers on National Teacher Day.

HONORING DAVID W. SHANER

HON. STEVEN C. LATOURETTE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Mr. LATOURETTE. Mr. Speaker, today is National Teacher Day. It is a day for honoring teachers and recognizing the lasting contributions they make to our lives. This day acknowledges the fact that a great teacher can make a world of difference in any child’s life. A great teacher may be the bridge between the mediocre and true excellence. Our society owes a debt of gratitude to those teachers who have helped us along the way.

In this spirit, I rise today to honor the life of an extraordinary teacher, David W. Shaner. On February 3, 2005, at the age of 83, Mr. Shaner died near his winter home in the Villages, Florida. Prior to his retirement, Mr. Shaner was a teacher at Riverside High School in Painesville, Ohio.

Mr. Shaner was born Sept. 18, 1921, in Cherry Tree, PA. Since his retirement in 1985, Mr. Shaner divided his time between his homes in Erie, PA, Painesville and the Villages, FL.

He served in the U.S. Army during World War II, in the China-Burma-India theatre, attaining the rank of Master Sergeant. He was an honors graduate of Lebanon Valley College.

As a teacher, Mr. Shaner demanded excellence, and most often received it. He had little patience for laziness or “can’t do” attitudes. He also had a remarkable zeal for life. He was brilliant, lively, humorous, and loved the arts. Mr. Shaner was very devoted to his family, his friends and his former students. He consistently encouraged his students to reach for greatness in order to realize their potential.

As recently as 1998, the community gathered in his honor in The David W. Shaner Auditorium at Riverside High School in Painesville Township. The event, The Living Legacy Concert, included performances by former students who have distinguished themselves in the performing arts. Among them was renowned opera singer, Heidi Skok (Riverside Class of 1985), who encapsulated Mr. Shaner’s influence on his students, “He instilled a sense of discipline that even today I use in my career. I set the bar up higher and made you want to grab that bar, which is what helps you succeed.”

During the last days of his life, he spoke by telephone to many of his former students and colleagues whose lives he continued to touch through his friendship and mentorship. His discipline and selfless dedication to his students and his craft were legendary. He said it best himself, “I dedicated my life to teaching and play-directing and making students live the very best lives they can. One must be proud of oneself. Teachers need to set an example for students.”

Mr. Shaner joined the faculty of Riverside High School in 1951, where he taught English, drama and theater. In his illustrious 34-year career, he produced 54 plays, including Annie Got your Gun”, “Seventeen”, “The Man Who Came to Dinner”, “Meet Me in St. Louis,” “The Sound of Music,” “Cameolet,” “The Miracle Worker,” “Fiddler on the Roof,” “The Diary of Anne Frank” and “Bye Bye Birdie”.

David W. Shaner is more than worthy of receiving Congressional recognition today on National Teacher Day—a day fitting to honor America’s classroom heroes. I urge my colleagues to join me in honoring this remarkable person, and I ask that all Americans thank a teacher today.

APRIL 27, 2005 REMARKS OF TURKISH PRIME MINISTER ERDOGAN

HON. VIRGINIA FOXX
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 2005

Ms. FOXX. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD some remarks made on April 27, 2005 by Turkish Prime Minister Erdogan in his address to the Turkish Parliament. Whatever side of the political spectrum you fall on, Prime Minister Erdogan’s remarks are encouraging as he attempts to demonstrate Turkey’s continued commitment to the betterment of Turkish-U.S. relations and its willingness to support resolution of the War on Terror including in Iraq, the Arab-Israeli conflict, and reconstruction of Afghanistan. I also commend to your attention a statement by the Turkish Ministry of Foreign Affairs on the same day with regard to the Syrian withdrawal of its military forces from Lebanon.

Turkish Prime Minister Erdogan addressed the group of his party members represented in the Turkish Parliament on April 27, 2005.

The following are excerpts from his remarks on Turkish-US relations, as picked up by the Turkish media:

Recently much has been said and written in press and before the public opinion about Turkish-US relations. As I was sad to observe, some of those were either not correct or highly exaggerated.

I should state foremost that relations with the United States continue to be one of the fundamental axes of our foreign policy.
In view of the unanimity of interests and objectives that is an outcome of the necessity to address the multi-dimensional threats of the 21st century, the firm foundations laid by 50 years of alliance are increasingly important today.

It is obvious that, although occasionally we may differ on the methods to deal with extant hairy issues, these do not negate the common understanding regarding final objectives and the necessity to cooperate.

For instance, our common objective to establish a democratic regime in Iraq that preserves the country’s territorial integrity, makes it imperative for Turkey and the United States to remain in close consultation and collaboration.

This necessity is valid for many issues that are interrelated.

Therefore, one of my government’s priorities is to develop the relations between Turkey, which is turning into a regionally as well as a globally important and respected power thanks to our domestic and foreign policies, and the United States based on mutual interests.

To that effect, it is important foremost that functioning channels of communication remain open in a way that enables a healthy dialogue.

I am happy to underscore that this view is shared by both our countries.

Following a number of visits including Secretary Rice to Turkey from the US side, recently the Undersecretary of the Turkish Ministry of Foreign Affairs has paid a useful visit to the US. In this visit the parties have reconfirmed the existing strong will to improve cooperation. High level contacts and visits will continue in the time ahead.

Recently the US administration has been following a policy that emphasizes mutual dialogue on all issues with the allies.

Almost every subject that finds a place in the transatlantic agenda also exists on the agenda of Turkey and Turkish-US relations.

It is necessary that we should further develop cooperation based on a forward looking positive agenda on all issues from Iraq to the resolution of the Arab-Israeli dispute, stability of the Caucasus and Central Asia, reform in the Middle East, reconstruction of Afghanistan, fight against terror and energy security.

Naturally, such issues as reaching a just resolution of the Cyprus problem, fighting PKK terror, as well as Armenian allegations form important items of our bilateral agenda. If we act together on these issues, it is clear that we can make progress to the benefit of all parties, and the Turkish-US relations will be further strengthened.

Against this background, we must be alert against the efforts by certain groups and lobbies, which are unhappy about developing Turkish-US relations, to undermine the agenda; we must not let them succeed in that regard.

The Turkish people have not forgotten the support given by the United States, with which we remained in solidarity for the last half century, to Turkey on such issues as membership to the EU, fight against terror, and the energy routes. They appreciate that today as in the future we will continue to need each other. At the same time, I should expressly note that positive responses, not only by the United States, but by all our allies and partners to our rightful expectations, would greatly contribute to the quenching of occasional feelings of dismay in our public opinion.

Relations between Turkey and the United States will continue to improve.

In his speech Prime Minister Erdoğan has also informed the Parliamentarians of his recent visit to Afghanistan and the upcoming visit to Israel and Palestine.

The heartrending conditions in Afghanistan impose serious responsibilities on us.

Wars have worn out Afghanistan.

In Kabul children receive education in tents. I have better understood at my visit to Afghanistan that our responsibilities have increased.

We have decided in the Council of Ministers to build schools and hospitals in Afghanistan, support housing and water supply through Turkish Economic Development Agency.

We will start by building 7 schools and will continue based on the areas designated by the Afghan authorities. Similarly, we intend to construct health centers and a hospital in Kabul. We will rapidly realize our contributions. This is our historical and moral responsibility.

The Turkish armed forces have assumed the ISAP lead for the second time. Our forces which will serve until the end of August have mingled with the Afghan people and carry out their duties based on mutual love and respect.

Turkey will continue to be the region’s guarantee for peace and confidence.

All concepts that would overshadow peace, and recall hatred and violence have been fully rejected by the Turkish people’s philosophy of life, culture, civilization and historical experience.

Turkey follows a realistic and balanced policy with regard to all conflicts including the Israeli-Palestinian dispute, and has earned the confidence of both parties.

I will visit Israel and Palestine on May 1-2.

Our objective is to see how this problem in the Middle East be ended by peace, and what task Turkey may undertake to that effect.

Previously, Foreign Minister Gül has paid visit to Israel and Palestine. Through this visit we have entered into close working relationship with both Palestine and Israel to promote the peace process which has recently encountered a window of opportunity.

STATEMENT BY THE TURKISH MINISTRY OF FOREIGN AFFAIRS, No: 68—April 27th, 2005

We welcome the statement by Syria that it has withdrawn its military forces and security personnel from Lebanon in accordance with U.N. Security Council Resolution 1559 as of April 26, 2005.

We hope that with the confirmation by the U.N. of the content of this statement, a situation that has been the source of tension in our region, will disappear.

This development is important for the stability of both Lebanon and Syria as well as our region and will serve the interests of all the regions.

In view of this development, Turkey hopes that the democratic process in Lebanon proceed in the time ahead in accordance with the expectations of the international community, and that the elections in the country be held in an environment that would allow the Lebanese people to freely exercise their political will.
Tuesday, May 3, 2005

Daily Digest

HIGHLIGHTS
See Resume of Congressional Activity.

Senate

Chamber Action
The Senate was not in session today. It will next meet on Monday, May 9, 2005, at 2 p.m.

Committee Meetings
No committee meetings were held.

House of Representatives

Chamber Action
Measures Introduced: 23 public bills, H.R. 2043–2065; and; 3 resolutions, H. Con. Res. 1143, and H. Res. 255, 256, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
H.R. 32, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, amended (H. Rept. 109–68);
H. Res. 254, providing for consideration of H.R. 366, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act (H. Rept. 109–69);
H. Res. 255, providing for consideration of H.R. 1185, to reform the Federal deposit insurance system (H. Rept. 109–70);
Conference Report to accompany H.R. 1268, making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief (H. Rept. 109–72).

Speaker: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker Pro Tempore for today.

Recess: The House recessed at 12:56 p.m. and reconvened at 2 p.m.

Commission on Civil Rights—Appointment: The Chair announced the Speaker’s reappointment, upon the recommendation of the Minority Leader, of Mr. Michael Yaki of San Francisco, California to the Commission on Civil Rights for a six-year term.

Suspensions: The House agreed to suspend the rules and pass the following measures:
Congratulations charter schools for their contributions to education: H. Res. 218, congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education;
Honoring the late playwright Arthur Miller and the University of Michigan: H. Res. 216, amended, to honor the late playwright Arthur Miller and the University of Michigan for its intention of building a theatre in his name; and
Agreed to amend the title so as to read: resolution honoring the contributions of Vietnamese Americans to American society over the past three decades.


Calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor to the Special Court for Sierra Leone: H. Con. Res. 127, calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law;

Recognizing the 60th anniversary of VE Day and the Liberation of Western Bohemia: H. Res. 195, recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; and

Recognizing the 60th anniversary of VE Day during WWII: H. Res. 233, amended, recognizing the 60th anniversary of Victory in Europe (VE) Day during World War II.

Recess: The House recessed at 4:15 p.m. and reconvened at 5:30 p.m.

Privileged Resolution: The House agreed that the Chair be authorized to postpone further proceedings on a motion to lay on the table H. Res. 253 to a time designated by the Speaker.

The House agreed to table H. Res. 253, relating to a question of privileges of the House by a yea-and-nay vote of 220 to 196 nays, Roll No. 151.

Late Report: Agreed that the managers on the part of the House have until midnight tonight to file the conference report to accompany H.R. 1268.

Privileged Resolution—Intent to Offer: Representative Nadler announced his intention to offer a privileged resolution raising a question of the privileges of the House.

Advisory Committee on the Records of Congress—Appointments: The Chair announced the Speaker’s reappointment of Mr. Timothy J. Johnson of Minnetonka, Minnesota to the Advisory Committee on the Records of Congress.

Read a letter from the Clerk of the House wherein he appointed Susan Palmer of Aurora, Illinois to the Advisory Committee on the Records of Congress.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings today and appear on pages H2777–78 and H2778–79. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:59 p.m.

Committee Meetings

ARCHITECT OF THE CAPITOL

Committee on Appropriations: Held a hearing on the Architect of the Capitol. Testimony was heard from Alan Hantman, Architect of the Capitol.

OVERSIGHT—USA PATRIOT ACT IMPLEMENTATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and the Committee on Homeland Security held an oversight hearing on the Implementation of the USA PATRIOT Act: Sections 201, 202, 223 of the Act that Address Criminal Wiretaps, and Section 213 of the Act that Addresses Delayed Notice. Testimony was heard from Chuck Rosenberg, Chief of Staff, Deputy Attorney General, Department of Justice; Michael Sullivan, U.S. Attorney, District of Massachusetts; former Representative Bob Barr of Georgia; and a public witness.

VOCATION AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 366, Vocational and Technical Education for the Future Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read,
shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehner and Representatives Castle, Woolsey and Wu.

**FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005**

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 1185, Federal Deposit Insurance Reform Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section and that each section shall be considered as read. The rule authorized the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Oxley and Representatives Rohrabacher and Maloney.

**COMMITTEE MEETINGS FOR WEDNESDAY, MAY 4, 2005**

(Committee meetings are open unless otherwise indicated)

**Senate**

No meetings/hearings scheduled.

**House**

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to Review the Federal Crop Insurance Program, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on the Department of Homeland Security, to mark up the Fiscal Year 2006 appropriations, 3 p.m., 2359 Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, to mark up the Fiscal Year 2006 appropriations, 11:30 a.m., B–308 Rayburn.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on public witnesses, 2 p.m., H–309 Capitol.

Committee on Energy and Commerce, to mark up the following measures: H.R. 869, To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; H.R. 184, Controlled Substances Export Reform Act of 2005; H. Res. 169, Recognizing the importance of sun safety; H.R. 1812, Patient Navigator Outreach and Chronic Disease Prevention Act of 2005; and H. Res. 250, Supporting the goals and ideals of National Hepatitis B Awareness Week, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the State of Readiness for the 2005–2006 Flu Season, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled “Assessing Data Security: Preventing Breaches and Protecting Sensitive Information,” 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations and the Subcommittee on International Terrorism and Nonproliferation of the Committee on International Relations, joint hearing entitled “Starving Terrorists of Money: The Role of Middle Eastern Financial Institutions,” 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Finance, and Accountability, hearing entitled “Financial Management Challenges at the Department of Justice,” 2 p.m., 2234 Rayburn.

Committee on International Relations, Subcommittee on the Middle East and Central Asia, hearing on 9/11 Recommendations Implementation Act Oversight, Part 1—Oppressors vs. Reformers in the Middle East and Central Asia, 3 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing New Jobs in Recession and Recovery: Who are Getting Them and Who are Not? 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, oversight hearing on Personal Watercraft use in the National Park System, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing entitled “Stabilizing Rural Electricity Service Through Common Sense Application of the Endangered Species Act,” 2 p.m., 1324 Longworth.

Committee on Science, to mark up the following bills: H.R. 921, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2005; H.R. 50, National Oceanic and Atmosphere Administration Act; H.R. 250, Manufacturing Technology Competitiveness Act of 2005; and H.R. 1674, United States tsunami Warning and Education Act, 10 a.m., 2518 Rayburn.

Committee on Small Business, hearing entitled “Anti-competitive Threats from Public Utilities: Are Small Businesses Losing Out?” 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing entitled “Financial Condition of the Aviation Trust Fund: Are Reforms Needed?” 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity, hearing on the following: H.R. 419, Hire Veterans Act of 2004; the HVVR Reauthorization Act of 2005; the Servicemembers Health Insurance Protection Act of 2005; and the Servicemembers Taxation Protection Act of 2005, 2 p.m., 334 Cannon.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>54</td>
<td>40</td>
<td>94</td>
</tr>
<tr>
<td>Time in session</td>
<td>377 hrs., 50'</td>
<td>255 hrs., 12'</td>
<td>632 hrs., 06'</td>
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<tr>
<td>Congressional Record:</td>
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<td>Pages of proceedings</td>
<td>4,609</td>
<td>2,739</td>
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<td>Extensions of Remarks</td>
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<td>856</td>
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<tr>
<td>Public bills enacted into law</td>
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<td>Private bills enacted into law</td>
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<td>Senate joint resolutions</td>
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<td>Senate concurrent resolutions</td>
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<td>12</td>
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<td>Simple resolutions</td>
<td>79</td>
<td>83</td>
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<td>Measures reported, total*</td>
<td>91</td>
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<td>Simple resolutions</td>
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<td>31</td>
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<td>Conference reports</td>
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<td>Measures pending on calendar</td>
<td>86</td>
<td>24</td>
<td>110</td>
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<td>Measures introduced, total</td>
<td>1,146</td>
<td>2,479</td>
<td>3,625</td>
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<td>Bills</td>
<td>967</td>
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<td>Joint resolutions</td>
<td>17</td>
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<td>Simple resolutions</td>
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<td>252</td>
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<td>Quorum calls</td>
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<td>115</td>
<td>87</td>
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<td>Recorded votes</td>
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<tr>
<td>Bills vetoed</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* These figures include all measures reported, even if there was no accompanying report. A total of 64 reports have been filed in the Senate, a total of 67 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

(109–1)

<table>
<thead>
<tr>
<th></th>
<th>January 4 through April 30, 2005</th>
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<tbody>
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<td>Civilian nominations, totaling 190, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
<td>137</td>
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<tr>
<td>Withdrawn</td>
<td>1</td>
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<td>Other civilian nominations, totaling 994, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>577</td>
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<tr>
<td>Unconfirmed</td>
<td>417</td>
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<td>Air Force nominations, totaling 5,708, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>5,212</td>
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<tr>
<td>Unconfirmed</td>
<td>496</td>
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<td>Army nominations, totaling 2,488, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>2,324</td>
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<td>Unconfirmed</td>
<td>164</td>
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<tr>
<td>Navy nominations, totaling 485, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>141</td>
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<tr>
<td>Unconfirmed</td>
<td>344</td>
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<tr>
<td>Marine Corps nominations, totaling 1,295, disposed of as follows:</td>
<td></td>
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<tr>
<td>Confirmed</td>
<td>1,285</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>10</td>
</tr>
</tbody>
</table>

Summary

| Total nominations carried over from last session | 0 |
| Total nominations received this session        | 11,160 |
| Total confirmed                                | 9,591 |
| Total unconfirmed                              | 1,568 |
| Total withdrawn                                | 1 |
| Total returned to the White House               | 0 |
Next Meeting of the SENATE
2 p.m., Monday, May 9

Senate Chamber

Program for Monday: Senate will resume consideration of H.R. 3, Transportation Equity Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, May 4

House Chamber

Program for Wednesday: Consideration of Suspensions:
(1) H.R. 1082, Francis C. Goodpaster Post Office Building Designation Act; and

Consideration of H.R. 366, Vocational and Technical Education for the Future Act (structured rule, one hour of debate).

Rolled votes on Suspensions:
(1) H. Con. Res. 127, calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law;
(2) H. Res. 233, recognizing the 60th anniversary of Victory in Europe (VE) Day during World War II; and
(3) H. Res. 195, recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia.

Extensions of Remarks, as inserted in this issue

Galgley, Elton, Calif., E860
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Johnson, Eddie Bernice, Tex., E858
Jones, Walter B., N.C., E865
Knollenberg, Joe, Mich., E842
Kucinich, Dennis J., Ohio, E862, E853, E856
LaTourette, Steven C., Ohio, E838
Lee, Barbara, Calif., E864
McDermott, Jim, Wash., E845
Markey, Edward J., Mass., E844
Matsui, Doris O., Calif., E842
Meek, Kendrick B., Fla., E848
Neugebauer, Randy, Tex., E854
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Stark, Fortney Pete, Calif., E859
Taylor, Charles H., N.C., E851
Tulsi, Mark, Colo., E862, E856
Walorski, Vicky, Ind., E849
Walden, Greg, Ore., E849
Young, C.W. Bill, Fla., E841, E850

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