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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 20, 2005.

I hereby appoint the Honorable JEFF FORTENBERRY 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 Florida (Mr. STEARNS) for 5 minutes.

CANADA SUPREME COURT STRIKES BAN ON PRIVATE HEALTH INSURANCE

Mr. STEARNS. Mr. Speaker, earlier this month the Supreme Court overturned a law that prevented people from buying health insurance, that is, private health insurance, to pay for medical services available from and through Medicare, the publicly funded system. The ruling means that citizen residents can pay privately for medical service, even if the services are already covered under the state-provided health care system.

Now, what does that mean? Perhaps you did not see this ruling, but that is because it was not the United States Supreme Court and Medicare and ''private contract'' we are talking about. It was the Canadian Supreme Court and Canada's socialized health care program under Medicare and Quebec's ban.

Now, how did this come about? Well, a courageous Canadian doctor, Jacques Chaoulli, and his patient, 70-year-old Montreal businessman, George Zeliotis, waited for a hip surgery replacement, decided enough is enough, and challenged the constitionality of the Canadian ban on private payment. He argued that long waiting lines and times for surgery contradicted the country's constitutional guarantee of ''life, liberty and the security of the person.'' He argued that the wait was unreasonable, endangered his life, and infringed on his constitutional rights.

The Court split 3–3 over whether the ban on private insurance violates the Canadian Charter of Rights and Freedoms, something like our Bill of Rights, but agreed in striking the ban, saying that, ''Access to a waiting list is not access to health care'', in its ruling. They went on further to say, ''The evidence in this case shows that delays in the public health care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for public health care. The evidence also demonstrates that the prohibition against private health insurance and its consequences of denying people vital health care results in physical and psychological suffering that meets a threshold test of seriousness.''

Now, my colleagues, while the ruling applies only to the province of Quebec, one wonders if this could fundamentally change the way health care is delivered across that country. Canada is currently the only major industrialized country in the world that does not allow any private administration of health care services that are provided by the public system.

Now, John Williamson, President of the Canadian Taxpayers Federation said with hope, ''This is a breach in government monopoly health care in this country''. That is in Canada. ''It is going to open up litigation across the country and the other nine provinces as taxpayers there press for their same right, which is the right to seek and buy insurance to cover private health care.''

And some Canadians worry that this is the beginning of the end of what they considered a national treasure. Well, this is not cause for alarm, or by those who have for years argued for our Medicare private contract ban here in the United States, it simply is not a threat, said the Court. ''It cannot be concluded from the evidence concerning the Quebec plan or the plans of the other provinces of Canada, or from the evolution of the systems of various OECD countries, that an absolute prohibition on private insurance is necessary to protect the integrity of the public plan.''

And I would argue, my colleagues, in fact, it is the Canadian middle class who have probably been most injured, not the very, very wealthy, because they just pay out of pocket. They can afford it. Remember that the ban is on private insurance, not private health care, so the very rich could still go on and get out of this waiting line that the rest of the middle class have to continue to participate in.

And furthermore, a whole industry of medical tourism was spawned. For decades Canadians of means have been traveling to the premiere medical facilities here in the United States, especially in my sunny locales in the State of Florida to enjoy lovely weather, while they are also getting the benefits of health care facilities in Florida.

This means that the Court, the Canadian Court, sees that a national comprehensive coverage program can

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peacefully coexist with private health insurance. My colleagues, we have been saying that in the United States for years.

RECESS

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

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Stan Scroggins, Associate Pastor, First Baptist Church, Magnolia, Arkansas, offered the following prayer:

O God, we thank You for blessing this Nation. Help us not to forget that with Your blessing comes our responsibility to bless the peoples of the Earth.

We confess our need for Your guidance. Extend Your mercy and love, forgive us of our self-seeking ways, and make us into a Nation after Your own heart.

We recognize that these are challenging days, and the decisions made by this House will have profound effect on our Nation and the world. Help every Representative to seek wisdom from You with every decision to be made.

Deliver us from our enemies, grant protection to our citizens, and forever allow this Nation to be a beacon of freedom and peace so that Your name will forever be honored on the Earth.

Hear our prayer, O God, and continue to bless America, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. YOUNG of Florida 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.

IDENTITY THEFT

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

Mr. PRICE of Georgia. Mr. Speaker, every year more than 3 million Americans have their identities stolen. That is one every 10 seconds. These incredible statistics show that identity theft both online and offline is not slowing down. Just this past week we learned of another incident where up to 40 million identities were compromised.

The last Congress overwhelmingly approved legislation known as the FACT Act, and President Bush signed it into law. It helps you to protect your identity by providing a free credit report every year, requiring creditors who lent money in your name to a thief to help you clear your name, and creating a single place where a fraud alert can be put on your credit history and honored all across America.

Congress has taken steps to strengthen identity theft laws, but the bad guys are still out there, and commonsense precautions are the key to help Americans from becoming victims.

Mr. Speaker, people do not give the keys to their house to complete strangers, and that same lesson applies to identity theft. I urge all Americans to guard the keys to their identity as we in Congress continue to find aggressive solutions.

THE WAR IN IRAQ

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

Mr. KUCINICH. Mr. Speaker, depending on whom you listen to, the insurgents in Iraq are either in their last throes or they are growing in size and strength. But both the administration and critics seem to agree that the U.S. military will be deployed to Iraq for a long time to come. It is our quagmire.

Every day our forces wake up in Iraq, more die and are wounded, and more families on the home front are strained and suffer losses. At some terrible point in the future, the Nation's leaders will say, Enough is enough. Whether the number of casualties at that point will be 5,000 or 10,000 or 50,000, I do not know. Whether the cost at that point will be $250 billion, $350 billion, or $500 billion, I do not know. At some point, the terrible arithmetic of the war will add up to overwhelm everybody.

But this war can end another way. It can end if enough Members of Congress consider and cosponsor House Joint Resolution 55, a bipartisan bill introduced last week to require the President to initiate troop withdrawal no later than October 1, 2006. Thank the troops, and bring them home.

JUNETEENTH

(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, there are many times that this Nation has celebrated its freedom. One that comes to mind is the celebration after the Revolutionary War, then the celebration after Abraham Lincoln pronounced the Emancipation Proclamation in 1863. But today I rise to celebrate Juneteenth, a holiday that is now celebrated across the Nation, but Texans and Louisianans know it well, for because the Union soldiers were too busy, the slaves in Texas, some 200,000, did not know of emancipation until 1865.

When General Granger landed in Galveston, he read the words, ''The people of Texas are informed that in accordance with a proclamation from the executive of the United States, all slaves are free.'' And so this weekend on June 19, across the State of Texas and Louisiana and around the Nation, we celebrated freedom. We sang, we spoke about freedom and the preciousness of it. We thanked America for its values and belief in freedom.

I would like to thank State Representative Al Edwards, a Texan and a constituent of my congressional district, who is known as the Father of Juneteenth. It is important to honor freedom wherever it is found.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Ms. KILPATRICK, Michigan.

COMMUNICATION FROM THE HONORABLE RANDY ''DUKE'' CUNNINGHAM, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RANDY ''DUKE'' CUNNINGHAM, Member of Congress:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court for Imperial County, California, for documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedent and privileges of the House.

Sincerely,

RANDY ''DUKE'' CUNNINGHAM,
Member of Congress.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material and that I may include tabular material on the consideration of H.R. 2863, Department of Defense Appropriations Act, 2006.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006.

The SPEAKER pro tempore. Pursuant to House Resolution 315 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2863.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to say to the House that the gentleman from Pennsylvania (Mr. MURTHA) has been a partner in this effort from day one in preparing and presenting this national defense bill. It is a truly bipartisan appropriations bill to provide for the security of our Nation and to provide for the troops who serve our Nation and to provide them with the equipment and the technology necessary to accomplish their mission and to protect themselves while they do that. I extend my thanks to the gentleman from Pennsylvania. I also thank Chairman LEWIS of the Appropriations Committee for the support that he has given us as well as the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

This appropriations bill is a good bipartisan bill, a nonpartisan bill. There are no politics involved at all. It is simply to provide for maintaining our security and to provide for our troops. Copies of this legislation have been available for several weeks now. There have been reports distributed to all of the Members. Although this bill is $3.3 billion less than the budget resolution provided for us, we were able to use some skillful oversight and be able to produce this bill at $3.3 billion less than the President's request and less than the budget had provided.

Mr. Chairman, this is a good bill.

Mr. Chairman, I'm pleased to come to the floor to present the Department of Defense Appropriations Act for fiscal year 2006. This legislation includes $363.7 billion in the base appropriations bill, of which $363.4 billion is new discretionary budget authority.

In addition, $45.3 billion is provided in a bridge fund to support ongoing operations in Iraq and Afghanistan; this is consistent with authority provided in the budget resolution, and follows the lead of the Armed Services Committee, which authorized $49 billion for this purpose in the House-passed version of the National Defense Authorization Act.

The Subcommittee allocation for the base bill is $3.3 billion below the President's request. This presented us with some difficult challenges, but I believe we have made appropriate choices given our allocation.

The gentleman from Pennsylvania, Mr. MURTHA, was a full partner in this process. This bill was developed with bipartisan support and deserves bipartisan support.

Let me discuss some of the major funding highlights in the base bill:

For military personnel, we fully fund the pay raise of 3.1 percent as requested by the President, and we fully support quality of life and family-oriented programs.

To support our soldiers and their families, we have added $30 million for Impact Aid and increased Family Advocacy programs by $20 million.

In operation and maintenance, the base bill provides funding for critical training, readiness and I maintenance activities at roughly the historic level for these programs; the overall increase is $3.2 billion over the 2005 level.

I In the Army acquisition accounts, we fully fund the request of $882.4 million for 240 Stryker vehicles. We also fully fund the request of $443.5 million for modifications and improvements to the M1 Abrams tank, an increase of $326.5 million over the 2005 level.

In Naval aviation we fully fund the request for 130 aircraft, including 42 F/A–18's, compared to 115 total aircraft provided in fiscal year 2005. In addition, 8 aircraft are shifted back to the Air Force consistent with the restoration of the C–130J multiyear procurement contract.

In shipbuilding we make some significant adjustments to the President's request:

We are funding the new construction of 8 ships, as opposed to 4 new ships as proposed in the budget.

We continue production of an additional DDG–51 destroyer, which was proposed for termination in the budget.

Funds are provided to acquire 2, rather than just 1, T–AKE ammunition ships, consistent with the authorization bill.

In addition, we're providing funds for 3 littoral combat ships, 2 more than were included in the President's budget request.

For the Air Force:

We are fully funding the budget request for procurement of 24 F/A–22 Raptors in 2006, and advance procurement for 29 aircraft in 2007.

We are restoring funding for the C–130J multiyear procurement program by transferring funding from the Navy to the Air Force. The Air Force will procure 9 aircraft; the Navy will procure 4 tanker variants.

Full funding is recommended for the procurement of 15 C–17 aircraft, with advance procurement for 7 additional aircraft in 2007.

In the research and development accounts:

We follow the lead of the Armed Services Committee in recommending no funds for advance procurement for the DD(X) destroyer, but are keeping the program alive by providing $670 million in R&D.

We are accelerating development of the CG(X) cruiser, by increasing funding from $30 million to $80 million.

Full funding of $935.5 million is provided for 5 V–XX helicopters.

We provide a total of $4.9 billion, as requested by the President, for research and development associated with the Joint Strike Fighter program.

As I mentioned earlier, the bill also includes $45.3 billion in fiscal year 2006 funding to sustain the war effort in a bridge fund. The 2006 budget resolution reserves $50 billion for contingency operations in support of the global war on terrorism. In addition, the Armed Services Committee proposed, and the House has approved, an authorization of over $49 billion for the same purposes. This bill has slightly lower levels for the military personnel accounts and the procurement accounts based on more recent information we have received from the Department of Defense.

I believe the $45 billion bridge fund in this bill for contingency operations is the responsible thing to do to support our troops. It will ensure they face no interruption in funding for the first six months of fiscal year 2006 as they face our enemies abroad.

Over 80 percent of the funds in title IX are provided for military personnel, and operation and maintenance accounts. In addition, $2.5 billion is for intelligence activities; $2.1 billion is for fuel and war consumables; and $2.9 billion is for procurement to replace war losses and provide force protection for our men and women in uniform.

Mr. Chairman, this summarizes the major elements of the recommendations before you. We have not been able to meet all the needs identified by the Defense Department and by Members of Congress. However, within the budget constraints we faced, I think we struck a fair balance that deserves the support of the House.

Mr. Chairman, I urge support for this legislation.

DEPARTMENT OF DEFENSE APPROPRIATIONS FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	26,039,540	24,455,295	24,357,895	-1,681,645	-97,400
Military Personnel, Navy	20,876,556	19,439,196	19,417,696	-1,458,860	-21,500
Military Personnel, Marine Corps	8,527,529	7,845,913	7,839,813	-687,716	-6,100
Military Personnel, Air Force	21,145,141	20,254,837	20,083,037	-1,062,104	-171,800
Reserve Personnel, Army	3,373,773	2,938,703	2,862,103	-511,670	-76,600
Reserve Personnel, Navy	1,881,750	1,583,061	1,486,061	-395,689	-97,000
Reserve Personnel, Marine Corps	584,128	480,592	472,392	-111,736	-8,200
Reserve Personnel, Air Force	1,392,169	1,243,560	1,225,360	-166,809	-18,200
National Guard Personnel, Army	5,467,656	4,669,104	4,359,704	-1,107,952	-309,400
National Guard Personnel, Air Force	2,326,091	2,051,715	2,028,215	-297,876	-23,500
Total, title I, Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	23,797,606	23,491,077	22,432,727	-1,364,879	-1,058,350
Operation and Maintenance, Navy	28,353,957	29,414,918	28,719,818	+365,861	-695,100
Operation and Maintenance, Marine Corps	3,106,145	3,250,966	3,123,766	+17,621	-127,200
Operation and Maintenance, Air Force	26,121,823	29,705,435	28,659,373	+2,537,550	-1,046,062
Operation and Maintenance, Defense-Wide	17,354,619	18,338,069	18,323,516	+968,897	-14,553
Operation and Maintenance, Army Reserve	1,789,987	1,783,012	1,791,212	+1,225	+8,200
Operation and Maintenance, Navy Reserve	1,164,228	1,182,907	1,178,607	+14,379	-4,300
Operation and Maintenance, Marine Corps Reserve	175,070	189,829	199,929	+24,859	+10,100
Operation and Maintenance, Air Force Reserve	2,189,534	2,445,922	2,465,122	+275,588	+19,200
Operation and Maintenance, Army National Guard	4,058,342	4,118,175	4,142,875	+84,533	+24,700
Operation and Maintenance, Air National Guard	4,242,096	4,554,300	4,547,515	+305,419	-6,785
Overseas Contingency Operations Transfer Account	10,000	20,000	20,000	+10,000	---
United States Court of Appeals for the Armed Forces	10,825	11,236	11,236	+411	---
Overseas Humanitarian, Disaster, and Civic Aid	59,000	61,546	61,546	+2,546	---
Former Soviet Union Threat Reduction Account	409,200	415,549	415,549	+6,349	---
Total, title II, Operation and maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,854,541	2,800,880	2,879,380	+24,839	+78,500
Missile Procurement, Army	1,307,000	1,270,850	1,239,350	-67,650	-31,500
Procurement of Weapons and Tracked Combat Vehicles, Army	2,467,495	1,660,149	1,670,949	-796,546	+10,800
Procurement of Ammunition, Army	1,590,952	1,720,872	1,753,152	+162,200	+32,280
Other Procurement, Army	4,955,296	4,302,634	4,491,634	-463,662	+189,000
Aircraft Procurement, Navy	8,912,042	10,517,126	9,776,440	+864,398	-740,686
Weapons Procurement, Navy	2,114,720	2,707,841	2,596,781	+482,061	-111,060
Procurement of Ammunition, Navy and Marine Corps	888,340	872,849	885,170	-3,170	+12,321
Shipbuilding and Conversion, Navy	10,427,443	8,721,165	9,613,358	-814,085	+892,193
Other Procurement, Navy	4,875,786	5,487,818	5,461,196	+585,410	-26,622
Procurement, Marine Corps	1,432,203	1,377,705	1,426,405	-5,798	+48,700
Aircraft Procurement, Air Force	13,648,304	11,973,933	12,424,298	-1,224,006	+450,365
Missile Procurement, Air Force	4,458,113	5,490,287	5,062,949	+604,836	-427,338
Procurement of Ammunition, Air Force	1,327,459	1,031,207	1,031,907	-295,552	+700
Other Procurement, Air Force	13,071,297	14,002,689	13,737,214	+665,917	-265,475
Procurement, Defense-Wide	2,956,047	2,677,832	2,728,130	-227,917	+50,298
National Guard and Reserve Equipment	350,000	---	---	-350,000	---
Defense Production Act Purchases	42,765	19,573	28,573	-14,192	+9,000
Total, title III, Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	10,698,989	9,733,824	10,827,174	+128,185	+1,093,350
Research, Development, Test and Evaluation, Navy	17,043,812	18,037,991	18,481,862	+1,438,050	+443,871
Research, Development, Test and Evaluation, Air Force	20,890,922	22,612,351	22,664,868	+1,773,946	+52,517
Research, Development, Test and Evaluation, Defense-Wide	20,983,624	18,803,416	19,514,530	-1,469,094	+711,114
Operational Test and Evaluation, Defense	314,835	168,458	168,458	-146,377	---
Total, title IV, Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,174,210	1,471,340	1,154,340	-19,870	-317,000
National Defense Sealift Fund: Ready Reserve Force	1,204,626	1,648,504	1,599,459	+394,833	-49,045
Total, title V, Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,088,801	1,241,514	1,191,514	+102,713	-50,000
Procurement	78,980	116,527	116,527	+37,547	---
Research, development, test and evaluation	205,209	47,786	47,786	-157,423	---
Total, Chemical Agents 1/	1,372,990	1,405,827	1,355,827	-17,163	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	906,522	895,741	906,941	+419	+11,200
Office of the Inspector General	204,562	209,687	209,687	+5,125	---
Total, title VI, Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	239,400	244,600	244,600	+5,200	---
Intelligence Community Management Account	310,466	354,844	376,844	+66,378	+22,000
Transfer to Department of Justice	(39,422)	(17,000)	(39,000)	(-422)	(+22,000)
National Security Education Trust Fund	8,000	---	---	-8,000	---
Total, title VII, Related agencies	557,866	599,444	621,444	+63,578	+22,000
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,500,000)	(4,000,000)	(4,000,000)	(+500,000)	---
Indian Financing Act incentives (Sec. 8019)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8025)	-125,000	---	-40,000	+85,000	-40,000
Disposal & lease of DOD real property	25,000	---	---	-25,000	---
Overseas Mil Fac Invest Recovery (Sec. 8033)	1,000	---	1,000	---	+1,000
Rescissions (Sec. 8044)	-779,637	---	-633,550	+146,087	-633,550
Shipbuilding & Conv. Funds, Navy	---	18,000	---	---	-18,000
Travel Cards (Sec. 8068)	44,000	45,000	45,000	+1,000	---
Special needs students	5,500	---	---	-5,500	---
Fisher House (Sec. 8077)	2,000	---	2,500	+500	+2,500

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
CAAS/Other Contract Growth (Sec. 8078)	-300,000	---	-264,630	+35,370	-264,630
Contracted Advisory and Assistance Services (Sec.8079)	-500,000	---	-167,000	+333,000	-167,000
Aircraft Procurement, Navy	34,000	---	---	-34,000	---
Operation and Maintenance, Defense-wide	40,000	---	---	-40,000	---
IT cost growth reduction	-197,500	---	---	+197,500	---
Working Capital Funds Cash Balance (Sec. 8086)	-316,000	---	-250,000	+66,000	-250,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8087)	6,000	---	6,000	---	+6,000
Various grants (Sec. 8089)	51,425	---	14,400	-37,025	+14,400
Assumed management improvements	-711,000	---	---	+711,000	---
Transportation Working Capital Fund	-967,200	---	---	+967,200	---
MCAGCC health demonstration program	2,500	---	---	-2,500	---
Contract offsets	-50,000	---	---	+50,000	---
Budget withholds	-350,000	---	---	+350,000	---
Tanker replacement transfer fund	100,000	---	---	-100,000	---
Unobligated balances	-768,100	---	---	+768,100	---
Travel costs (Sec. 8100)	-100,000	---	-147,000	-47,000	-147,000
Procurement Offsets (Sec. 8101)	---	---	-176,500	-176,500	-176,500
Army Venture Capital Funds (Sec. 8102)	---	---	15,000	+15,000	+15,000
Total, Title VIII, General Provisions	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
TITLE IX - ADDITIONAL APPROPRIATIONS					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingency operations)	---	---	5,877,400	+5,877,400	+5,877,400
Military Personnel, Navy (contingency operations)	---	---	282,000	+282,000	+282,000
Military Personnel, Marine Corps (contingency ops.)	---	---	667,800	+667,800	+667,800
Military Personnel, Air Force (contingency operations)	---	---	982,800	+982,800	+982,800
Reserve Personnel, Army (contingency operations)	---	---	138,755	+138,755	+138,755
National Guard Personnel, Army (contingency ops.)	---	---	67,000	+67,000	+67,000
Total, Military Personnel	---	---	8,015,755	+8,015,755	+8,015,755
Operation and Maintenance					
Operation & Maintenance, Army (contingency operations)	---	---	20,398,450	+20,398,450	+20,398,450
Operation & Maintenance, Navy (contingency operations)	---	---	1,907,800	+1,907,800	+1,907,800
Operation & Maintenance, Marine Corps (conting. ops.)	---	---	1,827,150	+1,827,150	+1,827,150
Operation & Maintenance, Air Force (conting. ops.)	---	---	3,559,900	+3,559,900	+3,559,900
Operation & Maintenance, Defense-Wide (conting. ops.)	---	---	826,000	+826,000	+826,000
Iraq Freedom Fund (contingency operations)	---	---	3,500,000	+3,500,000	+3,500,000
Operation & Maintenance, Army Reserve (conting. ops.)	---	---	35,700	+35,700	+35,700
Operation & Maintenance, Marine Corps Reserve (contingency operations)	---	---	23,950	+23,950	+23,950
Operation & Maintenance, Army National Guard (contingency operations)	---	---	159,500	+159,500	+159,500
Total, Operation and Maintenance	---	---	32,238,450	+32,238,450	+32,238,450
Procurement					
Procurement of Weapons and Tracked Combat Vehicles, Army (contingency operations)	---	---	455,427	+455,427	+455,427
Procurement of Ammunition, Army (contingency ops.)	---	---	13,900	+13,900	+13,900
Other Procurement, Army (contingency operations)	---	---	1,501,270	+1,501,270	+1,501,270
Weapons Procurement, Navy (contingency operations)	---	---	81,696	+81,696	+81,696
Procurement of Ammunition, Navy and Marine Corps (contingency operations)	---	---	144,721	+144,721	+144,721
Other Procurement, Navy (contingency operations)	---	---	48,800	+48,800	+48,800
Procurement, Marine Corps (contingency operations)	---	---	389,900	+389,900	+389,900
Aircraft Procurement, Air Force (contingency ops.)	---	---	115,300	+115,300	+115,300
Other Procurement, Air Force (contingency operations)	---	---	2,400	+2,400	+2,400
Procurement, Defense-Wide (contingency operations)	---	---	103,900	+103,900	+103,900
Total, Procurement	---	---	2,857,314	+2,857,314	+2,857,314

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Navy (contingency operations)	---	---	13,100	+13,100	+13,100
Research, Development, Test and Evaluation, Defense-Wide (contingency operations)	---	---	75,000	+75,000	+75,000
Total, Research, Development, Test and Evaluation	---	---	88,100	+88,100	+88,100
Defense Working Capital Funds (contingency operations)	---	---	2,055,000	+2,055,000	+2,055,000
Additional transfer authority (contingency operations)	---	---	(2,500,000)	(+2,500,000)	(+2,500,000)
Total, Title IX	---	---	45,254,619	+45,254,619	+45,254,619
Total for the bill (net)	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
OTHER APPROPRIATIONS					
Emergency Supplemental Appropriations for Hurricane Disaster Assistance Act (emergency) (P.L. 108-324)2/	897,400	---	---	-897,400	---
Miscellaneous Provisions and Offsets (Sec. 108) (Division J, P.L. 108-447)	2,000	---	---	-2,000	---
Emergency Supplemental Appropriations for Defense, The Global War on Terror, and Tsunami Relief Act, 2005 (emergency) (P.L. 109-13)	73,163,308	---	---	-73,163,308	---
Transfer authority (emergency)	(5,685,000)	---	---	(-5,685,000)	---
Net grand total (including other appropriations)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)3/	---	12,000	12,000	+12,000	---
Disposal of defense real property (permanent)3/	---	15,000	15,000	+15,000	---
Army Venture Capital Funds	17,000	---	---	-17,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,900	---	-2,500	-600	-2,500
Non-defense function	1,900	---	2,500	+600	+2,500
RDT&E, Navy transfer to NOAA:					
Defense function	-18,000	---	---	+18,000	---
Non-defense function	18,000	---	---	-18,000	---
O&M, Defense-wide transfer to Forest Service:					
Defense function	-40,000	---	---	+40,000	---
Non-defense function	40,000	---	---	-40,000	---
Tricare accrual (permanent, indefinite auth.) 4/	---	10,707,483	10,707,483	+10,707,483	---
Less emergency appropriations 5/	-74,060,708	---	-45,254,619	+28,806,089	-45,254,619
Total, scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Adjusted total (includ. scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Appropriations	(353,443,151)	(366,964,393)	(364,317,796)	(+10,874,645)	(-2,646,597)
Rescissions	(-779,637)	---	(-633,550)	(+146,087)	(-633,550)
Total (including scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Amount in this bill	(426,707,222)	(356,229,910)	(398,204,382)	(-28,502,840)	(+41,974,472)
Scorekeeping adjustments	(-74,043,708)	(10,734,483)	(-34,520,136)	(+39,523,572)	(-45,254,619)
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
Title II - Operation and Maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
Title III - Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476
Title IV - Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
Title V - Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
Title VI - Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
Title VII - Related Agencies	557,866	599,444	621,444	+63,578	+22,000
Title VIII - General Provisions (net)	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
Title IX - Additional Appropriations (net)	---	---	45,254,619	+45,254,619	+45,254,619
Total, Department of Defense	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
Other defense appropriations	74,062,708	---	---	-74,062,708	---
Total funding available (net)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
Scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
RECAP BY FUNCTION					
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary:					
General purpose discretionary:					
Defense discretionary	352,364,214	366,719,793	363,437,146	+11,072,932	-3,282,647
Nondefense discretionary	59,900	---	2,500	-57,400	+2,500
Total discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147
Grand total, mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ In FY 2005, excludes $12M ($10M outlays) for Defense Health Program that is under House Military Quality of Life and VA Appropriations.
3/ Sec. 8034 of Public Law 108-287.
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
5/ Includes Title IX contingency operations funds.

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

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

I say that I agree with the chairman completely. It is the best we could do with the amount of money they gave us. It is completely bipartisan. It takes care of the troops. It has been distributed to everybody. We will go right to the 5-minute rule.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 2 minutes to pay tribute to a longtime staffer of this defense subcommittee. This is the first time that I have had the opportunity to bring a defense appropriations bill to the floor without having Kevin Roper sitting here beside me and providing the staff assistance that he has provided so eloquently.

He served this committee for 20 years, first as the aide to the then-ranking member, Congressman Joe McDade. Prior to the 20 years that he served this committee in the minority status and the majority status, he served 10 years in the United States Air Force. Kevin Roper is just a very, very special patriot. His knowledge of the defense establishment, his knowledge of the defense appropriations bill is extremely unique. I am just really proud to call him a friend. I am very, very heavyhearted to announce that he is leaving the committee to move on to spending more time with his family, his wife, and his children.

Mr. Chairman, I would like to recognize the fact that this Kevin Roper that I am speaking about, everyone on the floor should recognize him. He has been here so long. Kevin Roper, God bless you for the good work you have done. Thank you very much. We appreciate you.

Mr. Chairman, this is the first time that I have brought a Defense Appropriations Bill to the floor that I haven't had Kevin Roper by my side as the Staff Director of the Subcommittee and as he leaves the Committee staff to pursue other interests, I wanted to let the record show how much we all have valued his counsel over the years.

Kevin served the Appropriations Committee for more than 20 years, and he had a distinguished career in the Air Force for 10 years before that. He came to the committee in August of 1984 when he served as Congressman and Ranking Minority member Joe McDade's associate staff for Defense matters. Joe appointed him to be the Minority staff director in 1988 when our dear friend George Allen, his predecessor, passed away during an official mission overseas.

When the Republicans became the majority party in 1995, Kevin became the Majority staff director serving both me and Chairman JERRY LEWIS for the past 10 years in that capacity. During that period of time he assisted me and Chairman LEWIS in the preparation, passage, and conference of 10 annual Defense Appropriation bills and more than 21 Supplemental and wrap up bills which contained Defense Chapters.

Kevin to this day loves his work and worked tirelessly to assist us in providing our men and women in uniform the tools they need to carry out their mission. He joined us when we were at the height of the cold war and assisted us in bringing that era to a successful conclusion. He was at his best when we were at war through two Gulf Wars, Panama, Somalia, Haiti, Bosnia, Kosovo and probably would have left a couple of years ago had it not been for the terrorist attacks before and on September 11th.

Kevin always made great contributions and we wish him well as he plans a career which will allow him to spend more time with his family. He doted on his family and our loss is the gain of his wife Klytia and his children Katie, Audrey and Matthew.

Mr. NUSSLE. Mr. Chairman, this measure—the Defense Appropriations Act for Fiscal Year 2006, H.R. 2863—is the most significant component of our wartime budget for America. It funds the bulk of the national defense commitment, particularly the global war against terrorism. As Chairman of the Budget Committee, I am also pleased to report that the measure is consistent with the levels established by the conference report to H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

The budget resolution called for $441.6 billion in discretionary budget authority for the national defense function in 2006, and an additional $50 billion under a special Exemption of Overseas Contingency Operations that would not count against the Defense subcommittee's 302(b) allocation. In this way the budget resolution anticipated costs for continuing operations in Afghanistan and Iraq. A portion of the budget resolution's total national defense funding went toward the recently passed military quality of life and energy and water bills.

This bill provides the balance of $363.4 billion in new discretionary budget authority towards funding the President's February defense budget request. It includes $45.3 billion that has been designated pursuant to section 401(a) of the budget resolution for Overseas Contingency Operations which are thereby exempt from the 302(b) allocations. These funds will, however, be counted against the discretionary totals identified in the budget resolution.

Excluding the emergency portion, the bill's funding shows a 3.5-percent increase from the previous year, and it builds on a 5-year average annual growth rate of 10.5 percent for defense appropriations. The base amount is equal to the 302(b) allocation to the House Appropriations Subcommittee on Defense. I should note that the bill includes rescissions of prior year funds in the amount of $634 million which enable it to meet this allocation.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

One factor I wish to note is that the bill reduces funding for operations and maintenance considerably from the President's February request. Although there is a widespread belief that any potential operations and maintenance shortfall can simply be made up for with supplemental spending, Congress should avoid making a regular practice of budgeting by supplemental for predictable events. There is also a risk that cutting Defense spending may lead to a commensurate increase in discretionary non-defense spending. This would be inconsistent with the President's request to put the Nation's security first by reducing non-defense non-homeland security domestic discretionary growth to less than 1 percent.

With that, I wish to reiterate my support for H.R. 2863.

Mr. KING of Iowa. Mr. Chairman, terrorist events have brought this point to light, dramatically illustrating how the security of the United States is dependent upon its strength in the area of foreign language competency. If the United States is truly committed to continuing as the leader in the global economic community, as well as in the on-going fight against terrorism dictated by the global war on terrorism, some very serious commitments will have to be made in support of language study. Our history, and particularly our recent history, has repeatedly illustrated the consequences of not having adequate foreign language expertise available in times of crisis.

In 1988 the satellite communications language training activities (SCOLA) became the first broad-scale provider of authentic foreign television and today provides this resource from 75 countries. From the beginning the Federal Government has recognized the importance of authentic foreign programming as a tool to help teach foreign languages. By watching and listening, students are able to actually experience the foreign culture and develop their language skills in the native real-life environment. This programming is also a vital intelligence resource since it provides significant insight into the internal happenings of the various countries.

Throughout its long-time relationship with the Defense Language Institute (DLI), National Security Agency (NSA), Central Intelligence Agency (CIA), State Department, military and other government sectors, SCOLA has been particularly responsive to requests for programming from specific areas of the world, with a major portion of its current programming schedule developed as a direct result of specific requests. In addition SCOLA offered this resource from regions of the world that never really had a significant presence in the United States before.

SCOLA is a unique satellite-based language training activity that provides television programming in a variety of languages from around the world. Language students and seasoned linguists have found this augmentation of their normal language training to be very helpful. SCOLA also has an Internet-based streaming video capability that greatly increases the availability of this training medium to military and civilian linguists, virtually anywhere they can obtain an Internet connection. In addition, SCOLA is developing a digital archive that will allow users anywhere to review and sort language training information on demand. The development of these capabilities will make SCOLA training assistance much more widely available, but requires additional investment. The committee is concerned that even after three years of encouragement from the Congress, and in an operational environment where the value of language training is of great importance to the nation, the Department of Defense has not fully funded the innovative language training concepts that can help sustain and significantly improve the skills of military and civilian linguists in the Department.

Mr. Chairman, the Senate FY 2006 Defense Authorization, S. 1042, recommends an increase of $6.0 million in Operations Maintenance—Army, for the Defense Language Institute, for funding of SCOLA related training activities. In light of current events, the significance of SCOLA's widespread availability to the U.S. military and other government users cannot be overstated.

It is my hope that with the House and Senate appropriators will ensure that vital funding for SCOLA is included in the final H.R. 2863—Department of Defense Appropriations Act for Fiscal Year 2006.

Mr. SIMPSON. Mr. Speaker, I rise today to recoginize the continuing role that the Government of Japan is playing to promote peace and democracy in Iraq and around the world. The determination and commitment of Japan, one of our Nation's most important allies, is particularly significant, especially at this time. We all read news stories about the difficulties and tensions that the United States has with our allies and even with coalition partners in Iraq, but we rarely read about the good news.

As the House debates funding for our troops at home and abroad, I believe it is timely and important to highlight several recent developments in Japan's contributions to these efforts.

IRAQ AND AFGHANISTAN

In April, the Government of Japan decided to extend for an additional 6 months, until November 1, 2005, the operation of Japan's Self Defense Forces (SDF) in support of ''Operation Enduring Freedom (OEF).'' As part of these operations, Japan has dispatched destroyers and supply ships to the Indian Ocean to provide at-sea refueling to U.S. and other allied naval vessels in the campaign. As of March 29, the Maritime SDF has completed more than 500 refueling operations for those naval vessels. As a result, Japan supplies about 30 percent of all fuel consumed by U.S. and allied naval vessels. Since last November, the Maritime SDF has begun to supply water and fuel for helicopters to the allied countries.

Japan has also sent their SDF forces to Iraq. The operations have included ground troops, naval vessels and aircraft, all involved in reconstruction and humanitarian projects. At one point, the total number of Japanese SDF forces in the Iraq theater was approximately 1,000, including about 600 ground troops. These are historic operations, the first of their kind by Japan since the end of World War II.

In addition, the Air SDF of Japan has provided airlift support to the U.S. Forces with C–130 transport aircraft and other planes. The Air SDF has completed more than 400 transport missions both in Japan and overseas in support of Operation Iraqi Freedom and Enduring Freedom.

Further, Japan is the second largest donor in Iraq after the United States, with over $5 billion dollars for humanitarian, infrastructure and reconstruction projects. Japan also hosted a donor's conference last October, and continues to play an active role in the core group of donors.

With respect to the reconstruction for Afghanistan, Japan has committed, in total, $1 billion of assistance, of which about $900 million have been disbursed so far.

JAPAN'S EFFORTS IN THE MIDDLE EAST PEACE PROCESS

Japan is actively involved in advancing the Middle East peace process, including the provision of assistance to the Palestinians. To support Palestinians' peace efforts, Japan announced at the summit meeting between Prime Minister Koizumi and Mr. Abbas, the President of the Palestinian Interim Self-Government Authority, that it will provide additional assistance of approximately 100 million U.S. dollars to the Palestinians for the immediate future, in addition to the 90 million U.S. dollars it already provided in the last fiscal year.

BILATERAL SECURITY COOPERATION

It is significant that Secretary of State Rice and Japanese Foreign Minister Machimura have already held 3 bilateral meetings, the most recent being on May 2 here in Washington. Among the issues discussed were the creation of a Japan-U.S. strategic dialogue led by the two ministers, increased security cooperation, North Korea and United Nations Reform. During her visit to Tokyo in March, Secretary Rice cited Japan as a model for political and economic progress in all of East Asia and praised Japan's partnership with the United States in the global war on terror.

NORTH KOREA

Japan continues to work closely with the United States on the issue of the North Korean nuclear crisis and has played an important and constructive role in the Six-Party talks. Japan supports an early resumption of these talks with an emphasis on the role of China.

WEAPONS OF MASS DESTRUCTION (WMD)

Japan is a strong supporter of the Non-Proliferation Treaty regime and has reached out to other countries, especially in Asia, to build a broader coalition against the spread of Weapons of Mass Destruction. Last fall, Japan hosted Australia, France and the United States (as well as 44 observer countries) in the first Proliferation Security Initiative (PSI) Maritime Interdiction exercise. The PSI is a global effort among governments to prevent the spread of weapons of mass destruction and other missiles. Japan again showed its commitment to the global war on terror by using its Maritime Self Defense Forces to counter proliferation in this multinational exercise.

CONCLUSION

Mr. Chairman, these initiatives by Japan are but a few examples of the growing role that Japan is playing in the maintenance of international peace and security. And it is a powerful reminder of the importance and strength of the Japan-U.S. security relationship. I believe it is therefore appropriate that the House of Representatives recognize these actions and commend the Government of Japan.

Mr. STARK. Mr. Chairman, I rise in opposition to this Defense Appropriations bill.

I cannot support legislation that throws more money at President Bush's quagmire in Iraq without the Bush Administration providing a withdrawal date or exit strategy. Even with bipartisan Congressional calls for this timetable, President Bush still has provided no such strategy.

The Administration also refuses to estimate the true costs of the war. The war has already cost $208 billion, including an additional $80.5 billion approved by Congress just this year. In fact, Congress was forced to add in another $45.3 billion for the war in Iraq in this bill, against the President's wishes. While the funding will only cover 6 months of costs, at least my colleagues across the aisle are willing to level with the American people as to the cost of the war even if the leader of their party is not.

As we all know, these additional funds are not helping the situation in Iraq. Insurgents continue to kill scores of American soldiers and Iraqi civilians and security forces. More than 1,700 young Americans and more than 20,000 Iraqi civilians have been killed. As long as the United States is in Iraq, the Iraqi insurgency will continue to have a justification to carry out their savage attacks on Iraqi security forces and American soldiers.

I also oppose provisions in this bill that continue the Republican tradition of funding wasteful weapons systems. It appropriates $7.6 billion on pie-in-the-sky Star Wars missile defense. This system has been proven to be inoperable. It seems like the real purpose of building this system is to provide corporate welfare to defense contractors rather than to protect American lives or make the world a safer place.

The bill provides additional funding to build ships that the Navy has not requested and military airplanes that are unnecessary and redundant. For instance, it adds $3.2 billion, on top of the $40 billion already used, to build 22 F/A–22 Raptors that were justified as necessary in order to compete with a new generation of Soviet fighters. Since the collapse of the Russian air force, there is no nation that has, or is planning to have, fighter jets as dominant as the ones the U.S. Air Force currently uses in combat. The recent conflicts in Iraq, Kosovo and Afghanistan have shown the superiority of current U.S. fighters to other nation's combat aircraft. Not only is there no need for the F/A–22, the GAO adds further rationale for its demise by reporting that its costs have ballooned to $1.3 billion more than budgeted for by the Air Force.

Finally, this bill wrongly encourages the development of nuclear weapons. As we fight terrorism and nuclear proliferation overseas, it is reckless to believe that more nuclear bombs at home will result in fewer bombs abroad. In fact, expanding our own nuclear capability will encourage terrorists and nations, like Iran, to build nuclear programs to match U.S. firepower, thus making them more of a threat to U.S. national security.

I cannot in good conscience vote for a bill that encourages the proliferation of nuclear weapons, continues to place our troops in harms way with no plan to bring them home and provides billions of dollars in gifts to defense contractors. I urge my colleagues to vote down this defense bill that does nothing to keep our Nation safe and, in fact, makes the world a much more dangerous place.

Mr. CRENSHAW. Mr. Chairman, I rise today to offer my support to H.R. 2863, the Fiscal Year 2006 Defense Appropriations Bill. I commend the Subcommittee Chair, my good friend, BILL YOUNG for tackling many important, yet difficult issues.

For the past few years, I have been deeply troubled by the Navy's shipbuilding budgets. Each year when the President's Budget is submitted, the number of ships procured in that year is always lower than the year before, however the amount of ships planned for the out years keeps growing and growing. For example in this year's budget, the Navy had requested 4 new ships for a total amount of $6.2 billion, but believes that they can sustain a shipbuilding budget of $17.7 billion for 12 ships in Fiscal Year 2011. As a man with an investment banking background, I can tell you that you can never rely on the certainty of the out years.

I believe this budgeting trend will continue not because the Navy needs fewer ships, but because our shipbuilding programs have become unaffordable. Unless the Navy makes some radical changes to the way they budget and account for new ship construction, our ship numbers will continue to drop. We talk about transformational technologies and weaponry everyday in Congress, we need to begin talking about transformational and innovative accounting.

According to a GAO audit published earlier this year, simple business accounting practices such as independent cost estimates and uncertainty analysis could have saved the Navy millions in cost growth from a number of shipbuilding programs, including our most expensive ship, the nuclear aircraft carrier.

This Committee on Appropriations has recognized this dangerous trend and the need for change. In addition to doubling the amount of ships procured in Fiscal Year 2006 from 4 to 8, the committee report contains strong language and direction that will hopefully stop cost overruns from draining our future ship resources.

I look forward to continuing to work with the Subcommittee Chairman to see if we, on Appropriations, can begin to transform the way this Nation builds and procures ships. We will need innovative thoughts and practices from corporate America.

I urge my colleagues to support this bill and its innovative approaches to our national defense.

Mr. MATHESON. Mr. Chairman, two long years have passed since our soldiers left for Iraq. We all have constituents serving overseas now and it's these brave men and women and their families that I keep in mind these days.

I wish that we had more people on their way home, than on their way to Iraq right now. Last week, soldiers from the Triple Deuce—a field artillery battalion headquartered in my district—left home for final training at Camp Shelby. After that they'll be sent to Iraq for the next year.

Members of the Triple Deuce include a small town mayor, a local fire chief and many ordinary citizens who—when we are not at war—make up the fabric of everyday life in Utah.

These Americans are in the infantry. They're going to serve our country in a dark corner of the Middle East and I'm very worried about them. But I do know that they have lots of loved ones and fellow Utahns back home thinking about them and praying for them.

I heard that their family and friends lined the streets of St. George today to say goodbye and I wish I could have been there too.

This is a good bill—I'm proud to support it. My vote will go towards more armor, more vehicles, better weapons, and better compensation for the countless soldiers who are serving our country.

We all want these brave Americans to return home as soon as possible. I believe that we need to accurately measure our progress in Iraq and continue taking care of our troops.

Passage of this legislation demonstrates our commitment to our brave men and women in uniform and acknowledges that they need resources in order to accomplish their mission and return home safely. It also offers support for the families when a loved one pays the ultimate sacrifice in the cause of fighting for freedom.

Mr. HOYER. Mr. Chairman, our highest duty as Members of this Congress is to ensure our national security, to protect our homeland and to defend our people.

We must use every tool in our arsenal—including military force—to capture, kill or disrupt international terrorists who are intent on striking the United States and our interests overseas. We must do whatever it takes to prevent the unthinkable—a nuclear, biological or chemical attack—from occurring on American soil. We must ensure that the American military remains the finest fighting force in the history of the world. And, we must succeed in Iraq—for the sake of our own national security, the stability of Iraq and the Middle East region, and our global standing and credibility.

This defense appropriations bill will help us accomplish most of our national security objectives, and I will vote for it. It provides $409 billion for defense functions for fiscal 2006, including $45.3 billion in so-called emergency spending for operations in Iraq and Afghanistan—bringing the total appropriation from this Congress for these two missions to $314 billion.

However, even though I support this bill, I believe it is simply Orwellian to call this new funding for Iraq and Afghanistan an ''emergency.'' Emergencies are unforeseen events that are difficult, if not impossible, to plan for. The idea that this administration cannot predict and budget for the costs of our on-going military efforts in both Iraq and Afghanistan is ludicrous.

Furthermore, this budgetary sleight of hand epitomizes this administration's failure to level with the American people on many aspects of this military action, as well as the unwillingness of this Republican Congress to fulfill its Constitutional duty to exercise real, effective oversight on the administration's policies.

We are simply not asking the tough questions that voters expect us to ask on national security. In Iraq, it is obvious that our mission is not accomplished, let alone succeeding. More than 1,700 American soldiers have lost their lives there. Americans account for 85 percent of the coalition forces in Iraq, but represent 98 percent of the casualties.

And, as Tom Friedman wrote last week in the New York Times:

> Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there.

Mr. Friedman added:

> Almost every problem we face in Iraq today . . . Flows from not having gone into Iraq with the Powell doctrine of overwhelming force. We cannot even secure the two miles of highway that separates the Baghdad Airport and the Green Zone.

Yet, this Congress has not conducted effective oversight on the administration's refusal to heed the advice of senior military officials, who said more troops would be needed to secure Iraq; on the costs of this action; on the incompetent post-war reconstruction effort; or, on detainee abuses in Iraq, Afghanistan and at Guantanamo.

Effective Congressional oversight need not be adversarial. I believe that every American wants our Nation to succeed in Iraq. But the truth is, this administration has failed to articulate a convincing, compelling success strategy.

And, even as I vote for this defense appropriations bill today, I believe it is imperative that this Congress embrace its legislative duty, work with this administration, and ensure that such a strategy is implemented immediately. Our troops—and the American people—deserve no less.

Finally, Mr. Chairman, I would ask that Tom Friedman's column from June 15 in the New York Times be admitted into the record of this debate.

[From the New York Times, June 15, 2005]

LET'S TALK ABOUT IRAQ

(By Thomas L. Friedman)

Ever since Iraq's remarkable election, the country has been descending deeper and deeper into violence. But no one in Washington wants to talk about it. Conservatives don't want to talk about it because, with a few exceptions, they think their job is just to applaud whatever the Bush team does. Liberals don't want to talk about Iraq because, with a few exceptions, they thought the war was wrong and deep down don't want the Bush team to succeed. As a result, Iraq is drifting sideways and the whole burden is being carried by our military. The rest of the country has gone shopping, which seems to suit Karl Rove just fine.

Well, we need to talk about Iraq. This is no time to give up—this is still winnable—but it is time to ask: What is our strategy? This question is urgent because Iraq is inching toward a dangerous tipping point—the point where the key communities begin to invest more energy in preparing their own militias for a scramble for power—when everything falls apart, rather than investing their energies in making the hard compromises within and between their communities to build a unified, democratizing Iraq.

Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there. We have never fully controlled the terrain. Almost every problem we face in Iraq today—the rise of ethnic militias, the weakness of the economy, the shortages of gas and electricity, the kidnappings, the flight of middle-class professionals—flows from not having gone into Iraq with the Powell Doctrine of overwhelming force.

Yes, yes, I know we are training Iraqi soldiers by the battalions, but I don't think this is the key. Who is training the insurgent-fascists? Nobody. And yet they are doing daily damage to U.S. and Iraqi forces. Training is overrated, in my book. Where you have motivated officers and soldiers, you have an army punching above its weight. Where you don't have motivated officers and soldiers, you have an army punching a clock.

Where do you get motivated officers and soldiers? That can come only from an Iraqi leader and government that are seen as representing all the country's main factions. So far the Iraqi political class has been a disappointment. The Kurds have been great. But the Sunni leaders have been shortsighted at best and malicious at worst, fantasizing that they are going to make a comeback to power through terror. As for the Shiites, their spiritual leader, Ayatollah Ali al-Sistani, has been a positive force on the religious side, but he has no political analog. No Shiite Hamid Karzai has emerged.

''We have no galvanizing figure right now,'' observed Kanan Makiya, the Iraqi historian who heads the Iraq Memory Foundation. ''Sistani's counterpart on the democratic front has not emerged. Certainly, the Americans made many mistakes, but at this stage less and less can be blamed on them. The

burden is on Iraqis. And we still have not risen to the magnitude of the opportunity before us.''

I still don't know if a self-sustaining, united and democratizing Iraq is possible. I still believe it is a vital U.S. interest to find out. But the only way to find out is to create a secure environment. It is very hard for moderate, unifying, national leaders to emerge in a cauldron of violence.

Maybe it is too late, but before we give up on Iraq, why not actually try to do it right? Double the American boots on the ground and redouble the diplomatic effort to bring in those Sunnis who want to be part of the process and fight to the death those who don't. As Stanford's Larry Diamond, author of an important new book on the Iraq war, ''Squandered Victory,'' puts it, we need ''a bold mobilizing strategy'' right now. That means the new Iraqi government, the U.S. and the U.N. teaming up to widen the political arena in Iraq, energizing the constitution-writing process and developing a communications-diplomatic strategy that puts our bloodthirsty enemies on the defensive rather than us. The Bush team has been weak in all these areas. For weeks now, we haven't even had ambassadors in Iraq, Afghanistan or Jordan.

We've already paid a huge price for the Rumsfeld Doctrine—''Just enough troops to lose.'' Calling for more troops now, I know, is the last thing anyone wants to hear. But we are fooling ourselves to think that a decent, normal, forward-looking Iraqi politics or army is going to emerge from a totally insecure environment, where you can feel safe only with your own tribe.

Mrs. TAUSCHER. Mr. Chairman, I strongly support the Defense Appropriations subcommittee's decision to provide $4 million for a conventional earth penetrator in the fiscal year 2006 Defense Appropriations bill.

Many rogue nations, unable to face the threat of our awesome firepower and precision bombs, are increasingly hiding their military assets under hard geologies, making it more difficult for us to hold them at risk and undermining our ability to protect the nation.

I believe it is vitally important that we do all we can to provide our military with the right weapons to destroy these buried targets.

This, however, does not include nuclear weapons.

Nuclear bunker busters advocated by the administration and by their allies in Congress are the dangerous fantasy of a few who are desperate to find new missions for nuclear weapons.

Using a nuclear weapon to try to destroy a buried bunker or other target would produce significant civilian casualties and radioactive fallout.

A recent National Academy of Sciences report states that a nuclear earth penetrator ''could . . . kill up to a million people or more if used in heavily populated areas.''

In addition, U.S. military personnel operating in the area would be at risk of death and injury.

The President's repeated requests for funding a robust nuclear earth penetrator undermines the United States' leadership role in nonproliferation.

We cannot credibly ask other countries to restrain their nuclear weapons programs while we aggressively advance work on new weapons.

I applaud and share Chairman YOUNG and Ranking Member MURTHA's concern with defeating hard and deeply buried targets while reducing fallout and collateral damage.

It is vital that Congress send a strong message that we reject the administration's rush to find new uses for nuclear weapons.

The appropriations committee's decision to focus taxpayer dollars on perfecting conventional means of defeating hardened targets instead of investigating nuclear option is the right thing to do.

The head of the National Nuclear Security Administration, Linton Brooks has testified that a nuclear earth penetrator would cause massive radioactive fallout and our own uniformed military does not want a nuclear device that would put at risk our own troops.

Even the Defense Science Board that advises the Pentagon recently stated that ''US interests are best served by preserving into the future the half century plus non-use of nuclear weapons.''

I agree.

Until we have exhausted all conventional mean to defeat hardened targets and there is a true military requirement for an RNEP, it would be irresponsible for Congress to rush to find new uses for what should always be a weapon of last resort.

I am pleased that the funds in this bill are only to be used to study the effectiveness of a conventional device to defeat hard and deeply buried targets.

I urge my colleagues to ensure that the language achieved by the appropriators be preserved in conference.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of a provision in this bill that will help us start to get a handle on cleaning up unexploded ordnance (UXO). I want to thank Chairman YOUNG and Ranking Member MURTHA and their staff for providing an additional $10 million for the Environmental Security Technology Certification Program (ESTCP) for research and development of unexploded ordnance cleanup technology. I also want to thank my good friend from Illinois, Mr. MANZULLO, for his leadership on this issue.

The safety and environmental hazards of unexploded ordnance are a national problem. Bombs and shells that failed to explode during military training or testing may be found on or buried under the surface of more than 39 million acres of former military properties.

According to the Department of Defense, the cost of cleaning up these sites will be at least $16.3 billion, and possibly as much as $35 billion. At an annual funding level of $106 million, cleanup at the remaining munitions sites in DOD's current inventory will take at least 150 years to complete. An increase in funding for UXO research and development will allow the DOD to more quickly develop safer and cheaper technology for dealing with UXO.

The Defense Science Board (DSB) Task Force on UXO quantified the potential impact advanced technology can have to reduce these costs. They concluded that the cost of cleanup could be reduced to one-third of what we now expect through the development and application of advanced technologies for the detection of UXO. The DSB report called on the DOD to take two critical steps to reduce the costs of UXO cleanup and improve the efficiency of the current program: first, conduct a wide area assessment of possibly-contaminated land to allow for rapid transfer of uncontaminated land and, second, develop and use technologies that can differentiate between a bomb and hubcap to drastically reduce the cost of cleanup.

Congress directed the Department to conduct an initial pilot project of wide area assessment technologies in the FY 05 Defense Appropriations bill. Early results indicate that this approach shows great promise. The $10 million in this bill will allow this effort to continue and expand to test these technologies over a wider variety of contaminated sites to assess their applicability across the nation.

Addressing the UXO issue, brings many clear benefits: it will preserve the ability of our armed forces to train effectively and ensure the safety of our armed forces as new military housing is constructed on closed ranges. It will release more acreage for other uses, including private development that will generate tax revenues and free up thousands of acres for recreational uses. Finally, it will allow the development of new technologies than can be used to clean-up land mines and other ordnance that threatens our troops in Afghanistan and Iraq and innocent civilians everywhere.

I am also pleased that we are beginning to see partial funding for the war in Iraq contained within the regular budget and appropriations process, though not to the extent that it should be. I have always opposed funding for the war in Iraq because I believed it gave too much money to the wrong people to do the wrong things. I hope that we can continue to make progress on this issue and this bill takes the small step to begin doing just that.

Mr. HOLT. Mr. Chairman, I rise today to support the Department of Defense Appropriations Act for Fiscal Year 2006. This bill appropriated $408.9 billion for the Department of Defense. This included a $45.3 billion appropriation for the ongoing U.S. military operations in Afghanistan and Iraq.

I am pleased that this bill helps keep our faith to our service members by providing them with a much needed pay increase. It authorizes a 3.1 percent across-the-board pay raise for our active duty and reserve troops. This is the seventh consecutive year that Congress has provided a pay raise for our men and women in uniform. This will help to reduce the pay gap between average military and civilian pay.

I am glad that this bill does not fund the Robust Nuclear Earth Penetrator. While I understand the threat that certain underground bunkers or facilities may pose, creating these weapons would only serve to undermine our global counterproliferation goals. Moving forward with a new generation of nuclear weapons would send a simple message to Iran, North Korea and other emerging or potential nuclear-armed states: ''We want new nuclear weapons, and you should, too.'' I am glad this program has thus far been rejected and I will continue to oppose any efforts to fund it.

The bill also provides $416 million for the Cooperative Threat Reduction program, to help prevent the nuclear weapons of the former Soviet Union from falling into the hands of terrorists or others who would wish to do us harm. I am pleased that we are providing more than we did last year for this important program, but we have a lot of work remaining to do, and I regret that we did not provide more money to help secure, dismantle and eliminate WMD's and WMD facilities.

I am glad that after three years, we have finally started to fund the ongoing operation in Iraq and Afghanistan through the normal legislative process. I believe we should not be funding military operations that are foreseen

through emergency supplemental appropriations, as we have done in the past. We have soldiers in the field, and we know that we'll be continuing military operations against al Qaeda and its surrogates for the foreseeable future. The bridge funding provided for Iraq and Afghanistan in this bill recognizes this.

I am, however, concerned by some of the provisions contained within this bill.

First, I am deeply troubled that this bill again contains funding for missile defense. Under this bill, $7.6 billion would be appropriated for ballistic-missile defense programs within the Missile Defense Agency. The total includes funding for the initial deployment of a national missile-defense system based in Alaska and California. Not only has this program continually failed to work even under less-than-real-world test scenarios, but it is a dangerous system that could jeopardize our national security.

While I support providing our troops in harm's way with the best equipment possible, I am troubled by the ever increasing human toll the Iraq war is inflicting on our nation. Last week, some of my colleagues on both sides of the aisle introduced legislation calling for the withdrawal of American forces, and a clear majority of Americans understand that things are badly off track in Iraq.

Indeed, there is good reason to believe that the centerpiece of the Bush administration's exit strategy for Iraq—the program to train and equip the Iraqi security forces to take over the domestic security mission from our troops—is in grave peril.

Mr. EHLERS. Mr. Chairman, I rise to make a statement regarding the importance of investing in fundamental research at the Department of Defense. This statement would have been offered as a colloquy, but unfortunately my flight was delayed and I was unable to participate in a colloquy with the distinguished Chairman of the Subcommittee on Defense.

Scientific research and development forms the foundation of increased innovation, economic vitality and national security. In 2001, the Hart-Rudman Commission concluded that, ". . . the inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine."

While our focus on immediate national security threats is certainly warranted, it is necessary for us also to consider longer-term threats. Basic research is essential to advances in medicine, military applications and continued economic prosperity. In fact, the development of cancer therapies, global positioning system (GPS), laser-guided missiles, and the Internet are all products of DOD fundamental research endeavors. Who could have imagined that physicists' experimentation with the atomic clock in the 1950s and 1960s would provide the foundation for a technology that allows any soldier to know his precise location no matter where he or she is on this planet? The diversity of the basic science research portfolio ensures discoveries that lay the foundation for advances in defense. As a Nation, we cannot afford to starve basic science research.

Historically, a fifth of DOD basic and applied research has been performed by universities and colleges. This year, we see a continuing disturbing trend of cutting the fundamental research budget at DOD in favor of focusing funds toward more applications-oriented research, or away from research altogether and shifting toward development. I recognize that this committee worked to restore many of the proposed cuts to these areas, and sincerely appreciate those efforts. However, we are still faced with a 4 percent reduction in our fundamental research budget at DOD. We can't expect to defend our nation twenty or fifty years from now if we focus only on the needs of today. We have to prepare for the future, and that investment takes place through university partnerships.

I hope that in the event that any additional funds may become available in the future, that the Committee and Chairman would be willing to examine the possibility of devoting such funds to the basic research budget. I believe the support in these areas must remain strong to foster new ideas generated by the unique intellectual resources of our universities and colleges.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,357,895,000.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. Jackson-Lee of Texas:

On page 2, line 15, insert after the dollar amount the following: ''(increased by $300,000,000)''.

On page 3, line 2, insert after the dollar amount the following: ''(increased by $250,000,000)''.

On page 3, line 13, insert after the dollar amount the following: ''(increased by $50,000,000)''.

On page 4, line 2, insert after the dollar amount the following: ''(increased by $250,000,000)''.

On page 4, line 15, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 5, line 3, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 5, line 17, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 6, line 5, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 6, line 19, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 7, line 8, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 29, line 17, insert after the dollar amount the following: ''(reduced by $2,000,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, there is some confusion on which amendment this is. I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would ask the Clerk to read a portion of the amendment because we know that there is no point of order on this, so if she could read so that I can understand the gentleman has the right one.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk proceeded to read the amendment.

□ 1415

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, first of all, acknowledge the gentleman from Florida (Mr. YOUNG), the chairman of the subcommittee; and the gentleman from Pennsylvania (Mr. MURTHA), ranking member, and thank them for their due diligence on behalf of the United States military. Though there have been those who have tried to divide our commitment to the personnel of the United States military, it is very clear, Mr. Chairman, that we are united as Americans, as Members of Congress, local elected officials and families and supporters on behalf of our military.

As I flew in today, I watched a number of our returning military arrive at their destination and be embraced by their family members. Besides acknowledging the love extended, I thought about the commitment that we owe to those families. And so I bring to the attention the headline in

my newspaper ''Troops' Best Gift: Family Support'' of the Sunday Chronicle, and I would say that the best gift we can give to those families is the compensation of our particular personnel.

I rise today to offer the amendment to the Defense appropriation which would increase military pay raises by an additional $1 billion overall. This amendment would have been necessary in order to better compensate our brave men and women who are fighting for our Nation. The appropriation provides an average 3.1 percent pay increase for military personnel, equal to the President's request and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is that they deserve much more for the sacrifice that they are making for our Nation. This amendment would result in funds for military pay increases of $300 million for the Army, $250 million for the Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new. In fact, they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. I believe our military personnel deserve our first priority, affection, admiration, and love. And I frankly believe we owe this to their families, the many thousands that are in Texas, reservists, National Guard, and enlisted and active duty. Why in good conscience in this time of budget constraints and increased need would we allocate even more money for these failed programs?

This amendment does not end research for the missile defense program. It simply pares it down to a more reasonable number in order to pay for the best defense system in our entire military system: our American troops.

Missile defense systems are great in theory. They were especially important during the Cold War, but now, in fact, the world has changed. In fact, the war is considered the war on terrorism. I hope we will never forget the sacrifices of our troops made on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan.

So I would ask any colleagues to consider paying tribute to these soldiers by considering an amendment in this category.

I rise today to support my amendment to this Defense Appropriation bill, which would increase military pay raises by an additional $1 billion overall. This amendment is necessary in order to better compensate our brave men and women who are fighting for our Nation abroad. This appropriation provides an average 3.1 percent pay increase for military personnel in fiscal year 2006, equal to the President's request, and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is tha they deserve much more for the sacrifice they are making for our Nation abroad. This amendment would result in funds for military pay increases of $300 million for Army, $250 million for Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile-defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new; in fact they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in good conscience, in this time of budget constraints and increased need, would we allocate even more money for these failed programs? This amendment does not end research for missile-defense programs it simply pares it down to a more reasonable number in order to pay more for the best defense system in our entire military system: our American troops. Missile-defense systems are great in theory, they were especially important during the Cold War, but now the world has changed and we need troops more than we need overly complex defense systems that may never work.

I hope we never forget the sacrifices our troops make on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan. I hear people in Washington complaining about how hot its been recently, just imagine how uncomfortable our Armed Forces feel, they have to suffer the heat under their Kevlar helmets and heavy bulletproof vests. They can't sit inside and enjoy themselves, these days they are on constant high alert because of the Iraqi insurgency. Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this war in Iraq began and more than 12,000 have been wounded in action and yet we play politics with giving them due compensation?

This amendment is about our national defense, we are only as strong as our men and women in the Armed Forces. In the end, this amendment is about shifting some money from a defense system that may never work to a group of Americans who have never stopped working for this Nation.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I would hope that the gentlewoman would withdraw this amendment. We have worked so hard to balance this out. And I understand her sentiments, and we appreciate that, but I would hope that we could take a look at this in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman knows, I have spoken to him about this amendment, and staff. I have reviewed what we have done in the appropriations, and I am prepared today to withdraw the amendment. I am appreciative of the fact that he is willing to work with me in conference. I think that this is a tough job, but I also know that we all believe in our personnel.

So with the commitment to be able to work with the conferees or to work through this process, I know that the commitment of the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), I am willing and would like to be able to work with them.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentlewoman that we are willing to work with her as we go to the conference, and in view of her willingness to withdraw the amendment, I withdraw my point of order that I reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to add my words of thanks and praise to the gentleman from Florida (Mr. YOUNG) for his great leadership in making our Nation's defense strong and secure and extend that praise also to the gentleman from Pennsylvania (Mr. MURTHA), who does such a wonderful job on this Defense Subcommittee.

I rise for the purpose now of engaging in a colloquy with the gentleman from Florida (Mr. YOUNG), chairman of the Defense Subcommittee of the Committee on Appropriations, regarding the penetrator study for Hard and Deeply Buried Target defeat authorized in the fiscal year 2006 National Defense Authorization bill passed by the House last month.

Mr. Chairman, during hearings and briefings in support of the fiscal year 2006 budget request, the House Committee on Armed Services heard from General Cartwright, Commander United States Strategic Command, and Secretary Rumsfeld, on the importance

of exploring all options for holding Hard and Deeply Buried Targets at risk. The United States currently does not have any viable options to put at risk many of these targets which may contain chemical, biological, nuclear, or command and control capabilities. And, very simply, the people who would pull the trigger on a military operation are typically those, the leadership people, who would go to the bunkers. And it is very important to deter those people, and sometimes that means having the ability to reach them with a deep bunker penetrator.

Both General Cartwright and Secretary Rumsfeld felt that it was important to explore all options, conventional as well as nuclear, against these targets that pose a threat to our national security.

Mr. Chairman, I strongly agree with that. As the gentleman knows, the House Committee on Armed Services mark recommended in the fiscal year 2006 National Defense Authorization bill, H.R. 1815, authorized $4 million within the Department of Defense for research into various options of penetrators that could hold Hard and Deeply Buried Targets at risk.

The fiscal year 2006 budget requested funds for only a nuclear penetrator option under the Department of Energy. In order to explore all options and specifically to include conventional in addition to nuclear options, the defense authorization bill moves this penetrator study from the Department of Energy to the Department of Defense, broadens its scope to include both the conventional and nuclear penetrator options, and authorizes $4 million for the study.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand that the authorizing committee intended that this penetrator study include exploring the feasibility of various options for penetrators that could hold Hard and Deeply Buried Targets at risk, and as we all know, there are many of those. As the gentleman knows, H.R. 2683 would appropriate $4 million for a study. We want to work with the gentleman from California (Chairman HUNTER), the very strong leader of the authorizing committee, and his colleagues and our colleagues to do our best to reflect the understandings and intent of the Committee on Armed Services on this matter as we move forward to conference with the Senate Appropriations Committee on this legislation.

In that regard, I pledge to continue to work closely with the gentleman from California on this issue and many others in the weeks ahead, and I thank him for clarifying the intent of the Committee on Armed Services, which he so ably chairs.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I want to thank the gentleman and thank the ranking member for their commitment to work with us on this matter and all matters of national security and we appreciate their dedication.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,417,696,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,839,813,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $20,083,037,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,862,103,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,486,061,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $472,392,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,225,360,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,359,704,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,028,215,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,432,727,000: *Provided*, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,719,818,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,123,766,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,659,373,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,323,516,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available under this heading, $5,000,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,791,212,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,178,607,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $199,929,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,465,122,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,142,875,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,547,515,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $20,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,236,000, of which not to exceed $5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 15, line 12, after the dollar amount insert the following: ''(increased by $83,900,000)''.

Page 29, line 17, after the dollar amount insert the following: ''(reduced by $83,900,000)''.

Mr. SPRATT. Mr. Chairman, before mentioning my amendment, let me also commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), the chairman of the subcommittee and the ranking member. There are not two Members of the House for whom I have greater respect. This is a good bill. I intend to support it. But I have an

amendment which I think will make it a better bill.

My amendment is simple and it is straightforward. It would take $84 million in funding for missile defense that is not needed and add it to an area where it is woefully in need, to the nonproliferation of nuclear weapons and nuclear materials.

Everyone here remembers the first debate between Senator KERRY and President Bush last year. They agreed on one thing for sure, that the gravest threat facing the United States is that of terrorists armed with nuclear weapons. Our front line in the defense of this threat is variously called Cooperative Threat Reduction, nonproliferation, or Nunn-Lugar. Whatever we call it, its object is to stop, secure, and dispose of nuclear weapons and nuclear materials at the source if at all possible.

I referred to the President. Just this past February, he met with the President of the Russian Federation, and together they cited the fact that nuclear nonproliferation is a matter of compelling importance for both countries. Five years ago we appointed a bipartisan commission headed by Howard Baker and Lloyd Cutler. They came back after 1½ years of lengthy study and recommended to us that we take these accounts dealing with nonproliferation of nuclear weapons and increase them to $3 billion over the next 10 years.

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Here is how they sized up the threat 4 years ago: ''The most urgent, unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable materials in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.''

That was 4 years ago. And DOD's nonproliferation budget, together with the DOE budget and the State Department budget today, all together come to $1.9 billion, way short of what was recommended 4 years ago by Howard Baker and Lloyd Cutler.

The DOD program called Cooperative Threat Reduction, CTR, Nunn-Lugar, was launched in 1991 to secure, to deactivate, to dispose of weapons of mass destruction in the former Soviet Union and in other countries. Since then, it has racked up quite a scorecard. Since 1991, the CTR program has deactivated 6,564 warheads, destroyed 570 ICBMs, eliminated 543 SLBMs, retired 142 bombers, and I could go on with a host of other potentially threatening missile and nuclear components which this program has eliminated.

Despite these successes, the CTR program has been virtually flat-funded since its inception at around $400 million a year. This year, the budget request of $416 million falls $27.6 million below the level at which this program was funded on 9/11; $26 million less than 9/11.

My amendment makes a modest correction to this shortfall. It allocates an additional $84 million to Cooperative Threat Reduction to bring total funding to $500 million. It pluses up the CTR budget, allowing DOD, the Department of Defense, to do something it has urgently wanted to do: upgrade security at Russian weapons storage sites.

DOD has indicated that to get all of the upgrades needed at Russian sites, to secure nuclear weapons and nuclear components, it will need funding each year that is about $150 million more than the budget provides for the next 5 to 7 years. My amendment puts up about half of that shortfall.

We make this funding possible by an offset that I think we can all accept. My amendment reduces the Ground-Based Missile Defense budget by $84 million. Now, here is how it does it. It would do so by limiting the funding for silos at Fort Greely, Alaska, to 26 silos this year, and Vandenberg to four silos. In other words, my amendment would permit, would fund 30 ground-based GBIs and silos. The Missile Defense Agency is planning to provide 34 silos for the first 30 GBIs. The extra four silos are referred to as ''swing space,'' additional, nice to have; but this is a cost, nearly $16 million, that we can avoid per silo that we can avoid for now and spend more wisely elsewhere. So my amendment does just that. It withholds funding for these four extra swing silos and saves $63 million.

The fiscal year 2006 budget also includes $20.7 million as an advanced payment on 10 additional silos, even though the chairman's mark cuts the funding for the missiles that would actually go in these silos. My amendment, therefore, eliminates this funding at least for 2006.

If the interceptors work, 30 silos should be sufficient for defense against a rogue nation like North Korea, and 30 silos should be sufficient for now for the ground-based interceptor until testing has finally shown that it works.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment, and I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. In any event, let me suggest simply that we ask ourselves, which is a more likely threat, that we be attacked by ICBM with a return signature on it, or by some stealthy terrorist in the back of a paneled truck with some hidden device in Lower Manhattan or Los Angeles? I think the answer is obvious.

That is why I think our money is better spent putting it into nonproliferation to avoid that threat as opposed to putting more money on top of the $7.8 billion into ballistic missile defense.

Mr. MURTHA. Mr. Speaker, when I went down to Austin after the election, but before the inauguration, I said to President Bush, President-elect Bush, we should worry more about terrorism and nuclear nonproliferation than worry about missile defense.

But we worked out the best we can work out. I mean, we know they have not spent nearly the money they have, and I think the gentleman just stated that, I do not remember an exact amount, but I think it is only 1 or 2 percent of what we have already appropriated for nonproliferation.

So I would appreciate it if the gentleman would consider letting us work on it and seeing what we can do. But we are just about to the point where I do not think we can put any more money in that they will spend. If it looks like we can work out a deal where they are going to spend more money, then it would be well worth considering what the gentleman has in mind. But, as it is, I feel the same way; but we tried to work out a balance where we knew we could get a bill signed, and I think we have come pretty well where it is. But I still think we would be quite willing to work with him.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, there is $7.8 billion provided for this program, vastly more than any other program in the budget. We are shaving it at the edges and putting it into an area where I think we would all agree there is a critical threat and a real need.

Mr. MURTHA. Mr. Chairman, reclaiming my time, what I said when I went down to Austin is exactly what I am repeating now. We have to worry about nonproliferation and terrorism and not as much about missile defense. But I am saying, and the gentleman knows the bill we put together, we have to be realistic. So I am asking the gentleman to just desist and let us see what we can work out.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment; and I do so reluctantly, because there are some interesting points that he makes. However, the program that his amendment would add money to already has $465 million in unobligated balances from prior year appropriations, so the money really is not needed; and we fully funded the President's request, which is millions over last year.

Now, where he would take the money from, again, we have already taken money from the Missile Defense Agency. We reduced funding for the agency in this fiscal year 2006 budget. The President's budget request itself was a reduction of over $1 billion from last fiscal year, and the committee recommendation trimmed that by another $143 million.

So we brought down the money that the gentleman's amendment would take away, and we have increased over last year the money that he would add it to.

So the amendment really is not necessary, and I think the committee has

done a good job in having to very delicately balance the gives and the takes on these various accounts.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment, and let me commend the gentleman from South Carolina (Mr. SPRATT) for his leadership in offering it, because he has been such a noted expert on this entire area, and I think that this is a step in the right direction.

As he has noted, in the very contentious Presidential debate, the two candidates agreed on one crucial thing. They agreed that the most dangerous threat facing our Nation was nuclear weapons in the hands of terrorists. Yet funding for the program to secure nuclear materials in the former Soviet Union does not reflect the magnitude of this threat.

The Department of Defense requested $415 million for the Cooperative Threat Reduction program this year, roughly the same as it was last year. The Spratt amendment would recognize we need to take this threat much more seriously by putting the resources into it that would allow us to secure more sites faster.

President Bush and President Putin have met in Bratislava; and last February, they pledged to further their cooperation on nuclear security by establishing a plan for security upgrades of nuclear facilities through and beyond 2008. Funding this amendment would help in that agreement.

The amendment does this without doing harm to our missile defense capability. The Spratt amendment will not affect the deployment of the 30 ground-based intercept missiles scheduled for 2006.

I have supported a strong ballistic missile defense system. I strongly believe that this amendment allows that capability to go forward, but I also believe that our ability to protect this Nation from terrorists wielding weapons of mass destruction is much stronger if we put all of our resources into it that we possibly can.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Spratt amendment to the defense appropriations bill.

This amendment, as he told us, will take $84 million from the missile defense program, the single largest defense program in our Nation's history, and add it to an area that we have neglected for far too long: nonproliferation.

The missile defense program has never been proven successful, but the nonproliferation programs have proven extremely successful.

In particular, we need to ramp up funds for the Cooperative Threat Reduction program, CTR. This successful nonproliferation program has succeeded at reducing the number of nuclear weapons in the states of the former Soviet Union. In November 1991, to address the massive quantity of nuclear material left over in the former Soviet Union as a result of ending the Cold War, Congress initiated Cooperative Threat Reduction, also known as the Nunn-Lugar program, which gives the Department of Defense the task of dismantling nuclear warheads, reducing nuclear stockpiles, and securing nuclear weapons and materials in the states of the former Soviet Union.

In 1991, an estimated 30,000 nuclear weapons existed throughout the former Soviet Union. These conditions raised the serious concern that nuclear materials could be smuggled beyond the borders of the former USSR. Fortunately, CTR was created to help secure these nuclear weapons. Under CTR, more than 20,000 Russian scientists, formerly tasked to create nuclear weapons, now work to dismantle them.

Since 1991, CTR has dismantled nearly 6,000 nuclear warheads, not to mention nearly 500 ballistic missiles, over 300 submarine-launched missiles, and nearly 500 missile silos. This program clearly works, and that is what we need to support it through the annual appropriations process. Unfortunately, CTR has been funded at the same level since its creation in 1991, about $400 million per year. The total amount we have spent on CTR equals around 1 year of spending on missile defense.

Unfortunately, this year's defense appropriations bill provides $27.6 million less for CTR than it did before September 11. So while the threat of nuclear terrorism has increased, our efforts to prevent it have diminished.

The smart response to this threat is to fund the peaceful Cooperative Threat Reduction, Nunn-Lugar, all the programs to reduce the world's supply of nuclear weapons, and not promote the aggressive and expensive missile defense programs which have never tested successfully. That is why I urge Members of this House to vote for the Spratt amendment which will take money out of the missile defense system and put it into the nonproliferation programs. In the long run, Americans will be far safer if Congress promotes and properly funds good nonproliferation initiatives like CTR.

I urge all of my colleagues to keep Americans and the world safe. Vote for the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

There was no objection.

Mr. SPRATT. Mr. Chairman, as I understood the gentleman from Pennsylvania, my good friend (Mr. MURTHA), he is offering us a deal, namely, if we will withdraw the amendment, he will endeavor to raise nonproliferation to a level that is commensurate with the need, particularly for upgrading nuclear storage areas in the former Soviet Union. With that commitment to go to conference and try to improve the allocation within this bill for nonproliferation, with that understanding, I will withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,879,380,000, to remain available for obligation until September 30, 2008, of which $203,500,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That $75,000,000 of the funds provided in this paragraph are available only for the purpose of acquiring four (4) HH–60L medical evacuation variant Blackhawk helicopters for the C/1–159th Aviation Regiment (Army Reserve): *Provided further*, That three (3) UH–60 Blackhawk helicopters in addition to those referred to in the preceding proviso shall be available only for the C/1–159th Aviation Regiment (Army Reserve).

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,239,350,000, to remain available for obligation until September 30, 2008, of which $150,000,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,670,949,000, to remain available for obligation until September 30, 2008, of which $614,800,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,753,152,000, to remain available for obligation until September 30, 2008, of which $119,000,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,491,634,000, to remain available for obligation until September 30, 2008, of which $765,400,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,776,440,000, to remain available for obligation until September 30, 2008, of which $57,779,000 shall be available for the Navy Reserve and the Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,596,781,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $885,170,000, to remain available for obligation until September 30, 2008, of which $19,562,000 shall be available for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $564,913,000;

Virginia Class Submarine, $1,637,698,000;

Virginia Class Submarine (AP), $763,786,000;

SSGN Conversion, $286,516,000;

CVN Refueling Overhauls, $1,300,000,000;

CVN Refueling Overhauls (AP), $20,000,000;

SSN Engineered Refueling Overhauls (AP), $39,524,000;

SSBN Engineered Refueling Overhauls, $230,193,000;

SSBN Engineered Refueling Overhauls (AP), $62,248,000;

DDG–51 Destroyer, $1,550,000,000;

DDG–51 Destroyer Modernization, $50,000,000;

Littoral Combat Ship, $440,000,000;

LHD–1, $197,769,000;

LPD–17, $1,344,741,000;

LHA–R (AP), $200,447,000;

Service Craft, $46,000,000;

LCAC Service Life Extension Program, $100,000,000;

Prior year shipbuilding costs, $394,523,000; and

Outfitting, post delivery, conversions, and first destination transportation, $385,000,000.

In all: $9,613,358,000, to remain available for obligation until September 30, 2010: *Provided*, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,461,196,000, to remain available for obligation until September 30, 2008, of which $43,712,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,426,405,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,424,298,000, to remain available for obligation until September 30, 2008, of which $380,000,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,062,949,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,031,907,000, to remain available for obligation until September 30, 2008, of which $164,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $13,737,214,000, to remain available for obligation until September 30, 2008, of which $135,800,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,728,130,000, to remain available for obligation until September 30, 2008.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $28,573,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,827,174,000, to remain available for obligation until September 30, 2007.

□ 1445

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

In title IV, under ''Research, Development, Test, and Evaluation, Army'', insert after the dollar amount the following: ''(decreased by $10,000,000) (increased by $10,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, before the gentleman makes his statement, I would like to advise him that we have reviewed this amendment. And since you did make a change that was agreeable to both of us, we are prepared to accept this amendment at any time that you wish.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) very much and thank the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) as well, and just to say briefly that this budget neutral amendment will improve the health of veterans past, present and future, by funding research on Gulf War Illnesses.

I am proud to do so with my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Vermont (Mr. SANDERS). I want to thank both of the cosponsors for their commitment to veterans health.

Mr. Chairman, I would include for the RECORD my entire statement, along with statements of support from veterans groups.

Mr. Chairman, this budget-neutral amendment will improve the health of veterans past, present and future by funding research on Gulf War illnesses. I am proud to do so with my colleagues, Mr. SHAYS, and Mr. SANDERS. I thank both of the cosponsors for their commitment to veterans' health.

I would also like to point out that this amendment is endorsed by the American Legion, Paralyzed Veterans of America, the National Gulf War Resource Center, Vietnam Veterans of America, and Veterans of Foreign Wars.

Mr. Chairman, fourteen years after the 1990–1991 Gulf War, between 26 and 32 percent of those who served in that war continue to suffer from serious and persistent health problems—typically multiple symptoms that include severe headaches, memory problems, muscle and joint pain, severe gastrointestinal problems, respiratory problems, skin disorders and other problems. These conditions are often called ''Gulf War illnesses'' or Gulf War syndrome.

In the early years after the war, little was understood about this problem. In fact, many attributed the problems to stress or psychological trauma incurred on the battlefield. So in the late 1990's, Congress authorized a scientific research program and created a committee to advise the VA on how to prioritize that research. That committee, the Research Advisory Committee on Gulf War Veterans' illnesses, released their report last November. It had several landmark findings.

First, they determined that the existence of these serious and often debilitating problems could not be scientifically explained by stress or psychiatric illness.

Second, they noticed that we are starting to find that the veteran's are having problems with their neurological and immunological systems. For example, ALS or Lou Gehrig's disease, which is a rapidly progressive, fatal neuromuscular disease, occurs in Persian Gulf veterans with twice the frequency of peer veterans that were not deployed.

Third, they found that there are several possible causes of these diseases. A list of potential exposures demonstrates the complexity of what we are dealing with. A short list includes chemical weapons, biological weapons, drugs to protect from biological and chemical weapons, oil-well-fire smoke, pesticides, insect repellants, individual or multiple vaccines, and many, many more.

Fourth, the Committee found that this type of research is important not only for ill veterans, but for current military personnel and for homeland security. This research can prepare us to counter or treat chemical weapons exposures and tell us whether our existing countermeasures may do long term harm.

Finally, they found that there is still no effective treatment for those suffering from Gulf War illnesses.

The result of the collective findings of the VA report is this: Significant scientific progress has been made and more research is needed.

Our amendment earmarks $10 million out of the account called Army Research, Development, Test and Evaluation. The money would go to a research program administered by the Army Medical Research and Materiel Command in the DoD, for identifying the biological mechanisms behind the illnesses—particularly the neurological and immunological ones; the chronic disease effects; better diagnostic criteria for the illnesses; and identification of treatments. The MRMC will design a research plan for that purpose, relying heavily on the expertise outside DoD and the VA. It will be subject to peer review by experts, a significant number of which will be independent of DoD.

$10 million will have a large impact on veterans who rely on the government to take care of them after they have taken care of us.

I urge my colleagues to support the Kucinich-Shays-Sanders amendment. Vote ''yes'' to restore research funding for Gulf War Illnesses.

I wish to insert letters of support from Veteran's groups into the RECORD.

THE AMERICAN LEGION,
Washington, DC, June 13, 2005

Hon. DENNIS J. KUCINICH,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE KUCINICH: On behalf of the 2.8 million members of The American Legion, I would like to offer full support of your proposed amendment to the Department of Defense (DOD) Appropriations Act for FY 2006, specifically designating $15 million for research on chronic illnesses affecting thousands of veterans of the 1991 Gulf War.

More than fourteen years have passed since the end of the first Gulf War and we have failed to identify effective treatments for ill Gulf War veterans. Lack of solid research identifying causes for these illnesses has also prevented a large number of ill veterans from receiving the service-related compensation they deserve.

Historically, DOD has provided over 75 percent of the funding for Gulf war-related research. Just as there is a real opportunity for breakthroughs, as highlighted in the September 2004 report of the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' illnesses, your colleagues plan to eliminate funding for Gulf War illness research. Clearly, DOD has more expertise in this area and is able to fund the most promising researchers. Without question, this research has major national security implications against future threats to military forces and civilians. Recently, your colleagues cut $9 million from medical and prosthetics research in the Department of

Veterans Affairs' FY 2006 appropriations—another fiscal blow to America's veterans.

Again, we appreciate your efforts on behalf of this nation's ill Gulf War veterans. Your amendment acknowledges, that while we are at war in the Middle East once again, there are still thousands of ill veterans from the first Gulf War waiting for answers, treatment, and cures—that must not be forgotten or simply ignored.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

VIETNAM VETERANS OF AMERICA,
Washington, DC, June 15, 2005.

Hon. DENNIS KUCINICH,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH, Vietnam Veterans of America (VVA) strongly endorses your amendment to the Defense Appropriations bill which would mandate that $15 million of a $10.8 billion Army research account be dedicated to research on Gulf War illnesses.

Passage of this amendment, which we understand is being co-sponsored by Congressmen Chris Shays and Bernie Sanders, should go a long way toward identifying neurological and immunological abnormalities in many Gulf War veterans and the chronic health effects of exposure to these neurotoxic substances; and toward identifying promising treatments. Enactment of this amendment also would help fulfill one of the recommendations in the 2004 report of the VA Research Advisory Committee on Gulf War Veterans' Illnesses.

It is our collective obligation to do what we can to ease the physical and psychological burdens experienced by too many Gulf War veterans, who served our nation with honor and dignity. Additional research that might help them is long overdue.

Sincerely,

THOMAS H. COREY,
National President.

DEAR HONORABLE CONGRESSMAN DENNIS J. KUCINICH: Please let it be known to your fellow members of Congress that the Order of the Silver Rose, a 501(c)(3) Veterans Organization fully endorses the amendment that directs $15 million out of a $10.8 billion Army research account be dedicated to Gulf War illnesses research, in accordance and compliance with the VA Research Advisory Committee on Gulf War Veterans' illnesses recommendation in their 2004 report.

It is hoped that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on:

(1) identification of mechanisms underlying Gulf War illnesses,

(2) chronic effects of neurotoxic substances to which veterans were exposed during deployment;

(3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans;

(4) identification of promising treatments.

The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review.''

Respectfully submitted,

NANCY REKOWSKI,
National Commander,
Order of the Silver Rose.

LANGUAGE FOR THE CONGRESSIONAL RECORD REGARDING THE KUCINICH-SHAYS-SANDERS AMENDMENT TO THE FY06 DEFENSE APPROPRIATIONS BILL FOR GULF WAR ILLNESSES RESEARCH FUNDING

''It is intended that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on (1) identification of mechanisms underlying Gulf War illnesses, (2) chronic effects of neurotoxic substances to which veterans were exposed during deployment; (3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans; and (4) identification of promising treatments. The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,481,862,000, to remain available for obligation until September 30, 2007: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,664,868,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,514,530,000, to remain available for obligation until September 30, 2007.

AMENDMENT NO. 13 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. JACKSON-LEE of Texas:

Page 29, line 17, after the dollar amount, insert the following: ''(reduced by $500,000,000)''.

Page 102, line 24, after the dollar amount, insert the following: ''(increased by $500,000,000)''.

Page 112, line 4, after the dollar amount, insert the following: ''(increased by $500,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want you to know and my colleagues to know that I am trying to engage in discussions with the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) and I have mentioned this one to the chairman.

I would like to have the opportunity to discuss, in a very lucid manner, my great concern, recognizing that we have tried to fund the support system for the Iraqi nationals.

It is well known, Mr. Chairman, that a number of us are concerned about the ongoing violence in Iraq and the front line, if you will, attacks and loss of life that our brave men and women are accumulating in Iraq and, of course, Afghanistan.

USA Today recounts for us that over the weekend, a bomb killed at least 23 in Baghdad. If you talk to families around America whose young men and women and Reservists and National Guard are over in Iraq and Afghanistan, their concern, of course, is the

continued violence of the insurgents and the IEDs. Our soldiers are on the front lines.

And beyond the question of bringing our soldiers home, which the American people have gone enthusiastically on record for, recognizing the bravery of those young men and women, Reservists and National Guard, we have got to find a way to transition this war to Iraqis. In the Houston Chronicle, the headline reads: American sacrifices buying time for Iraqis.

So my amendment is simple—$500 million from the missile defense to go into the Iraqi Freedom Fund. Allow me to read this one anecdotal story, and I would ask my colleagues to listen, because I would like to work with you on this.

This is about Lieutenant Colonel Terrence Crowe, one of the highest ranked soldiers in the United States military. He was a senior U.S. military advisor to Iraqi forces, and he was ambushed while leading Iraqi soldiers on June 7.

Through the bravery of Sergeant First Class Gary Villaboso, who is now being recommended for a Silver Cross, this brave sergeant was able to drag, while fighting off alone, the Iraqi snipers, this brave wounded Lieutenant Colonel, Terrence Crowe, out of harm's way, at least to get him out.

He performed heroically in extricating the mortally wounded Crowe, while wiping out Iraqi attackers. The 17 Iraqi soldiers broke rank and fled the scene. We realize they may have been well-intentioned, but most of the 17 Iraqis in the patrol broke rank during the initial outbreak of the gunfire and faded from the street fight.

Villaboso, a fine soldier in his own right, did not want to condemn, and he said these words: He is unsure if Crowe, 44, who was hit instantly several times as the shooting began, could have survived if the Iraqis had effectively returned fire and swiftly evacuated the wounded officer.

But what he did say is, I think he would have been able to be helped, if we could have gotten him out in a few minutes instead of 15. Training, training, training and transition. This is a simple question and equation. We need to provide the resources, and I know the distinguished gentlemen have had a number of dollars that went out into the original authorization, and, of course, $500 million, I believe, that are in this particular appropriation.

But I ask my colleagues to consider, if we are going to move, we have got to move on behalf of our soldiers and provide the resources for the Iraqi nationals to serve our military personnel for Iraq.

Finally, my deepest respect and sympathy to the family of Lt. Colonel Terrence Crowe; and to Sgt. Villaboso, thank you for your commitment.

I rise today to support my Amendment to this Defense Appropriation bill, which increases funding for training the Iraqi National Army by $500 million. This Amendment would double the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. In addition, it will reinforce the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of increased danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsibility upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, I but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

The offset for this Amendment would come from missile-defense programs, which are appropriated at a staggering $17.9 billion. Missile defense systems are not new; in fact they have been talked about, researched and tested for decades. The sad truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in the world can't we shift a little bit of this money to train the Iraqi National Army and relieve much of the burden on our own troops? This Amendment does not end research for missile-defense programs it simply pares it down slightly to offer hope for the Iraqi people that one day soon they can rule their own nation.

The Congressional Budget Office has declared that this Amendment not only does not increase revenues in this bill, but actually decreases outlays by $30 million. Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have said for the last year and a half, if you remember I said a year ago, we are not going to be able to prevail unless we get the Iraqis to take over the fighting themselves.

Now, we put $5.7 billion in. I think we are going to consider a little bit later lifting the cap on the $500 million so it can be spent. So if the gentlewoman would withdraw this amendment, we will try to work this thing out. Because it is such a delicately balanced bill, if we go through a long harangue about something we are already trying to do; in other words, we put $5.7 billion in. We have $500 million in this bill. We just remove the limitation if the gentleman from Washington (Mr. INSLEE) prevails. I think that will solve your problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. As you well know, I hopefully will have three bites of the apple of working with you on the military pay, and, of course, I did not offer the amendment dealing with armor, and I want to thank you for the work that has been done with providing our soldiers the armor.

Let me say that this is a passionate desire of many of my constituents, as well as the military families around America. I would very much like to, I hope I will have the opportunity, to work with the gentleman from Florida (Chairman YOUNG) as well.

I would very much like to be concretely, though not a member of your august body, the Committee on Appropriations, to at least try to get a slice, if we remove the cap, to increase the dollars, because leaving our soldiers bare like this, losing the senior advisor of the Iraqi forces is really devastating.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding.

Mr. Chairman, I would just hope that we can really focus on how we align the funds as well in training these Iraqi forces.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to the gentlewoman that I agree with her and the gentleman from Pennsylvania (Mr. MURTHA) that it is extremely important that we prepare the Iraqi security forces to meet their own responsibilities so that we can bring our soldiers home.

That is in the forefront of what we are doing. But, we have delicately written this bill. And we will be very happy to work with gentlewoman as we go through the whole process. But, as I said earlier, we bring a bill that is $3.3 billion less than the President requested, and less than the budget resolution provided for. So we had to balance. And we are very happy to work with the gentlewoman, because we understand the importance of getting the Iraqis ready to provide for their own security.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is clear that I have joined a number of my colleagues in asking for soldiers to come home in the fall of 2006.

But I think the priority of my amendment, or at least the focus of my amendment today is, of course, the safety and security of our troops. I welcome both gentlemen. They are men of their word. I thank you very much. I would like to be able to pursue this with staff and with the committee. And I hope that the amendment of the gentleman from Washington (Mr. INSLEE) will be accepted, that we will have the opportunity to increase those numbers, because I think we owe it to the families of Lieutenant Colonial Terrence Crowe and many others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $168,458,000, to remain available for obligation until September 30, 2007.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,154,340,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,599,459,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,355,827,000, of which $1,191,514,000 shall be for Operation and maintenance; $116,527,000 shall be for Procurement to remain available until September 30, 2008; $47,786,000 shall be for Research, development, test and evaluation to remain available until September 30, 2007; and not less than $119,300,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $906,941,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $209,687,000, of which $208,687,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $376,844,000 of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2008 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2007: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations

or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH–60/MH–60 Helicopters;

Apache Block II Conversion; and

Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS).

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the

blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): *Provided further*, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8024. (a) Of the funds made available in this Act, not less than $33,767,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,376,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,571,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $820,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,537 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees''

means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8031. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8032. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8033. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8034. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8035. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8036. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8037. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8038. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8039. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8041. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8042. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Intelligence Program.

SEC. 8043. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8044. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2005/2007'', $60,500,000;

''Shipbuilding and Conversion, Navy, 2005/2011'', $325,000,000;

''Aircraft Procurement, Air Force, 2005/2007'', $10,000,000;

''Other Procurement, Air Force, 2005/2007'', $3,400,000;

''Research, Development, Test and Evaluation, Army, 2005/2006'', $21,600,000;

''Research, Development, Test and Evaluation, Navy, 2005/2006'', $5,100,000;

''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $142,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2005/2006'', $65,950,000.

SEC. 8045. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8046. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8047. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8048. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations available under the heading ''Operation and Maintenance, Defense-Wide'' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8053. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time

period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. None of the funds made available in this Act may be used to approve or license the sale of the F/A–22 advanced tactical fighter to any foreign government.

SEC. 8062. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8063. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8064. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8065. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8066. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8067. The Secretary of Defense shall provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8068. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8069. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies,

with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8070. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8071. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8072. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8073. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8074. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. (a) Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $90,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $147,900,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8076. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8077. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8078. Amounts appropriated in title II of this Act are hereby reduced by $264,630,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $12,734,000.

(2) From ''Operation and Maintenance, Navy'', $91,725,000.

(3) From ''Operation and Maintenance, Marine Corps'', $1,870,000.

(4) From ''Operation and Maintenance, Air Force'', $158,301,000.

SEC. 8079. The total amount appropriated or otherwise made available in this Act is hereby reduced by $167,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $24,000,000;

''Operation and Maintenance, Navy'', $19,000,000;

''Operation and Maintenance, Air Force'', $74,000,000; and

''Operation and Maintenance, Defense-Wide'', $50,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $77,616,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $15,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8081. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $394,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the

amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To: Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2007'':

NSSN, $28,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2009'':

LPD–17 Amphibious Transport Dock Ship, $25,000,000; and

NSSN, $72,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/2009'':

LPD–17 Amphibious Transport Dock Ship, $41,800,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2007'':

Carrier Replacement Program, $145,023,000; and

NSSN, $82,700,000.

SEC. 8082. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8083. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8084. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8085. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8086. The amounts appropriated in title II of this Act are hereby reduced by $250,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $107,000,000.

(2) From ''Operation and Maintenance, Air Force'', $143,000,000.

SEC. 8087. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $6,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: *Provided*, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8089. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $14,400,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $1,000,000 to the Pentagon Memorial Fund, Inc.; $4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; $500,000 for the Westchester County World Trade Center Memorial; $1,000,000 for the Women in Military Service for America Memorial Foundation; and $2,000,000 to the Presidio Trust.

SEC. 8090. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Account'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8093. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8094. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8095. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8096. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8097. (a) From within amounts made available in title II of this Act under the heading ''Operation and Maintenance, Army'' $4,500,000 is only for an additional amount for the project for which funds were appropriated in section 8103 of Public Law 106–79, for the same purposes, which shall remain available until expended: *Provided*, That no funds in this or any other Act, nor non-appropriated funds, may be used to operate recreational facilities (such as the officers club, golf course, or bowling alleys) at Ft. Irwin, California, if such facilities provide services to Army officers of the grade O–7 or higher, until such time as the project in the previous proviso has been fully completed.

(b) From within amounts made available in title II of this Act under the heading ''Operation and Maintenance, Marine Corps'', the Secretary of the Navy shall make a grant in the amount of $2,000,000, notwithstanding any other provision of law, to the City of Twentynine Palms, California, for the widening of off-base Adobe Road, which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California, and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8098. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code,

each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committee on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8100. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $147,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8101. Of the funds appropriated or otherwise made available in this Act, a reduction of $176,500,000 is hereby taken from title III, Procurement, from the following accounts in the specified amounts:

''Missile Procurement, Army'', $9,000,000;

''Other Procurement, Army'', $112,500,000; and

''Procurement, Marine Corps'', $55,000,000:

Provided: That within 30 days of enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within these accounts.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. (a) THREE-YEAR EXTENSION.—During the current fiscal year and each of fiscal years 2007 and 2008, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in the expiring RDT&E, Army, appropriation account to a current Research, Development, Test and Evaluation, Army, appropriation account to be used only for the continuation of the Army Venture Capital Fund demonstration.

(b) EXPIRING RDT&E, ARMY, ACCOUNT.—For purposes of this section, for any fiscal year, the expiring RDT&E, Army, account is the Research, Development, Test and Evaluation, Army, appropriation account that is then in its last fiscal year of availability for obligation before the account closes under section 1552 of title 31, United States Code.

(c) ARMY VENTURE CAPITAL FUND DEMONSTRATION.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2281), as extended and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1562).

(d) ADMINISTRATIVE PROVISIONS.—The provisos in section 8105 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1562), shall apply with respect to amounts transferred under this section in the same manner as to amounts transferred under that section.

TITLE IX—ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $5,877,400,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $282,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $667,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $982,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $138,755,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $67,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $20,398,450,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,907,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,827,150,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,559,900,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $826,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,500,000,000, to remain available for transfer until September 30, 2007, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, not less than $2,500,000,000 shall be for classified programs, which shall be in addition to amounts provided for elsewhere in this Act: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the

amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $35,700,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $23,950,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $159,500,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $455,427,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $13,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,501,270,000, to remain available until September 30, 2008: *Provided,* That of the amount provided in this paragraph, not less than $200,370,000 shall be available only for the Army Reserve: *Provided further,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $81,696,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $144,721,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $48,800,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $389,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $115,300,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,400,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $103,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $13,100,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $75,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $2,055,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act: *Provided further,* That the amounts transferred under the authority of this section are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 or 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of

equipment, supplies, services, training, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

□ 1500

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, reserving the right to object, we are in title 8 right now; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. KUCINICH. I had an amendment, Mr. Chairman, at the desk I believe under title 8. I just wanted to make sure that that will not be lost in this UC.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we are not aware of that amendment. We do not have a copy. We are not aware that the gentleman has an amendment. We can change our request if he would provide us with a copy of the amendment.

Mr. KUCINICH. Mr. Chairman, I just wanted to make sure that there is the amendment at the desk regarding space-based weapons under title 8.

Mr. Chairman, I have just been informed by the Parliamentarian that if the UC goes through, I can still seek recognition, so I will withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 112, beginning on line 2, strike ''from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used'' and insert ''funds made available in this title to the Department of Defense for operation and maintenance may be used''.

Mr. INSLEE. Mr. Chairman, this amendment is very simple. It lists the cap that is presently written into the bill to limit the amount of money that we would commit to the training and equipping of the Iraqi securities forces, to limit that to $500 million.

I hope that we are united in the belief that the way to bring our troops home is to fulfill the training and equipping of the Iraqi security forces so that they can become responsible for Iraq's destiny and our troops can coming home in dignity and as quickly as possible.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to suggest to the gentleman that we think this is a good amendment, and it certainly is consistent with the conversation that the gentleman from Pennsylvania (Mr. MURTHA) and I have both had with the gentlewoman from Texas (Ms. JACKSON-LEE), and we are prepared to accept the gentleman's amendment.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for his interest and leadership.

Mr. Chairman, I will close briefly by saying this is an important amendment. I appreciate the Chair's acceptance of it. We hope that the administration does listen to the voices in Congress that are basically saying if we can train one more trainer one day earlier, we should do so; if we can provide one more piece of equipment for the Iraqi security forces one day earlier, we should do so; if we can employ one more interpreter so that these folks can be trained earlier, we should do so. This amendment will hasten that. I hope the administration will bear heed on that, and that General Patrais is successful.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to support my colleague Mr. INSLEE's amendment to this Defense Appropriation bill, which lifts the $500 million cap on funds within the Iraq Freedom Fund for training the Iraqi National Army. Earlier in this debate I offered and withdrew an amendment that would have increased funding for training the Iraqi National Army by an additional $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. If Mr. INSLEE's amendment is accepted into this Appropriation, I will work with Chairman YOUNG and Ranking Member MURTHA to insure that additional funds are appropriated for training the Iraqi National Army.

The Inslee amendment reinforces the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsiblity upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people. Therefore, I reiterate my strong support for the Inslee Amendment and the appropriation of additional funding to train the Iraqi National Army. Our troops should be able to return home with an exit strategy of success.

The CHAIRMAN. The question on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 99, after line 4, insert the following new section:

SEC. 8103. (a) SHORT TITLE.—This section may be cited as the ''Space Preservation Act of 2005''.

(b) REAFFIRMATION OF POLICY ON THE PRESERVATION OF PEACE IN SPACE.—Congress reaffirms the policy expressed in section 102(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(a)), stating that it ''is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''.

(c) BAN ON BASING OF WEAPONS IN SPACE AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall—

(1) implement a ban on space-based weapons of the United States and the use of weapons of the United States to destroy or damage objects in space that are in orbit; and

(2) immediately order the termination of research and development, testing, manufacturing, production, and deployment of all space-based weapons of the United States.

(d) INTERNATIONAL TREATY BANNING SPACE-BASED WEAPONS AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall direct the United States representatives to the United Nations and other international organizations to immediately work toward negotiating, adopting, and implementing an international treaty banning space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit.

(e) REPORT.—The President shall submit to Congress not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, a report on—

(1) the implementation of the ban on space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit required by subsection (c); and

(2) progress toward negotiating, adopting, and implementing the treaty described in subsection (d).

(f) SPACE-BASED NONWEAPONS ACTIVITIES.—Nothing in this section may be construed as prohibiting the use of funds for—

(1) space exploration;
(2) space research and development;
(3) testing, manufacturing, or production that is not related to space-based weapons or systems; or
(4) civil, commercial, or defense activities (including communications, navigation, surveillance, reconnaissance, early warning, or remote sensing) that are not related to space-based weapons or systems.
(g) DEFINITIONS.—In this section:
(1) The term ''space'' means all space extending upward from an altitude greater than 110 kilometers above the surface of the earth and any celestial body in such space.
(2) The terms ''space-based weapon'' and ''space-based system'' mean a device capable of damaging or destroying an object or person (whether in outer space, in the atmosphere, or on Earth) by—
(A) firing one or more projectiles to collide with that object or person;
(B) detonating one or more explosive devices in close proximity to that object or person; or
(C) any other undeveloped means.

Mr. KUCINICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. KUCINICH. Mr. Chairman, this amendment to the defense appropriations bill would make a policy statement regarding the preservation of peace in space. It would ban the research, testing, development, and deployment of space-based weapons. It would ban the targeting of objects in orbit in space, that is, satellites, by any weapon, whether land, sea, air or space-based and would call on the President to negotiate an international treaty banning space-based weapons.

The policy of preserving peace in space was first established by law in 1958 with the National Aeronautics and Space Act. Specifically, this law stated: ''It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''

Yet despite any amendment to law or consideration by Congress, this policy has changed significantly behind closed doors. The Air Force is moving forward with a plan to weaponize space. At an Air Force conference last September, Air Force General Lance Lord, who leads the Air Force Space Command, said, ''Space superiority is not our birthright, but it is our destiny. Space superiority is our day-to-day mission. Space supremacy is our vision for the future.''

With little public debate, the Pentagon has already spent billions of dollars through appropriations bills such as this one to developing space weapons and preparing plans to deploy them. The Air Force has recently sought President Bush's approval of a national security directive that could move the United States closer to fielding offensive and defensive space weapons. This new policy would be opposed by our friends and our potential enemies.

Our largest possible adversaries, China and Russia, have agreed for a global ban on space weapons. Yet moving forward with plans to weaponize space would most certainly create an arms race in space, and it would certainly be counterproductive to the national security of the United States to give potential adversaries reason to accelerate development of space weapons technology.

Again, I ask this Congress to remember that in 1958 when the National Aeronautics and Space Act was passed, it stated that: ''It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''

That was a good act in 1958, and it would be good for this Congress to preserve that policy, and that is the intention of this amendment.

At this point, understanding the rules, I will concede to the gentleman from Florida the point of order that he raised.

Mr. SHAYS. Mr. Chairman, the Committee on Government Reform Subcommittee on National Security, which I chair, has held 17 hearings on Gulf War veterans' illnesses. Over the last decade, we've followed the hard path traveled by sick Gulf War veterans as they bore the burdens of their physical illnesses and the mental anguish caused by official skepticism and intransigence.

It was their determination that overcame entrenched indifference and bureaucratic inertia. Their persistence, and a home video of chemical weapons munitions being blown up at Khamisiyah eventually persuaded the Departments of Defense and VA that post-war illnesses are linked to wartime exposures.

But characterizing the subtle linkage between low-level toxic assaults and varied chronic health consequences remains a complex research challenge. The objective markers of physiological damage are only now coming into view using techiques and technologies not available ten years ago, when some were so willing to conclude Gulf War veterans' illnesses were nothing more than stress. But promising research hypotheses and treatment concepts still face institutional obstacles to federal support as both funding and momentum behind Gulf War illnesses research have been waning.

This amendment allows us to capture the emerging breakthroughs purchased with $315 million in DOD and VA research investments over the past decade. This would build on last year's appropriation of $3.7 million for extramural, peer-reiewed research to address the chronic illnesses affecting veterans of the 1991 Gulf War. The research focuses on the chronic effects of neurotoxic exposures, underlying mechanisms, identified neurological abnormalities, and the identification of treatments.

The battlefield is a dangerous and toxic workplace. The veterans of the 1991 war, those on the field of battle today and those we deploy in the future will benefit from this research into the diagnosis and treatment of the health consequnces of toxic exposures.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, on my reservation, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, it violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I thank the gentleman. I will concede the point of order, and I thank the gentleman and the ranking member for this opportunity to make this statement regarding my concern about peaceful uses in space.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) concedes the point of order.

The point of order is sustained.

Are there any other amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 9007. (a) FISCAL YEAR 2006 AUTHORITY.—During the current fiscal year, from funds made available to the Department of Defense for operation and maintenance pursuant to title IX, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders' Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastucture protection forces, highway patrol units, police, special police, or intelligence or other security forces.

(d) SECRETARY OF DEFENSE GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders' Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9010. The reporting requirements of section 9010 of Public Law 108–287 regarding the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan shall apply to the funds appropriated in this Act.

SEC. 9011. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING INAPPROPRIATE PROSELYTIZING OF UNITED STATES AIR FORCE ACADEMY CADETS.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

Strike section 9012 (page 115, line 14, through page 117, line 5) and insert the following:

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING RELIGIOUS FREEDOM AND TOLERANCE AT UNITED STATES AIR FORCE ACADEMY.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military;

(2) the military must be a place where there is freedom for religious expression for all faiths; and

(3) the Secretary of the Air Force and the Department of Defense Inspector General have undertaken several reviews of the issues of religious tolerance at the Air Force Academy.

(b) REPORT.—

(1) RECOMMENDATIONS.—The Secretary of the Air Force, based upon the reviews referred in subsection (a)(3), shall develop recommendations to maintain a positive climate of religious freedom and tolerance at the United States Air Force Academy.

(2) SECRETARY OF AIR FORCE REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the recommendations developed pursuant to paragraph (1).

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I am opposed to section 9012 as it is currently written and a number of other members of the Committee on Armed Services are opposed to them as well, and you will hear from them in the ensuing minutes here.

We were informed that we had the right to assert that this was, in fact, authorizing on an appropriations bill and to ask the Committee on Rules, which we initially did, to not protect this provision and allow it to be stricken. But I was informed by the chairman of the full committee that this was an important issue for members of the minority on the Committee on Appropriations, and they wanted to have a discussion. And our Members agreed with that. So I think we will have a full discussion of this issue.

Mr. Chairman, my amendment will require the Defense Department to provide Congress with recommendations on maintaining a climate of religious freedom and tolerance at the Air Force Academy. The amendment also expresses a sense of Congress that personal expressions of faith, that is, all faiths, are welcome in the United States military.

My objection to section 9012 is that the section concludes based on newspaper accounts that officers assigned to duty at the U.S. Air Force Academy and others in the chain of command are engaged in ''abusive and coercive religious proselytizing'' based on reports.

□ 1515

Mr. Chairman, Members may have read press accounts regarding issues of religious freedom and tolerance at the Air Force Academy.

What may not be known is that many of the allegations reported by the press were first discovered by the air force through internal surveys. In response, the Academy superintendent has been quite open that there have been instances where respect for others has been lacking. He also suggested that Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions.

Overall, the Air Force has taken aggressive action on these important issues of religious freedom and tolerant at the Academy, and the Secretary to the Air Force detailed those actions to me in a June 7 letter which I would like to submit for the RECORD at this point.

SECRETARY OF THE AIR FORCE,
Washington, DC, June 7, 2005.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The media contains a steady flow of stories decrying religious intolerance at the United States Air Force Academy (USAFA). In late Spring 2004, the Superintendent of the Academy, Lt Gen John Rosa, detected religious tolerance concerns through surveys he initiated. He subsequently brought the issue—and the corrective measures he was taking—to the attention of the Academy's Board of Visitors and the Air Force leadership. Together, we have been addressing the issue openly for the past several months.

As of today, the Academy's Board of Visitors has looked at this situation during three separate meetings. They will do so again this summer. In addition to the Board's inquiries, I have deployed four separate teams from the Pentagon to address one or another aspect of the Academy climate for religious tolerance. The first team, led by the Deputy Assistant Secretary for Equal Opportunity, visited the Academy last fall and assisted Lt Gen Rosa in scoping the problem and designing a campaign to correct the situation. The second visited USAFA last month and is led by Deputy Chief of Staff for Personnel, Lt Gen Roger Brady. This team is in the final stages of assessment of the Academy climate, leadership practices, and the corrective actions that should be initiated. Specific allegations of improper conduct against the Commandant of Cadets, Brig Gen John Weida, are being separately examined by the Office of the Air Force Inspector General. Last week, the DoD Inspector General began—at my request—an inquiry to determine whether Air Force reassignment of Chaplain (Capt) Melinda Morton was handled properly. Please note that the visit to the Academy in July 2004 by a group of Yale Divinity School students and an Associate Professor of Counseling was not part of our assessment or corrective measures, and did not focus on the religious tolerance issue. Nevertheless, we have reviewed and considered the submission of that group in connection with our on-going reviews. Finally, this week, a group from the National Conference on Ministry to the Armed Forces (NCMAF) is also visiting USAFA at my request to provide an external look by a private organization of religious leaders who understand the military in a pluralistic society, and who represent their faith group communities to the military.

Thus far, results indicate—and the Academy Superintendent continues to openly acknowledge—there have been instances where

respect has been lacking. Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions. The multiple reviews I have asked for, together with aggressive leadership action, will help us correct Academy climate and culture.

Recently, the Air Force Chief of Staff, General John Jumper, in a written communication, reminded all Air Force commanders of their responsibilities for establishing a climate and culture that promotes respect for individual beliefs. This message reemphasized the importance of respect and its role as the foundation of our core values. In constructing his message, General Jumper used the lessons we have already learned from our work with the Academy leadership team. As our work at USAFA progresses, we will continue to incorporate lessons learned into actions that will help us reinforce the culture of respect throughout the Air Force.

Air Force and Academy leadership are deeply engaged in the question of respect for individual beliefs. As this work progresses, our work—and critics of that work—will generate news stories. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now on going. The Inspectors General and Lt Gen Brady's team, including consideration of the NCMAF external assessment, will report back to me within the next few weeks. These results will provide a factual basis for deciding what further actions may need to be taken. Completing these reviews quickly and consulting with the Secretary of Defense, Congress and the Academy Board of Visitors regarding next steps is my highest priority.

Sincerely,

MICHAEL L. DOMINGUEZ,
Acting Secretary of the Air Force.

Mr. HUNTER. Based on cadet surveys administered in late spring 2004 suggesting religious tolerance concerns, the Air Force Academy superintendent took a number of corrective actions, including a training and education program for cadets and faculty to develop respect for the diversity of faiths represented at the Academy.

He brought the issues to the attention of the Academy's Board of Visitors, and accordingly, the Air Force leadership continues to work with the board to address these issues.

He sent a team led by the Deputy Assistant Secretary for equal opportunity to the Academy in the fall of 2004 to design a campaign to assist Academy leadership in addressing the issues.

Last month, the Air Force deputy chief of staff took another team to the Academy to assess Academy climate, leadership practices and corrective actions that should be taken.

The facts are, and I could go down through the office of the Inspector General, DOD Inspector General, at the request of the Secretary of the Air Force, is conducting a review of the reassignment of Academy chaplain, Captain Melinda Morton.

A group from the National Conference on Ministry to the Armed Forces visited the Academy last week to provide an external look by a private organization of religious leaders, and Mr. Chairman, I could go on and on.

My point is this, there are a number of reviews that are ongoing right now at the Academy, and in this letter that Acting Secretary of the Air Force, Secretary Michael Dominguez, sent to me, I think the crux of our amendment is laid out and I think justifies. He talks about the work that is ongoing to make sure that the Academy has religious freedom and religious tolerance. He says, As this work progresses, and I am quoting the Secretary, our work and critics of that work will generate news stories. It was a news story that generated this base provision that is in the bill. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing.

That is what he asks for. He has got lots of reviews, and what we say is, we reestablish, revalidate that there should be both freedom of religion and religious tolerance, and we set a date for a report to come back after the reviews are done, for the Secretary of the Air Force to report back to us with the reviews and with recommendations.

Lastly, Mr. Chairman, I cannot forget the last time we landed in Bailad, Iraq, and I was with the gentleman from Texas (Mr. REYES), and we had a couple of mortar rounds come into the base. The CO said, Quick, get into this building, and we hustled into the nearest building. It turned out to be 400 GIs who were undertaking a religious service. I do not know if it was official or unofficial. I do know they had quite a service going, and we, Congressmen, were forced to actually go to church I guess because those mortar rounds were coming in. We could not leave until it was over.

The word ''proselytizing'' could possibly be applied to what they were doing in that battleground in Iraq. I have always thought that when I argue religion I am making reasoned judgments and the other guy is proselytizing, and the problem is with that word. With establishing that as a standard, that people in uniform have to adhere to, the average person in uniform is going to say, what does proselytizing mean? Am I proselytizing, and if they are not sure whether or not their statement is proselytizing, you know what they are going to do? They are not going to say anything, and we are going to put a chill on what we have heretofore for our entire history welcomed, and that is, expression of religious views by our uniformed personnel.

I would hope that Members and the gentleman from Wisconsin (Mr. OBEY) in the spirit of this debate would accept this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language of the committee amendment does nothing whatsoever to discourage proselytizing. What it does is make clear that the Congress of the United States is opposed to coercive and abusive proselytizing. I think it would be good to go back and look at the history of this problem.

The LA Times broke the story about disrespectful treatment of cadets based on religious affiliation on April 20. On June 3, Lieutenant General John Rosa, who is the superintendent of the Academy, in a speech to the Anti-Defamation League, acknowledged that the Academy has a problem with religious intolerance. He called it insidious and said it could take 6 years to fix.

He described two Academy-wide e-mails that were sent out by another high-ranking officer, which he described as ''inappropriate.'' He described other later events that involved religious pressures and said, ''They were wrong.''

Academy officials have said that they have received 55 complaints from cadets on this problem. Academy spokesman John Whitaker said, ''There have been cases of maliciousness, mean-spiritedness and attacking or baiting someone over religion.''

No one is objecting to anyone trying to talk about religion. What they are objecting to is the malicious and mean-spirited attacking of other people for the religious views that they do or do not hold.

The Air Force officials said they got an inkling of the problem after reading the results of a student survey last May. Many cadets expressed concern over the lack of religious respect and tolerance. This comes on top of revelations 2 years ago of a scandal when dozens of female cadets said that their complaints about sexual assaults were ignored.

Mr. Whitaker, the spokesman for the Academy, forthrightly said that it was insensitivity and ignorance on the part of people who are, ''going into a diverse Air Force where they are going to have to deal with people of all faiths.''

Mickey Weinstein, a father of one of the cadets, who himself was a lawyer and an Academy graduate, described the harassment that his son had undergone and said, ''I love the Academy, but do you know how much courage it took for these cadets to come forward?''

Another person who did not want to be identified because of fear of retaliation said, ''Cadets are given the impression they must embrace the beliefs of their commanders in order to succeed at the Academy.''

Chaplain Melinda Morton described the problem as systemic, and she said that she had spoken up about the problem because, ''It is in the Constitution, it is not just a nice rule that you can follow or not follow.'' Then she said, ''I realize this is the end of my Air Force Academy career.''

My problem with the amendment that is being proposed by the gentleman is not what it says. My problem with the gentleman's amendment is what it takes out of the original committee language.

It removes the language that puts the Congress foresquare in the position of saying that coercive and abusive religious proselytizing at the Academy is

over the line and is inconsistent with professional standards required of those who serve at the Academy.

It eliminates the requirements for corrective action by the Academy in the Air Force.

Thirdly, it removes the requirement for a plan to develop an atmosphere that is free of religious coercion at the Academy.

Fourth, it removes the requirement in the committee language which asks for an investigation and a report by the Air Force on the circumstances surrounding the dismissal of Chaplain Melinda Morton, who is the person who blew the whistle on this in the first place.

I do not think the Congress wants to go on record as taking out all of that language, which is what the gentleman's amendment would do.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of Chairman HUNTER's amendment upholding religious freedom at the United States Air Force Academy. Protecting the religious freedom of our military cadets and service members is critically important to me, and should be critically important to this Congress.

During full committee consideration of the Defense Appropriations bill, Ranking Member OBEY inserted a provision condemning the Air Force, the Air Force Academy and its Cadets. The allegations on which this provision is based have not been substantiated by any credible source. They are simply rumors advanced by a very few disgruntled individuals.

Nonetheless, the Air Force has taken these allegations very seriously since they were made in late April. First, the Academy established a new mandatory course to encourage respect for all religions. Second, the Air Force launched several investigations. These investigations are still ongoing and a report is expected shortly. The task force charged with looking into these allegations has been directed to assess:

(1) Air Force and USAFA policy and guidance on the subject of religious respect and tolerance.

(2) The appropriateness of relevant training, for the cadet wing, faculty, and staff.

(3) The religious climate and assessment tools used at USAFA.

(4) The effectiveness of USAFA mechanisms to address complaints on this subject, to include the chain of command, the Academy's Inspector General and the Military Equal Opportunity office.

(5) The practices of the chain of command, faculty, staff or cadet wing that either enhance or detract from a climate that respects both the ''free exercise of religion'' and the ''establishment'' clauses of the First Amendment.

(6) The relevance of the religious climate at the USAFA to the entire Air Force.

Additionally, the Task Force's final assessment will include an Air Force Inspector General report on the removal of Air Force Captain Melinda Morton from her position at the Academy.

The Air Force has made progress to ensure that no one feels pressure from religious groups, and is continuing these efforts. This final report should be released in the next couple of weeks. I have full confidence that this report will provide a thorough and complete report as to the truth of these rumors.

Congress must reserve judgment until all of the facts are revealed. The Air Force has yet to tell its side of the story. Until they do, we do not know what actually happened in Colorado Springs. For this House to condemn the Air Force and the Academy at this time, before all the information is available, is wrong. This provision simply has no place in an otherwise tremendous bill.

The Obey provision is all the more disappointing because men and women in our Nation's Air Force have sacrificed immeasurable blood and treasure to protect the principles of freedom and liberty. Today, we are engaged in a global war on terrorism—aimed directly at our Nation's democracy and core values. Our young men and women are fighting and dying for these freedoms. It is wrong for Congress to chip away at the very freedoms these heroes are shedding their own blood to protect.

When a young man or woman stands up to fight for this country, he or she does not surrender his or her Constitutional rights. The men and women of our military have the right to freely practice their religion, and Congress has a solemn duty to fight to protect their rights.

I would ask my colleagues to join me in support of Chairman HUNTER's amendment. The Obey provision is wrong. It is bad policy, and it is misguided, and it is inappropriate. Congress should wait to act until we have all the facts. Please stand up for the Air Force, the Academy, the Cadets, and the First Amendment that guarantees every American the freedom of religion. Vote to the Hunter Amendment.

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. HUNTER:

In lieu of the matter proposed to be inserted, insert the following:

''Sec. 9012. Sense of Congress and Report Concerning Inappropriate Proselytizing of United States Air Force Academy Cadets.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy any inappropriate proselytizing of cadets at the Air Force Academy that may have occurred.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.''

Mr. OBEY. Mr. Chairman, what this perfecting amendment does is to restore with some minor changes the basic thrust of the committee language. Let me explain why I do this.

Two weeks ago, I appointed a young man to the Air Force Academy. One week later, he was killed by a drunken driver. Now, if that young man had been fortunate enough to live so that he could have gone to the Academy, I would want his parents, his family and his community, to know that the Academy that he was going to is one which will allow him to practice whatever religion he believed, without any kind of coercion, either from other cadets or from anyone in the chain of command at the Academy. I do not think that is too much to expect.

I understand the gentleman from California is unhappy because he considers this to be an authorizing issue. Well, the fact is the authorizing committee had an opportunity to deal with similar language, not identical but similar language, when they considered the authorization bill, and they declined to do so. That means that each and every one of us as individual members of this place has jurisdiction on this matter because we all appoint cadets to the Academy, and we have an obligation to those cadets to tell them, whether they are Catholic or Lutheran or any kind of Protestant denomination or Jewish or Muslim or even if they are of no religion, we have an obligation to assure them that they are going to be going to an Academy that is free from any kind of coercion, free from any kind of ridicule.

That is what this language does. This language in the committee bill which would be modified only slightly by the amendment I have just offered, this language maintains the integrity of the thrust of the language of the original committee action.

□ 1530

The purpose of this language is not to accuse any individual person. We do not in any way prejudge any individual action. All we do is to say that the activities which have already been described and admitted by the academy as having occurred, all we are saying is that conduct is inappropriate to the military. That conduct is not something that the Congress of the United States will stand for.

If Members believe in religious freedom, they have an obligation to stand foursquare for sending a message that we want this problem corrected. If Members turn down this language and adopt the Hunter language, you are removing the language which makes

clear that the Congress finds that kind of intimidation objectionable, and you are removing the kind of language which will require a report to us about the circumstances surrounding the courageous chaplain who sacrificed her military career to blow the whistle on this.

She said she knew when she blew the whistle on it she was ending her military career. This Congress has an obligation to see that does not happen.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am looking at the text of the Obey amendment, and it is essentially a restatement of the base language. It has the same problem that I spoke about earlier, and that is this: the Secretary of the Air Force is undergoing a number of reviews. He is investigating this situation, but as he says, he has not gotten to ground truth on this thing yet. Yet this amendment is the judge, jury and executioner of the persons who are reported. I am looking at these last three words that say we should not have any inappropriate proselytizing that may have occurred. What we have is a newspaper story.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

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

Mr. OBEY. Mr. Chairman, we do not just have newspaper stories. We have the direct statement from the director of the academy that that conduct has occurred and in his view is inappropriate. Do we want to take a position that is any less firm than he has?

Mr. HUNTER. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) said we are angry because this has come up. That is not so. We were offered under the Army provision in our conference that this provision not be protected and simply strike it on the floor. I was advised that the gentleman from Wisconsin (Mr. OBEY) wanted to have a full discussion on this, and I said let us do it. So that is why we are doing this.

The reason we did not act on this is laid out and validated by the Secretary of the Air Force's letter where he says: ''As this work progresses, I ask you to reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing.''

If something is this serious, and I have never seen any statement by the Secretary of the Air Force that said abusive and coercive proselytizing has occurred, but that is the language that the gentleman has in his bill. So we have a difference of opinion on this.

I think we should wait until the reports come in, until the DOD IG comes back with his report on the captain that the gentleman has referred to, and until, in the words of the Secretary of the Air Force, we get to ground truth. And we require in my amendment a report back to Congress within 90 days on the findings that the Secretary of the Air Force comes to and recommendations for action.

Let me say one other thing. The gentleman said he is not accusing anybody of proselytizing. I am reading his plan. It says: ''The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command at the Air Force Academy.''

That is a heck of a strong dose of preventive maintenance. The gentleman's position, what he has read in the Los Angeles Times is good enough for him, and it is now time for us to take remedial action even before the Secretary of the Air Force comes back with his recommendations.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, let me simply say this language of the committee, which I am repeating almost word for word in the amendment, does not single out any individual or claim to know the facts on any individual case. What it does most definitely assert is that the conduct, through the official spokesman for the academy, did take place and was inappropriate. We are simply backing up that statement.

Mr. Whitaker, who is the official academy spokesman, said there were cases of maliciousness, mean-spiritedness, and attacking or baking someone over religion.

We do not have to withhold our judgment about the details of the case to know that that kind of action is across the line.

Mr. HUNTER. Mr. Chairman, I would just respond, that is not the Secretary of the Air Force; and if the gentleman is holding this up as something that justifies a condemnatory statement by the United States House of Representatives, then it has to be something that is representative of the actions of the officials of the Air Force Academy; and no one has used language as strong as the gentleman from Wisconsin (Mr. OBEY) who states, and I am going to state this one more time because we keep moving off it, the gentleman's statement is that ''SEC Air Force shall develop a plan to ensure that Air Force Academy maintains a climate free from coercive and religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command.'' The amendment does not even say ''some Air Force officials.'' He is holding that out as representative of what is going on in the chain of command in the academy.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, am I correct that the superintendent, the head of the Air Force, has indicated it is a problem and it would take him 6 years to fix the problem?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

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

Mr. OBEY. That is exactly right.

Mr. SABO. And the chaplain at the Air Force who blew the whistle on this problem is no longer there?

Mr. OBEY. She has been removed from her position.

Mr. SABO. The minister of the church that I go to locally is a former Navy chaplain and also served in the Marines. He felt strongly enough about this issue it was part of his sermon yesterday. His response to the 6-year problem was that if this were a problem for the Marines, it would have been taken care of in 6 weeks or less.

I would only suggest there is a problem. It is obvious it is great. The amendment is sort of mild. If the Air Force is with it, they will get it taken care of shortly before any of the reports in either of these amendments are required.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment and in support of the Hunter amendment. I think the Obey amendment passes judgment before we know what the judgment ought to be in this thing.

We are assuming that this chaplain, one of the many chaplains that they have at the Air Force Academy, we are assuming she was reassigned because she blew the whistle, as the expression has been used here. What blew the whistle on this was the survey that they did of cadets, and a few of them said there was something wrong. And she said, yes, there was something wrong; and she has been reassigned.

When the Air Force was asked why she has been reassigned, they tell us it was because the person she was working for reassigned and it is customary to reassign. So let us not pass that judgment right now.

I think the Hunter amendment strikes the kind of balance that we really want. It does not pass judgment. It recognizes that studies are going on so we can get to the bottom of it and find out how much of a problem there might be there. It emphasizes that religious intolerance is unacceptable, and we all agree with that. Religious intolerance is unacceptable.

But it also recognizes the importance of the spiritual side of our lives and does not try to scrub religion from public life in America. There are some who would like to do that. We are looking up here at ''In God We Trust'' over the Speaker's rostrum. We open each day with a prayer. We do not want to scrub religion or faith from all public life. I think the Hunter amendment emphasizes that, but it also recognizes that we need to wait and pass judgment when we get all of the facts.

Mr. Chairman, I serve on the Board of Visitors at the Air Force Academy. This was not discovered by newspapers or a chaplain who blew the whistle. This was discovered during the normal administrative process of the Air Force Academy. They have discussed it with the Board of Visitors, and we have dealt with it for some time.

First of all, the Air Force Academy recognized there might be a problem, and they immediately jumped on it. They have had some problems out there. I do not know how it tied into this, but the gentleman from Wisconsin mentioned the sexual thing. That really was a scandal. I question whether we have a scandal going here.

But they knew that they were under the bright light because of what happened in the past, and they were on this immediately; and they are in the process of taking action. I do not think they need the help of the Congress of the United States to do this. I think they are on top of it.

As I said earlier, I do not think we have a scandal here. I think we have an administrative situation that the Air Force Academy and the Air Force are perfectly capable of taking care of. If that is not the case, when the studies come in, we will be able to see that and maybe we do need to get into it. We need to let this process work. We need to, I hope, not support the Obey amendment with that kind of language and support the Hunter amendment which strikes the kind of balance that I think we want. Then we will watch until the results of these studies come in and see if we need to move any further. I encourage defeat of the Obey amendment and passing of the Hunter amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the privilege of serving with the gentleman from California (Mr. HUNTER) and the gentleman from Colorado (Mr. HEFLEY) on the Committee on Armed Services, and it is a privilege to work with them.

I offered a very similar amendment during the authorization process. The chairman asked if I would withdraw that amendment so we could work together, and I did that in the spirit of bipartisanship and good faith.

But now we are being told, let us not work together, let us wait. We cannot wait any longer.

The gentleman from Colorado (Mr. HEFLEY) said we are trying to scrub religion from public places. On the contrary. We are not doing that. The language of the Obey amendment explicitly says the expression of personal religious faith is welcome in the United States military. That is the line we are drawing.

Mr. Chairman, the Constitution of the United States, which we have sworn to protect and defend, guarantees religious freedom and talks about the need. We were founded as a diverse country based on tolerance. We take the oath to the Constitution. We ask the Members of the military to take the same oath and fight to protect and defend the Constitution.

For over 1 year there have been persistent reports that religious freedom and constitutional protections have not been respected at the Air Force Academy, cadets forced to mark on heathen flight lines, cadets being given and denied privileges based on a religious view, cadets encouraged to tell other cadets they will burn in hell if they do not embrace a certain view. When the Air Force attempted a review and corrective action, it was diluted. When a Lutheran chaplain complained it was diluted, she was dismissed.

Mr. Chairman, even the superintendent of the Air Force, someone I have a very high regard and respect for, has said these reports keep him up at night and they may take 6 years to fix. As I said before, we have a constitutional civilian oversight responsibility for the military, and we are being told today do not take a position, let the Air Force investigate itself; and at that point Congress should weigh in.

Here is the problem with that: this has been going on for over a year. Congress has done nothing.

□ 1545

The appropriations bill will pass tonight. After tonight, it will be too late for Congress to take a position on this issue. The principal vehicle of funding for the military will have passed and the opportunity to defend tolerance, respect, and religious pluralism and freedom will have passed us by.

Delaying is not a matter of fairness. Delaying is a matter of delay. It is a matter of complicity. If the House Armed Services Committee cannot exercise its full constitutional oversight responsibility on this issue, why are we in existence?

My chairman knows that I have been a stalwart supporter of the military on every amendment, every bill, supporting more resources for the military, more investments, increasing end strength, because I want the military to be able to protect and defend the Constitution at home and abroad and I want it to respect the Constitution and embrace the personal expression of religious view at its own home. That is why I rise to support the Obey amendment, and that is why I oppose the Hunter amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

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

Mr. OBEY. Mr. Chairman, I want to emphasize one thing. The gentleman from California said that his amendment will preserve the understanding that religious faiths are welcome at the academy. That is true. His amendment does. But I would point out, it simply repeats the first sentence of the committee language in the Obey amendment. We all agree. We all agree that the expression of personal religious faith is welcome. That is exactly why we are here standing pushing for this committee language today, because we want to make sure that the Pledge of Allegiance that we take every day says ''liberty and justice for all'', not just ''for almost everybody.''

The gentleman said that he did not want to see religion scrubbed out. I do not, either. But 55 cadets have said that there were efforts at the academy to scrub out their expression of religious belief. That is what we want to stop. I want to make sure that every single person who attends that academy feels free from intimidation and does not feel that they have to go along with the attitudes of those in the chain of command or their senior cadets in order to get along at the academy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I thank him for the spirit in which this debate is conducted. The gentleman from Wisconsin and I do have similar expression in welcoming religious expression at the academy. Where we do differ is that in our amendment we do not prejudge that officials are abusively proselytizing; and with the IG report coming in from DOD, not just the Air Force, but the IG report coming in from DOD and the Air Force IG report coming in, I think we need to get those reports and then take congressional action.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the risk of offending the gentleman from California (Mr. HUNTER), chairman of the Armed Services Committee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee, it looks to me like this debate, which is a really good debate and has been back and forth, the only problem so far is that most everything has been said, but not everyone has said it yet.

It looks to me like this is going to take more time to settle an issue that has nothing to do with the war in Iraq or the war against terrorism, going to take more time than the bill that does provide for the security of the Nation. We ought to get to the end of this debate and get back to the real business at hand today.

Mr. Chairman, I may offer a bit of a facetious statement, but if we cannot get this thing ended, I may ask unanimous consent that the staff can go outside and have their own debate rather than handing stuff to the Members in order to have that debate. I have probably offended both sides. I do not know who applauded, but I probably offended both sides. But we ought to get to the business that we came here today for and that is to provide for the security of the United States of America and to provide the troops what they need to do their job, perform their mission, and protect themselves while they do it.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the long war on Christianity in America continues today on the floor of the United States House of Representatives. It continues unabated

with aid and comfort to those who would eradicate any vestige of our Christian heritage being supplied by the usual suspects, the Democrats. Do not get me wrong. Democrats know they should not be doing this. The spirit of, if not the exact, language in the underlying bill added by the Democrat ranking member, the gentleman from Wisconsin was offered by a Democrat in the Armed Services Committee during consideration of the fiscal year 2006 DOD authorization bill.

The author of that language in the authorizing committee, the gentleman from New York, has suggested since that time that ''extremist groups'' are behind the removal of language similar to his. I and others who spoke in opposition to that amendment had never even heard of the notion of such an amendment until the gentleman from New York actually offered it during the committee markup. And so I am curious as to who these extremists are that the gentleman from New York spoke of.

Mr. Chairman, we may never know because that is the nature of this debate, name-calling of unspecified people and groups who hold a world view different than many of these Democrats. And, as I said, Mr. Chairman, Democrats know they should not be doing this. Following the overwhelming opposition voiced at the DOD markup, the Democrat ranking member of the committee requested the gentleman from New York to withdraw the amendment, which he did. * * *

Mr. OBEY. Mr. Chairman, I move that the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

The Clerk will transcribe the words.

□ 1626

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent to withdraw the last sentence I spoke.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OBEY. Mr. Chairman, reserving the right to object, I think the House needs to understand why I objected to the language of the gentleman.

As I understand it, the language that the gentleman is saying he will withdraw is the following: ''Like moth to a flame, Democrats can't help themselves when it comes to denigrating and demonizing Christians.''

What I would have asked the gentleman, since he referred earlier in his remarks to me and the gentleman from New York (Mr. ISRAEL), I would have asked him if he really believed that the gentleman from New York's (Mr. ISRAEL) efforts to attach similar language in the Committee on Armed Services, the language that the gentleman referred to earlier in his discussion, whether he really thought that the gentleman from New York (Mr. ISRAEL) was engaging in an anti-Christian act. I would have asked him whether he really thought that the language that I was trying to offer to protect people of all religions at the Air Force Academy, whether he really thought I was being anti-Christian. I would have asked him if he thought that the chaplain at the Air Force Academy who laid her career on the line in order to protect the religious freedom of those cadets who she felt were being intimidated, whether her actions were anti-Christian.

□ 1630

I would have asked whether he thinks that the kind of conduct which the superintendent of the Academy has already admitted occurred, which among other things had one cadet calling another a ''filthy Jew,'' or when they had cadets who did not subscribe to a specific kind of Christianity being told that they were going to, ''burn in hell,'' I would have asked him whether or not the Chaplain's objection to that kind of conduct was antiChristian?

I would have suggested that when Mr. Whitaker, the official spokesman for the Academy indicated that he thought the problem at the Academy was one of ''insensitivity and ignorance,'' I would have asked whether or not, unfortunately, we did not often see those same qualities displayed elsewhere, including on the floor of this House?

And I would have suggested that I think his outburst, and the specific language he used, is perhaps a perfect example of why we need to pass the language in my amendment, which states, ''coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy.

And I would add, also, of those who serve in this House and speak on this floor. So those are the questions I would have asked. If the gentleman is withdrawing those words, fine, I think it is constructive that he do so.

But, before I do that, I would, under my reservation, yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, the words that we heard, as unfortunate and as hurtful as they were, as the gentleman from Wisconsin (Mr. OBEY) says, testimony for the passage of our amendment.

I have never heard it suggested that by somehow saying that with a personal expression of religious observance and freedom, as the gentleman from Wisconsin (Mr. OBEY) wrote in his amendment, as I included in my amendment, could somehow be characterized in the way it just was.

And, Mr. Chairman, I will just state for the record, with respect to the Air Force Academy, by one estimate, of the 117 Academy cadets, staff members and faculty members who complained about religious intimidation and proselytizing, eight happened to be Jewish, one happens to be atheist, 10 happen to be Catholic, and all of the rest happen to be Protestants.

So this is not being for or against any one faith, I would say to the gentleman. This is about respect for all faiths. And that is why we offer this amendment, and that is why we believe now more than ever that it is critical that it be passed, and that the American people know that we embrace religious viewpoints in our military, but we also want respect for the spiritual values of all people.

Mr. OBEY. Continuing my reservation, Mr. Chairman. I would simply say that perhaps the speech of my good friend from Florida (Mr. YOUNG) urging that we stop talking on this amendment and get to the vote, perhaps his speech came 5 minutes too late. It is too bad, not too late, because if we had voted before the last speaker, the House would not have seen this unfortunate event present itself.

So, Mr. Chairman, I would simply say that I think perhaps the best thing to do in the interests of restoring a decent amount of civility and comity to the House this afternoon is for the gentleman from Indiana (Mr. HOSTETTLER) as he has suggested, to withdraw his words and for us to get onto a vote and pass this amendment to make quite clear that every Member of this House, save perhaps a few, recognize that we have an obligation to each and every cadet at the Air Force Academy, to see that they can practice their religion without fear of ridicule, without fear of condemnation, without fear of intimidation by anyone else, be they Protestant, Catholic, Jewish, Muslim, or any other religion that anyone of us can think of.

This language in the committee bill, the language which we are restoring by my amendment, is an effort to protect all religions, all religions. I would ask for an aye vote when the amendment comes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Without objection, the words designated by the gentleman from Indiana (Mr. HOSTETTLER) are withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. HOSTETTLER) has 3½ minutes remaining.

Mr. HOSTETTLER. Mr. Chairman, when it comes to the assertions in the language of the bill, the amendment offered by the gentleman from Wisconsin (Mr. OBEY) at this point, even the press has recently indicated the fallacious nature of those assertions.

In the sense of Congress portion of the bill, the gentleman from Wisconsin (Mr. OBEY) states, ''coercive and abusive religious proselytizing at the

United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, inconsistent with the professionalism and standards required of those who served at the Academy.

Coercive and abusive religious proselytizing, as has been reported. The American Heritage Dictionary, Second College Edition, defines the word ''proselytize'' to mean, ''to convert from one belief or faith to another.''

Are the gentleman from Wisconsin (Mr. OBEY) and others providing one shred of evidence that there has been a forced conversion from one belief to another at the Air Force Academy? And if so, from what belief to what belief did the abusive and coercive conversion take place?

No, there is not a single reported incident of the proselytizing that the gentleman from Wisconsin (Mr. OBEY) attempts to persuade us is gospel.

Noting this, today's issues of CQ Today, writing about this issue, speaks of our ''spirited debate over whether Congress should speak out about reports that some Christian officials at the U.S. Air Force Academy in Colorado Springs, Colorado, coercively sought to proselytize non-Christian students.''

Sought to proselytize, that is not what this debate or the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is about. The gentleman from Wisconsin (Mr. OBEY), as my chairman of the Authorizing Committee has stated earlier, has indicted, convicted and sentenced the leadership of the Academy, without any evidence, reported or otherwise, that coerced conversions have taken place at the Academy.

And for that miscarriage of justice, Mr. Chairman, this amendment offered by the gentleman from Wisconsin (Mr. OBEY) should be defeated, and the underlying amendment from the gentleman from California (Mr. HUNTER) adopted.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. TURNER. Mr. Chairman, I rise in opposition to the Obey amendment and in favor of the Hunter amendment.

Mr. Chairman, Jesus Christ is my Lord and Savior. Why do I rise in this body, on this floor at this time and make this statement about my personal religious faith? Because I can. Because it is inherent in the concept of democracy and our Constitution that we value the protections of freedom of speech, the freedom of religion, and the protection of the freedom of the practice of religion.

Because of this, I can stand here today and make my statement of faith, just as any other Member of this body or any other citizen of this Nation can make their statement of faith, whatever their faith or religion may be, or they may make a statement of a lack of faith, a statement of having no belief in any religion.

Mr. Chairman, we value this so much that not only is it a right that we protect, but we further protect individuals from discrimination based upon their religion or their belief in no religion. This body has many times voted to ensure that no American is discriminated against based upon their religious faith or lack of religious faith.

In ensuring that our laws against discrimination are enforced, we do not need to pass additional laws that would undermine one of the basic tenets founding this country, which is the belief in the free practice of religion, and the freedom of speech which includes the freedom of the expression of religious faith.

Our men and women in uniform serve their country by serving in our military. Their service is based upon an allegiance to our Constitution and its basic principles of freedom and liberty. We must never forget that many of our forefathers came here escaping countries that have laws and rules that restricted the practices of certain types of religion.

There are countries today where citizens or members of government are restricted and cannot stand, as I just did, stating their faith and belief in God. May there never be a time when a Member of Congress or our men in uniform may not freely and openly acknowledge their God or express their faith and belief in their religion or openly acknowledge their lack of religious faith.

The Obey amendment should be defeated. The Hunter amendment supports our freedoms and protections guaranteed by the Constitution. I strongly encourage my colleagues to support the Hunter amendment and oppose the Obey amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly I would note that what we have been objecting to is precisely the denial to some cadets at the Air Force Academy of the very freedom that the previous speaker proclaimed.

No one has criticized anyone's profession of his or her religion. The animus here, the gravimen of this charge is, that other people have been penalized for it, and the Superintendent to the Air Force Academy himself acknowledged it.

Now, I apologize for prolonging this, and I would say that when the chairman of the subcommittee, the former chairman of the full committee, the gentleman from Florida (Mr. YOUNG) appealed for an end to the debate, he got acquiescence on this side.

Two Members on his side decided to prolong it. I wish that others had followed our example. But since they have not, I do think that things have to be answered.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not want to take more than 30 seconds. I simply want to reiterate what the Obey amendment does before us, restores, almost word for word, the original language of the committee bill. What that language tries to do is to assure the full protection of, well let me put it another way, because this is a sense of the Congress language.

What we attempt to do is to put the Congress on record squarely, as saying that we want every cadet, regardless of religion, to be able to fully practice their religion without intimidation, without ridicule, without restraint.

That is what we are trying to do. I think it speaks for itself. If people do not believe the Congress should stand for that, then they can vote against the amendment. If they do, I would appreciate a yes vote.

Mr. FRANK of Massachusetts. Mr. Chairman, in closing, I would repeat what has been said before, but apparently with sufficient clarity, I guess. The one person, who more than any other, was penalized for speaking out in this matter, in defense of the principles that the previous speaker articulated was a chaplain, the chaplain who was sent to Okinawa in a punitive transfer, and I know people have said that the Air Force gave different reasons for that. I do not think anyone really believes that.

It is clear that she was transferred for punitive reasons, because she spoke out against what she thought was an inappropriate set of actions against people's freedom of religion. She was, as we said and is, a chaplain.

Mr. Chairman, I yield to my friend, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this issue has a special relevance to each of us because, we actually name the young men and women who go to these academies. And each of us take this responsibility with a great deal of responsibility.

And to the parents who entrust these children, these young men and woman, to us and through us to the academies, there is an expectation that regardless of the religion of any of these families, that they will, on the one hand, be able to fully practice their religion, but at the same time they will also be free from coercion of other religions as they leave home for the first time.

□ 1645

So we have, I think, the greatest responsibility because we play a role in selecting these young men and women to ensure that they are protected and that their parents, their families, back home are protected from the beliefs which they are sent with being attacked or undermined by those that do not respect the beliefs that those

young people brought with them. So I agree that this amendment is absolutely essential and that the statement must come from this body of all bodies on this most important of issues.

Mr. CONAWAY. Mr. Chairman, I move to strike the requisite number of words.

At the risk of unnecessarily continuing this debate, I must stand in opposition to the Obey amendment and in favor of the Hunter amendment.

The words ''coercive and abusive proselytizing'' are particularly troubling. I too am a Christian and one of the basic tenets of my faith is that I must share that faith. I am instructed to go and tell. And the going and telling of that involves looking someone face to face and explaining the tenets of my religion, one of which is a heaven and a hell.

If I were to do that on the Air Force Academy, then I could be accused of abusive and coercive proselytizing and be charged, and that is not the case. Of course, were that charge to be made, then I would make a charge of the religious intolerance of the person that made that charge against me. We seem to get into a loop here that does not make any sense.

Both sides want freedom of religion. Both sides want freedom of expression of religion. The Hunter amendment calls for doing it in a way that allows for a due process on the campus to continue, all of the studies and reviews to get done. The Obey amendment unfortunately is a ready-aim-fire approach that I stand in opposition to.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of Ranking Member OBEY's amendment, which seeks to protect religious freedom at the Air Force Academy. This amendment condemns coercive or abusive proselytizing at the Academy and reaffirms that the military must be a place of tolerance for all faiths and backgrounds. Indeed, we hold our nation to high ideals of religious freedom and this amendment ensures that the Air Force Academy meets these ideals.

Thankfully, this issue of infringement on religious freedom was reported by cadets at the Academy. The Los Angeles Times reported on April 20, 2005, that an atmosphere existed on the campus of the U.S. Air Force Academy that appeared to tolerate disrespectful treatment of persons who were not evangelicals. Air Force officials have acknowledged the problem, which initially surfaced in early May 2004 when a survey of present and former cadets revealed that some students felt that 'born-again' Christians received favorable treatment and that persons of faith that did not consider themselves born-again had been verbally abused. These reports are unacceptable; truly we can not tolerate even the hint of religious intolerance or persecution anywhere in our nation, but especially not in any sector of our Armed Forces. Our brave men and women in the Armed Forces are fighting and in many cases are dying to protect the idea of religious freedom for all Iraqis, it would be a true shame if religious intolerance were given even the slightest legitimacy here in the United States. At this time when recruitment levels are low we do not need to send out the message that anyone who joins the Air Force Academy and is not a strong evangelical Christian may face persecution.

I was disappointed by the words heard on the floor by one Republican that Democrats are declaring war on Christians; thankfully he decided to strike this offensive statement from the record. However, he brings up an issue that must be addressed despite its outrageousness. The simple truth is that Democrats are supporting this amendment to strengthen the voice of religion, not weaken it. I affirm the tolerance of all religions. As Democrats we believe that all faiths have a right to practice freely and share their beliefs. This freedom of religion strengthens and gives voice to the entire faith community. The Obey amendment is not any radical measure, it simply states that: ''(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy; (2) the military must be a place of tolerance for all faiths and backgrounds; and (3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.'' It also calls for the Secretary of the Air Force to develop a plan ''to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.''

Clearly, the requirements of this amendment are not burdensome or complex, but they are necessary. This amendment gives peace of mind to all students who enter the Air Force Academy that they will not face intimidation when making choices about their faith. Truly, this is an American ideal and we can never stray from that path.

Mrs. CAPPS. Mr. Chairman, I rise in support of the Obey amendment and opposition to the Hunter amendment.

Religious freedom is bedrock principle for which the United States stands, and which the military is meant to defend.

Unfortunately the environment at the U.S. Air Force Academy appears consumed by religious intolerance.

Some chaplains encourage cadets to convert their colleagues to Christianity.

And one has publicly declared that cadets who do not accept proselytization will ''burn in the fires of hell.''

The football coach is reported to use his position to urge players to go to church and to be Christians.

He even went so far as to put a banner in the Academy football team locker room reading ''I am a Christian first and last. I am a member of Team Jesus Christ.''

Cadets who do not go to church are organized into groups called ''Heathen Flights'' by their cadet officers.

And high ranking officers, including the Commandant of Cadets, have given the Academy's official sanction to religious events geared towards promoting Christianity, including screenings of ''The Passion of the Christ.''

The problem is so pervasive that the Superinendent of the Academy, Lt. General Rosa, publicly acknowledged it in a speech to the Anti-Defamation League.

It is appalling that the young men and women who volunteer to defend our Nation should be subject to religious harassment and intolerance of this kind.

It clearly violates the Constitution. And it undermines the unity of the armed forces.

If this were going on at University of Colorado, students could easily just ignore it as they probably do almost everything else the school tells them.

But Air Force cadets are members of the miltary and part of the chain of command, and all that entails.

The Academy tells cadets when to wake up and go to sleep, when to eat, how to dress, where to go and when to go there, when they can leave campus and how they must behave.

If the cadets ignore their superiors on any of these issues they would be sternly disciplined.

This is why it is critical that the officers and staff at the Air Force Academy not be permitted to inappropriately press their religious beliefs onto their cadets.

This is where the coercion that Mr. HOSTETTLER was asking about takes place.

The military has a special obligation to ensure that its members do not abuse the extraordinary influence that chain of command gives them.

Clearly, that has not been the case at the Air Force academy. And now Congress has a duty to address these concerns.

When the Constitution of the United States is being disregarded in such blatant fashion we have no choice. We must act.

For that reason I applaud the leadership of Ranking Member OBEY and the members of the Appropriations Committee.

The language they included clearly expresses our objection to these practices, and demands a plan of action from the Air Force Secretary.

I also want to commend my colleague Mr. ISRAEL for offering this same language in the Armed Services Committee.

Last month I, along with 45 of my colleagues, sent a letter to the Air Force Secretary asking for a thorough and public investigation.

I am pleased to know that the Air Force's internal investigation of these issues will soon be complete. This is a good first step.

Unfortunately there has been a history at the Air Force Academy of trying to cover up embarrassing scandals rather than deal with them.

It took considerable Congressional pressure to force the Air Force and the Academy to take the matter of sexual harassment and assault seriously.

The Academy's initial response to the issue of religious freedom has not inspired confidence that they are acting differently here.

One Academy chaplain, Captain Melinda Morton, pressed hard for changes to ensure religious tolerance and was recently removed from her post and her reassignment has the appearance of the Air Force punishing an officer for looking after the spiritual well-being and constitutional rights of all the cadets.

So the Congress clearly has enough information to take the step included in this bill.

The language in this bill will send an unmistakable signal to the Air Force that we are watching, and we will not allow them to sweep this under the rug.

We should not dilute it by passing the Hunter amendment. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this bill which I am pleased to see includes an additional $20 million for the Department of Defense Family Advocacy Program.

In an era of extended and repeated deployments, our military families are under more strain than ever before and the services of the Family Advocacy Program are desperately needed.

DOD has made progress in its efforts to prevent domestic violence, but I hope that some of this additional funding will also be used to strengthen intervention programs which are still in need of improvement.

As important as the Family Advocacy Program is, let me stress that it is only one part of the total domestic violence prevention and response effort envisioned by the Defense Task Force on Domestic Violence in its 2003 final report.

I look forward to working with my colleagues in the future to ensure that the recommendations of the task force are fully implemented and that our military families get what they deserve. I would like to thank the subcommittee chairman and my good friend, the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for recognizing that there remains significant work to be done on this issue and for making the safety and well-being of military spouses and children a top priority in this bill.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee on the subject of the Defense POW/Missing Persons Office.

It has come to my attention, Mr. Chairman, that the Defense POW/Missing Persons Office, the DPMO, has received complaints from such groups as the National League of Families of American Prisoners and Missing in Southeast Asia and the organization of Korea/Cold War Families of the Missing. In particular these groups object to the DPMO's action in the following areas:

one, the manner in which they have developed policy without substantive interagency integration and dismiss Vietnam's ability to provide answers;

two, their hostility towards the POW/MIA families;

three, their attempt to take total control of the League of Families' annual meetings and operations of the Joint POW/MIA Account Command;

four, the use of the COIN Assist fund as a leveraging mechanism to control agenda of the League of Families.

I specifically ask that a report be completed assessing the level of cooperation and interaction between the Defense POW/Missing Persons Office with the National League of Families of American Prisoners and Missing in Southeast Asia and the Organization of Korea/Cold War Families of the Missing and all other members of those organizations, particularly with respect to compliance with all applicable provisions of law. Further, I ask that the report be included in the Statement of Managers to accompany the conference report for this bill, H.R. 2863.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand the concerns, and the gentleman and I have spoken at length about these issues and I am equally concerned as is he. And I think it is appropriate that we do ask for such a report; and when we meet with the Senate for conference on this bill, we will seek to include such a report.

Mr. DEAL of Georgia. I thank the chairman.

I would ask unanimous consent to insert certain documents into the RECORD. These documents represent and outline the various frustrations and concerns of the National League of Families of American Prisoners and Missing in Southeast Asia and should be considered and addressed by the Office of the Secretary of Defense and their report.

I believe this report must reflect a comprehensive study of DPMO's guidance and policy initiatives. I am particularly concerned that the concerns of the National League of Families be seriously addressed. A report that merely waxes over such differences as a ''family feud'' would not be found acceptable.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I certainly agree to work with the gentleman on this matter to have a satisfactory conclusion.

Mr. DEAL of Georgia. I thank the chairman again.

I ask that upon completion of this report that it be submitted to the House Committee on Appropriations, the House Committee on Armed Services, and that it be made available to the personal offices of all members of the POW/MIA congressional caucus.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. MILLER of Florida. I thank the gentleman from Georgia (Mr. DEAL) for yielding. I thank my colleague and good friend, the chairman, for allowing this time.

As co-chair of the Congressional POW/MIA Caucus I appreciate the leadership of the gentleman from Georgia (Mr. DEAL) on this issue.

The POW-MIA Caucus recognizes that policy coordination and cooperation must include not only congressional oversight but also a continued strong working relationship with nongovernmental organizations such as those you have talked about, the National League of American Prisoners and Missing in Southeast Asia, the Organization of Korea/Cold War Families of Missing.

It is the members of these organizations and others like them who stand to gain the most by the implementation of government policy. The elimination of nongovernmental organization participation in this process would impede progress, and the caucus supports the leadership of the gentleman from Georgia (Mr. DEAL) on this issue and looks forward to working with the Defense POW/Missing Persons Office, the committees of jurisdiction, and these organizations to ensure that our shared goals are met.

Mr. DEAL of Georgia. I thank the chairman of the subcommittee, and I look forward to working with him on this issue in conference.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI:

At the end of title IX, insert the following new section:

SEC. _____. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate a report on a strategy for success in Iraq that identifies criteria to be used by the Government of the United States to determine when it is appropriate to begin the withdrawal of United States Armed Forces from Iraq.

(b) The report shall include a detailed description of each of the following:

(1) The criteria for assessing the capabilities and readiness of Iraqi security forces, goals for achieving appropriate capability and readiness levels for such forces, as well as for recruiting, training, and equipping such forces, and the milestones and timetable for achieving such goals.

(2) The estimated total number of Iraqi personnel trained at the levels identified in paragraph (1) that are needed for Iraqi security forces to perform duties currently being undertaken by United States and coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout Iraq.

(3) The number of United States and coalition advisors needed to support Iraqi security forces and associated ministries.

(4) The measures of political stability for Iraq, including the important political milestones to be achieved over the next several years.

(c) The report shall be transmitted in unclassified form but may contain a classified annex.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

Ms. PELOSI. Mr. Chairman, I regret that a point of order was raised, but I do want to commend the gentleman from Florida (Mr. YOUNG) for his outstanding leadership to protect our country. He is a champion for national security, a champion for our troops. I respect him enormously. I wish he had not raised this point of order.

I want to commend the chairman of the full committee, the gentleman from California (Mr. LEWIS), who is in the Chamber right now, for his distinguished leadership on behalf of America's troops and on behalf of our national security. They have worked in a bipartisan manner with our distinguished ranking member, former chair of the subcommittee, the gentleman from Pennsylvania (Mr. MURTHA). By working together with the gentleman from California (Mr. LEWIS) in the last session of Congress and on an ongoing basis with the gentleman from Florida (Mr. YOUNG), they have really tried very hard to provide our troops with what they need to do their job and to come home safely and soon.

I also want to recognize the outstanding leadership of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, former chair of the committee. I think these four gentleman have worked very closely together, removed the doubt in anyone's minds that we understand our obligation under the Constitution to provide for the common defense and they help us honor that commitment. I thank them all.

The legislation that we are considering today contains in it another $45 billion for the war in Iraq that has already consumed nearly $200 billion, ended the lives of over 1,700 of our troops, and thousands more Iraqis, and changed forever the lives of tens of thousands more who have been wounded in that war.

They were sent into the war without the intelligence about where they were going, what they were going to confront, without adequate equipment to protect them and without a plan for what would happen after the fall of Baghdad.

As I referenced earlier, the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) have fought hard, especially the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) last year in the defense Committee on Appropriations to correct the inadequacy of the equipment they had.

Many of us have visited with soldiers in Iraq. Some of them are on their second tour of duty. I conveyed to these brave soldiers, as I have to soldiers in hospitals here and abroad, how grateful the American people are to them for their valor, for their patriotism, for the sacrifices they are willing to make for our country. They have performed their duties with great courage and skill, and we are deeply in their debt.

Disagreement with the policies that sent our troops to Iraq and which keep them in danger today in no way diminishes the respect and admiration that we have for our troops. Sadly, the level of their sacrifice has not been met by a level of language by the administration, and now the American people agree that this war is not making us safer.

Republican Senator Robert Taft of Ohio, who in time became the Republican leader in the United States Senate, had this to say about our duty in time of war as Members of Congress. He said, ''Criticism in time of war is essential to the maintenance of a governing democracy.''

He was a Republican. This was World War II. He was a Republican in the Senate. He said that, and he was right.

It is in that spirit that I disagree with those Republicans who continue the course of action that we are on now. When we went into this war, it was a war of choice. President Bush sent us into a war of choice, a preemptive war. When you have a war, you have to go in with the preparation that you have. But when it is a war of choice, you have an increased responsibility to be prepared and to have a plan for what happens after the fall of, in this case Baghdad, but we have not.

□ 1700

Vice President CHENEY at the time said that our troops would be met with rose petals. Instead, they were met with rocket-propelled grenades.

Under Secretary Wolfowitz said that this is a country that can easily afford its own reconstruction and soon, and the U.S. taxpayer is still paying the tab.

This is a war that each passing day confirms what I have said before and I will say again, that this war in Iraq is a grotesque mistake. It is not making America safer and the American people know it.

Early on, the gentleman from Pennsylvania (Mr. MURTHA) said what a Democratic, what a bipartisan proposal should be as far as going into Iraq, that with the fall of Baghdad, we should move quickly to Iraqtize, to turn the security of Iraq over to the Iraqis. We should internationalize, that we should form the diplomatic alliances in the region for the Iraqi government so that our troops could accomplish their goals militarily with the help of diplomacy. It simply cannot be done alone.

The gentleman from Pennsylvania (Mr. MURTHA), in leading our House Democrats on this issue, said that we should energize, we must turn on the light, we must have reconstruction in Iraq, and because of some of the poor planning or lack of planning, the reconstruction has taken much longer, is much more costly, and again, the security is making it almost impossible.

You cannot go forward with the social services and the rest unless you have a secure Iraq. You cannot have it be secure and bring our troops home unless you turn over that security responsibility to the Iraqis.

So we go to a place where we should expect the least Congress should do is to insist that the President provide the details on how it will be determined when the responsibility for Iraq's security can be turned over to the Iraqis and how Iraq's economic and political stability will be assessed. That is what my amendment would have done, would do, if it were made in order.

The failure by the President and his administration to plan adequately for the conduct of war to date has made it all the more imperative that Congress ensure the planning be done competently for bringing our troops home. If our troops are to leave when the mission has succeeded, we need to know how success will be defined.

Despite the manner in which the administration has chosen to fund the war, relying totally on supplemental appropriations up until now, as though it was a surprise that keeping hundreds of thousands of military personnel in and near Iraq would have a cost, our commitment in Iraq cannot be open-ended. Congress should have insisted long ago that the limits on that commitment be publicly shared and well understood.

The Iraq money in this bill is described as a bridge fund. Congress and the American people have a right to ask: A bridge to what? A bridge to where? The report required by my amendment would have built on the report request in the recently enacted supplemental appropriations bill and help answer that question, and that request was agreed to in a bipartisan way. This is really an endorsement of that, taking it from report language, putting it into law and raising its profile so the administration knows that it must answer those questions in the supplemental.

Republicans apparently prefer to keep their heads in the sand and continue to provide money for the Iraq War with no questions asked.

Congress did not discharge its responsibility to oversee these policies at the start of the war, and it has not done so since. The American people deserve better. More importantly, Mr. Chairman, our troops who serve in harm's way deserve better. They are owed more by those who sent them there than lack of planning.

We must do everything in our power to honor our obligation to our troops. Only then will we be fulfilling our responsibility.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment gives affirmative direction. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, I do have a question to follow up on the distinguished gentleman's point of order, and that is, almost the same language was contained in the supplemental that passed the House a few weeks ago, and I do not know why the criteria that he establishes here for my amendment would not have then applied then and if that, in fact, does not serve as a model for us now.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to the President. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOGGETT:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for activities in Uzbekistan.

Mr. DOGGETT. Mr. Chairman, this Defense bill has many good aspects, but I believe that it does contain at least one soft spot that undermines the high level of security that our families demand.

The safety of our families is just too important to be dependent on the word of a terrorist. Unfortunately, that is what this administration has done in a little known corner of the world called Uzbekistan. In a desperate search for allies against terrorism, the administration has actually teamed up with the chief terrorist in that far away land, its President Islam Karimov.

Before the Bush administration befriended him, Mr. Karimov was known for his rather peculiar habit of boiling alive some of the local opponents to his police state. In what President Bush's own State Department described in February as an atmosphere of repression, where torture was common, other favored methods of dealing with differing opinion in Uzbekistan includes suffocation, electric shock, rape, sexual abuse. However, beating, according to the State Department, is the most commonly reported method of torture.

Another tactic that perhaps Mr. Karimov learned through his earlier tenure on the Soviet Politburo is the practice of having local political and human rights activists declared insane to stop their activities. A woman in Tashkent, for example, was committed to a psychiatric hospital, apparently in part for asking that her neighbors' taxes be reduced. Radio Free Europe and Radio Liberty reported that torture, and the fear of it, may even serve as the primary tool of controlling society in Uzbekistan.

Most recently, the Uzbek dictator participated in what is known as ''Bloody Friday,'' where hundreds of men, women and children were murdered on May 13. Since then, he has successfully led efforts to thwart any independent investigation.

The New York Times reported on Saturday that ''Uzbek Ministries in Crackdown Received U.S. Aid.'' The United States has provided extensive aid to the very Uzbek ministries and the types of units that took part in this murderous May 13 crackdown.

To those who say, well, ''he is a thug but he is our thug,'' I would say that this is no way to ensure the protection of our families. Even to those in this administration whose interest in human rights has waned significantly in recent years, I would say that when you place the future of our families in the hands of someone who can cling to power only by killing, maiming, and boiling his opponents, you place our future in very unreliable hands, and we already have another example of this thug's unreliability.

Mr. Karimov's decision recently to deny nighttime flights and heavy cargo flights into our K–2 air base in southern Uzbekistan. Apparently, these restrictions result from the fact that Mr. Karimov is peeved at the Bush administration because they have not yet spent all the $42.5 billion appropriated for the K–2 base, and they just soft-pedaled international criticism of the latest round of murders, instead of fulfilling his desire that they remind the world what a big buddy of America he is.

Undoubtedly, he will be happier with the decision of Secretary Rumsfeld, reported last week in The Washington Post, to squelch a call by all the other defense ministers of NATO for a transparent, independent, and international probe of the Bloody Friday murders.

During the Memorial Day recess, three Republican Senators took an uninvited trip to Uzbekistan where they received firsthand reports of the shocking increase in Mr. Karimov's violent repression. All three of these Republicans have called for a fundamental change in our dealings with the Uzbek people and have suggested that we should reconsider long-term commitments. This amendment will accomplish just that.

As to the form of the amendment, our House rules, as we just saw with the amendment offered by the minority leader when she was thwarted in an effort to get information about Iraq, severely limit our ability to address this concern. Therefore, this particular amendment is simply worded, ''Stop all expenditures immediately.''

I have another version I would be pleased to offer, giving the administration more of the flexibility that it is always so eager to have, but whatever the specific language, I am confident that the conferees, the gentleman from Florida (Mr. YOUNG), the gentleman from Pennsylvania (Mr. MURTHA) and the people from the Senate can make any modifications they deem necessary to this amendment to ensure the orderly removal of what was supposed to be a temporary presence in Uzbekistan and to provide emergency reentry should this be absolutely necessary in the war on terrorism.

My only goal is the recognition that the United States cannot lead in the fight on terrorism by funding a terrorist. Our association with thugs like Karimov in Uzbekistan does not enhance our security. It jeopardizes that security. We should adopt this amendment because, in short, the Bush administration's terrorist in Tashkent is a security risk. We risk our security by the bad company Mr. Rumsfeld is keeping.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The gentleman, in his own discussion, has talked about the K–2 airfield. Afghanistan being one of the battlefields in the global war on terrorism. It is extremely important in order for that war to be successful.

K–2 airfield in Uzbekistan is important to our functioning in Afghanistan. It is the logistical center where we get things from here to Afghanistan that need to get from here to Afghanistan.

This amendment is a one sentence amendment and says none of the funds can be spent in Uzbekistan. We cannot afford not to have the K–2 airfield in the global war on terror and especially the Afghanistan battlefield in that war.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

I would direct the gentleman, the chairman, for whom I have profound respect, to an editorial that appeared today in The Weekly Standard, which indicates that President Karzai of Afghanistan is more than willing to provide the bases necessary that the gentleman alludes to for the global war on terror, and I dare say I would much prefer to do business with President Karzai than with this gentleman here who is Islam Karimov.

He is the dictator who runs Uzbekistan, which is a Nation of some 25 million in central Asia, about the size of California. He is a murderer and he is a thug. He holds in his gulag some 6,000 political prisoners. He will not allow opposition parties, making any

elections a farce. He restricts freedom of religion. There is no free press, and as my friend from Texas indicated, he recently ordered the slaughter of hundreds of innocent civilians who were protesting the systemic abuse of fundamental human rights, but maybe they were lucky. At least they were not boiled alive in water.

This thug has created a culture of torture, and it has been reported in media outlets that the CIA has sent recalcitrant individuals there under the so-called rendition concept, to torture them and to provide intelligence in the war on terrorism.

Now we know that Saddam has been alluded to as the butcher of Baghdad. I would suggest that Islam Karimov can appropriately be described as the tyrant of Tashkent.

□ 1715

As the gentleman from Texas said, we have a problem. Karimov is a thug, but he is our thug. This photo to my right depicts him with Secretary of Defense Rumsfeld who has praised the thug's wonderful cooperation with the United States, and it was President Bush's former Secretary of the Treasury who expressed admiration of the thug's, and I am quoting here, ''very keen intellect and deep passion for improving the lives of his people.'' I presume he did not read the Department of State's human rights reports enumerating the abuses that the people of Uzbekistan endure on a regular basis.

In his inaugural address, President Bush promised oppressed people that we would not excuse your oppressors, and when you stand for liberty, we will stand with you, and one day this untamed fire of freedom will reach the darkest corner of this world.

Well, I would suggest that now is the time to go to that dark corner of the world called Uzbekistan and say enough. We can begin by cutting off aid, both military and economic, to this thug. We should begin to walk the democratic walk and not just indulge in the democratic rhetoric because in the end, it is in our best interest as well as the people of Uzbekistan.

A recent GAO report said, ''Recent polling data show that anti-Americanism is spreading and deepening around the world. Such anti-American sentiments can increase foreign public support for terrorism directed against Americans, impact the cost and effectiveness of military operations, weakening the United States' ability to align with other nations in pursuit of common policy objectives, and dampen foreign publics' enthusiasm for U.S. business services and products.''

Given how we are supporting this particular thug, is it any wonder that we are being charged with hypocrisy and that people doubt the President's words. This perceived hypocrisy hurts us. It undermines our credibility. And as de Tocqueville said, America is great because America is good and if America ever ceases to be good and not express its values, then we lose our greatness.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

I wanted to rise in strong support of the Doggett amendment. Members understand why in the immediate aftermath of 9/11, when the United States was preparing to overthrow the Taliban regime in Afghanistan, countries like Kazakhstan and Turkmenistan and Uzbekistan were considered important allies in the war on terrorism. But even then, Members expressed caution about tying U.S. interests too closely to these government which have consistently poor human rights records.

This is especially true in the case of Uzbekistan where the Karimov government, in the past few months, has wielded power with a particularly bloody hand. According to the International Crisis Group, on May 13 and 14, the government brutally suppressed a popular uprising in the eastern city of Andijan, ostensibly to quell a revolt of Islamic extremists. But instead, over 750 unarmed civilians, many of them children, were massacred.

More recently, on June 16, Human Rights Watch reported that a four-person delegation from the International Helsinki Federation visiting the eastern region were detained and forced to leave the region. This is just the latest attack against human rights defenders in Uzbekistan. In the wake of the Andijan massacre, the Uzbek government has been targeting human rights defenders and opposition leaders for arrest, beatings, intimidation and other brutal acts. This House cannot stand by silently and support such brutality. We cannot continue with business as usual and issue another blank check for Uzbekistan.

Mr. Chairman, I include for the RECORD a copy of the Human Rights Watch report titled ''Uzbekistan: Rights Defenders Targeted After Massacre.''

UZBEKISTAN: RIGHTS DEFENDERS TARGETED AFTER MASSACRE

In the wake of the Andijan massacre, the Uzbek government is targeting human rights defenders and opposition activists for arrest, beatings and intimidation, Human Rights Watch said today.

''The government harassment of human rights defenders is a transparent attempt to hide the truth about what happened in Andijan,'' said Holly Cartner, Europe and Central Asia director at Human Rights Watch.

Human Rights Watch has documented evidence of a government cover up in Andijan following the government's use of excessive force against demonstrators there on May 13. Human Rights Watch has labeled the incident a massacre.

The Uzbek government has a longstanding record of harsh treatment of human rights activists and political opponents. In just the past two weeks, Uzbek authorities have arrested at least 10 human rights defenders and opposition activists in Andijan and other cities on trumped up charges. Others have been beaten by unknown assailants, threatened by local authorities, and placed under house arrest.

Officials involved in these incidents made specific reference to the defenders' human rights activities, including their work documenting the killings in Andijan. In Tashkent and Jizzakh, numerous human rights activists have been questioned about the events in Andijan and threatened with arrest or criminal charges should they engage in demonstrations or other public activities.

On May 31, a coalition of Uzbek rights defenders issued a plea for help. The group wrote to the United Nations, the Organization for Security and Cooperation in Europe, and the European Parliament stating that persecution of Uzbek rights activists and opposition members has increased since the Andijan killings.

''We are deeply troubled by this growing crackdown on human rights defenders,'' Cartner said. ''The international community must intervene to stop this campaign and ensure the safety of human rights activists in Uzbekistan.''

Human Rights Watch has gathered information, including firsthand testimony, concerning 16 separate incidents of arrests, beatings, preventative detention and other intimidation of activists and opposition party members during the past three weeks, including many in Andjian province.

On Tuesday, June 7, Andijan police detained Hamdam Sulaimonov, deputy chairman of the Fergana Valley branch of the opposition party Birlik (''Unity''). After searching Sulaimonov's home, police seized his computer. He was interrogated about the distribution of a statement about the Andijan events by Birlik party chairman Abdurakhim Polat during a U.S. Helsinki Commission briefing on Uzbekistan in Washington on May 19. Sulaimonov was released on bail, but yesterday was summoned for additional interrogation.

On June 3, police arrested Mizaffarmizo Iskhakov, a longtime human rights defender and head of the Andijan branch of the human rights group Ezgulik (''Goodness''). Police seized human rights publications and a computer during a search of Iskhakov's home on June 2. Iskhakov was released on bail on Monday, but police retained his passport and ordered him not to leave the city.

On June 2, Andijan police also arrested Nurmukhammad Azizov and Akbar Oripov of the Andijan branch of Birlik. During searches of the men's homes, police confiscated human rights publications and computers containing a copy of the Birlik statement about the events in Andijan. Azizov and Oripov remain in custody.

On May 28, authorities in Andjian arrested two members of the Markhamat district branch of Ezgulik: the chairman, Dilmurod Muhiddinov, and Musozhon Bobozhonov. They also arrested Muhammadqodir Otakhonov, of the Uzbek branch of the International Human Rights Society. Police seized human rights materials and copies of the Birlik statement about the events in Andijan from the men's homes. The men are being charged with ''infringement of the constitutional order,'' ''forming a criminal group,'' and ''preparation and distribution of materials containing threats to public order and security.'' They remain in custody and are being questioned without the presence of a lawyer.

Saidjahon Zainabitdinov, an outspoken human rights defender and chairman of the Andijan human rights group Appelliatsia (''Appeal''), was detained on May 21. Zainabitdinov's description of the killings in Andijan was widely reported in the media. He remains in custody.

The government campaign against human rights defenders has also spread to other Uzbek cities.

On Sunday, June 5, according to the Human Rights Society of Uzbekistan

(HRSU), Uzbek security agents arrested Norboy Kholjigitov, a member of the HRSU, in the village of Bobur near Samarkand on charges of corruption. Kholijigitov's whereabouts remain unknown.

On June 4, police in Karshi arrested Tulkin Karaev, a human rights activist and journalist, and sentenced him to 10 days of administrative arrest. Karaev is one of the few independent Uzbek journalists who has covered the events in Andijan. The HRSU reported that pretext for the arrest was provided when an unknown woman accosted Karaev at a bus stop and then claimed that Karaev had threatened her. Karaev has been denied contact with his lawyer.

On May 30, two unknown men in civilian clothing beat Sotvoldi Abdullaev of the Uzbek branch of the International Human Rights Society outside his house in Tashkent. The assailants had been monitoring the house from a parked car for several days in attempt to prevent Abdullaev from leaving his house. Abdullaev suffered a severe concussion as a result of the beating and was hospitalized.

On May 29, 30 armed policemen beat and detained approximately 17 members of Ezgulik from the Fergana Valley area who were participating in a seminar in Tashkent, calling them ''Andijani terrorists.'' The activists were forcibly transported back to the Fergana Valley. The event's organizer, Vasila Inoyatova, head of Ezgulik and a senior member of the Birlik opposition party, was detained by police together with her family. They were released the next day.

On May 28, Samarkand police arrested Kholiqnazar Ganiyev, head of the Samarkand province offices of both Ezgulik and the Birlik, on charges of ''hooliganism'' and sentenced him to 15 days of administrative arrest. A group of women, apparently government provocateurs, attacked Ganiyev's house and then brought charges against him when he asked them to leave.

On May 26, a police official in Jizzakh came to the home of Tatiana Dovlatova, an activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan, and aggressively demanded that she go with him to the prosecutor's office. She refused to go unless provided with an official summons. The official then placed her under armed house arrest for the day and threatened to send her to a psychiatric hospital if she attempted to leave.

On May 22, 70 people, including representatives of various government agencies, forcibly entered the Jizzakh home of Bakhtior Kamroev, chairman of the Jizzakh province branch of the Human Rights Society of Uzbekistan. The crowd conducted a Soviet-style hate rally against Khamroev right in his home. They accused him of being a traitor for passing information to Western organizations, including human rights groups, and of being a ''Wahabbist'' and a ''terrorist.'' The authorities also pressured Kamroev to leave Jizzakh and made threats against his life and against his family.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I would just note that even those individuals, who may be concerned more about that air base than whether hundreds of people were murdered, raped, suffocated or boiled alive, I think the point here is not just about human rights, it is about the security of American families.

When we rely on a thug like Karimov, we end up with him squeezing us, just like he is doing now by not letting us have nighttime flights at the K–2 base, not letting heavy cargo planes come in. His limitations are imposed not on the basis that we have criticized him, but that we have not done enough to praise him. We have a base in Kyrgyzstan, we have bases in Afghanistan. We have other ways of continuing the war on terrorism, but we make a mistake when we put the security of our families in the hands of someone who is a terrorist himself.

And how ironic that we would be doing this at the same time the recent elections in Iran were criticized by the administration for not being fair enough. There is no danger that Uzbekistan will ever get to the level of Iran. At least Iran has elections, however deficient they may be. We do not have that in Uzbekistan.

In short, the administration says democracy is on the march, but in Uzbekistan it is democracy that is getting marched on. I believe we jeopardize our security by contributing to what is a boiling pot. That pot is, Mr. Karimov's method of dealing with his opponents. When that pot eventually boils over, we will lose more than an air base. We will be burned by the injustice that he has been a part of and that is why I offer this amendment.

Mr. MCGOVERN. Mr. Chairman, the gentleman from Texas is absolutely right, and that is why Members should support the Doggett amendment.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I would just point out to my colleagues that in the 1980s we dealt with a thug by the name of Saddam Hussein because we believed we had common mutual interests, particularly during the course of the war between Iraq and Iran.

During the late 1980s and early 1990s, we allied ourselves with Osama bin Laden against the Soviets, and what did we get for it. Let us be careful.

Mr. MCGOVERN. Mr. Chairman, I urge my colleagues to support this amendment. As the gentleman from Texas (Mr. DOGGETT) and the gentleman from Massachusetts (Mr. DELAHUNT) pointed out, this is about human rights, but it is more about our long-term national security interests, and it seems to me that we need to take a different approach here.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DOGGETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DOGGETT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10_____. None of the funds made available in this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. DEFAZIO. Mr. Chairman, my amendment is simple. Let me read it in its entirety. ''None of the funds made available by this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.''

The intent of this is simple: To prevent the President from committing U.S. forces to additional wars without first coming to Congress for a vote authorizing such military action. If the President wishes or feels it is necessary to have a war with Syria, Iran, North Korea or any other nation, then under the U.S. Constitution and my amendment, he must first come to Congress.

Some will try and argue that this would tie the hands of the President and the Pentagon and the CIA when it comes down to tracking down al Qaeda. My amendment would not impact the government's ability to hunt, apprehend or kill members of al Qaeda. On September 18, Congress adopted a broad authorization of force that says the President is authorized to use all necessary appropriate force against nations, organizations, and persons he determines planned, authorized, committed, aided the terrorist attacks, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Referring back to the preceding list of countries, if the President could demonstrate that any of them were involved in 9/11, he would not need further authorization from Congress. Nor would my amendment impact on our ongoing military operations in Iraq. On October 16, 2002, Congress authorized those actions under the United States Constitution.

Further, there are those who would say what about covert activities? It is important to note that title 50, United States Code, section 413, already provides Congressional authorization pursuant to amendments in 1980 to the National Security Act of 1947, for the President to authorize covert operations under certain circumstances on behalf of the United States.

In other words, if my amendment passes, the President will still have all of the authorization from Congress he needs to actively pursue al Qaeda operations in Iraq and other terrorist activities around the globe.

The amendment simply seeks to reinforce war powers granted solely to Congress under the U.S. Constitution to ensure the President cannot launch a major war against Iran, Syria, North Korea or any other nation without a vote from Congress.

Some will say, Is that really necessary? On April 18, 2002, in response to a letter I and other Members sent to the President about the need to authorize the war with Iraq, I received a letter from then-White House counsel Alberto Gonzalez, now Attorney General. Mr. GONZALEZ stated that the President has broad Constitutional authority as Commander-in-Chief, and as the sole organ of the Federal Government in foreign affairs to deploy the Armed Forces of the United States, a formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions that may be necessary to protect our national security. That is an extraordinarily broad assertion not supported by a President after more than 200 years of interpretation of the Constitution.

So I feel my amendment, as narrow as it is, is necessary to protect the war powers separation of the President as the Commander-in-Chief. The Congress of the United States has the sole authority to declare war, except in case of sudden attack upon the United States, its citizens, or armed forces. Ample opportunity exists for the President to continue to pursue al Qaeda and others and the war in Iraq under this amendment.

I urge my colleagues, if they support that interpretation of the Constitution, which is broadly acknowledged by most legal scholars, except Mr. GONZALEZ, and I do not know if he is a legal scholar, and would uphold our authority.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the war we are involved in now is not a war against a country or against an armed force that is organized and structured and representing a country. We are in a war against terrorism. We did not start the war. They started it. The terrorists started it when they attacked the World Trade Center, when they attacked the Pentagon, attacked the USS *Cole*, attacked Khobar Towers, which housed our airmen. They started it in many, many ways.

But who would we declare war against for the World Trade Center or for the USS *Cole*? They were acts of terror. They were not acts by some nation or some organized military.

This amendment sounds good. I can almost be persuaded, but it just does not work. Let us suppose our military intelligence detected that an enemy of the United States was preparing to take military action against our country or our troops overseas. We could not take military action to prevent that attack without a specific declaration of war.

□ 1730

It might be too late then. Prohibiting initiating military operations could be read to prohibit military action to capture, kill, or pursue terrorists who are operating in a third country, not as part of that country but operating within the country, which is what they do. Even if that country is a friend of ours, they would still operate within that country.

Do you really want to say that we should not try to capture or kill Osama bin Laden if we find that he has traveled to a country where we currently do not have ongoing military operations? I think we hunt Osama bin Laden no matter where he is, a friend or a foe or anyplace else. Waiting for formal congressional approval for such military action might mean we miss the opportunity to capture the man who is responsible for thousands of American deaths. On its face, it sounds like a pretty good idea; but it just does not work in the type of world that we live in today, in the type of enemy that we face today, the enemy that has killed so many innocent Americans right here in our own country.

This is not a good amendment, and it should be defeated.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. I appreciate what the gentleman from Oregon is doing, and I know what he has in mind. I know in 1991, President Bush had a number of us at the White House. He did not think he needed to come to Congress, but he did.

I know that this last war, a number of people from the former administration called me, from the former Bush administration, called me and asked me to talk to the President about making sure he came to Congress and came to the U.N. before they went. So I understand what the gentleman is trying to do. I cannot imagine a President going into an independent country, and we have been trying to keep as close ties as we can in this bill on the President or the administration when they try to go into these other countries. I know that they thought they could go before, and they did not.

And so I would say to the gentleman, I would hope that he would believe that Congress would have a role and we certainly have to fund it, so at any time we could just not fund it. Our role is a big role, and I know to stop the Vietnam War, the funding was reduced substantially. I can remember the exact incident on this floor when that happened. The public was for it up to a point. The public has turned against this war, as all of us know, in Iraq. But we still have some problems.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I know the gentleman from Florida's speech was written by his staff, but he said that we could not pursue Osama bin Laden. If he had listened to my speech where I quoted back legislation that he voted for and I voted for which authorized the war with Afghanistan, it went on to the fact of any nation that harbors such organizations or persons in order to prevent any future acts of international terrorism. That pretty well covers Osama bin Laden.

I do not appreciate the gentleman raising these bizarre allegations. He may disagree with me, he may want to cede this authority to the President of the United States and abdicate our constitutional duties. That is fine. But do not raise these false issues. It does not go to Osama bin Laden. He is already covered. It does not go to Iraq. It is already covered. It does not go to a third country that is potentially threatening or any group threatening the United States. That is covered under war powers.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I understand that, but what I am saying is under the Constitution we have a responsibility. I do not think any of us want to cede that responsibility to any President, no matter if he is Democrat or Republican. The only time it happens is when we may be misled or something like that, but as a whole the Congress wants to do what is right. I would be very concerned if we passed something that might limit us here.

I appreciate the passion of the gentleman. I feel the same way. I feel just as strongly as he does, that the Congress has the ultimate say about whether we go to war. I would urge the Members to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment I am offering deals with the issue of the outsourcing of torture. It is identical to amendments that this House has previously approved to the emergency supplemental appropriations bill in March and the State-Justice appropriations last week. Very simply, it states that none of the funds appropriated in this bill may be spent in contravention of laws and regulations adopted to implement the convention against torture.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman. I thank the gentleman for yielding.

I want to say to him that this is a good amendment. As the gentleman pointed out, it was agreed to overwhelmingly in the supplemental. We accept the amendment.

Mr. MARKEY. I thank the gentleman for his acceptance. I will try to conclude briefly on my time so that the House can understand what it is that they are accepting.

The convention against torture is a treaty signed by the United States under President Ronald Reagan, and it was ratified by the Senate in 1994. It prohibits any use of torture or other cruel or degrading treatment. It also prohibits the outsourcing of torture by sending people to any country where there is a reasonable likelihood that they will face torture.

My amendment simply ratifies America's commitment to the convention. It does not change current law. It is a simple funding restriction aimed at underscoring to all of the defense and intelligence agencies funded under this bill that they need to ensure that all of their activities are fully compliant with America's treaty obligations and with the requirements of United States law and regulation.

It is wrong for the United States to capture prisoners, put them on Gulfstreams and fly them to Syria or Uzbekistan with the assurance given by those countries which we know are human rights abusers that they will not torture prisoners. If the United States captures a prisoner, we should keep that prisoner in our possession, or send him to a country which has the same values which we have. But it would be wrong to continue to engage in a process where we send these prisoners to Syria, for example, which administers electrical shocks, pulling out of fingernails, forcing prisoners to engage in inhumane acts.

I thank the chairman of the subcommittee for his acceptance of this amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Mr. Chairman, I rise in strong support of the Markey amendment to the Defense Appropriations Bill. This important amendment prohibits defense funds from being used for torture, or to transfer prisoners-of-war to countries that employ the use of torture. That should be a simple decision, a "no brainer" vote for Markey—stop funding torture. Vote against Markey—agree to funding torture.

This decision is important because the way we treat our enemies speaks volumes about our character as a Nation, as Americans. I am embarrassed to say that America's treatment of prisoners over the last several years does not speak highly of our national integrity, of the people we really are.

Over the last 2 years, news of prisoners being mistreated, beaten, sexually assaulted, and even killed while in U.S. custody has become all too commonplace and I fear we have yet to hear the whole story.

Prisoners have been tortured in Iraq, Afghanistan, and Guantanamo Bay. Considering the widespread use of torture, no one can claim that these are isolated incidents, that it's merely the work of "a few bad apples."

The fact that torture occurred in separate places, and under the command of different interrogators, leads me to believe that a more systemic failure took place, a system that starts from the very top, not from a few misguided enlisted personnel.

You could say that the turning point—the day torture became a routine tactic employed by the United States—was August 1, 2002. The day the Justice Department sent a memo to the White House, stating that torturing terrorists in captivity "may be justified."

It's not just that physical abuse has taken place under our watch. That's bad enough, but what is just as appalling is that legal abuses have taken place here at home. We have kept people in prison for more than 3 years without charging them with a crime, and the administration has affirmed this practice through legal memos.

This approval of torture—by the White House, the Pentagon, and the Justice Department—is not only shameful, it also endangers the United States.

At a time when the U.S. is courting the support of the international world—particularly the Arab world—the torture of foreign prisoners, along with our invasion of Iraq, gives the world's extremists what they believe to be a legitimate reason to hate the United States. There has been no better recruiting tool for al Qaeda than preemptively attacking Iraq and the events at Abu Ghraib prison in Iraq.

Mr. Chairman, we must end this shameful chapter in our Nation's history by pledging that the United States will not engage in the act of torture. I urge all of my colleagues to vote for the Markey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to carry out sections 701 through 722 of the Small Business Competitiveness Demonstration Program Act of 1988 (Public Law 100–656; 15 U.S.C. 644 note).

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the Federal marketplace has experienced amazing growth over the past 4 years, increasing by $100 billion. Given this increase, it would only be logical that our Nation's small businesses would see similar growth in contracting opportunities. However, this has not been the case. The reality is that small firms continue to be shut out of the Federal marketplace. The Federal Government has failed to reach its small business goal of 23 percent for the past 4 years now, costing small businesses $15 billion in lost contracting opportunity in fiscal year 2003 alone.

The Department of Defense has been an agency that has had a significant amount of trouble with this. One of the main causes has been contract bundling, which is the practice of combining contracts previously performed by small businesses into one megacontract that is simply too large for small firms to bid on. But often overlooked is that a significant contribution to the inability of the Department of Defense to make its goal is the comp demo program.

The comp demo program was created in 1989, but was made permanent during the Clinton administration under the guise of increasing small business participation. The theory behind it was to give agencies direction in finding small business contracting opportunities in nontraditional industries. This would be done by capping the amount of contracts in those industries that have been historically dominated by small businesses.

However, this is not what the program has done. Instead, it has limited small business participation in the Federal marketplace. The comp demo program diverts contracting opportunities to large firms, effectively limiting

the ability of small companies to compete. While DOD is required to meet a 23 percent small business goal, the comp demo program ties its hands and restricts awarding contracts in the industries where small businesses excel. At a time when agencies are already struggling to meet their small business goals, this simply makes no sense. For an agency that represents 70 percent of all government contracting, this is clearly having a negative impact on our Nation's entrepreneurs.

The reality is that this program simply does not work, and this program has been recognized by the administration and the Department of Defense themselves. They proposed to eliminate the comp demo program altogether in the DOD's legislative package for 2006.

My amendment acknowledges the problem and provides a viable solution to fix it by prohibiting the use of funds for fiscal year 2006 to implement the comp demo program. This is supported by the Associated General Contractors, the American Nursery and Landscape Association, the National Small Business Association, and the National Black Chamber of Commerce. This action alone would have the impact of awarding some $4.3 billion in additional contracts to small businesses.

In today's Federal marketplace, small businesses are losing traction, and they cannot afford to be deprived of these opportunities. The comp demo program is only making small business owners' struggle to break into the Federal marketplace all the more difficult. By adopting this amendment, we will be taking a step to fix this problem. When small businesses say the program does not work, DOD says it and the administration is saying it, clearly something needs to change.

My amendment will do this. It is not only good for small businesses but also for the taxpayer and our Nation's economy. If we want to get this economy back on track and create the jobs we need, then we must give small business the opportunity and tools to do so. The comp demo program is simply not doing that, and it needs to end.

I urge my colleagues to vote ''yes'' today on this amendment for better use of the taxpayers' dollars and to help our Nation's small businesses compete in the Federal marketplace.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really appreciate the concerns of the ranking minority member of the Committee on Small Business. I know exactly what she is trying to do here, because I understand that the Defense Department also would support suspension of the small business competitive demonstration program. But it is also my understanding that the chairman of the Committee on Small Business supports its continuation. To me, this appears to be a dispute between the chairman and the ranking minority member of the authorizing committee. It seems to me that it should be addressed on an authorizing bill rather than on the appropriations bill. The appropriations committee is being asked to referee a program where we do not really have sufficient knowledge of the program.

I just wonder how the gentlewoman would react if I suggested that she might withdraw her amendment and work with her chairman on these matters of concern. It seems to me the Committee on Small Business is the proper place to adjudicate this matter.

□ 1745

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, unfortunately, the authorizing committee was not able to come together for the small business authorization to report a bill out of our committee. And for those people and Members who are always talking about helping small businesses and providing opportunities in the Federal marketplace and when the Department of Defense is saying that this does not make sense, this is an opportunity to do it, and this is why I want a ''yes'' vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, believe me, I understand the gentlewoman's concerns. As I suggested, the Department of Defense understands that concern as well. But it was just a suggestion that maybe we could have the two of them work this out. But, anyway, I have made my suggestion.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Let me say to my friend from New York, I appreciate very much the intention of the amendment. I have got to oppose it in its current form. It seems to me that this Act has some very good attributes to it, and the argument may be in some of the designated industry groups that are listed.

One of the problems is that the participating agencies currently will designate areas that are currently dominated by small businesses as small business set-asides. These are areas that in full and open competition, small businesses are going to win anyway, and by using their percentages in these areas, it means that small businesses who could use the set-asides in other areas are not able to use it. So I think what we have here is the law of unintended consequences.

We are taking areas such as lawn services, roofing, siding contractors, glass and glazing contractors, masonry, areas that in full and open competition, small businesses are winning by overwhelming margins; but the agencies are taking these areas and saying we are going to designate these as small business set-asides and use their percentages in these areas, and that means that small businesses cannot penetrate other areas.

So it is really for these reasons that I rise to oppose the amendment, because I think it shifts the burden in these cases where small businesses are currently winning open competition, and it uses the allocation for set-asides into these areas that I think small businesses could benefit in other areas, in some of the technology areas, in some of the IT areas. That is my concern.

Let me just make one point. I think the argument ought to be some of the designated industry groups in this case where maybe we see large businesses coming in and taking over, and we could work under those areas appropriately if the case can be made that small business dominance in these areas is not hit, but without that we have not added a nickel to what small businesses get under the set-aside programs. We have not added a percentage. We just shift the burden.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, before the Comp Demo program, small businesses in those selective industries were making 78 percent of all the contracts. Right now they are doing only 38 percent, almost cut in half. And, besides, I thought that the gentleman represented the party where people are rewarding small businesses or businesses that are exceeding. So now if they are doing a little bit better, then we are going to punish them?

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, absolutely because what happens is when we shift the small business set-aside allocations into these programs, we are taking it away from other programs, these areas where small businesses are designated.

I do not know about the gentlewoman's percentage of 78 percent 38 percent, but what I would argue is if there is an issue here, I know I would be happy to work with her, and I am sure the chairman of the Committee on Small Business, to look at some of these designated industry groups where perhaps small business is not dominating and was intended to, and we work on that rather than gutting the whole provision. That would be the approach that I would take. I would be happy to work with the gentlewoman on that.

But this amendment guts the whole program, and I think ultimately it is not good for the government because I think the government is not getting small business set-asides in some of the innovative areas where they can go and they are giving it to areas where small businesses tend to dominate in full and open competition. So that is my rationale for opposing the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, this is about economic opportunity for small businesses. The fact of the matter is that the Federal marketplace is

growing and that small businesses are losing out; that their number of dollars and contracts are shrinking, and the Federal Government is not achieving the 23 percent statutory goal set by Congress.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, this does not add a percentage. This does not add a nickel to the small business set-aside program. It does not add a percentage. It just shifts the burden. And the argument ought to be going into the particular designated industry groups where the gentlewoman is claiming small businesses used to dominate and are losing out, and let us look at those and let us try to be fair in that way.

But for heaven's sake, in areas like lawn care, in some of these services levels that are low tech, let us not set aside small businesses set-asides there where small businesses dominate in full and open competition. Let us put them in areas where we can improve it.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the Department of Defense is saying that immediately small businesses will get $4.4 billion if this is fixed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, they may get it here, but they will take it away from set-asides in other areas because the overall set-aside percentages in these participating agencies does not change at all. So the problem with that is that we are shifting it and we are moving the small business set-asides into areas that small businesses also dominate.

I will refer the gentlewoman, frankly, to the statute in the areas that are the designated industry groups under the statute, and I think it is clear looking at this that many of these areas, siding contractors, roofing, masonry, framing contractors, these are areas that are traditionally dominated by small business and will continue to be.

But I will be happy to work with the gentlewoman on designated industry groups and changing that around if she can make the case.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this Velazquez amendment is an effort to kill the Small Business Comp Demonstration program. The issue is more appropriately settled in the authorizing committee and not on an appropriations bill.

First of all, the Comp Demonstration program does not cost the taxpayers one dime. There is no money appropriated for it. The Small Business Competitive Demonstration program began in 1988 with three purposes: first, to help emerging small businesses; second, to expand the participation of small businesses and industries that were traditionally dominated by large businesses; and, third, to test the competitiveness of small businesses in industries in which small businesses are well represented. The Comp Demo program was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 as a part of larger bills that passed by wide margins or unanimous consent.

Prior to the adoption of the Comp Demonstration program, small businesses were relegated to industries dominated by small businesses. Federal agencies could say they met their overall small business goals while not doing much to provide more contracts to small businesses in more higher-end, higher-paying industries. The Comp Demo program ended this practice all while showing that small businesses are still competitive in the industries where they have been historically well represented. These industries include construction, garbage collection, architectural engineering, surveying and mapping, non nuclear shipbuilding and ship repair, landscaping, and pest control. The Comp Demo program requires that small businesses receive a ''fair proportion'' of government contracts in each industry rather than just a few.

The principles upon which the program were established are still valid. Emerging small businesses still need help. Small businesses need to participate in industries in which they have traditionally not had a chance to obtain a Federal contract.

I would urge my colleagues to vote ''no'' on the Velázquez amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, not very often will Members hear me contradict the ranking member of the Committee on Small Business. But I rise in opposition to this amendment and will include my entire statement in the RECORD.

I rise in opposition to this amendment, even though I have the utmost respect for its author and have long appreciated her work and her leadership on so many issues which have come before this House.

But the amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the ''Comp Demo'' law, by prohibiting the use of funds to carry out its implementing provisions.

Comp Demo has not been an effective tool for over 17 years in helping assure that small businesses across a wide array of industries gain Federal contracts. Equally important, Comp Demo does not affect contracts which are set-aside for minority-owned, socially disadvantaged, and service-disabled veteran-owned businesses.

From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of codes from which to meet these goals, a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from assessing the benefits of the small business set-aside program.

And that is why I oppose this amendment. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set-asides.

I agree with those who would suggest that this program, as well as practically all, need to undergo changes and need to be shaped in a better way to help make absolutely certain that small businesses have the greatest amount of opportunity to procure business from the Federal Government.

However, I also believe that small businesses that have reached a certain level of their being also need the opportunity to continue to grow and to develop, that small businesses that might be part of franchises but are nevertheless small businesses need the opportunity to participate.

And for those reasons, I would be in disagreement with this amendment. I urge that it be not approved and would look forward to working with all of those who would want to work to try to reshape the law in such a manner that it would be more fair and more equitable to small businesses.

Mr. Chairman, I rise in opposition to the amendment by the gentlelady from New York, Ms. VELÁZQUEZ, and I ask unanimous consent that my entire statement be included in the RECORD.

I rise in opposition to this amendment even though I have the utmost respect for its author and I have long appreciated her good work on so many other issues which have come before this House.

The amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the ''Comp Demo'' law, by prohibiting the use of funds to carry out its implementing provisions.

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From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of NAICS codes from which to meet those goals—a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from accessing the benefits of the small business set-aside program that Congress intended.

That is why I oppose the amendment before the House today. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set asides.

As background, Members should be informed that the Comp Demo program was passed in 1988 to assure that small businesses in all product and service categories receive the benefits of the current Small Business Set Aside program when pursuing Federal contracts, rather than just a few, ''easy-to-do'' industries.

As such, Comp Demo has effectively worked for the past 17 years to assure that competition and diversity occurs in small business procurement (See: section 921 of P.L. 99–661) and that small businesses receive a ''fair proportion'' of government contracts in each industry, rather than just a few.

The Comp Demo program recognizes that contracts in certain NAICS codes—including construction, architectural and engineering, surveying and mapping, shipbuilding and ship repair, refuse systems, landscaping and pest control services—have had a history of being disproportionately set aside for small business, even though overall small business participation in the open marketplace in these industries was high.

And while the NAICS codes covered by the Comp Demo program had a significant amount of contracts historically set aside for small business, very talented small businesses in many other NAICS codes have seen little, if any, small business set-aside contracts come their way, despite representation of capable small firms in those other NAICS codes.

Moreover, the practice of disproportionately using a small, unrepresentative sample of NAICS codes for meeting small business set-aside goals has the practical effect of precluding small businesses outside those disproportionately used industries from realizing the benefits of the small business set-aside program as Congress intended.

This practice can also operate to relegate the small business set-aside program to lower-tech products and services while leaving higher-tech NAICS codes less open to small business penetration and success in Federal contracting—something that clearly runs contrary to Congress's desires to both strengthen the diversity of the defense industrial base and assure fairness in Federal contracting.

On the basis of its operation over 17 years, Comp Demo has shown that small businesses covered by Comp Demo can and do compete for and win the majority of the contracts, though on an unrestricted basis. Equally important, Comp Demo does not effect set asides for:

Minority-owned and socially disadvantaged businesses—that is, set asides for 8(a) and HUB Zone companies are not subject to the Comp Demo law.

Similarly, Comp Demo does not apply to set asides for service-disabled veteran owned businesses either.

In addition, very small/local businesses retain important set-aside protections under Comp Demo as well, including:

All contracts under $25,000 on the Comp Demo list must be set aside for restricted competition only among qualified emerging small businesses, i.e., small businesses that are less than 50 percent of the applicable size limit.

Moreover, Comp Demo also requires that all contracts over $25,000 in each designated NAICS category on the Comp Demo list must be set aside for restricted competition only among qualified small businesses, until the agency has met its goal of awarding 40 percent of contracts within that industry group to small businesses.

Only after an agency has met its goal of awarding 40 percent of contracts within a listed NAICS category can contracts over $25,000 in that designated NAICS category be awarded on unrestricted competition—again, except for those contracts set aside as 8(a), HUB Zone or service-disabled veteran owned companies.

Finally, Comp Demo was begun as a demonstration project some 17 years ago. It was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 to include two additional NAICS codes. In all instances, Comp Demo was part of a larger bill which passed by wide, bipartisan margins or unanimous consent.

Comp Demo was set up to expand opportunities for small businesses across a broad and diverse set of NAICS codes, rather than in a few, ''easy-to-do'' categories. The repeal of the program has no real justification, would harm overall, broad-based small business participation in Federal contracting, and harm the development of a diverse defense industrial base. As such, I urge its rejection by the House.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned on speaking on the small business issue, but let me give an area in which my friends may be able to work and not just even in this bill, but in the Military Construction bill.

In San Diego, where we have a lot of military construction in bases, a lot of those packages are put together so large that only an out-of-town, out-of-State company can bid on those packages to build houses and military facilities. And we have tried over the years to try to break it down where they can break down those large packages so that smaller firms, the independent contractors, the little guys, can have a shot and an opportunity at building those. And I would work with the gentlewoman and the gentleman to make that happen because it is just not right to have an out-of-town company because the bid is so large to do that.

I would also like to bring up the bill itself. When one is in the military, they look at a couple of things. One, they look at a Congress that will give them the tools to fight, to train, and to win. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS), it is the most bipartisan committee that we have, I think, in this House. The work that they have done to make sure that our troops are taken care of, even the ones coming back. The gentleman from Florida's (Mr. YOUNG) wife, I do not think there is a day that she is not out there at one of the hospitals comforting the men or the women that came back that are wounded. But even more in this, for San Diego to shipbuilding, ship repair, Admiral Clark, who is CNO, has done his absolute best to make sure that it is balanced between the private and the public yards, between the east and the west coast.

□ 1800

There is an aircraft in here that is key. There is a system called the F–22. Right now, our fighters, our best fighters, which most people do not know, the F–14, the F–16, the F–18, if they go against the SU–30 or the SU–37, our American fighters lose over 90 percent of the time, both in the intercept and in the dog fight. The F–22 gives us the opportunity to put our pilots back into an airplane that can at least go neutral with the enemy. The Joint Strike Fighter is coming up; and in my personal opinion, we need to add to that to make sure that it is viable against whatever the threat is as well.

But I also want to thank the chairman and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG). San Diego or any port that has a lot of bases is very critical to homeland security. From the Coast Guard to the border patrol, to INS, to this bill, they have done a good job. The gentleman from Pennsylvania (Mr. MURTHA) has been, and I have been on this committee ever since I have been here, and I want to thank him for his personal attention, the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) as well.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, there are some who said that capping small business opportunity in certain industries increases opportunities in other industries. That might have been the theory behind the program in 1988 when it was created, but that has not been the case. Different industries offer different opportunities; some are very favorable to small businesses.

The Department of Defense has not achieved its small business goal for the past 4 years. That is the reality. So, clearly, they are not making up the difference someplace else.

Under the comp demo program, small businesses are guaranteed 40 percent participation in the targeted industries. If the agency does not achieve 40 percent with small firms, it can reinstate small businesses' set-asides. One need look no further than the goal for architectural and engineering services, which has never been achieved. We have asked the Department of Defense. They do not reinstate set-asides when the achievement with small businesses is less than 40 percent.

Forty percent small business participation is a good thing. Normally, small businesses only get 23 percent. If a small business's participation decreases from 78 percent to 40 percent, that is the loss of 38 percent, and that is what is happening now.

The bottom line, Mr. Chairman, is, if you support small business opportunity in the Federal marketplace, you should support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to engage in a colloquy with a great leader, the gentleman from Pennsylvania (Mr. MURTHA), who, of course, is the ranking member of the Subcommittee on Defense Appropriations.

First, I just want to thank the gentleman for the very hard work that he consistently does for the security of our Nation. I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal defense dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti last year and, more recently in Venezuela, have led me to wonder whether we need to codify this straightforward, nonpartisan position.

Furthermore, the administration has committed its second term to spreading democracy around the world. This is an important sentiment, Mr. Chairman, but we need to be sure that if this administration, or equally any future administration, does not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles.

I would like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from California that I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's intention in raising this issue, and I want to assure her that as this bill moves forward, we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, reclaiming my time, I just want to thank the gentleman for his attention to this issue and so many issues that are important to our Nation. I also look forward to working together and especially will request his help in developing a working definition in the United States Code because now, quite frankly, there is no working definition for ''democratically elected governments.'' We have been searching legal databases, and I am frankly quite surprised that no such definition exists in the U.S. Code.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was very pleased to see that the amendment that was offered by the gentleman from Massachusetts (Mr. MARKEY) to prevent any funds in this bill from being used to contravene the United Nations' acts and other acts against torture. I think that is a very good thing.

But I need to take this opportunity to point out to the House that we are foregoing our responsibility here to investigate these kinds of acts that have taken place over the course of the last 2 years or so in places like Guantanamo, Abu Ghraib, Camp Cropper, Bagram Air Base in Afghanistan; and we have an increasing amount of evidence indicating that these kinds of torturous activities were not just carried out incidentally by low-ranking members of the armed services, but that this was systemic and systematic.

We have, for example, recently released documents from Lieutenant General Ricardo Sanchez which seem to indicate that he approved interrogation techniques outside of the Geneva Convention, outside of international law, and outside the U.S. Army's own field manual. These activities included prolonged stress positions, sensory deprivation, use of dogs to induce stress and fear. We have the first Abu Ghraib report directed by U.S. Army Major General Antonio Taguba, who wrote in his conclusion that ''between October and December of 2003 at the Abu Ghraib confinement facility, numerous incidents and sadistic, blatant, and wanton criminal abuses were inflicted. This systemic,'' he says, ''systemic and illegal abuse was intentionally perpetrated.''

It is clear from General Taguba's reports that these were not incidental, and that they were inflicted broadly.

The Red Cross reported, by eye witnesses at about the same time, ''these methods of physical and psychological coercion were used by the military intelligence in a systematic way to gain confessions and extract information or other forms of cooperation from persons who had been arrested or deemed to have security value.'' That is a quote from the Red Cross report.

Officials implicated in abuse now, interestingly enough, are being promoted. There has been no action taken against the officials implicated in this abuse at the highest levels.

This Congress is abrogating its responsibility. This House of Representatives should be holding hearings. It may be necessary to appoint a special counsel out of the Justice Department to look into this. We need to get to the bottom of this. Our reputation as a Nation is at stake.

Now, we might ask, as others have, how did all of this begin? Well, here is what the circumstantial evidence indicates. The circumstantial evidence, backed up by the report from which I just quoted, written by Major General Antonio Taguba, shows that it originated at the highest levels of the Pentagon, communicated by Steven Cambone, who was appointed by Secretary of Defense Rumsfeld to be the first Under Secretary for Intelligence.

This is the first time that the Secretary of Defense or that the Pentagon has had an Under Secretary for Intelligence. That man is Steven Cambone. He communicated to General Geoffrey Miller, the commander of the detention and interrogation center at Guantanamo Bay, Cuba, that these kinds of activities needed to take place.

Now, General Geoffrey Miller, according to the Taguba report, said that detention operations must act as enablers for interrogation. He introduced into Iraq the exclusive and illegal interrogation tactics used at Guantanamo to ''GITMO-ize'' the prison system in Iraq. They told our good soldiers in Iraq that no rules apply, no rules apply; and then people wonder how these low-ranking individuals carried out the acts that have been documented now in court proceedings as well as in photographs.

The fact of the matter is, Mr. Chairman, that the House of Representatives is not fulfilling its obligations under the law and under the Constitution. The system of checks and balances has broken down. It seems as though the executive branch of government is behaving in a way outside of the law. We need to pay attention to this. This House needs to engage itself in the right kinds of activities for the right kinds of purposes.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), add the following new section:

SEC. ____. If funds provided in this or any other Act for military operations in Iraq or Afghanistan would cause Federal deficit levels to exceed those set in House Concurrent Resolution 95 for FY 2006 or any subsequent year, the Committee on the Budget of the House of Representatives shall report a concurrent resolution on the budget that would maintain the deficit levels set in House Concurrent Resolution 95 while including this additional discretionary spending in spending totals.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

Mr. OBEY. Mr. Chairman, we have so far appropriated $277 billion for activities in Afghanistan and Iraq; $168 billion of that has been appropriated after the President declared an end to major conflict in the region. The budget resolution, which passed this House about a month ago, provided authority for an additional $50 billion to be spent this year for Iraq and Afghanistan. This bill spends $45 billion of that $50 billion.

The problem that we will face is that this bill is only enough to pay for that war for the first 6 months of the fiscal year. That means that when a new supplemental is submitted to the Congress to pay for the last half of the fiscal year, we will wind up having to appropriate at least another $40 billion. And when we do that, it will mean that the Congress will have, in effect, busted the budget by at least $40 billion.

So what this amendment says is that if and when that happens, and it will assuredly happen, if and when that happens, we are saying that the Committee on the Budget must then bring forth a new budget resolution which shows us how we can pay for that extra $40 billion without raising the deficit.

□ 1815

If we are not prepared to do that, then that means that we will simply slip in that extra $40 billion, without any notice by the public, without any attention being paid to the fact that what we are really doing is raising the deficit by another $40 billion.

Regardless of how any Member of this House feels on this war, Members ought to feel that if we pass a budget resolution, it ought to be a legitimate one, that it ought to be laying out honestly what we expect to spend.

Without this amendment, it will mean that we, sometime during the fiscal year, will spend $40 billion more, only we will not be admitting it on the budget resolution side. If we do not adopt this amendment, what we will really be saying is that the budget that was adopted just a month ago was a sham, that it was just a device to govern and to limit the amount of spending that we were going to be engaged in for education, for health care, for science, for agriculture, but that we intended to really bust the budget to the tune of least $40 billion when it came to the war in Iraq.

I do not think that many Members of the House would like to say that that was their position, but absent the acceptance or the adoption of this amendment, that is precisely what will happen. The administration will come up here with another budget in order to pay for the last 6 months of the fiscal year for the war, and we will have busted the budget to the tune of $40 billion and jacked up that deficit by the same amount.

The administration is fond of saying that they adopted a budget resolution which is going to cut the deficit in half. Without this amendment, not a prayer, not a prayer. So I would urge adoption of the amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore it violates clause 2 of rule XXI.

The rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment gives affirmative direction.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, as I indicated earlier, the purpose of this amendment is to see to it that the House stays within the deficit levels laid out by the budget resolution passed just a few weeks ago.

The Budget Committee routinely sends instructions to the Appropriations Committee about what it must do. I think this is an instance in which the Appropriations Committee ought to send a signal back that the Budget Committee ought to conform itself to reality and budgetary honesty.

As I understand it, the rule under which this bill is being debated provides that if no Member does lodge a point of order, than indeed this amendment could be passed by the House. Unfortunately, the rule did not protect this amendment from a point of order. And so if the gentleman persists in his point of order, I will have to reluctantly concede that point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The amendment is not in order.

Are there any further amendments?

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we conclude debate, all of us want to thank again Chairman YOUNG and Ranking Member MURTHA for their leadership, putting together this bipartisan bill, and especially the good men and women behind them, both of the minority party and the majority party who helped to put this appropriations bill together.

Mr. Chairman, as we consider this important legislation, we must be mindful that our troops in Iraq and Afghanistan, all volunteers, I may add, are on the battlefield as we speak, brave men and women fighting a new kind of war where everyone literally is on the front line.

As we all know, the Army and Marines are carrying the brunt of the battle in Iraq and Afghanistan, with an unprecedented level of partnership by our Guard and Reserve components. And the young men and women from the Air Force and Navy stand with them, as do we.

Their service and dedication on the battlefields of Iraq and Afghanistan are making our Nation safer from terrorists who seek to do us harm and other freedom-loving nations. Make no mistake, our success in Iraq is hugely important. And our enemies in Iraq are thinking enemies. They are adaptable and would like nothing better for us to step back, or as some say, retreat, or to set arbitrary dates for withdrawal and then come back after our departure to reinstall a new Saddam Hussein or a regime even more oppressive, fanatical or more horrendous and more dangerous than the last.

We should never forget that the soldiers we support through this appropriations have freed nearly 50 million people in Iraq and Afghanistan from killer regimes, where protests and dissent were answered by killing fields and genocide, where women were denied basic freedoms: Education, health and the right to vote.

But, of course, the loss of any young soldier from our ranks is heartbreaking. And so is the death of innocent civilians killed by roadside bombs, but we are dealing with Saddam loyalists, jihadists, imported terrorists and domestic criminals who play by no rules. And do not hesitate to bomb Iraqi weddings, funerals, gatherings of school children, and behead innocent civilians as well as kill our soldiers.

Since we are engaged in a global war on terrorism with Iraq and Afghanistan being countries of conflict and violence, our soldiers and Marines need every possible advantage as this appropriations bill allows. This legislation provides our fighting men and women with the resources they need to be more deployable, more agile, more flexible, more interoperable and more lethal in the execution of their mission.

It provides for better training, better equipment, better weapons. Of course, our bill supports the troops by providing a pay increase, enhanced life insurance coverage, and housing allowances. And this bill also provides funding for new equipment, additional trucks, radios, electronic jammers, uparmored HUMVEES, attack helicopters, warships and fighter aircraft.

Most important, this bill provides an additional $1.2 billion for personnel protection items, such as body armor. As troops rotate in and out of the theater, they need the latest equipment and weapons systems. Mr. Chairman, I also welcome increased funding for research and development. Our bill exceeds the President's budget by $2.3 billion, so we can speed important new technology from the drawing board to the laboratory, to the test bed into the arsenal of our warfighter.

My colleagues, the global war on terrorism will not be short, it will require deep and enduring commitment. As we look down the road we face many potential and real threats. We cannot know what hostile forces will face us next year, much less 5 years from now. So we must take care to ensure that we have laid the proper foundation for a secure national defense. These investments now and these appropriations will pay off in more capability in the future. They deserve to be supported.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have seen a lot of chairmen presiding over the House in the many years that I have been on one side or the other of this bill. And I want to tell you, you do as good as job as anybody. And my compliments to the gentleman from Michigan (Mr. CAMP) for the way you handled this bill.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word. We are not at the 6:30 time for voting yet.

Mr. Chairman, I yield to my chairman, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank the gentleman for yielding. I want to take just this minute to express my deepest respect and appreciation to both the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) for a fabulous job. We had a rather extended discussion today, which is not usual for this bill.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, you think he is kind of giving us a little business here, Mr. Chairman, on this thing here? We did the best we could do under the circumstances. Right?

Mr. LEWIS of California. Mr. Chairman, I certainly appreciate both of my friends yielding and having this discussion. But, this extended kind of dialogue and exchange we had on the floor today was one that was a very healthy discussion.

I have had many experiences here of late with my friend, the gentleman from Wisconsin (Mr. OBEY). And when I have had a great day, and when I really had a great day, it has involved a week in which we have worked our way through the processes that lead to the gentleman from Wisconsin (Mr. OBEY) and I having more than one discussion a day for several days during that week.

And I go home to California. And then, kind of taking in a deep breath on Saturday. Sunday morning I go out back, smile when I am feeling good, and I walk across the pool. And, gentlemen, I want you to know I get wet every time.

In the meantime, it is a wonder, and a wonderment working with the two of you. You have done a fabulous job. We very much appreciate the leadership on both sides of the aisle on this very important matter.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the comments of our chairman. He did such a tremendous job when he chaired this subcommittee for the past 6 years.

I want to take now just a minute, because we have, before we can start to vote, we have 2½ minutes to the 6:30 hour. This subcommittee has worked really hard and on a very bipartisan basis. We had the largest part of the supplemental early this year. We have this very large bill now, which is the largest appropriations bill in the system.

And the Members of the subcommittee, with the gentleman from Pennsylvania (Mr. MURTHA), we have had an opportunity to be the leaders of the subcommittee. But all of these Members have worked really hard and have paid strict attention to what it was that we were about, to provide for our Nation's security.

But I also want to pay tribute to members of our staff. Members of our staff, during the hearing periods and during the markup periods, they do not have weekends. They are here on weekends. They have very few hours at night with their families, because they are here many times all night long.

That is when you hear about, something was done in the dark of night. Well, my friend, if we do not do things in the dark of night, we would never get them done, so we knew we worked long days, long hours, long nights.

But the staff on both sides are just as bipartisan and nonpartisan as the Members. And this is just a really good positive subcommittee, and the work that it does is very bipartisan. We believe strongly in our country. We believe strongly in those volunteers who serve in our military, and who carry the burden of providing for the security.

I just recently attended the burial of a soldier from my district killed in Iraq. And my final comment was that you can sleep in peace tonight, America, because our heroes are out there on the front line standing guard.

And that is what this bill is all about.

The CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBEY of Wisconsin to the amendment by Mr. HUNTER of California.

Amendment by Mr. HUNTER of California.

Amendment by Mr. DOGGETT of Texas.

Amendment number 8 by Mr. DEFAZIO of Oregon.

Amendment by Ms. VELÁZQUEZ of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1830

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 210, not voting 25, as follows:

[Roll No. 283]

AYES—198

Abercrombie	Frank (MA)	Moran (VA)
Ackerman	Gonzalez	Murtha
Allen	Gordon	Nadler
Andrews	Green, Al	Napolitano
Baca	Green, Gene	Neal (MA)
Baird	Grijalva	Oberstar
Baldwin	Gutierrez	Obey
Barrow	Harman	Olver
Bean	Hastings (FL)	Ortiz
Becerra	Higgins	Owens
Berkley	Hinchey	Pallone
Berman	Hinojosa	Pascrell
Berry	Holden	Pastor
Biggert	Holt	Payne
Bishop (GA)	Honda	Pelosi
Bishop (NY)	Hooley	Pomeroy
Blumenauer	Hoyer	Price (NC)
Boren	Inslee	Rahall
Boswell	Israel	Rangel
Boucher	Jackson (IL)	Reyes
Boyd	Jackson-Lee (TX)	Ross
Brady (PA)	Jefferson	Rothman
Brown (OH)	Johnson (CT)	Roybal-Allard
Butterfield	Johnson, E. B.	Ruppersberger
Capps	Jones (OH)	Rush
Capuano	Kanjorski	Ryan (OH)
Cardin	Kaptur	Sabo
Cardoza	Kennedy (RI)	Salazar
Carnahan	Kildee	Sánchez, Linda T.
Carson	Kind	Sanchez, Loretta
Case	Kirk	Sanders
Castle	Kucinich	Schakowsky
Chandler	Langevin	Schiff
Clay	Larsen (WA)	Schwartz (PA)
Cleaver	Larson (CT)	Scott (GA)
Clyburn	Leach	Scott (VA)
Cooper	Lee	Sensenbrenner
Costa	Levin	Serrano
Costello	Lewis (GA)	Sherman
Cramer	Lipinski	Skelton
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Smith (WA)
Cummings	Lynch	Snyder
Davis (AL)	Maloney	Solis
Davis (CA)	Markey	Spratt
Davis (FL)	Matheson	Stark
Davis (IL)	Matsui	Strickland
Davis (TN)	McCarthy	Stupak
DeFazio	McCollum (MN)	Tanner
DeGette	McDermott	Tauscher
Delahunt	McGovern	Thompson (CA)
DeLauro	McIntyre	Thompson (MS)
Dent	McKinney	Tierney
Dicks	McNulty	Udall (CO)
Dingell	Meehan	Udall (NM)
Doggett	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards	Melancon	Visclosky
Emanuel	Menendez	Waters
Engel	Michaud	Watson
Eshoo	Millender-McDonald	Watt
Etheridge	Miller (NC)	Weiner
Evans	Miller, George	Wilson (NM)
Farr	Mollohan	Woolsey
Fattah	Moore (KS)	Wu
Filner		Wynn
Ford		

NOES—210

Aderholt	Bilirakis	Boozman
Akin	Bishop (UT)	Boustany
Alexander	Blackburn	Bradley (NH)
Bachus	Blunt	Brady (TX)
Barrett (SC)	Boehlert	Brown (SC)
Bartlett (MD)	Boehner	Brown-Waite, Ginny
Barton (TX)	Bonilla	Burgess
Bass	Bonner	Burton (IN)
Beauprez	Bono	

Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Brown, Corrine
Conyers
Ehlers
Flake
Granger
Harris
Herseth
Istook
Kilpatrick (MI)
Knollenberg
Lantos
Lewis (KY)
Moore (WI)
Platts
Reynolds
Rogers (AL)
Schwarz (MI)
Shimkus
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Wexler

□ 1854

Mr. NEUGEBAUER and Mr. PETERSON of Minnesota changed their vote from ''aye'' to ''no.''

Mr. ROSS and Mrs. BIGGERT changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK of Michigan. Mr. Speaker, on rollcall No. 283, I was detained today because of flight delays, and had I been here, I would have voted ''aye.''

Stated against:

Mr. EHLERS. Mr. Chairman, on rollcall No. 283 I missed the vote because my flight arrived nearly two hours late. Had I been present, I would have voted "no."

Mr. ROGERS of Alabama. Mr. Chairman, on rollcall No. 283, I missed the vote due to a traffic delay. Had I been present, I would have voted "no."

Mr. WAMP. Mr. Chairman, on rollcall No. 283 I was unavoidably delayed. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DOGGETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 329, not voting 20, as follows:

[Roll No. 284]

AYES—84

Abercrombie
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Brown (OH)
Capps
Cardin
Carson
Clay
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lofgren, Zoe
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Weiner
Woolsey

NOES—329

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Watt
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Reynolds
Schwarz (MI)
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Weller
Wexler

□ 1903

Mr. MCINTYRE and Mr. CLEAVER changed their vote from ''aye'' to ''no.''

Mr. ABERCROMBIE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WAMP. Mr. Chairman, on rollcall No. 284, I was unavoidably delayed. Had I been present, I would have voted "no."

Mr. WELLER. Mr. Chairman, on rollcall No. 284, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 280, not voting 17, as follows:

[Roll No. 285]

AYES—136

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—280

Aderholt
Akin
Alexander
Allen
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

□ 1911

Messrs. RYAN of Ohio, BOREN and VISCLOSKY changed their vote from ''aye'' to ''no.''

Mr. EDWARDS and Mr. ENGEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 235, not voting 18, as follows:

[Roll No. 286]

AYES—180

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)

Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—235

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
McKinney
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

□ 1919

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the last two lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2006''.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 315, the previous question is ordered.

(By unanimous consent, Mr. DOGGETT was allowed to speak out of order.)

ANNOUNCING THE PASSING OF HON. J.J. ''JAKE'' PICKLE

Mr. DOGGETT. Mr. Speaker, it is my sad duty to inform the House of the passing of a friend to many of us and a long-term colleague here in the House, J.J. ''Jake'' Pickle of Austin. Jake passed away at the age of 91, peacefully, on Saturday. He had a long career here in Washington, having served as a night watchman over in the Cannon Building, a job he told me he never did very well, but he sure worked night and day in the 31 years that he served here in the House of Representatives, working with colleagues on both sides of the aisle, bringing not only his legislative talents but his tremendous good humor.

He has more stories than anyone can remember, many of them collected with his daughter Peggy in a book. We have got an elementary school, a research center and a Federal building named after him, but I think he lives on in the hearts of the many who worked with him here in Washington and certainly in the lives of the thousands of people he helped in central Texas, most of whom have a squeaky green pickle to remember him by, along with his many good deeds.

Services will be at 4 o'clock on Wednesday in Austin. I know all of our colleagues will join in expressing our sympathies to his wife, Beryl; daughter, Peggy; and all the members of the Pickle family and in saying, Jake, a job well done.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 19, not voting 16, as follows:

[Roll No. 287]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.

Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Conyers
Duncan
Filner
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Owens
Paul
Payne
Rangel
Schakowsky
Stark
Waters
Watt
Woolsey

NOT VOTING—16

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1939

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–139) on the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–140) on the resolution (H. Res. 330) providing for consideration of the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–141) on the resolution (H. Res. 331) providing for consideration of the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2646

Mr. HENSARLING. Mr. Speaker, on June 17, the following Members were inadvertently added as cosponsors of H.R. 2646: the gentleman from South Carolina (Mr. BROWN), the gentleman from Michigan (Mr. CAMP), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Montana (Mr. REHBERG), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Michigan (Mr. UPTON), and the gentleman from Florida (Mr. KELLER).

I ask unanimous consent to have their names removed as cosponsors of H.R. 2646 at this time.

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

There was no objection.

SENATOR DURBIN'S COMMENTS

(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, last week Senator DURBIN compared American soldiers to Nazis, to the Soviets in the Gulags, and to Pol Pot.

These comments were the latest in a series of leftist attacks on our war against the terror in the Middle East and on our hard-line approach to terrorism here at home.

I want to assure my constituents that neither my party nor I believe America is what is wrong with this world. And no one should think for a minute, not even for a second, that we are in the wrong here. I have been to Iraq and to Afghanistan, and this political tactic sickens me.

If one wants to criticize our policies, fine. If one wants to call for withdrawal, that is just fine. But characterizing the actions of our Armed Forces as Nazi-like is reprehensible.

And to our Armed Forces and their wonderful families, I just want to say ''thank you.'' They are making a difference, and most of us are standing with them 100 percent of the time.

PUBLIC BROADCASTING

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

Mr. BLUMENAUER. Mr. Speaker, we are facing a storm of controversy surrounding public broadcasting. There are ominous signs of interference and people concerned about trying to impose their political agenda on our independent public broadcasting system.

We have seen Draconian and unjustified proposals coming from the Committee on Appropriations to slash funding for the next year and eliminate Federal support altogether in the future.

In 2001, we formed the Public Broadcasting Caucus in Congress precisely for the reason to enable us to come together in a bipartisan way to deal with the controversial and complex issues surrounding public broadcasting. This would be a great time for Members who have not yet joined to become members to enable their staff to take advantage of opportunity and information and, frankly, in a small way, to show some measure of support.

I look forward to the debate later this week during the Labor-HHS appropriations bill not just to restore critical funding. My hope is that as a result of this controversy, we will emerge with a better understanding of why we support the public broadcasting. I hope we are doing so in a way that provides the continuity and stability so essential to the critical service enjoyed by

28 million listeners each month and the 70 percent of television owners who watch public television.

□ 1945

A VOTE FOR CAFTA IS A VOTE FOR NATIONAL SECURITY

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

Ms. ROS-LEHTINEN. Mr. Speaker, as all of us know, CAFTA was finished last year and will soon be taken up by the Congress.

While trade is a critical component of CAFTA, we must recognize that CAFTA is more than just about trade. We have a national security imperative in passing CAFTA. It is an important component of U.S. efforts to address the conditions that breed instability, terrorism, and international criminal activity.

We must help ensure that the countries in Central America have the ability to fight the threats to their democratic institutions. Helping their economic growth is a critical factor to achieving success.

CAFTA is the vehicle for achieving such important U.S. foreign policy and security objectives. CAFTA's defeat would harm not only trade, but antiterrorism and antinarcotic efforts as well.

Mr. Speaker, I urge my colleagues to support the passage of CAFTA. A vote for CAFTA is a vote for U.S. national security.

COMMERCE AND CENSORSHIP

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

Mr. BROWN of Ohio. Mr. Speaker, as Congress considers the Central American Free Trade Agreement, we can look on the other side of the world on what our trade agreements and trade policies have wrought.

USA Today has an editorial today I will read from for a moment: ''Part of the Internet's magic is the freedom it bestows to travel as far as your mind can take you. But not if you're in China.

''Software giant Microsoft has agreed to block certain words: democracy, freedom, and human rights among them,'' on the Internet as part of its new Chinese Internet portal. They have been joined by Yahoo and by Google.

So, Mr. Speaker, write in the words ''democracy'' or ''freedom'' or the phrase ''human rights,'' and what comes up on your screen as those words are blocked? It says, ''This item should not contain forbidden speech, such as profanity.'' Human rights, freedom, democracy? That is profanity?

Mr. Speaker, these trade agreements we have signed, coupled with our striving for freedom around the world and what our businesses say about their wanting to promote freedom and democracy, sound a bit hollow.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HIGH COST OF PRESCRIPTION DRUGS FOR AMERICANS

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

Mr. GUTKNECHT. Mr. Speaker, once again I rise to talk about an issue that altogether too many Americans know more about than perhaps some folks here in Washington, and that is the almost inexcusable high prices for prescription drugs here in the United States. The more we learn about this subject, the more frustrating it becomes, because what we have learned over the last 5 or 6 years is it is not just that Americans pay high prices for prescription drugs; it is that people in industrialized countries like Germany and France and Switzerland pay so much less than we do.

What I have here is a chart, and I know these letters are almost too small to see on the television cameras, but let me point out a couple of the numbers. This is a chart of comparative prices that we got from a pharmacy in Frankfurt, Germany, called Metropolitan Pharmacy; and then we got prices from a local pharmacy in Rochester, Minnesota, for exactly the same drugs made in the same plants under the same FDA approval. What we see are some amazing differences.

Look at, for example, the drug Nexium, 30 tablets, 20 milligrams. In Germany, you can walk in with a prescription and buy that drug at the Metropolitan Pharmacy for $60.25. That exact same drug in Rochester, Minnesota, will cost you $145.33.

Let me just say that prices do vary from pharmacy to pharmacy; but I would guarantee that here in Washington, D.C., the price would probably be at least $145.33.

Let us take the drug Zocor, 30 tablets, 10 milligrams. In Germany you can buy that drug for $23.83, but here in the United States you would have to pay $85.39.

Now, that is bad enough. But if you total all of these up, these are 10 of the more commonly prescribed drugs in the United States and Germany, the total for those drugs for a month's supply in Frankfurt, Germany, $455.57. Those same drugs here in the United States, $1,040.4. That is a 128 percent difference.

Now, this chart actually gets more interesting, because we have pharmacists all over the world now who send us their prices on a regular basis so we can compare what is happening to drug prices. One year ago, when we compared a basket, now the drugs changed slightly, because some of these drugs went off patent, and so the basket of drugs changed slightly, but 1 year ago, the difference between the basket of 10 of the most commonly prescribed drugs in Germany was $430, and here in the United States it was $866. It was exactly a 100 percent difference.

The point I want to make here is during that period, during that 1-year time period, what happened was the value of the dollar relative to the euro actually came down.

Now, I am not a monetarist, I do not quite understand these exchanges sometimes, but the people who do tell me that actually what should have happened is the price differential between the United States and Germany should have gotten less. It actually got worse.

People ask, well, how could that happen? How could it be that the difference between what Americans pay and Germans pay actually got worse? Well, the reason is Americans are held hostage. The American market is a captive market, because not only do we give the pharmaceutical companies, which I believe we should give them the rights that they have in terms of their patent rights and so forth, I do not think that we should do anything to hurt people's patent rights; but what we have done in the United States is different than just giving them patent rights. Intellectual property deserves patent protection.

For example, we know that when Intel comes out with a new computer chip, that first chip off the line can cost $500 million, but we do not tell Intel that you can also control that product after you make the first sale. In other words, if they sell that chip to a distributor in Japan for $25 and they want to sell it to American manufacturers for $75, they cannot control what that distributor in Japan does. We have open markets.

That is what we want to create here in the Congress. We have a majority of the House and a majority of the Senate who believe that it is time to stop holding Americans captive. We understand that these drugs cost a lot of money to develop.

We as Americans are willing to pay our share in terms of developing those drugs; but, unfortunately, Americans pay in three different ways for these drugs. First of all, we pay in the prices, and they are inflated. They are the highest prices in the world for these drugs. Secondly, we pay, in some respects, through our Tax Code, because when companies develop these drugs here in the United States, they get to write off all of the cost of those research and development dollars.

But, third, and this is also important, Americans pay more than any other country through our tax dollars to help develop these drugs. This year, we will spend over $20 billion through various

agencies, the National Science Foundation, the various groups at NIH, and even through the Defense Department, to help develop these miracle drugs.

So in some respects, we pay for them in the prices we pay, we pay in the Tax Code, and we pay in the research that we pay for.

It is time to give Americans access to world-class drugs at world-market prices.

SMART SECURITY AND IRAQ'S SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 12 at Fort Hood, Texas, President Bush told an audience of thousands of servicemembers that, for the first time, Iraqi soldiers outnumbered U.S. soldiers in Iraq. Specifically, he put the number of trained Iraqi forces at 150,000.

This rosy assessment of the situation in Iraq is shocking, not only for its arrogance, but also for its ignorance. Is the President totally oblivious of Iraq's true security failures, or is he misleading the American people into thinking that peace has taken hold?

Either way, the President's assessment misleads the American people about the true situation in Iraq. Take, for example, his claim that 150,000 Iraqi soldiers have been trained. Iraqi military leaders actually reveal that the number of trained soldiers is closer to 75,000, about half of the President's estimate. But the actual number of trained security personnel committed to a secure and democratic Iraq is even less than that, because many soldiers use their posts to assassinate political opponents. Others simply have no desire to help secure Iraq.

The chief of police in Basra, General Hassan al-Sade, stated that at least half of his 14,000-member militia are openly opposed to a secure Iraq, and another quarter are politically neutral and do not follow his military orders. General al-Sade recently told the Guardian newspaper, ''I trust 25 percent of my force, no more.''

After giving his Fort Hood speech, the President never again mentioned that 150,000 Iraqi security personnel have been trained. Perhaps that is because he realized that his assessment was entirely inaccurate.

But the President never admitted to the American people that he was wrong in this assessment, and he still has not told the American people how he plans to help secure Iraq or how and when he plans to bring the troops home.

Mr. Speaker, the best way to help secure Iraq and protect our troops is to remove U.S. troops from the country. Nothing enrages and unites Iraq's insurgency more than the presence of nearly 140,000 American soldiers on Iraqi soil.

One option is to bring one American soldier home for every trustworthy Iraqi soldier that has been trained. If 75,000 Iraqi soldiers have been trained, half the President's April 12 assessment, then why can we not remove the same number of our own soldiers?

This is just one plan to exit from Iraq. We have asked the President to come up with his own plan for securing Iraq. I am not against supporting the President's plan if it is a good one; but right now, he does not even have a plan. So we will develop a plan of our own.

Fortunately, there is a plan that would secure America for the future once we have cleaned up the mess we made in Iraq: SMART Security. SMART is a Sensible, Multilateral American Response to Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART Security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, lack of education, and economic opportunities. SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART Security addresses global crises diplomatically instead of by resorting to armed conflict. Efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance coordinated with our international allies to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, it has been more than 2 years since the United States started the war in Iraq. Do the American people, especially the soldiers who are bravely serving our country halfway across the world, not deserve a plan for ending the war? It is time for the President to create a plan to end the war in Iraq to bring our troops home.

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WITHDRAWAL FROM IRAQ

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

Mr. OSBORNE. Mr. Speaker, I hadn't realized the juxtaposition that the speakers would have this evening. But my remarks, I think, dovetail somewhat with the gentlewoman from California (Ms. WOOLSEY) in regard to addressing the issue of withdrawing from Iraq and exit strategy and so on. We hear a lot of debate about that.

And I am not here to debate the merits of the war in the Middle East. I am not here to talk about the intelligence leading up to the war, but I would like to address the current reality of the situation, we are there. We made sacrifices. We have lost roughly 1,700 soldiers. We have spent billions of dollars.

And yet as I traveled to the Middle East, I have been to Iraq three times, I have been to Afghanistan once, Kuwait once, I have been amazed at our soldiers' morale. And they often tell me this, they say there are two wars that we are fighting over here, there is the war that we see on CNN, the bombings, the beheadings, and then there is the war that we are actually experiencing.

And I wondered if you please go home and tell the American people what we are seeing and what we feel about the situation. So as far as Afghanistan is concerned, I met with a Colonel this morning who just returned from Afghanistan. We realize we have disrupted the terrorist training camps, their funding for terrorists have been disrupted, the Taliban has been removed, they have a representative government, constitution, and a great leader in Karzai. So we have made considerable progress.

It is not perfect, but things have certainly gone well there. As far as Iraq is concerned, Saddam Hussein has been deposed. And I am the cochair of the Iraqi Womens Caucus. So I meet with Iraqi women in Iraq and also here. And the one thing that they continually tell me is this: They say, you know, Iraq is still a dangerous place. There is a lot of bad things. But for the first time in 30 years, we now have hope. We now see a future. And hope is a very powerful thing.

As far as education is concerned, the school attendance has increased by 80 percent, most of those are young women for the first time going to school. Health care, 97 percent of the young people have been vaccinated for the first time. We all know about the elections and how that empowered the Iraqi people. And one thing that we do not hear much about is economic activity, Iraqi income has doubled in the last year. So a great deal has been accomplished. So as far as the strategy is concerned, or is there an exit strategy, what are we talking about here?

It is very clear. If you talk to General Casey, you talk to General Petraeus, they say here is the objective. We are going to train 270,000 Iraqis. And they will give you charts that show you explicitly that they have trained more than 150,000, and they are armed and they are proficient at this point. So we are training about 10,000 a month. So the math indicates that about 1 year from now we will be at 270,000.

The other thing that has to happen, in addition to the 270,000 trained, is we have to make sure that Iraq can control its own destiny, we have to have a stable government, and we have seen some improvement in that direction as well.

We have seen the Iraqis now out in front in most military actions. There are portions of the country where Iraqis are solely in control militarily. So we see signs that are good. The big question, the wild card at this point is Sunni involvement in the government. And Al Jafari will tell you, General Casey will tell you, we do not know how that is going to go, so we cannot give a precise timetable.

Declaring that we would pull out at a date certain, I think, would be counterproductive. It would be a like giving a playbook to an opponent, as a coach, something you would not do. You would not give insurgents a date certain, where they can wait and say, well, this is the time when a certain amount of troops will be gone and we can go therefore begin to attack, and certainly encourage terrorists.

A young captain in Kuwait told me this. He said, if we pull out prematurely, three things will happen. Number 1, the 1,700 soldiers that we have had killed there will have died in vain, and we will have to tell their families that. Number 2, tens of thousands of Iraqis will be killed in the ensuing conflict, and we promised them, we gave them our word that this would not happen, that we would not pull out prematurely.

And, thirdly, we would have encouraged terrorists around the world. And so it seems to me that the course that we are pursuing, while not perfect, makes some sense, and we definitely do have an exit strategy.

CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, at the White House news conference early this month, President Bush called on Congress to pass the Central American Free Trade Agreement this summer. Earlier this month, the most powerful Republican in Congress, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Well, actually last year he promised a vote during 2004. Then he promised by Memorial Day that we would vote on CAFTA. Now, I think he means it this time, now he is saying we are going to vote on CAFTA by July 4.

As Congress waits for the next CAFTA vote countdown to begin, while we wait and wait and wait, many of us who have been speaking out, on both sides of the aisle, dozens of Republicans and dozens of Democrats have a message to the President and to the gentleman from Texas (Mr. DELAY), renegotiate the Central American Free Trade Agreement.

President Bush signed CAFTA almost 13 months ago. Every trade agreement negotiated by this administration, Morocco, Chile, Singapore, Australia, has been voted on within 60 days of the President's signing the agreement. But CAFTA has been 13 months. It has languished in Congress for more than a year without a vote because this wrong-headed trade agreement offends Republicans and Democrats.

It offends small business people and farmers and ranchers. It offends Central American workers and American workers. It offends advocates for food safety and the environment. Just look at what has happened with our trade policy, and the gentleman from Texas (Mr. DELAY) and the President want more of the same.

Look at what has happened to our trade policy in the last dozen years. The year that I came to Congress, the same year that the gentleman from New Jersey (Mr. MENENDEZ) came to Congress, we were elected in 1992, that year the U.S. had a $38 billion trade deficit, meaning we imported $38 billion more than we exported. 12 years later, a dozen years later, last year, our trade deficit went from $38 billion 12 years later to $618 billion.

It is hard to argue that our trade policy is working when the deficit goes from $38 billion and balloons to $618 billion in just a dozen years.

But, it is more than just some numbers, Mr. Speaker, on a trade deficit, it is also job loss. In the last 6 years, manufacturing jobs alone, the States in red have lost 20 percent or more of their manufacturing base. Michigan has lost 210,000 manufacturing jobs, Illinois, 224, Ohio 216, Pennsylvania 199, New Jersey over 100,000 Alabama and Mississippi together, 130,000 jobs.

The States in blue have lost 15 to 20 percent of their manufacturing jobs. Texas, 201,000. California 354,000. It is pretty clear our trade policy is not working, Mr. Speaker. Opponents to CAFTA know that it is an extension of the North American Free Trade Agreement, a dysfunctional cousin of NAFTA, for all intents and purposes.

It did not work then, it is not working now. It is the same old story. Every time there is a trade agreement in front of Congress, the President says it will mean more jobs for Americans. The President promises, we will manufacture more products and export them abroad. The President promises it will raise the standard of living in the countries of our trading partners, and the developing countries.

Yet, with every trade agreement their promises fall by the wayside in favor of big business interests, not small business interests, big business interests that sends U.S. jobs overseas and exploit cheap labor abroad.

Ben Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. We hear the same promises on the same kind of trade agreements, and we get the same negative results. In the face of overwhelming bipartisan opposition, Republican leadership and the administration have tried every trick in the book to pass this CAFTA and they failed.

Now, they have opened the bank. Desperate after failing to gin up support for the agreement based on its merits, CAFTA supporters are now attempting to buy votes with their fantastic promises. If history is an example, Members should beware of these promises. Fewer than 20 percent, 14 out of 92 trade promises from the administration in the last dozens years, 14 out of 92 trade promises, less than 20 percent, were ever realized.

The White House will make all kinds of promises to Members on both sides of the aisle, but do not be suckers, it is going to happen again and again and again. Instead of wasting with toothless side deals, Ambassador Portman should renegotiate a trade deal, a CAFTA that will pass Congress.

Republicans and Democrats, labor and business, farmers and ranchers, religious leaders in Central America, religious leaders in the United States, environmental and human rights organizations in all seven countries are speaking with one voice: Defeat this CAFTA and renegotiate a CAFTA that lifts up workers in both countries.

Mr. Speaker, a worker in the United States averages about $38,000 a year in wages. The Dominican Republic about $6,000, Honduras about $2,600, Nicaragua 2,300. A Nicaraguan worker who earns $2,300 a year cannot buy cars made in Ohio, cannot buy prescription drugs manufactured in New Jersey, cannot buy textiles and apparel from North Carolina, cannot buy software from Seattle, cannot buy prime cut beef from Nebraska.

Mr. Speaker, this agreement is about outsourcing jobs to El Salvador, exploiting cheap labor in Guatemala. When the world's poorest people can buy American products, not just make them, then you know our trade policy will finally have succeeded.

IRAQ AND GUANTANAMO

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 tonight to talk about two issues, Iraq and Guantanamo, to talking about war and prisons. We have heard a lot about both in the last few months. And I think it is incumbent upon us to understand the situation.

We hear about Iraq and the situation in Iraq. And I was fortunate on January 30 to be in Iraq, along with the gentleman from Connecticut (Mr. SHAYS), two Members of Congress on Election Day to see a nation born, a new nation with a democracy. The cynics said it would never happen. They said the Iraqi people were not smart enough to have a democracy, they did not know what it was like.

Yet 60 percent of those people went out and voted, defiant of the tyranny, of the terrorists. Almost 60 of them were murdered either going to or from the polls, but yet they went and voted. Almost 300 others were injured going to and from the polls, but yet they voted. The timetable for that country to have a democracy is a short one, almost 2 years. But we forget that our own country took 13 years, from the beginning of the war for independence and the setting of the Constitution of the United States. It took us a long time.

Yet we expect more of the Iraqi people. And they are performing that. And I was honored to be there to see those people, to tell me personally that they appreciated American and America's

youth sacrificing so this nation could be a free nation.

I saw that they are concerned for American troops, the morale of the American troops. The concern that the Iraqi people had was that we would cut and run and leave before the job was done, before the Iraqi people were able to control their own country. But we will not cut and run, we will finish the job. It is not the way we do things in America, to run from a fight, liberating a country that wishes to be free.

And now we hear talk about Guantanamo Bay, the situation. Let me tell you something. Mr. Speaker, I have been to jails, I have been to prisons. I was a judge for 22 years, I was a prosecutor for 8. I have seen numerous jails, numerous prisons in the State of Texas and our Federal prisons. I know what jails are like. I know what prisons are like. And to compare Guantanamo Bay to a Nazi concentration camp, to the Soviet gulags is outrageous, it is an affront to those millions of people who died in those concentration camps.

My dad served in World War II. And as a teenager, he saw those concentration camps. He helped liberate them with other Americans. Recently I had the chance to see some of those concentration camps some 50 years later. And to say that Guantanamo Bay is like a concentration camp minimizes the death that occurred in those concentration camps in Germany. And it is an insult to these people that died there.

I think it is important, Mr. Speaker, that those people who talk and criticize our situation in Iraq, that they go to Iraq. I went there for that very purpose, to see our troops. And I think it is important that those people who criticize Guantanamo Bay, that they go to Guantanamo Bay and see that jail there.

That is why I am recommending and offering that we go there as Members of Congress, we go as soon as we can to see the situation firsthand. We need to understand that the people in Guantanamo Bay are terrorists. We talk about them being prisoners of war, but to be protected under the Geneva Convention, Mr. Speaker, a person must have a commander, they must wear a uniform, they must not take and have concealed weapons. They must kill civilians or the innocent.

And the terrorists that are in that jail down in Guantanamo Bay are not protected by the Geneva Convention because they violate these rules, these rules. And yet we hear of all of the bad things that are occurring.

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I think it is incumbent to see the situation firsthand and make our own determination because it is important that we not cut and run from this situation in Guantanamo Bay any more than we cut and run from Iraq.

CAFTA HURTS WOMEN OF THE AMERICAS

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, many people do not think of trade agreements as an issue particular to women. But a briefing I held last week along with the gentlewoman from California (Ms. WATERS), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), and the gentlewoman from California (Ms. HARMAN) made clear how disproportionately the proposed CAFTA agreement will negatively affect women.

We tend to forget about women in forgotten places like the sweat shop zones in Guatemala, Nicaragua, the Dominican Republic, El Salvador, Costa Rica. But let me tell some of their stories.

One worker, woman in Guatemala describes the way supervisors treat workers in the maquiladora, the sweat shop where she works. She says, ''Sometimes the supervisor grabs a piece of cloth you're working on and throws it in your face. Once when a supervisor did that to me, I finally grabbed the piece from him and threw it back in his face. I did not cry. If I had cried, I wouldn't have been able to answer him. Instead, I told him that he needed to start respecting the women that worked for him. I could have accepted it if he had just said the piece was no good, but to throw it in my face, I won't stand for that.''

How about the thousands of women who work in the banana packing plants? Who speaks for them?

For the treatment that the woman in the textile company received, she earns $68 every 2 weeks including over time and bonuses, working many more than 8 hours a day. She goes on to say, ''The trousers we make cost about $39.50 each. In 2 weeks we earn enough to buy 2 pairs. But do you know how many pants we have to produce every day? Our quota is between 400 and 700 trousers per day.''

Another worker describes efforts to organize a union to represent women. She says, ''The company used to fire workers without any cause. They did not always pay the workers their full salaries and there were lots of other problems, so the secretary-general said it would be a good idea to place an injunction. That's when the company started to intimidate the workers. The situation got really bad . . . when someone shot at one girl while she was buying tortillas and hit her in the ear. From then on everyone was afraid and did not want to continue fighting'' for an organization to represent the women, an actual union.

Last year, a U.S. union official organizing in El Salvador was killed. No independent trade unions have been registered there in 4 years. In Guatemala only two collective bargaining agreements exist among more than 200 textile factories.

Now, U.S. Trade Ambassador Portman claims that poor enforcement is the only problem with Central America's labor regimes, not inadequate laws. Yet there are dozens of serious deficiencies in Central American labor laws. CAFTA does not require compliance with international labor standards like the freedom to associate and to bargain collectively, nor does it protect women against outright discrimination. And CAFTA offers no protection against weakening, gutting, or eliminating existing laws in the future.

We need trade that serves women and workers in all of our countries, not agreements that force women into these awful conditions and places a downward pressure on the wages and working conditions that women in America have fought so very hard for from the very beginning in the mid-1930s, women like my own mother who was the first member of my family ever to earn a living wage when she struggled for the formation of the first union at an auto parts plant in our community.

We do not want CAFTA to roll back standards for women of this hemisphere and this continent. Women of the Americas should not stand for it. CAFTA would devastate family farmers just like it did in Mexico under NAFTA when over a million and a half peasants were forced off their land and forced to migrate somewhere just to try to find a better way of life. And they end up working in these sweat shop zones or fleeing across our border, working under the table, not having a decent labor agreement under which their lives, and indeed their livelihoods, can be guaranteed.

Already over 60 percent of the workers in Central America in their factories, in the banana packing houses are women. They work in very low-skill, low-wage jobs with absolutely few labor protections. CAFTA would do very little to protect their labor rights in the sweat shops in which they spend the majority of their young years.

Women have reported forced pregnancy testing, sexual harassment, and even physical abuse in this sector where women assemble clothing, pack bananas, and try to eke out a living for themselves and their families.

I want to thank STITCH, a small organization that supports the voices of these women being heard here in the Congress of the United States.

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

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

EXAMINING BRAC CLOSURES

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

Mr. PEARCE. Mr. Speaker, I would like to address the subject of the Base Realignment and Closure process that is currently ongoing. I speak as a former Air Force pilot and a member of Congress from New Mexico. Although the base that I would like to talk about does not lie in my district, I think the overall concern that I have is that the process of establishing military value has somehow been deeply flawed, at least with respect to this one base. I would like to mention a couple of things about it.

According to the criteria set up by the BRAC Commission, encroachment was supposed to be one of the important issues that was discussed. In other words, if a town grows around a military base, it somehow loses its value because there are certain processes that are not as capable of being performed. So encroachment, that is the growing of the population around the base, is an extremely important measurement as we determine military value.

But as we look at the population, the population is listed on this chart in red. In the white areas are low population density areas. Cannon Air Force base is right here about 4 or 5 miles from the Texas border on the east side of New Mexico. As you can see, there are almost no population centers anywhere around. What this means is that Air Force fighters can take off from Cannon Air Force base without flying over densely populated areas. They can carry live munitions, live bombs, and live armament over this sparsely populated area without much risk.

Now this last week we saw the Harrier jet that actually had problems and fell into a housing area with those munitions on board, and that is the problem with encroachment. And yet when the BRAC Commission says that we should not have encroachment and that will be a high priority, we see that no encroachment has occurred here. And as we look across the rest of the country, we see deep encroachment occurring; and so one criteria appears to be completely ignored with respect to Cannon Air Force base in the eastern side of New Mexico.

Another one of the criteria that was mentioned is training space unencumbered by the overflight of airlines and commercial traffic. Now, again, if people are not aware of the White Sands Missile Range that lies in the second district of New Mexico which I do respect, that is a completely restricted air space. No airliner ever flies through that air space. And so starting back across Dallas, one can see from this chart that almost no white exists, white would be the commercial air traffic. But those flights begin to divert north toward Albuquerque, or they divert south to El Paso and fly completely around New Mexico.

Now, Cannon Air Force Base again lies about the midpoint in New Mexico along the New Mexico-Texas border, and it benefits because those airliners have already begun to divert far before they hit the New Mexico border, and so the air space that is available for training lies in this particular area. And, again, one of the extreme criteria of the BRAC Commission appears to have been either ignored or just disregarded.

The problem of training space becomes even more important when it is considered with population density. Many times aircraft that take off from densely populated areas have to fly to areas of sparse population, and each flight in a military aircraft can run tens of thousands of dollars. It might be as much as $50,000 an hour to operate. So each hour to convey the aircraft simply to the training zone is extremely expensive both in dollars and also in the use of the hours on the military aircraft, each aircraft having a certain limited life in terms of flight hours. So, again, one of the criteria seems to be omitted.

Another criterion that was judged to be important in evaluating which bases to keep open or closed were weather on the training days. Again, green indicates the days of cloudy weather. The white areas are generally clear skies. I can tell you, having flown in New Mexico most of my life, approximately 320 days a year are available for flight training in New Mexico, and it is significantly less. The next chart I show is simply a followup on that, and it shows precipitation. Again, one can see that the area around Cannon Air Force Base simply does not have the problem of precipitation.

Again, precipitation is two problems. It is a problem of flying in bad and inclement weather, and it is also the problem of corrosion, and we do not have the problem on or in New Mexico. Again, it is a very significant thing.

The final chart, Mr. Speaker, wraps it all up. New Mexico has the best, most accessible training space, the least encroachment, and the least overflight of commercial traffic. We are not able to understand exactly how the BRAC Commission came up with its report. And we would urge the House to take a stand to see that military value is considered as we approach the approval of the BRAC process.

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

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

OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I come this evening to further announce to the people of this Nation that we have formed an Out of Iraq Caucus here in the Congress of the United States of America.

There has been quite a bit of debate this weekend about the activities that took place here in Congress. There was a lot of discussion this weekend about the hearing that was held right here in the basement of the Capitol headed by the gentleman from Michigan (Mr. CONYERS) in conjunction with a group that is now known as AfterDowningStreet.org. And that hearing helped to give exposure to the famous, now famous, infamous memorandum that basically some see as a smoking gun, discussing who knew what, when did they know it, and what did they plan to do.

In essence, it is easy to conclude reading that memorandum that this administration, the President of the United States of America and others, had decided that they were going into Iraq, that they were going to attack Saddam Hussein long before 9/11. So that hearing took place, and it was a very interesting one.

It was a very revealing one and over 30 Members of Congress joined in the basement in this crowded room. And I have had a lot of questions this weekend about why were we jammed into such a small room, and I had to answer truthfully and let the people who asked the question know that the Republicans are in charge. They are able to determine where we meet, if we can meet, what kind of space we will have. And they have said to us, they are going to stop allowing us to use any committee rooms. And so even though it was a very small room, it was all that we could get. But, of course, those who have the power can choose to use it responsibly or irresponsibly.

And I would say to the people of this country at this time that we will be thwarted in our efforts to get the word out, to have this kind of discussion; but we will persist, we will not give up.

Further, aside from that hearing, we did form the Out of Iraq Caucus. Over 60 Members have now signed up. And I am being asked by journalists and TV personalities, what happened? Why are you having this discussion and this debate that is occurring at this time?

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I must answer those questions by saying, first of all, we have Members of Congress who were elected by their constituents on peace, justice and equality issue. We have Members of Congress who have long histories fighting and agitating for peace. Whether you talk about the Vietnam War or the work that many of us did to end apartheid in South Africa or the work that we are doing now to try to bring attention to genocide in Sudan, this is who we are. This is what we do.

Philosophically, we cannot sit here and allow this war to continue with no

exit strategy, no answers, no reports from the President of the United States about how they are really going to get the training done, what does that mean and basically when are we going to bring our troops home.

So we have joined with the American public. The American public have been waiting on us. They are against this war. The polls now are showing us that the American public wants this war to end, and so we have joined with them to provide some leadership.

Our caucus is made up of an array of Democrats, some who come from the New Democrats, some from the Blue Dog Democrats, some from the Progressive Democrats, but we have come together to talk about coordinating activities, helping to give a platform to this discussion, to work with the national peace organizations, to bring in people who have been trying to get to Congress but since we have no hearings that are going on, they have not been able to connect with anybody. We are going to connect with them, whether they are veterans against this war or mothers and fathers and family members who have had their children and relatives killed in this war. They are now going to have Members to talk to.

We are going to create this discussion and this debate, and some people are saying out now. Some people are saying, Mr. President, give us a strategy. Some people are trying to come up with a date certain.

We have a bipartisan effort that has been put together with a date certain attached to it. As far as our caucus is concerned, people see it a little bit differently, whether or not out now, whether or not we just beg the President to give us a strategy or whether or not we insist on a date certain. The most important thing is we are all organized just to get the word out. We want out of Iraq.

This thing will evolve, and as it evolves, we will know what the right timing is. The President will have an opportunity now, given that he has seen the polls and he understands what is going on, he can denounce it or reject it in any way that he wants, but the fact of the matter is the people of this country want us out. The new caucus that I am so proud of that we have formed will work to make sure that we have the debate that we have not had.

CAFTA

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

Mr. BURTON of Indiana. Mr. Speaker, I have listened to my colleagues with great interest tonight.

Three issues seem to have been raised. One is on CAFTA, which I will address tonight, and then we talked about Guantanamo, which I am going to try to address later this week. Then we will talk about Iraq because there are parallels between what we are seeing in Iraq right now and what happened in World War I and World War II, but I cannot cover all those tonight. So I will debate my colleagues on some of those other issues later this week.

Let me talk about CAFTA right now because the gentlewoman from Ohio (Ms. KAPTUR), my good friend, for whom I have the highest regard, was just talking about some of the problems that occur with women in Central and South America and the living conditions and the working conditions, and I agree with her.

Because of that, and a number of other reasons, I voted against NAFTA and worked with my colleague on that, and I voted against the WTO and the General Agreement on Tariffs and Trade. So you probably ask, well, why in the world, Danny, would you be in favor of CAFTA if you opposed all those others? So I want to tell my colleagues tonight why I support CAFTA.

First of all, we have what is known as the Caribbean Basin Initiative, and the Caribbean Basin Initiative is kind of a one-way street right now. We allow the Caribbean countries and Central American countries to export into the United States without tariffs while at the same time, when we send stuff into those countries, we do have to pay tariffs in many cases. So the bottom line is it is a one-way street.

The Caribbean Basin Initiative will go by the wayside if we pass CAFTA, and we will have a two-way street where there will be minimal tariffs or no tariffs whatsoever, and so our producers will benefit the same as the producers in Central America and the Caribbean. I think that is one reason why I think CAFTA is a better deal than what we see with the Caribbean Basin Initiative.

The second thing is that we need to see stability in Central and South America. President Reagan, when he was President, worked very hard to create democracy in our hemisphere, and as a result of the Reagan doctrine, all of the countries in Central and South America became fledgling democracies over the past few decades with the exception of Cuba. We are starting to see cracks in those democracies because of the poverty down there and because of some leftist leaders. We see problems in four or five, six countries in Central and South America right now, and one of the things that we need to do is to address the issue of poverty down there.

One way to do that is to try to see some foreign investment going in there from places besides China and Europe into Central and South America so that we see a reduction in the poverty rate and a reduction in the pressure that is being brought about on the existing democracies down there to move toward leftist governments.

If we have a change, a sea change in those countries in Central and South America, then what is going to happen is the illegal immigration problems that we see right now will be magnified. They will grow because people want to flee tyranny. They want to flee conflict, and if you start seeing revolutionary activity take place, like that which we saw in El Salvador in the 1980s, and in Nicaragua in the 1980s and elsewhere, then you are going to see people saying, I am getting the heck out of here; I am going north; I am going to the United States. Our border is very porous. We have a terrible time controlling it right now. We have millions of people that have come across that border that are now in the United States that cost our taxpayers money and cause a lot of hardship and problems.

So stabilizing those governments in Central and South America I think is extremely important. I am now the chairman of the Subcommittee on the Western Hemisphere on the Committee on International Relations, and I have had a chance, along with my colleague the gentleman from New Jersey (Mr. MENENDEZ) to start looking at this issue. We may not agree on this, but I think it is important that we go down there and look at these countries and find out how we can make sure there are stable governments in place and that we do not see democracies start to deteriorate and go by the wayside.

So I feel it is very important that we look at this from more than just one point of view. Trade is important. Job loss by Americans is very important. I am concerned about both of those things. A two-way street in trade with no tariffs I think is also very important, but also one of the major issues as far as I am concerned is the stabilization of democracy in our hemisphere. If we do not, as a leader of democratic institutions in this hemisphere and around the world, take the initiative to stabilize those countries, who in the heck will?

So I still believe in free and fair trade. I would not vote for NAFTA today. I would not vote for GATT today. I would not vote for the WTO today, but I am going to vote for CAFTA, and the reason I am voting for CAFTA is for the reason I just said. I think it is extremely important to not only worry about trade and balance but also about national security and immigration, and I hope my colleagues at least understand where I stand on this issue because I love you guys.

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

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

GENERAL LEAVE

Mr. PAYNE. 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.

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

There was no objection.

TRIBUTE TO PETER RODINO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE. Mr. Speaker, we are gathered here this evening to pay tribute to one of the true heroes of our time, a man who earned a stellar national reputation but who also holds a very special place in the hearts of those of us from his home State of New Jersey and those who had the privilege to serve with him, former Congressman and Chairman of the House Judiciary Committee, the Honorable Peter W. Rodino. I feel privileged to hold the seat in Congress which Chairman Rodino previously held from 1948 until his retirement 40 years later in 1989.

It is certainly a testament to his outstanding work here in the House of Representatives and the high esteem in which he was held among his constituents that he won reelection to Congress 19 consecutive times over the course of his career. From my personal experience growing up in Newark, New Jersey, I was inspired to enter public service after reading stories in the newspaper I delivered as a youngster, the Star Ledger, about the work of my local Congressman, Peter Rodino, and the passion he brought to his job. We felt proud to have such a hardworking and dedicated public servant representing our interests in Washington, especially since I lived in the neighborhood in the old North Ward of Newark where he served and lived.

Peter Rodino was a driving force behind all of the major civil rights legislation and opened up doors of opportunity for an entire generation. Throw his service on the House Judiciary Committee he authored the majority reports on which the civil rights legislation of 1957, 1960, 1964 and 1968 were based. In addition, he played a key role in the passage of the fair housing bill in 1966.

He was active in the movements to establish a national holiday in honor of Dr. Martin Luther King, Junior, and to provide the District of Columbia with a voting delegate.

During the Watergate hearings, Chairman Rodino won praise from both sides of the aisle for his fairness, evenhandedness and sense of decorum. He carried out his constitutional duty, but it was not a role he chose or relished. In fact, he broke down in tears after the Judiciary Committee approved articles of impeachment against a President not of his own party. That kind of sensitivity and compassion is indeed rare today in the political arena.

After his retirement from Congress, Congressman Rodino continued working diligently, serving as a distinguished visiting professor of constitutional law at Seton Hall University in Newark, New Jersey. I was excited during my first term in Congress to be part of a successful effort to secure over $5 million for the establishment of a model center for social justice at Seton Hall University School of Law, the Peter W. Rodino, Junior, Institute of Social Justice.

Despite all of his achievements, Peter Rodino was most proud of being the son of an Italian immigrant who achieved the American dream. In fact, in a tribute to his Italian heritage, he sponsored the bill that made Columbus Day a Monday national holiday. He never forgot where he came from and he always had time to help other people who needed a hand.

In fact, after his passing on May 7, the Star Ledger ran a story about a sixth grade student, Christina Rodriguez, who had never met former Congressman Rodino, but called seeking an interview for a school paper she was writing. Although he was in the middle of celebrating his 95th birthday with friends and family, he generously spent 45 minutes giving her a firsthand account of a chapter of history that took place long before she was born.

Mr. Speaker, former Congressman Rodino was not only an admired leader and a great champion for all of the right issues, he was also a wonderful human being. Let us express our deep appreciation for his service in Congress.

Our heartfelt condolences go out to his wife, Joy; his son, Peter W. Rodino, III; his daughter, Margaret Stanziale and her husband Charles Stanziale; his three grandchildren, Carla Prunty, Maria Stanziale and Talia Rodino; and his twin great-grandchildren, Annabel and Charlotte Prunty.

At this time, Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), who served on the Judiciary Committee with Mr. Rodino, the current ranking member on the Committee on the Judiciary, who has served in the Congress for close to 40 years.

□ 2045

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me, but would be pleased if the gentlewoman from California (Ms. PELOSI), the minority leader, would precede me.

Mr. PAYNE. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I know how close the gentleman from Michigan (Mr. CONYERS) was to our former colleague, Congressman Rodino, and I am very honored he would yield to me to speak about him.

I want to express my appreciation to the gentleman from New Jersey (Mr. PAYNE) and say how impressive it is to see him; the Chair of our caucus, the gentleman from New Jersey (Mr. MENENDEZ); and all of the members of the New Jersey delegation; along with the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. SHERMAN) and the gentlewoman from Texas (Ms. JACKSON-LEE) of the Committee on the Judiciary, all who served with Mr. Rodino or served under his legacy, or are just proud to speak out this evening. I thank the gentleman from New Jersey (Mr. PAYNE) for organizing this Special Order.

First, I join the gentleman in expressing heartfelt condolences to the entire Rodino family, to his wife, Joy, daughter Margaret, and of course his son, Peter. I hope they find comfort in the proud legacy he leaves. I hope it is a comfort to them that so many people mourn their loss and are praying for them.

A man of integrity and humility, Peter Rodino was a great American who served our Nation with great dignity and honor. He was truly a historic figure and consequential leader who changed the course of history for the better.

Many years ago, President John Kennedy spoke of ''the high court of history'' by which public officials will be judged. History will treat Peter Rodino very well.

By conducting the Watergate impeachment hearings with fairness, Peter Rodino ensured that the rule of law prevailed during one of the greatest constitutional crises in our country. He spoke before this House when the Watergate impeachment hearings and said, ''Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: 'That was the right course. There was no other way.'''

He did all that and more. His contribution was immeasurable. Americans will be forever grateful for his courage and for his defense of the Constitution.

Though most renowned for the service he rendered during the Watergate impeachment hearings, Peter Rodino left a lasting imprint as a distinguished chairman of the Judiciary Committee, an author of significant legislation, ranging from civil rights to immigration to protecting consumers. A Seton Hall law professor, Paula Franzese said at his funeral, ''He was a champion for the underdog. He was a speaker for those who had no voice.'' What a magnificent compliment, and still understates the contribution he made.

Peter Rodino was a main sponsor of the Civil Rights Act of 1966 and authored the extension of the Voting Rights Act in 1982. He reformed immigration quotas and promoted fair housing laws, and he was one of the authors of the Hart-Scott-Rodino Act that protects consumers by preventing anti-

competitive mergers. He was a legislative and legal giant whose work continues to have a profound impact on the lives of Americans.

Peter Rodino's passing is a personal loss to who all served with him. It was an honor to call him colleague. Though a giant in Congress, he was always kind to newer, more junior Members who looked to him for guidance. He was of course a great source of pride and inspiration for all of us in the Italian-American community. I had a special bond with him in that regard. He was, as Father Nicholas Gengaro noted at the funeral, ''a household God, patron of the good name and respect'' of Italian Americans.

He was always proud of his heritage. As a Congressman, one of his notable achievements was sponsoring the bill that made Columbus Day a national holiday, a day that commemorates the contributions of Italian Americans.

After serving in Congress for nearly 40 years, Mr. Rodino did not retire, he returned to his beloved Newark and continued his public service until his passing. He found a new and noble calling as an educator and law professor at Seton Hall Law School, and he shared his lessons with new generations of students so they could learn from his example and so that the lessons of Watergate will never be forgotten.

As he said in an interview a year ago, ''People today just do not know what happened, and they should.'' And they did learn more when he passed away because so many compliments were extended to his family for his incredible leadership. Because of Peter Rodino, the rule of law prevailed. He stood for truth and accountability and fought against abuses of power and corruption.

His legacy is a reminder it is our constant duty to protect and defend the Constitution of the United States, the rule of law and our civil liberties. That is the oath of office we take and we must never, never let our guard down on it. Tonight as we recall the life of Peter Rodino, we must honor his legacy by conducting ourselves and all of our public duties with integrity and fairness, and we must honor his courageous legacy by upholding the rule of law as he did so much to advance, and defending the Constitution he did so much to protect.

Again, I offer my condolences to the family. It is a great loss for so many reasons, but he had a wonderful smile and a twinkle in his eye and he was just a great and wonderful person. You could see the spark of divinity in him, and his generosity of spirit and kindness to so many people, and the greatness of his intellect.

I offer my condolences to his family for their personal loss. As a Nation, we give thanks for his life, a life that enriched and ennobled all who knew him, and a life of dedicated and courageous service. We shall miss him greatly.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for calling this Special Order to commemorate a giant of the Congress.

Mr. PAYNE. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for those kind words. I know his wife, Joy, will appreciate those words as she is watching this tonight in the comfort of her home with other members of her family.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, when we think of Peter Rodino on the Committee on the Judiciary, it conjures up the names of some of those great men and women, Barbara Jordan, who walked the halls, who listened in that 2141 Rayburn Room to the constitutional arguments that were being presented day in and day out. And we thought what would happen after Mannie Celler was the chairman. Here was little old Peter Rodino and people said, Wow, where are we going to go from here? Mannie Celler was a giant, an orator, a fighter, a great writer. And Peter Rodino came to the chairmanship of the Committee on the Judiciary as a very modest, humble member of that committee. He never sought the spotlight. You would rarely see him on television before Watergate and impeachment. It seemed like it was provident that for that impeachment, we needed exactly the kind of persona that Peter Rodino brought because without it, I can tell Members we do not know where that committee was going. That committee was very passionately divided, and it was very even numbers of Democrats and Republicans.

There was open writing about whether this Nation could stand an impeachment of a President because there had not been one in over 100 years. They were saying how can Chairman Rodino contain this huge division that is ripping not just Washington but the whole Nation, indeed the world was focused on whether or not there were grounds to remove under the second amendment to the Constitution under articles of impeachment for treason, high crimes or misdemeanors.

Believe me, we were under a great deal of tension. Everybody was getting angrier in their speeches and the pronouncements of the Members, but Peter Rodino never lost his temper. He never raised his voice. After we had the White House tapes come out, then the articles of impeachment came forward. And out of five of them, three of them received the votes of at least half a dozen Republicans and Democrats as well. I might as well tell Members there were Democrats on the committee that were not convinced that impeachment was the route to go.

So Peter Rodino, with people like Bob Kastenmeier of Wisconsin, Don Edwards of California, Jerome Waldie of California, Barbara Jordan. And there was a freshman member on the committee named the gentleman from New York (Mr. RANGEL). And there were some interesting staff members. One was named attorney HILLARY RODHAM and another was Attorney ZOE LOFGREN. There were all kinds of names coming in and out.

Every day brought new developments. President Nixon was resolute that he would never give up his office to these kinds of scurrilous attacks, and Peter Rodino persevered through this. Had there been a chairman with a different personality or temperament, I am not sure how those impeachment hearings would have gone forward.

When I visited Peter Rodino at Seton Hall Law School last spring, he was still full of stories. He was still reminding me of incidents and how we had to get the votes and master the subpoenas, the issuance of the subpoenas and the order of witnesses and what we would do with John Dean and Haldeman and Archibald Cox. Those names all figured into this incredible situation that this very modest Member of Congress from Newark who preceded the gentleman from New Jersey (Mr. PAYNE) was able to keep it together.

It transformed America. It forced the President to resign rather than to have us have to bring those articles of impeachment forward. Chairman Rodino worked behind the scenes to figure out who would actually take the place of President Nixon.

I will never forget the discussions that went on in 2141 Rayburn House Office Building in which finally the Speaker from Oklahoma and the chairman of the Committee on the Judiciary said there is only one thing that we can do to keep this country on an even keel, and that is there is one congressman in the House who can do this and he would be accepted by the Ds and the Rs, and his name was the gentleman from Michigan, Gerald Ford. They took that name down and moved it forward.

I want to tell Members, Peter Rodino, when he would see someone that was there during those months from May 1974 to July 1974, he would start off by saying, JOHN, do you remember that day we had so and so come by our office and we had to decide on whether we were going to issue subpoenas or not, or whether we were going to let them bring their testimony forward or whether we could get a bipartisan group of Members to move these hearings forward.

□ 2100

The pundits were all writing, This is ridiculous. This can't be done. Peter Rodino has no experience to bring this kind of a matter to the House of Representatives. It does the House and the Congress and the country a huge disservice. But Peter Rodino, his excellent staff, the Members of both parties gradually, one by one, realized that we had more than enough grounds. As a matter of fact, we had more articles of impeachment. After a while, we stopped raising new articles because they were not necessary.

And so I want to tell everybody here that even though I have served under

Emanuel Celler and Jack Brooks and HENRY HYDE and JIM SENSENBRENNER, Peter Rodino was the leader of this committee that I have served on since I have been in the House of Representatives, the committee that protects the Constitution, the committee that promotes civil rights, the committee that has spent all of its time trying to make the Federal criminal code, the laws of the land, the compacts between the States, the Department of Justice oversight that has been within our jurisdiction.

Peter Rodino served those noble ends in a way that none of the previous chairmen of this great committee and the Congress have. I will always remember with great pleasure and privilege in the fact that I was able to serve on that committee with this wonderful man. We will always remember the great service that he gave to this country.

Mr. PAYNE. Let me thank the gentleman from Michigan for his institutional memory and to really bring alive those trying days when this Nation was on the brink of which way to go. We really appreciate his recounting history. He made it alive again.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. MENENDEZ), the caucus Chair of the Democratic Party.

Mr. MENENDEZ. Mr. Speaker, I want to thank my distinguished colleague and friend from New Jersey, particularly as we coshare the great city of Newark in representation in the Congress of the United States and particularly the privilege I have had representing the people of the North and East Ward at Newark North Ward where Peter Rodino lived most of his life, throughout his life, and for organizing this special opportunity. I want to thank the distinguished whip for yielding in the process here because I have an event to go to.

Particularly, I want to join in paying honor to a great American and a respected public servant, the late Congressman from New Jersey, Peter Rodino. Though I never had the pleasure of serving with Congressman Rodino in the House, I have tremendous admiration for his work. I have heard from so many of his colleagues who did have the opportunity and the privilege of serving with him as well as from my colleague DONALD PAYNE of his tremendous respect in the House; and certainly from his work, one would understand that.

I join today in mourning the loss of a man of wisdom and integrity who spent his long career fighting tough battles to improve the quality of life for the people of his district and the Nation. Like many of his generation, Congressman Rodino's loyal service to his country began in the trenches of World War II, where he fought valiantly and emerged as a decorated war veteran.

During his 40-year tenure in the House of Representatives, he served with distinction and established himself as a champion in the fight for social justice and equality for all Americans. Though some may not have viewed him as the most outspoken Member of Congress, Congressman Rodino worked diligently to bring about real social change and let his actions speak instead. He chose his battles wisely and played a critical role in developing historic pieces of legislation in the areas of civil rights, immigration, and fair housing. His vision is imprinted in many legacies that have shaped the future of our country, including the monumental Civil Rights Act of 1964 in which he played a vital role pushing it forward and seeing it become law.

In this way and many more, Congressman Rodino served our country far beyond the borders of his constituency. His sense of duty to serve our Nation saw no barriers and no obstacle too great. Just as remarkable as his perseverance to improve civil rights was his fairness during a time of constitutional crisis.

Congressman Rodino, as we just heard from our colleague, stepped into the role as the chairman of the House Judiciary Committee during a precarious moment in our Nation's history. Today in a political atmosphere sharply divided along party lines, we look with even greater admiration at Congressman Rodino, a statesman who was able to use his political acumen to work in a bipartisan fashion during the turbulent era of the Watergate investigation. His calm, nonpartisan leadership approach earned him the respect of people from all political persuasions, and he proved himself to be a steady hand in a sea of storms.

History will record that he defended and preserved the Constitution, some may say an ordinary man who performed an extraordinary service for the Nation. His life experiences and extensive career in this Chamber helped him to become one of its great voices of reason.

I had the benefit of speaking with Congressman Rodino during the Clinton impeachment trial. After hearing his wise counsel, I was convinced based on that conversation and all of the facts, of course, that there were no grounds for impeachment. I, like many, trusted his insight, and the House was fortunate to have such a thoughtful, perceptive Member.

But beyond the longevity of his public service, I was most impressed by his sense of integrity and his commitment to upholding the principles of the Constitution. He was known for carrying around a copy of the document he so admired in his pocket. Not only did he know the principles it embodied inside and out; he lived them. Few of us have the opportunity to witness almost a century of history, but we should all aspire to be so influential in shaping that history. Peter Rodino was a man ahead of his time, who saw beyond the circumstances he came from and beyond the barriers that surrounded him. His vision for this country has made this Nation and the people it protects stronger, and it is a lasting vision we still benefit from today.

I, too, would like to offer my sincere condolences to Congressman Rodino's wife, Joy, his two children and extended family. May they find comfort and peace in the memory of this accomplished man who leaves behind a tremendous legacy of greatness.

Mr. PAYNE. Let me thank the Democratic Caucus Chair, the gentleman from New Jersey (Mr. MENENDEZ), for those kind words.

Mr. Speaker, I yield to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding, and I am pleased to join so many of my friends from New Jersey who were and are from the State so ably represented for 40 years by Peter Rodino. I note that we are also joined by CHARLIE RANGEL who served side by side with Peter Rodino from an adjoining State and my friends BARNEY FRANK and HOWARD BERMAN who have served with such distinction on the Judiciary Committee.

I did not know Peter Rodino well. I knew him. I had the privilege of serving with him. I worked for a United States Senator, first a House Member, in 1962. Of course, Mr. Rodino was here at that point in time. But it was not until some 10, 12 years later that he became the famous Peter Rodino. But he was not necessarily perceived to be famous at the outset.

His father at the age of 16 came from Italy, had come to the United States. Peter was born in a tenement in Newark. His mother died at age 4. I am sure that most Americans hearing that background would not have said to themselves that this young man will grow up not only to be a Representative in the Congress of the United States but also to represent America's most valued principles, America's bedrock commitment to democracy and its commitment to the fact that no individual, no matter how powerful he or she might be, is above the Constitution or the laws of the United States of America.

That in many ways makes us unique. Certainly it makes us different from the autocracies that we see even today around the world. It was Peter Rodino's lot to be called upon to meet the challenge of redeeming once again that promise of American democracy; and short in stature though he may have been, he was tall in stature to meet that challenge. Last month, we lost him at age 95, having served 40 years in this body.

Peter Wallace Rodino ably represented the 10th District of New Jersey, 40 years, 4 decades, a long period of time. He was first elected to the 81st Congress in 1948 and reelected 19 times. I believe the gentleman from New York (Mr. RANGEL) has been reelected at least 19 times.

Mr. RANGEL. Seventeen.

Mr. HOYER. Seventeen times. The gentleman from Michigan (Mr. DINGELL) has been reelected 19-plus times. We all had the opportunity of serving here with Mr. Whitten who was reelected, I believe, 25 or 26 times, served a half a century. Clearly, Peter Rodino was one of the longest serving. But serving a long time in and of itself simply means that you were able to live and to be reelected. Serving well is the mark of one who served our country, and that is Peter Rodino's legacy.

His lead role as chairman of the House Judiciary Committee's impeachment investigation has been spoken of here, and that is clearly what he will be remembered for. However, he also doggedly, as has also been said, fought for the rights of people, authoring multiple civil rights reports which formed the basis of several landmark civil rights bills.

That was in a time when we recall that the Senate was refusing to pass legislation to outlaw lynching. The Senate just a few days ago apologized for that. The House passed a number of bills, but the Senate failed to pass them. Peter Rodino, even at that time, before it became really popular and the thing to do, was standing tall for the rights of individuals. JOHN CONYERS spoke eloquently to that just now.

The son of an Italian immigrant. How proud NANCY PELOSI, herself a child of a famous Italian family, must have felt in rising to speak about Peter Rodino, an Italian who brought luster to his Italian heritage and to his American citizenship and country. He demonstrated extraordinary determination that characterized so many of his generation. Tom Brokaw called Peter Rodino's generation the greatest generation. Peter Rodino demonstrated that both at war and at peace, on the fields of battle in World War II and on the floor of this House, particularly in the 1970s.

For 10 years, he worked days and attended law school at night, graduating from what is now Rutgers law school.

□ 2115

His personal courage, of course, was never in question. He volunteered for service during World War II, as I have said, even though he was too old and could have been exempted. Some lied, of course, and said they were 18 when they were 16 to get in the service. But Peter Rodino, who had served ably at that point in time in his community said, ''send me,'' ''send me,'' to his country.

He served in the army from 1941 to 1946, fighting with the First Armored Division in North Africa and in the home of his father's birth, Italy. He was awarded the Bronze Star, a War Cross, and Knight Order of the Crown from Italy.

His defining moment, of course, as we have all said was 1974, when he stood up for the Constitution, for the American people, for a way of life, for a continuity of government. Judiciary Chairman Rodino demonstrated wise judgment. ''Wise'' has been used a number of times in referring to Peter Rodino. How appropriate.

At a moment of instability and uncertainty for our Nation, which could have been dangerously exacerbated by excessive partisanship or overzealous action, Chairman Rodino brought wise, measured, thoughtful, and honest consideration to this awesome task.

This Nation was blessed by God with Peter Rodino, as God has blessed this Nation with many others at times of crisis to stand and serve ably and wisely.

I want to say to his family that we share their loss, we thank them for his service, and we will remember our dear and faithful, wise and kind, good colleague, Peter Wallace Rodino.

I thank the gentleman for yielding to me.

Mr. PAYNE. Mr. Speaker, I thank the minority whip for his participation. I am sure those words are of comfort to the family.

Mr. Speaker, at this time, I yield to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, a person who served with Congressman Rodino on the Judiciary Committee.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for giving us who knew and loved Peter an opportunity to share our views. It has not gone unnoticed that the gentleman from New Jersey has reminded me on a number of occasions that if I had endorsed him earlier, he would have had as much seniority as I have today. But I do recall that he never, ever, in the heat of campaigns, said anything to take away from the integrity of this great American, Peter Rodino.

Ironically, even though the chairman of that committee when I first got here was from Brooklyn, I did not know Mannie Celler, but the gentleman from New Jersey knows him, the closeness of Newark and Harlem.

I did know Peter Rodino, and during the time I was in the State legislature, he was telling me what the Congress was doing or not doing or should be doing about the international drug trafficking and about the plight that our cities were having with addiction and crime.

So when I came here, I was so honored to be on that committee, never knowing that my friend Peter Rodino would be the chairman of that committee in such a short period of time. But Peter really loved this country. He really loved the Judiciary Committee. And I never saw anyone that felt so warmly about his home country. He really was proud of being an Italian and wanted so much to make certain that he brought honor to his people and his community, to his constituents and to the Congress.

As I heard the gentleman from Michigan (Mr. CONYERS) say, assuming the chairmanship of that committee in the shadows of Mannie Celler was not an easy thing to do. We were constantly reminded, and I see the gentleman from Massachusetts (Mr. FRANK) here, that impeachment did not automatically go to the Judiciary Committee. And more than once the Speaker would say if we did not move on to either impeach President Nixon or get off his back that a special select committee would be called.

Every time we came here on Monday, we were beseeched by Members asking us, ''What are you going to do? Get on with it? We are facing an election, and you guys are just on television.''

That was a lot of pressure on Peter Rodino, who had assumed these new responsibilities. There was some testimony that was embargoed but recently was released, which to me said a lot about Peter. It had to do with the tapes that President Nixon had with conversations he had with Haldeman, Erlichman, and Dean. And the President was very concerned about the life expectancy of Thurgood Marshall and went on in his rambling way of talking about people who would not be replacing him based on their color and religion. So he went through blacks, and he went through Jewish people, and then he went through Italians, in a most derogatory way. The way the operation was on the committee was that we would have a transcript, and we would listen to the tape. But when it got to the Italian part of the tape, it was excised in the written transcript and silenced on the tape. But any Member could go to the Chief Counsel to see what was excised, and he had excised that part that spoke against the Italian people and why they should not be expected to get a judgeship because of their backgrounds.

I came out and I said, ''Peter, why the heck would you take this off of the tape?'' And he said, ''Because it had nothing to do with the relevancy of whether or not the President of the United States should be impeached.'' And I smiled because that is the integrity of a person, who could have received headlines throughout the country for exposing the President, wanting so much to have due process overcome the prejudices and the partisanship that certainly did not exist as it does today but it was there. And Peter just felt that defaming people in the privacy of the White House did not determine whether or not he had violated the Constitution.

Peter Rodino was one heck of a courageous guy and, indeed, rose to the occasion where those of us that were on the committee knew that the wrongdoers in the White House were so afraid that the impeachment of President Nixon will cause havoc not only in the government, but throughout these United States. And when articles were voted, Peter went to the rear of the Judiciary room to call his family and, with tears in his eyes, announced that the President of the United States had Articles of Impeachment voted against him.

A lot of people do not know, but Peter became the most popular person not for the decision but because he kept this country together. He kept this Congress together. And a lot of people do not know, but Mario Biaggi knew that a committee was formed to have Peter Rodino as a candidate for Vice President of the United States to run with Jimmy Carter. And we discussed that he got his interview, and that was when Mondale prevailed. But I would suspect that those people who came to this great country forcefully, or because they wanted to get here would have to show that if a guy like Peter Rodino from the streets of Newark could face the international responsibility of stabilizing the world's most powerful government and to come out with the scores that he did as a great American, I know his wife, Joy, and his family would know that this is a great country, Peter Rodino was a great person, and the integrity of this Congress was raised to a level that I do not remember ever reading about since.

I want to thank the gentleman (Mr. PAYNE) and our colleagues for never allowing this world to forget what a person from Newark or Harlem or anywhere in this country, when challenged, they could meet this challenge.

I thank Mr. PAYNE for yielding to me.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for bringing history alive. As we have indicated before, I think this is a wonderful opportunity for America, and I hope that these tapes will be shown in law schools and around the country so students who will take the mantles of government and judiciary positions will know what a wonderful person this was.

At this time I yield to the gentleman from Massachusetts (Mr. FRANK), who also served on the Judiciary Committee with Chairman Rodino, who actually was a resident of New Jersey before moving to Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

And it is true. I grew up in Bayonne, New Jersey, in the gentleman from New Jersey's (Mr. MENENDEZ) district. And growing up, Peter Rodino was someone for whom I had a great deal of respect, someone whom, as I thought about a political career, I admired enormously, living not far from his district. And then, of course, I watched, as did the whole country, in the 1970s when the impeachment went forward. I was then in the State legislature. I did not, as did the gentleman from Michigan and the gentleman from New York, serve on the committee during impeachment. So when I got here in 1981, having been elected in 1980, and got assigned to the Judiciary Committee, it was really a reinforcement to me of the kind of literally awe-inspiring role I had been lucky enough to take, having known of Peter Rodino when I was in high school.

Having watched him perform in that masterfully understated way at the most critical period in the 1970s, and then to be accepted by him as a colleague meant a great deal to me. And sometimes when we meet someone of whom we have a very high opinion, anti-climax sets in. The object of one's admiration does not always live up to it. That was not the case with Peter. I served for 8 years as a member of the Judiciary Committee under his leadership, and it was the legislative process at its best.

Peter Rodino had a gentle toughness. He was a man who was in person pleasant, calm, thoughtful. But there was a toughness both in terms of integrity and in terms of commitment to principle that informed that gentleness. And as previous Members have said, he was a great defender of the U.S. Constitution. He was a great believer that our job here was in part to take that marvelous document, the U.S. Constitution, with all of the wonderful principles it set forward, and to complete the job that had only been begun when the Constitution was adopted of extending the benefit of those principles to everybody in this society. Peter understood that the Constitution was a set of aspirations only imperfectly realized at first. And his job, more than anything else, was to help America realize those aspirations and help everybody in America realize those aspirations.

And one of the things that is always striking to me is when someone shatters stereotypes. And let us be clear, Peter Rodino, when he got here, faced a number of stereotypes. People make jokes about New Jersey. People make ethnic allusions. There is no point in denying this. Peter Rodino faced that. When Peter Rodino was slated to be the chairman of the committee and impeachment was pending, the rumor mill was very active: Oh, we cannot have Rodino do it. Who knows what there will be? Who knows if he can live up to it? Hey, he is a guy from Newark, New Jersey. What do you want to do here?

Well, this guy from Newark, New Jersey, who was the subject of a lot of wholly unjustified innuendo, took that job and did it as well as anybody could and did it, as the gentleman from New York, the previous speaker, pointed out, superbly, gave America a lesson in how not to pre-judge people, gave America a lesson in judging people by who they are.

Peter also, of course, in addition to that, was a dedicated believer in dealing with the racism that has sadly been the history of this country and in doing with whatever we could do legally to diminish it.

□ 2130

He was a great believer in civil liberties. I will tell my colleagues, in 1981 when I got here and I was originally going to go on the Committee on Banking and Financial Services, as it was then called, because I wanted to deal with housing, Speaker O'Neill said to me, listen, would you go on the Committee on the Judiciary as an additional committee because Peter Rodino has a tough job. He is dealing with a lot of efforts to undermine the Constitution. There are a lot of proposals now to undo decisions of the U.S. Supreme Court protecting civil liberties.

I remember at the time saying to the Speaker's emissary, well, you know, I do not know if I want to do that. Those are a lot of tough issues. There are a lot of groups that will be very angry. The answer was, oh, of course, but they do not like you anyway, so you have nothing to lose. I went on that committee, along with a lot of others, including Pat Schroeder and Chuck Schumer, in a tough time under his leadership. I take pride in having been a defender of the constitutional principle and having been a defender of the rights of minorities and of free speech and other things that were under attack.

So I am very, very grateful to the gentleman from New Jersey (Mr. PAYNE) for giving us this opportunity and this chance to honor this man. The thing I think best sums it up is he was a man who understood democracy, intellectually and instinctively; and no one I have served with in 25 years was better at making democracy work for the people of this country.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Massachusetts. At this time I yield to another person who had the privilege to serve with Congressman Rodino on the Committee on the Judiciary, an outstanding attorney, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for taking out this Special Order for those of us who wanted to, but because of the craziness of our own lives, could not attend the funeral; and this is the chance to testify for the record of my own affection and love for our former chairman who so many of my colleagues have already spoken of.

I do not want to dwell on Peter Rodino's incredible role as chairman of the Committee on the Judiciary during the impeachment of Richard Nixon. His modesty, his humility, combined with his wisdom and his strength are known to anyone who is alive and aware at that particular time.

I want to speak just a moment about the way he treated a new member of the Committee on the Judiciary. When I came to Congress with my colleague, the gentlewoman from Ohio (Ms. KAPTUR), in 1982, I was assigned to that Committee on the Judiciary; and I want to speak of Peter Rodino as mentor and as an example.

In our first term in Congress, my passion at that particular point was about the State of farm workers in this country. It had been for a long time and, to a great extent, still is. At that time, a major overhaul of our immigration

laws known as, in that first Congress, the 98th, the Simpson-Mazzoli Law, was coming through our committee. There was a great deal of controversy, and a particularly contentious part of that bill that bothered me tremendously was the fact that it resurrected the Bracero program, a massive exploitation of U.S. farm workers, displacement of unprotected guest workers at the time who would come in, much like a program that had been discontinued a number of years before.

When the bill came to the floor, this, what we referred to as a bracero program, passed as an amendment, and the bill went to conference committee. I was a freshman Member of the House, a member of the Committee on the Judiciary; but because of my concern about the way farm workers were treated, Peter Rodino ensured that Speaker O'Neill put me on the conference committee of that legislation, just for that issue, just for the issue of farm workers and the guest workers program to make my fight against that legislative amendment.

Two years later, when the chairman himself took over the legislation, it had died in the conference committee, and I was not unhappy about that. It was clear that the bill was moving, it had momentum, it did some controversial things, but it also did some important things; and it was on its way to passage. But Peter Rodino held up that bill for at least 7 months against the pressures of the Reagan administration, against the pressures of the Senators who had already dealt with the legislation, against constant pressures from both the Republicans and from the House leadership to get the bill moving.

He held it up until a few of us, Leon Panetta, Chuck Schumer, and I had negotiated an alternative program to the Bracero program, an adjustment program for farm workers which both protected U.S. workers, protected immigrant farm workers, and gave them a chance to come out of the shadows and into the mainstream of American society.

Withstanding that pressure, because of an issue he cared about, was so emblematic of the kind of role that Chairman Rodino played in all kinds of areas, in all kinds of legislation that came before the Committee on the Judiciary. He was, for a mild-mannered and soft-spoken person, he was a very, very strong person; and he could withstand the pressures that come to that Committee on the Judiciary as well as anyone I have ever met.

I had a chance to, one of those rare chances you get, people pass away and you wish you had spoken to them and talked to them; I had a chance to talk to him just after he came back from the hospital and probably less than a month or 6 weeks before he passed away, and a chance to tell him what he meant to me and what he had meant to so many people around the country whose work he had benefited; and his record and his performance, his stature will always be remembered by me; but I think by millions of Americans as well.

So to his wonderful family I offer my condolences, as have my colleagues; and they should know how well he served his country from the soldier to his post-retirement teaching, and, of course, during his many years in the Congress.

Mr. PAYNE. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR) who served with Congressman Rodino, and let me thank the gentleman from California for his kind words.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Newark, New Jersey (Mr. PAYNE), for allowing me to speak this evening, yielding me time, and to thank my colleagues from New Jersey. I am respectful of the hour and will be brief.

Let me say it is a great privilege this evening to rise to pay tribute to a legend, and a great honor to help to give word to the celebration of the life of Congressman Peter Rodino, a man whose commitment to the law, as others have said, is legendary, to civil rights, and to his deep-seated belief in the worthiness of every human life. He remains a living testament as we speak this evening.

Many here in Washington, certainly the members of the Committee on the Judiciary and others, remember Peter Rodino as a gifted and effective lawmaker, an honorable, wise, and good man. Surely others have talked about his role on the Committee on the Judiciary during the impeachment proceedings when he approached that with utter fairness, resolve, and determination that upheld our Constitution and gave tribute to the American people that he was sent here to represent.

But Peter Rodino was also a veteran of World War II and a member of America's Greatest Generation. He lived by the advice given to him by his father, Pellegrino Rodino, grateful for the help he received as a struggling immigrant, as all children of immigrants who serve in this Congress bring the special gifts of life that he bore as a Member. It made him strong. It gave him deep understanding. It equipped him, even probably more than his legal education, for the role that he assumed as chairman of the Committee on the Judiciary.

Congressman Rodino's father told his young son to always look out for those around him who were less fortunate; and throughout his 40 years in Congress, Peter Rodino did exactly that. He was a founding member of the Italian-American Congressional Delegation, and as the gentleman from New York (Mr. RANGEL) stated, people of ethnic heritage often face discrimination, and that was surely part of his lot in life. But he, along with many good friends, including Monsignor Gino Baroni, helped to found the National Italian-American Foundation in 1975, a prominent group of leaders from both the public and private sectors who formed the organization in hopes of bringing public attention to the specific Italian-American issues in the Nation's capital here and to provide an umbrella group for the Nation's significant Italian-American population, who wanted to share that immigrant experience and their struggle to be accepted as full Americans.

I want to thank the gentleman from New Jersey (Mr. PAYNE) for creating this time for us this evening to pay tribute to Congressman Rodino. He was a member of the National Italian-American Foundation Board of Directors from 1975 to 1988, was active in their events, and rightfully honored by them in 1988 with a Special Achievement Award in government. This talented man of humble origins upheld our Constitution during his tenure with honor, with kindness, and a sharp eye to the law. He was a man, as I recall him, with no pomp, but a lot of grace as he handled great circumstance.

Tonight, I wish to offer, on behalf of the people of Ohio, to his wife, Joy, to their family, deepest sympathy and deepest gratitude for allowing this towering figure to give us a legacy for the Nation that lives.

I thank the gentleman from New Jersey (Mr. PAYNE) and thank him so very much for the opportunity to appear and for the courtesy of my colleagues from the committee and from the State of New Jersey for allowing me to speak this evening.

Mr. RAHALL. Mr. Speaker, today the House is honoring the life of one of it most distinguished Members, former Representative Peter Rodino of New Jersey. Congressman Rodino died on May 7, 2005, and is survived by his wife Joy Rodino, two children, three granddaughters and two great-granddaughters.

By the time I entered Congress in 1977, Peter Rodino was a national figure, a household name and someone to whom I looked for guidance as a young Member. He had been one of the main sponsors and a driving force behind Civil Rights legislation in the 1950s and 60s. He was Chairman of the House Judiciary Committee during the impeachment proceedings of President Richard Nixon. And he participated in the Iran-Contra hearings during the 1980s.

But his friends and colleagues remember more than the fact that he was involved in many of the most important matters that faced the United States in the second half of the 20th Century.

Born in 1909, he was a member of the Greatest Generation—serving in the Army in North Africa and Italy during World War II. In war, he received the Bronze Star and was one of the first enlisted men to receive a battlefield commission as an officer. Prior to his service in World War II, Mr. Rodino received his bachelor's degree from the University of Newark and graduated in 1937 from what became Rutgers Law School.

Following his 40 years of distinguished service in the House, Mr. Rodino taught at Seton Hall University School of Law. And it was his friends and colleagues at Seton Hall who so

aptly eulogized him at his funeral. As Paula Franzese, a law professor there put it: ''None of us will ever forget Peter Rodino because of the way he made us feel. He made us believe.''

So today the House remembers Congressman Peter Rodino, a lover of the Constitution and the law, who meant so much to this body and the Nation, particularly at a time of great turmoil.

Those of us who knew him lost a great friend, New Jersey lost a favorite son and the Nation lost a tremendous but humble statesman.

Mr. LANTOS. Mr. Speaker, I rise today to honor the extraordinary life and service to our country of former Congressman Peter Rodino, one of the nation's finest public servants. I am honored to have served with such a remarkable American, and am humbled to have called him my colleague and friend.

From the streets of his beloved Newark, to North Africa and Italy during World War II, to our Nation's capital, Peter Rodino spent his life selflessly striving to help, protect, and serve others, all the while doing so with the utmost dignity and humility.

During his twenty terms in the House of Representatives from 1949 to 1989, Peter Rodino championed his convictions on civil rights and equal opportunity, no matter what the cost, and was a key sponsor of the landmark Civil Rights Act of 1964.

Mr. Speaker, it was his tenure as Chairman of the House Judiciary Committee presiding over the Watergate Impeachment hearings that thrust Peter Rodino into the limelight. During this contentious time in which political tensions ran high, his restraint and sensibility quelled unchecked passions on both sides as he served as model of decorum for all. His profound words on the subject, uttered in 1974, still ring true today, and contain the type of foresight that only true leaders posses: ''Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of American people, and their children after them, will say: That was the right course. There was no other way.''

One of my fondest memories of Peter, Mr. Speaker, was the evening my wife Annette and I spent with him at one of the annual Gymnasium Dinners during the time that he was still serving as a Member of Congress. It was an evening that we will never forget as he reminisced about his extraordinary political career and his personal recollections of Watergate.

Mr. Speaker, as public servants let us always remember his words as the highest example of leadership and integrity.

Mr. ANDREWS. Mr. Speaker, this Nation and the great State of New Jersey has lost one of its foremost public servants. Congressman Peter Rodino was a man who truly honored the law, and when the country called on him in time of crisis, Mr. Rodino rose to greatness. I will always remember Peter Rodino for faithfully honoring the values that brought him to prominence in our Nation's history: honesty, humility, patience, and service.

Peter Rodino represented the district of New Jersey in which he lived his whole life. Born in Newark, he worked his way through law school and enlisted in the U.S. Army in 1941. He was awarded the Bronze Star for valor during World War II. He continued to serve his country in the House, elected to the 81st Congress in 1949. He served for 40 years, retiring in 1989, and turning his seat over to my friend, the Honorable DONALD PAYNE.

Most of us will remember Peter Rodino for his superb leadership of the House Judiciary Committee during the Nixon Impeachment Hearings. His patient and deliberative style gave the proceedings real credibility, and helped to hold the country together at a time of great upheaval. His reverence to the Constitution ensured that the painful and difficult hearings proceeded as our forefathers had envisioned. Peter Rodino was called upon by his country in time of crisis, and he rose to the challenge.

Peter Rodino will be sorely missed. In an age of bitter partisanship, Mr. Rodino was a calming voice. He guided the country through one of its darkest periods in recent history, and did so with grace and humility. Mr. Rodino's legacy of service to his country and his fellow man will surely be remembered for years to come.

Mr. DINGELL. Mr. Speaker, I rise today to honor to pay tribute to former judiciary chairman Peter Rodino, he was a champion of civil rights and a beacon of justice during his 40 year tenure in Congress and his 16 years as a Seton Hall Professor of Law.

Mr. Rodino was most famous for his handling of the Watergate crisis. All sides—including Democrats, Republicans, and even the national press—hailed Rodino for the fair and just hand he used to guide the impeachment hearings. During this period of crisis, his courage and wisdom provided the foundation of strong leadership that gave Members the confidence to do what was right, even if it meant crossing party lines. The issue became one of preserving the sanctity of the system, rather than preserving the reputation of an individual. Throughout the process, Rodino's commitment to the system never wavered.

The son of Italian immigrants, Peter Rodino came of age in Newark, New Jersey. After leaving high school, Congressman Rodino endured 10 years of menial jobs while studying late into the night for a law degree at New Jersey Law School. In 1938 his patience and dedication was rewarded when he joined a local law firm. He put his newly found career on hiatus when he chose to defend his Nation against injustice in World War II. Mr. Rodino's strong character and determination earned him not only a Bronze star, but also a Knight of Order of Crown from Italy—a token of national gratitude for a soldier's accomplishments. Upon return he decided to run for Congress. Although his first attempt failed, his perseverance and strong work ethic served him well, and he was elected to Congress in 1948.

A strong advocate of racial equality, he was a driving force behind the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Another accomplishment in the long list of Mr. Rodino's notable achievements was sponsoring the bill that made Columbus Day a national holiday to commemorate the contribution of Italian Americans in the founding of our great Nation. Mr. Rodino also contributed to the legislation that made Martin Luther King's birthday a national holiday.

Though Mr. Rodino will be remembered for so much more than the Watergate crisis, it was undoubtedly his greatest moment. Rodino allowed a moderate central group of both Democrats and Republicans to develop the case for impeachment, preventing it from turning it into any type of political ploy. Just last year, Mr. Rodino gave an interview stating that there are lessons to be learned from Watergate, namely the extent of Government corruption. Mr. Rodino understood that it was the duty of Congress to rein in any administration or individual that was not adhering to the principles of justice.

It is with great respect and admiration that I offer my condolences to Mr. Rodino's wife, Joy, and their family. Mr. Rodino is survived by two children, Margaret Stanziale and Peter W. Rodino III, three grandchildren, Carla Prunty, Maria Stanziale and Talia Rodino, and twin great-grandchildren, Annabel and Charlotte Prunty. When asked about her husband, Joy says, ''He was so ahead of his time. He lived civil rights. He lived equality. In his life, he didn't see color, he didn't see sex. He just went for the equality of the person.'' Former Representative Rodino was a man that I was proud to have worked with and honored to call friend.

Mr. Speaker, I ask that you and my colleagues to join me in honoring the late Peter Rodino. He was a pioneer for justice in our country and he will be greatly missed by all who knew him.

CONTINUING THE TRIBUTE TO PETER RODINO

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. HOLT) is recognized for 60 minutes.

Mr. HOLT. Mr. Speaker, I thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for making the arrangements for this evening and for everyone who has joined in this testimonial to the work of Peter Rodino.

I yield to the gentleman from New Jersey (Mr. ROTHMAN), who has served on the Committee on the Judiciary.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. I want to first thank my colleague, the gentleman from New Jersey (Mr. PAYNE), for leading this wonderful effort that serves a lot of different purposes, not just to acknowledge the life and works of Peter Rodino but, as I will mention in a few moments, really sets an example, shows Peter Rodino as an example of the kind of heroic action that any human being is capable of but, in particular, any new American is capable of, or any American from humble circumstances.

After all, Peter Rodino was the child of immigrants, living and growing up in poverty in New Jersey and, as was said before, his ascension to chairman of the Committee on the Judiciary was not something that people might have guessed would happen when he was born in Newark.

But what did he do with that historic opportunity and what came forth? What came forth from Peter Rodino was a gentleness, but firmness, scholarship, great intelligence; I believe, having grown up around many Italian-Americans in my life, a reflection of

the Italian-American culture and heritage for honoring one another, respecting one another, living by a code of fairness and decency, and that is the way he approached the great task that was set before him; whether or not this sitting President of the United States was going to be impeached, with a Committee on the Judiciary equally divided, with a country uncertain as to what the consequences would be if the President was impeached.

Yet, because of his extraordinary ability, his extraordinary dignity and fairness, and capacity to bring people together and to touch people, he achieved consensus.

□ 2145

It was a unanimous decision ultimately to impeach Nixon. I had the unique opportunity, well, when I first saw him was on television when I was in college, and I watched the Watergate hearings, the impeachment hearings. And I was so incredibly proud to be an American, to see how this gentleman, a true gentleman was going to lead this committee step by step in the most fair and judicious process to find the truth. And that is what they did. And that is what he did.

Who would have thought that several decades later, the grandson of immigrants would make it to Congress, and find myself on the House Judiciary Committee faced with a sitting president being brought up on charges that would have called for his impairment and removal?

But, that is what happened in the effort to remove President Clinton from office. I called Congressman Rodino, asked if I could speak with him. He was incredibly gracious, as you might imagine. And he said, ''Sure, come on over to my office.'' He had an office in the law school in Newark.

And he showed me some of his memorabilia and we went over some of the allegations. And we were in some agreement about what the Constitution meant when it said that the only elected official elected by the people of the United States, all of the people, the President, could only be removed by an act of treason, bribery, or a high crime or misdemeanor.

And when we weighed the allegations against President Clinton, we kept in mind all that we thought those words meant when they were written by the founders of our country and the drafters of our Constitution. But in the end he said, STEVE, be fair, keep an open mind, and do what you believe is right. And I did.

And it was a once in a lifetime experience to have been in his company, because as I mentioned earlier, he was one of those people, you know, they say one person can change the world, one person can make a difference in the world. He really was that kind of a person. True of humble origins, but with a dignity and intelligence and a wisdom and a courtesy and kindness that had him rise above even in the difficult circumstances to lead his colleagues on both sides of the aisle to do what was right.

And I think it is an example for everyone in America, whether your family has been here for a long time or your family just got here, that there is a place for everyone in America. And there may come a time when you will be called upon, maybe not in the impeachment hearings, but in your own home, in your own neighborhood, in your own town, in the States in this country to be ready to lead the way Peter Rodino led, with courage and with wisdom, and that you too can make the world better as one human being like Peter Rodino.

I want to extend my deepest sympathies and condolences to Chairman Rodino's wife, Joy, and his children and grandchildren, his legacy will live on. His example will live on. And I believe, thanks to the gentleman from New Jersey (Congressman PAYNE) and the others who have spoken, and I hope that his example will inspire every American to rise to the highest levels of their own ethics and integrity, even when faced with partisan issues of the most challenging sort, just like Peter Rodino.

Mr. HOLT. I thank the gentleman for those good words. Peter Rodino offered many of us kindness and generous, wise counsel, and that is why we are here tonight, not just celebrating one aspect of his career, but the totality of this career of this great public servant.

And I would now like to recognize my colleague from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for bringing us together tonight. This is a deed worth repeating. And we honor a man who honored everyone regardless of what they looked like, how they cooked their food, or what ethnicity, what religion they professed. He could be considered a rare person, but, a person for our time, a person who we can look to throughout this great institution because he believed in this institution, Peter Rodino.

So to his wife, Joy, to all America, in this time of reality TV, it is time for us to deal with reality. Peter Rodino understood that we are all born equal. And that governments exist to protect and defend that equality. Governments do not give us our rights, governments do not give us our freedoms. They basically guarantee those rights and those freedoms. If we understand that, Alexander Hamilton said, we will understand the very basis of this great, great Nation.

William Livingston, David Brearly, William Paterson, and Jonathan Dayton were the ratifiers of the Constitution from the State of New Jersey in 1787, September 17. They were the original ratifiers from the State of New Jersey of the Constitution. I would add to that list, and there are many people we would probably add to the list down through the years of those who ratified and reratified the greatest document that the world has ever known with regard to governments.

So in many ways, Peter Rodino was a ratifier of the Constitution. I come here tonight not to speak of impeachments, Peter Rodino was more than a figure in a snapshot of history during a period of time when we impeached the President. No, he was bigger than that before he was on the Judiciary Committee, and before those articles of impeachmnet were examined. He believed in the equality of everybody in this House. He respected people for who they were, their character, as Martin Luther King said, their character, we are already joined together by the character in each individual.

This common ground, we feel and we sense with each other. And when I hear what goes on on the floor of this House since I have been here, January of 1997, I said God, do we need a Peter Rodino. Do we need somebody from Newark, New Jersey or Patterson, New Jersey, or Los Angeles, California? Do we need someone to bring sensibility, to bring us together even when we disagree.

The integrity of this institution was a goal while he served in this House. Congressman Rodino was the son of an Italian immigrant, and I often remember the words of the gentleman from Georgia (Mr. LEWIS), our good friend telling us when, as he grew up in Alabama, and he fed the chickens, he remembered when he was 3 and 4 years old feeding the chickens, if someone were to stop him at that moment and say some day you will be in the United States Congress, he would have turned and said, you are crazy, or when he was beaten on the bridge, if we froze it in time, do you know some day you are going to be the Congressman from the State of Georgia, he would have thought he was crazy.

This is the reality of America. And Peter Rodino is a reflection of that and all of us should remember not that we say words tonight to soothe the hearts of those who knew him closest, but that we remember that in this House, this House that can become so cantankerous, this House that can become so treacherous, that we remember a person who rose above it all, who was a guidepost, who was a beacon, a lighthouse for finite men and women.

He was a beacon. He never questioned anyone's patriotism. He was not a man who while religious, was religiously self righteous. He never played ethnic politics on this floor or any floor. His voice is needed now more than ever. Many have gone back to what he wrote and what he said. Many go back to his words, which are so soothing, sweet words of charity from a person of immigrants who came to the floor of this House.

So beyond any NAIF, beyond the Italian American Members in the Congress of the United States, he is a man who we should continue to honor, not by speaking his words or his name necessarily, by reflecting his character

and upholding the integrity of this institution.

He believed in the common man, and he believed in the integrity of each person. And he believed in parity. He believed in the person who was downtrodden. He provides a message for our own party. He does, Mr. Speaker. He should be a model for own own party. We should be here to do the work of the downtrodden, of the least of these, of the voices. Then, then the meaning of Peter Rodino will be known throughout the United States of America.

What a hero. Joy, we join you in saying farewell, farewell to our station master, to our leader, God bless you all for coming here tonight.

Mr. HOLT. I thank the gentleman for putting in context much of Peter Rodino's life and interpreting the message for us even today.

You know, I am told that Chairman Rodino prayed that the Judiciary Committee could exhonorate Nixon, but he discovered that the evidence allowed nothing other than the articles of impeachment.

□ 2200

He was not vindictive. He was dutiful. And it was important that he did not go into this with a blood thirst, but with actually a deep love for the country.

I now would like to recognize another of my colleagues from New Jersey, from a neighboring district, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I also thank the gentleman from New Jersey (Mr. PAYNE) for allowing us all to be here tonight to share some thoughts about Congressman Peter Rodino.

I listened to all the debate and all the comments by my colleagues tonight, and basically everyone I think did a very good job in explaining the significance of Peter Rodino's life. And as I sat here, though, and I was going through some of the obituaries and comments that were made after Congressman Rodino died, I saw a section of one article that was in the Bergen Record which kind of summed up the way I feel about Peter Rodino. And I just wanted to, if I could read, a couple of paragraphs from this article in the Bergen Record on May 17 of this year and then maybe comment a little more on it. It was written by Mike Kelly.

It starts out by saying: ''It was personal with Peter Rodino. Yes, he was a Congressman for 40 years. Yes, he shepherded all the major civil rights bills through Congress in the 1960s. Yes, he was responsible for the 'under God' line in the Pledge of Allegiance and championing Columbus Day as a national holiday. And, yes, he brought a grandfather steady calm to the Watergate crisis 31 years ago when he headed the House Judiciary Committee that brought Articles of Impeachment against President Richard Nixon.

''But there was more. Or as Paula Franzese, the Seton Hall law professor who eulogized him, put it: 'None of us will ever forget Peter Rodino because of the way he made us feel. He made us believe.'''

And I just wanted to comment a little bit about that personal aspect of Peter Rodino and what it meant to me. Because I think many of us have, of course, talked about all of the great things he accomplished, and they were great; but I really remembered him as someone who cared, someone with a heart, someone who was willing to reach out to, in my case back in 1988, someone who was running for Congress and running for office as a Congressman for the first time.

The gentleman from New Jersey (Mr. PAYNE) knows that the two of us ran in 1988 at the same time, and we both came to Congress at the same time as freshmen, and I knew Congressman Rodino because he was just leaving then. It was his last year in Congress, and it was about to be our first year after he left.

I remember, I guess it was about 6 months or so before the election, I, of course, had known about Peter Rodino and watched the impeachment trials at the time. But it was suggested by some of the Italian-Americans who were friends of mine, who lived in the Long Branch area where I grew up but who had previously lived in Newark or in the north ward or in various parts of Essex County, that I give Congressman Rodino a call because he could give me some advice about running for election.

I know that Peter Rodino used to spend his summers down in Long Branch. I think he actually lived in West Long Branch, if I am not mistaken. I used to see him from time to time up at the shore at various restaurants or different places around. So I called him up and said, Congressman, I would like to run for Congress and it was a contested race. I was running in a district that leaned Republican at the time, and a lot of people thought I was not going to win. And he gave me advice that first day, made me feel that it was possible to win, gave me ideas about who to call to help me out for advice, for fund-raising, to organize leading up to election day.

And for the next 6 months leading up to the campaign which I, of course, won, he was constantly available. He would call me up from time to time and say, well, I understand this is happening and I can give you some advice about what to do. And then within a couple of days after I won, he called me and congratulated me. And I had the chance to come down, the gentleman knows, because I was actually elected in a special election so I actually had a chance to come down and be a Congressman the next day after I was elected. And I saw Congressman Rodino and even in those couple months or so before I was finally sworn in in January when I served a special term, he was constantly giving me advice about how to set up the office, how to go about hiring people, all these little things.

I mention that because when I read the Bergen Record today and it said it was personal with Peter Rodino, that was a side of him that I think was so important, how he was willing to help people. He helped his constituents. He helped a freshman Congressman. He helped someone like me who was trying to run.

Whenever you talked to his constituents or people who knew Peter Rodino, that is what they would always say. They would always say you could call him up, he would be there for you, you could ask for his advice, you could ask him to do a favor, and he would always be there. I just admired him so much for that because although we all think of ourselves as doing constituent service and helping people and that is why we come down here, here was this very powerful chairman of the committee who had served in Congress for 40 years, who had been exalted, if you will, because of so many of his activities; and yet he was willing to spend the time with me.

I cannot yield back without saying another thing. I know that he was a person who cared about everyone regardless of what their racial or ethnic background was. But I have to say that Italian-Americans in New Jersey were very proud of Peter Rodino. He was always involved with all the Italian organizations. And I guess it sort of went back to what some of my colleagues said before which is that as Italian-Americans growing up, people would make bad associations and think that if you are an Italian-American you must be involved in something shady or something of that nature. And because Peter Rodino was such an honest person and was such a clean person and was so above corruption, Italian-Americans really admired him even more so because he stood really for what was best as Italian-Americans, family, service to the community, and really looking to always look out for the little guy. That was his M.O.

So I am very proud to be here tonight. I think that my colleagues really summed up in many ways what his life was about and why he was important to all of us on a personal level as well as a national icon.

Mr. HOLT. I thank the gentleman for those fine comments. There are some words running through the discussion tonight that we hear over and over again: fairness, dignity, patience, caution, incorruptibility, judiciousness, courtesy, strength, a sense of duty. Those are some of the words that I think can describe Peter Rodino who gave so much to this country over the years and from whom we can draw so much even today.

Now I would like to recognize the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New Jersey (Mr. HOLT) for helping to continue this tribute, and I thank my colleague and friend, the

gentleman from New Jersey (Mr. PAYNE), for convening us at the very beginning.

I rise tonight as an admirer, someone who watched from afar as a law student and did not for a moment think that ultimately I would wind up as a Member of the United States Congress and then to serve on the Committee on the Judiciary where Peter Rodino gave his all and gave his service. So my words are to come and express my admiration, to thank him for his life and his works.

For those of you who were in Congress, many of whom we have heard from today, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN), that world was a separate world from those of us who looked from afar at this thing called impeachment. We understood there was a democracy and a Constitution, but we did not understand the intimate parts of what might happen through the process of an impeachment. But then this very calm and distinguished gentleman rose to the forefront of the national landscape as the media focused intensely on the hearing room.

There sitting was Chairman Rodino, someone who had a balanced temperament and seemingly gave comfort not only to the Nation but to the world. As law students, we remained glued to the whole series of Watergate hearings, all the processes in the Committee on the Judiciary.

I happen to represent the 18th Congressional District in Texas and all eyes were on a young woman by the name of Barbara Jordan. It seemed that the chairman and this young lawyer from Texas, now a Member of Congress, worked hand in glove together. Congresswoman Jordan would make mention, as I have heard the gentleman from New York (Mr. RANGEL) say, that they were on the bottom tier, row. They were freshmen. They were the new members of the committee. But my understanding was that there was not one single member, Democratic or Republican, that the chairman did not make feel part of this very serious and grave process.

We heard my good friend and colleague, the gentleman from New Jersey (Mr. HOLT), state that the chairman prayed that there might not be a conviction or that there would be a vindication of the President. That showed the temperament of this chairman. But he led the committee in that way by allowing dissent on both sides of the aisle, by allowing a full hearing, by making sure that all the witnesses were able to be heard extensively and over an extended period of time.

And so although I know that there are many personal anecdotal stories that have been told tonight, I want the Rodino family to know that for this law student who looked in horror at this process, tried to make sense of this constitutional proceeding, concerned about the survival of this Nation, that there could not have been a better teacher, a better leader than Chairman Rodino who guided us through a real constitutional crisis.

I think even then studying law it became more real to me, and I admired both the law and the process and the Constitution more as I watched our government go through it and survive it and as I have watched in admiration the Honorable Barbara Jordan and so many others that worked so well by reaching out and working with the chairman in an orderly fashion.

Who could have done it but this very well-tempered and kind gentleman from New Jersey, a man who started serving in 1949, at a time that America was heavily segregated, and he rose as an easterner to fight for the civil rights of all people as a strong advocate for racial justice in America, a man of many talents, and a man who might have been considered ordinary coming from an immigrant's background. But yet he rose for these extraordinary times. A man ordinary, but becoming extraordinary in himself and leading his Nation in an extraordinary way.

So I thank you for allowing me to share my admiration and appreciation for Peter Rodino and as well his family, and to thank him for the kindness that he showed a young Congresswoman from Texas, the honorable Barbara Jordan, and the way he guided us through a constitutional crisis. I also thank him for his early commitment for racial justice, for his commitment to the 1965 Voter Rights Acts, the 1964 Civil Rights Acts, leveled to the creation of southern districts, one of which was the 18th Congressional District in Texas. Many others sprung up across the South because of his willingness and his passion to lead.

Might I also thank him very much for his continuing abilities to teach. For although he could have left Congress and done many other things, I know that the students whom he taught law to over the years are forever grateful that they were able to have this giant amongst them. This giant, the calm and even-handed spirit was able to do so much.

I also want to thank him and make note of the fact that as he stayed in Congress, he never wavered from being out front on immigration issues. It might have been very popular during those times, but he was a person who believed in reforming immigration and understanding its value to America and to Americans.

□ 2215

So I say to the family, thank you for allowing him to serve, thank you for allowing those of us who were just students of the law to watch the law operate and practice. Might I just say that in his loss may we all commit ourselves to guiding ourselves and doing the business of this House the way the chairman did it during the most troubling times.

Might I say to my Committee on the Judiciary colleagues chairman, ranking members and all of us, could we do as well as this chairman of that committee during those very tumultuous times?

To my friend that passed, as I call on my friend for his leadership, might you rest in peace and might your family know that you are a great patriot, a great American, and you have laid down a marker in the United States Congress that all of us can be grateful for and grateful to be able to implement and to follow. May God bless you as you rest in peace. May God bless America and your family.

Mr. Speaker, I rise today to speak about former Chairman of the House Judiciary Committee Peter Rodino. As a body, we have gathered to commemorate his life and his works, but as an individual I personally appreciate being able to share in the honor, because of his life and his works. Although Chairman Rodino is well known for his seminal work in the Nixon impeachment, he was also a primary advocate for the Civil Rights Act of 1964 and the Voting Rights Act (1965). Given his work in both racial equality in the United States, and the presidential impeachment, it is clear to see that his heart was forever committed to justice and truth.

During the most difficult times of the Civil Rights movement he was one of the few leaders able to stand up and fight for a better America—against a sea of bigotry and racial prejudices. As a Congressional leader willing to look past racial politics he was at the forefront of the struggle for civil rights. Wanting to fulfill this country's standing as a democratic nation, he was also willing to bring to justice those leading our country.

It is also important for me to mention that Chairman Rodino was a man of integrity and humility who served our nation with great dignity and honor. By conducting the Watergate impeachment hearings with fairness, he ensured that the rule of law prevailed during one of the gravest Constitutional crises in our history. All Americans will be forever grateful for his courage and defense of the Constitution.

In closing, while Chairman Rodino is most renowned for the service he rendered during the Watergate impeachment hearings, he also left a lasting imprint as a distinguished Chairman of the House Judiciary Committee and author of significant legislation, ranging from civil rights to immigration reform to protecting consumers.

It gives me great pleasure to speak on the life of such a great leader.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for her words from the perspective of the Committee on the Judiciary and joining us in paying tribute to the Honorable Peter Rodino.

Representative Rodino served the United States and the people of New Jersey faithfully, and that is a good word to use, for 40 years, and we mourn his loss and celebrate his contributions, and try to extract lessons for today for ourselves, for America, from his service.

He was relatively unknown to the public outside of New Jersey before the Watergate hearings, which led to the

resignation of the President. His professionalism and fairness and dedication to the rule of law characterized what he did, and he was able to demonstrate throughout those hearings the characteristics that thrust him into the kind of prominence that he neither sought nor coveted.

The genius of the American government, as created by our founders over 200 years ago, is that our government is self-correcting. It is a self-correcting system, and Peter Rodino, who carried a copy of the Constitution with him every day of his professional life, understood that. At a critical time, he helped that ingenious machine, that ingenious mechanism work. It does not work by itself. It works if we make it work. It works if we believe it works.

Peter Rodino served as the chair of the House Judiciary Committee during one of the most disappointing and politically divisive times in our history. As we have heard tonight, he was tasked with the unenviable job of officiating the Nation's second impeachment hearings of a sitting U.S. President. It was not obvious that he would get that job.

Most observers expected these potentially vitriolic proceedings to be characterized by partisanship and animosity and grandstanding. Peter Rodino did none of that. He would have none of that. He brought an honest and workmanlike demeanor to this difficult job. As the son of a workman, maybe workmanlike is the right word here.

Peter Rodino led a bipartisan group of lawmakers to approve three articles of impeachment in July of 1974, and the conduct of his Judiciary Committee really was a silver lining in a dark cloud.

Tonight, we have heard words like ''unlikely'' or ''improbable'' and ''unexpected'' hero. Well, maybe a better word is ''untested'' in the public forum, but we should not forget what sort of person this was. He had enlisted in the Army, served in north Africa and received a rare battlefield promotion to captain. He was no slouch. Earning the Bronze Star, he came home and practiced law and then ran for Congress.

It is important to understand that he did not just suddenly rise to the occasion. He had studied and he had thought, but even he recognized that when he was given the gavel for the impeachment hearings, he was not yet ready. He said he had not even questioned a witness in direct examination in 30 years because he had been serving in the legislature, but typical of his workmanlike manner, he studied. He read this enormous Watergate record. It was already enormous by that time. Three times over he read the history of the impeachment and the trial of President Andrew Johnson. He studied the writings of the political philosophers, all this in preparation for the impeachment hearings. In fact, he worked himself to exhaustion.

He hired a staff of 105, including some bright young lawyers, and he began to steel himself so that when the pressure came to modify the hearings, to accelerate the pace, to show a little partisanship, he never backed down. He knew where he was, and it is, I think rightly, what he will be remembered for best.

His political legacy extends far beyond that tumultuous time. He worked tirelessly and successfully to defeat ill-advised constitutional amendments that would have criminalized abortions or disallowed organized school prayer or prohibited school integration through busing. He fought tirelessly for civil rights for all Americans. He was one of the main congressional sponsors of civil rights legislation and principal author of fair employment practices legislation. He was instrumental in extending the Voting Rights Act. The impact of this legislation that he participated in is enormous.

We should not forget his representation, the representation he brought to the people of New Jersey's 10th District. Despite evolving demographics and four decades of social change, it was a tough time in Newark. Peter Rodino's dedication to his constituents never faltered. It was not by accident that he was reelected through 40 years.

Since his death, Peter Rodino has received some of the attention he deserves. We are tonight remembering the way he guided Congress and the country through a tremendously difficult period in our political history.

Even until recently, into his nineties, he remained active at Seton Hall, looking after the interests of students and, yes, the citizens of New Jersey. We all frequently got phone calls from him suggesting this or that that would be beneficial to the people.

Tonight especially I think serves as a reminder that our self-correcting system of government works because Americans believe it does and because Americans rise to the occasion, each occasion.

We may think that Peter Rodino lived in a different era and his life has little relevance, his service has little relevance for us today, but perhaps the lesson is that we, that all Americans, are called or will be called to do our civic duty.

Peter Rodino prepared himself for that, accepted the duty unflinchingly, distinguished himself, distinguished this body, distinguished America through his service. It is right that we should recognize him tonight.

To close, I would like to yield to the gentleman from New Jersey (Mr. PAYNE), my colleague who put this together for this evening and to whom we also owe gratitude.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from New Jersey for leading the second hour for the Special Order for Congressman Peter Rodino. Congressman Rodino would have enjoyed talking to him. He was an intellectual himself. He would have encouraged the gentleman to continue to push for science and technology and to try to improve our natural habitat and preserve it. So I thank the gentleman very much.

Let me thank the speaker who has conducted this Special Order in such a dignified manner and the appreciation of us for having the second hour because it is very rare in this place that people stay to express themselves. Most Members are very busy, especially those in leadership, but to have the gentlewoman from California (Ms. PELOSI), our minority leader, take time and express her appreciation for having served with Mr. Rodino; to see the gentleman from Maryland (Mr. HOYER), our minority whip, come and spend time; to hear the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus and actually second longest-serving Democrat in the House, who so eloquently described those days on that committee; to hear the gentleman from New York (Mr. RANGEL), ranking member for the Committee on Ways and Means; and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. BERMAN) and on and on I think certainly says it all.

Mr. Rodino was the right man at the right place at the right time. Let me, as we conclude, just say that he was just a gentle person, running up Aqueduct Alley, living in the area near the old first ward. I lived several blocks away from that while he served in World War II, where I was a student at the school right near there, where he attended St. Lucy's Church, with Father Grenada or Monsignor Grenada, who is still there, and the McKinley School that he went to in elementary in World War I still looks the same. Nothing has been done to the school. I passed it recently.

Barringer High School, the same high school I attended a few years after Congressman Rodino did, then he moved up to 205 Grafton Avenue. It was an address we all remember, because when I got old enough to carry petitions around, I remember that address being on the petitions so we knew where to turn them in.

We knew Tony Serrantos who worked for him for decades. As a matter of fact, when I came and replaced Mr. Rodino, I brought Mr. Serrantos into my office to run my office for the first term that I served in Congress. It was funny, because Mr. Serrantos kept Mr. Rodino's picture up in his office, like he should have. It took him almost the end of the second year before he found a little place in the corner in the dark for a small picture of me.

So there was really the great love for Mr. Rodino and Joe Benuchi, who became the postmaster, and when Mr. Rodino was brought down with Colonel Kelly, who was then Democratic county chairman, preceding Chairman Dennis Carey, these were days that the clubs on First Avenue, the Capa Soleus and other clubs, that were political clubs that Mr. Rodino felt as comfortable in those clubs, as he would in

the basement of a Baptist church where the NCAAP, Newark branch, would be meeting.

So the Rodino auxiliary group, women who were at the funeral, who wanted the press to know that they were the Peter Rodino Ladies Auxiliary, they were so proud. They served him so long.

□ 2230

Mr. Speaker, as we conclude, it was really the right time. Elizabeth Holtzman was important because in the redistricting in 1972, she defeated Mannie Celler who was then chairman of the Committee on the Judiciary. She did not serve long in Congress. However, Mr. Rodino then took the chairmanship of that committee and moved it through the impeachment proceedings.

As it was said at the funeral that was attended by Monsignor Shering, president of Seton Hall University, Monsignor Joseph Grenada, and the great eulogy that was given by Ms. Paula Franzese who talked from her heart, and the president, dean of the law school, Patrick Hobbs, all of us were there. Even our law professor Mr. McQuade, Acting Governor Richard Codey, Senator SARBANES and Elizabeth Holtzman all came out to show their respect.

There was legislation like the Simpson-Rodino Act, which paved the way for immigrants to have a better future back in 1986, one of the last important pieces of legislation that Mr. Rodino passed.

So as we conclude here, I mentioned the beautiful Cathedral of St. Lucy where the funeral was held, to all of us who remember the Congressman for so many years. He was proud of being a member of the Columbian Society. He was inducted into the Knights of Malta, and he wore on his lapel that symbol for decades. He was so proud of his heritage.

Once again, let me say what an extraordinary night it has been to have several hours expire even as I speak now. Let me once again thank all of the Members who participated. It is a great day for the Rodino family, but it is also a great day for America for us to remember one of the true heroes of this land, the late Congressman, Peter W. Rodino, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HERSETH (at the request of Ms. PELOSI) for today and June 21 on account of business in the district.

Ms. GRANGER (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. SOUDER (at the request of Mr. DELAY) for today on account of attending a Base Realignment and Closure Commission meeting in St. Louis, Missouri.

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. MENENDEZ) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 27.

Mr. PEARCE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and June 21, 22, 23, and 24.

ADJOURNMENT

Mr. HOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 21, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2423. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Engineering Research Centers — received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2424. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA36) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2425. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Temrinated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2426. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Alaksa Plaice in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 050605D] received June 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2427. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 0503003056-5108-02; I.D. 020205F] (RIN: 0648-AT07) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. LEWIS of California: Committee on Appropriations. H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–139).

Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 330. Resolution providing for consideration of the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 109–140).

Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 331. Resolution providing for consideration of the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 109–141).

Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDREWS:

H.R. 2986. A bill to amend title 10, United States Code, to allow a participant in the military Survivor Benefit Plan who has designated an insurable interest beneficiary under that plan to designate a new beneficiary upon the death of the previously designated beneficiary; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 2987. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for State and local income and property taxes under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. BUYER, and Mr. EVERETT):

H.R. 2988. A bill to direct the Secretary of Veterans Affairs to conduct a demonstration project for the improvement of business practices of the Veterans Health Administration; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. TANNER, Ms. PRYCE of Ohio, Mr. FOLEY, Mr. CANTOR, Mr. TIBERI, Mr. HAYWORTH, Mr. WOLF, Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KUHL of New York, Mr. SANDERS, Mr. SKELTON, Mrs. KELLY, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. RUPPERSBERGER, and Mr. RENZI):

H.R. 2989. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and

secondary school teachers; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 2990. A bill to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry; to the Committee on Financial Services.

By Mr. MCHENRY (for himself and Mr. BEAUPREZ):

H.R. 2991. A bill to prohibit United States foreign assistance from being provided to any country that refuses to extradite to the United States individuals accused of killing law enforcement officers; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. NADLER, and Ms. SCHWARTZ of Pennsylvania):

H.R. 2992. A bill to provide for the continued operation of Amtrak, to establish a program for support of certain rail infrastructure projects, and for other purposes; to the Committee on Transportation and Infrastructure, 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. PORTER (for himself, Ms. BERKLEY, and Mr. GIBBONS):

H.R. 2993. A bill to provide for the sale of excess wild free-roaming horses and burros; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 2994. A bill to make qualified tuition programs permanent and to amend the Internal Revenue Code of 1986 to allow a deduction for amounts contributed to qualified tuition programs; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2995. A bill to establish the Weather Modification Operations and Research Board, and for other purposes; to the Committee on Science.

By Ms. LEE:

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and 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. ROGERS of Michigan:

H. Con. Res. 182. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Con. Res. 183. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Government Reform.

By Mr. PALLONE (for himself and Mr. SHAW):

H. Res. 332. A resolution supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and the need to keep them clean and safe for the public; to the Committee on Resources.

By Mr. PAYNE (for himself, Mr. TANCREDO, Mr. WEXLER, Mr. WOLF, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. CONYERS, and Ms. LEE):

H. Res. 333. A resolution supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Texas:

H.R. 2996. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2997. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2998. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2999. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 3001. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 3002. A bill to provide for the liquidation or reliquidation of certain drawback claims; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 65: Mr. FORTUÑO.

H.R. 213: Mr. HOLT.

H.R. 303: Mr. CALVERT, Mr. WELDON of Florida, Mr. FORBES, Mr. PICKERING, and Mr. LATHAM.

H.R. 373: Ms. NORTON.

H.R. 500: Mr. STEARNS.

H.R. 501: Mr. MOORE of Kansas, and Mr. PORTER.

H.R. 577: Mr. RUPPERSBERGER.

H.R. 586: Mr. LAHOOD.

H.R. 602: Mr. RENZI and Mr. ETHERIDGE.

H.R. 605: Mr. DUNCAN.

H.R. 698: Mr. BRADY of Texas.

H.R. 786: Mr. LATHAM.

H.R. 793: Mr. PICKERING.

H.R. 799: Mr. EVANS.

H.R. 874: Mrs. CUBIN.

H.R. 896: Mr. LARSON of Connecticut.

H.R. 923: Mr. SHIMKUS.

H.R. 995: Mr. REYES.

H.R. 1002: Mr. CLEAVER.

H.R. 1079: Mr. MCCAUL of Texas.

H.R. 1155: Ms. DEGETTE.

H.R. 1156: Mr. CONYERS and Mr. GENE GREEN of Texas.

H.R. 1177: Mr. MORAN of Kansas.

H.R. 1239: Mr. PICKERING.

H.R. 1282: Mr. MOORE of Kansas.

H.R. 1338: Mr. REYES and Mr. LANGEVIN.

H.R. 1355: Mr. HOLDEN.

H.R. 1382: Mr. COOPER.

H.R. 1402: Mr. ETHERIDGE and Mr. MENENDEZ.

H.R. 1494: Mr. DINGELL, Mr. GORDON, and Mr. MICHAUD.

H.R. 1498: Ms. HART and Mr. FITZPATRICK of Pennsylvania.

H.R. 1505: Mr. COSTELLO.

H.R. 1507: Mr. GEORGE MILLER of California and Ms. ROYBAL-ALLARD.

H.R. 1526: Mr. HONDA.

H.R. 1588: Mr. HIGGINS.

H.R. 1630: Ms. BEAN, Mr. CAPUANO, Mr. POMEROY, Mr. BROWN of Ohio, Mr. MCINTYRE, Mr. PALLONE, Mr. LYNCH, Mr. BOUCHER, Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. SCHWARZ of Michigan, Mr. FILNER, Mr. BUTTERFIELD, Mr. WEXLER, Mr. KING of New York, Mr. MEEK of Florida, Mr. DAVIS of Florida, Mr. LARSEN of Washington, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1631: Mr. POMEROY, Mr. BROWN of Ohio, Mr. MCINTYRE, Mr. PALLONE, Mr. LYNCH, Mr. BOUCHER, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. SCHWARZ of Michigan, Mr. FILNER, Mr. BUTTERFIELD, Mr. WEXLER, Mr. LARSEN of Washington, Mr. CUMMINGS, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1639: Ms. WATERS.

H.R. 1687: Ms. DEGETTE, Mr. BISHOP of New York, Mr. WAXMAN, Mr. DAVIS of Illinois, and Ms. WATERS.

H.R. 1689: Mr. ADERHOLT.

H.R. 1789: Mr. MICHAUD.

H.R. 1791: Mr. BISHOP of New York.

H.R. 1794: Mrs. LOWEY.

H.R. 1850: Mr. SHERMAN, Mr. MORAN of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 1902: Mr. CLEAVER, Mr. HONDA, Mr. MCDERMOTT, and Ms. WATERS.

H.R. 1954: Mr. SOUDER.

H.R. 2012: Ms. WASSERMAN SCHULTZ.

H.R. 2017: Mr. BRADY of Pennsylvania.

H.R. 2037: Mr. EVANS and Mr. MEEK of Florida.

H.R. 2044: Mr. FRANK of Massachusetts and Ms. WOOLSEY.

H.R. 2131: Mr. TAYLOR of Mississippi.

H.R. 2207: Mr. RUPPERSBERGER and Mr. NEAL of Massachusetts.

H.R. 2238: Mr. LOBIONDO.

H.R. 2317: Mr. HOEKSTRA, Mr. MARCHANT, and Mr. EVANS.

H.R. 2340: Mr. MICHAUD and Mr. STRICKLAND.

H.R. 2358: Mr. MCGOVERN.

H.R. 2474: Mr. KUHL of New York and Ms. JACKSON-LEE of Texas.

H.R. 2562: Mr. SHERMAN.

H.R. 2567: Mr. CUMMINGS and Mr. SESSIONS.

H.R. 2637: Mr. PICKERING.

H.R. 2649: Mrs. LOWEY.

H.R. 2794: Mr. WHITFIELD, Mr. LEWIS of Georgia, and Mr. HASTINGS of Washington.

H.R. 2803: Mr. ADERHOLT, Mr. GREEN of Wisconsin, Ms. CARSON, Mr. MCINTYRE, Mr. MCCOTTER, Mr. RENZI, Mr. ETHERIDGE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2891: Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. RANGEL, Mr. MEEKS of New York, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. THOMPSON of Mississippi, Ms. CARSON, and Mr. NEAL of Massachusetts.

H.R. 2959: Mr. FILNER, Mr. MICHAUD, and Mr. BRADY of Pennsylvania.

H.R. 2968: Mr. FITZPATRICK of Pennsylvania and Mr. DELAHUNT.

H.J. Res. 12: Mr. SABO and Mr. PASCRELL.

H.J. Res. 52: Mr. MEEHAN, Mr. LYNCH, Mr. SANDERS, and Mr. CAPUANO.

H.J. Res. 53: Mrs. DRAKE, Mr. COLE of Oklahoma, Mr. ROGERS of Alabama, and Mr. SULLIVAN.

H. Con. Res. 90: Mr. DAVIS of Illinois and Ms. MILLENDER-MCDONALD.

H. Con. Res. 140: Mr. BOOZMAN.

H. Con. Res. 154: Mr. EVANS.

H. Con. Res. 155: Mr. MCINTYRE, Mrs. KELLY, Mr. KIRK, Mr. BERMAN, Mr. ROTHMAN, Mrs. MALONEY, Ms. WASSERMAN SCHULTZ, and Mr. KINGSTON.

H. Con. Res. 162: Mr. EVANS.

H. Con. Res. 168: Mr. FRANKS of Arizona, Mr. CHANDLER, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. DAVIS of Illinois, Mr. ROYCE, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. ISSA, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. MCCAUL of Texas, Mr. CAPUANO, Mr. POE, Ms. WATSON, Ms. HARRIS, Mr. FORTENBERRY, and Mr. HONDA.

H. Con. Res. 172: Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, and Mr. CLYBURN.

H. Con. Res. 180: Mr. GORDON.

H. Con. Res. 181: Mr. FRANK of Massachusetts.

H. Res. 230: Mr. MCNULTY.

H. Res. 299: Mrs. MALONEY.

H. Res. 312: Mr. TERRY, Mr. SHAYS, Mr. HOLDEN, Mr. CASE, Mr. MENENDEZ, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, and Mr. BACHUS.

H. Res. 325: Mr. LEVIN.

H. Res. 326: Mr. ENGEL, Mr. MCCOTTER, Mr. TANCREDO, and Mr. CROWLEY.

H. Res. 328: Mr. BURTON of Indiana, Mr. CROWLEY, Mr. HIGGINS, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. LEACH, Mr. MCCOTTER, Mr. SHIMKUS, Mr. CONYERS, and Mr. PALLONE.

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. 2646: Mr. BROWN of South Carolina, Mr. CAMP, Mr. HEFLEY, Mr. KELLER, Mr. LUCAS, Mr. REHBERG, Mr. SHUSTER, Mr. UPTON, and Mr. THORNBERRY.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Chet Edwards, Neil Abercrombie, Anthony D. Weiner, Lynn C. Woolsey, Howard L. Berman, Chaka Fattah, Anna G. Eshoo, Loretta Sanchez, Ike Skelton, Edward J. Markey, Richard E. Neal, Ed Pastor, Ruben Hinojosa, and Robert E. (Bud) Cramer, Jr.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

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

Let us pray.

Our Heavenly Father, Creator and Sustainer of all things, we acknowledge You as the ultimate source of our lives and of all of the good that we know. We look to You to speak to the questions for which we shall never know the complete answers. We ask You only to reply in faith strengthened, hope renewed, and love deepened.

So bless our Senators today that their lives will be a testimony that old things have passed away and the new has come. Season their words with kindness and their spirits with humility. Remind them that honesty will keep them safe.

Help each of us to live with such integrity that trouble will flee. Give us the wisdom to remember that our future belongs to You. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Energy bill, which we will complete this week. Chairman DOMENICI will be here to continue working through amendments. We made very good progress on the bill last week. We are on track to complete the bill later this week. As I announced at the end of last week, it may be necessary to file cloture on the bill tomorrow. If we file cloture tomorrow, the cloture vote would then occur on Thursday, which would allow us to complete the bill this week.

I hope we do not have to file cloture, but I think it is important for people to realize we are going to finish the bill this week. People had the opportunity at the end of last week to offer amendments. They will have the same opportunity today and over the course of this week. I do ask our Senators to work with the bill managers to expedite consideration of their amendments early in the week.

This evening, we will have a second cloture vote on the nomination of John Bolton to be ambassador to the United Nations. As announced earlier, the debate for that vote has been scheduled between 5 and 6. We plan on having that vote at 6 p.m. today. We have a very busy week as we move through the Bolton nomination and the Energy bill. I expect we will have votes every day this week, including Friday, as we wrap up work on the energy legislation; therefore, Senators should be prepared and should adjust their schedules accordingly to remain available until we complete passage of this important bill.

RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate minority leader is recognized.

Mr. REID. Mr. President, I agree with the distinguished majority leader. It would be good if we did not have to file cloture. Having said that, I do not know what it takes to get people to come over and offer amendments. Thursday afternoon, we were here. The two managers were willing to stay as long as necessary to meet whatever amendments were offered by Senators. I realize last week was somewhat disjointed because of the various events, but there was no reason on days and evenings when we were actually here and able to take amendments that people could not offer amendments.

Today, we have 3 hours to offer amendments on this bill. It will be interesting to see how many show up to offer amendments. I guess the alternative would be to see if we could get a finite list of amendments and have those the only amendments that would be in order prior to this bill's termination.

The other problem we have this week is that all over the country, there are base-closing hearings being held by the BRAC hearing commission. For Senators who are involved in these issues, they involve thousands of members of the military and thousands of civilians

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who are tied to these bases, and they are going to leave and go to these hearings. Everyone should know that to wait around here and want to make sure that all of the Senators are here for a given vote—it will not work because I think there will be Senators gone virtually every day this week. I have received word from a couple of Senators who will not be here tomorrow. I know some of the hearings are going to be held in New Mexico, and I understand the two Senators from New Mexico are going to leave late in the afternoon on Thursday. They are the managers of the bill. So I hope that we can work into the night on this bill this week because if we have any hope of doing those appropriation bills next week, we have to finish this bill this week; otherwise, we will spend all next week on this bill, spending a lot of time in quorum calls waiting for people to come and offer amendments.

I am a little frustrated because I know there are people on both sides of the aisle who say they have amendments but they are not quite ready or they want to do it at a more convenient time. The convenient times are over. We will not have 100 Senators here on any day this week. That is the way it is going to be. So some of these very tough, tight amendments are going to have to be decided on the votes of less than 100 Senators.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I am happy to yield to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I say to the majority leader and minority leader, I apologize; I was not here for the entire dialog between the two of them. I know there is this business of who is going to be absent which days, but I say to both Senators, I do not think that should keep us from continuing to insist that Senators who have amendments bring them forward. We have to see them.

Mr. REID. That is what we said.

Mr. DOMENICI. We need to know about them. There are two that we know of, one to strike the inventory of offshore assets. That will take a little while. Somebody should offer that before the day is out. That is an hour or two, and there will be a vote. We think Senator FEINSTEIN has one. We would hope that would come forth. I think over the evening and midmorning tomorrow something will filter out with reference to global warming. Whether it is one, two, or whatever, there will be a conclusion, and somebody will offer an amendment. That will be the longest one.

I do not know what the Senate leadership wants to do about the fact that it is probably real that there will not be 100 Senators each of the days, but I do not know that that ought to keep us from moving forward and getting some accord as to finishing this bill. I do not know which day, but we are not in the kind of problem we have been in the past. As both Senators know, we can get to the amendments pretty quickly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to clarify the comments that were going back and forth between the Senate Democratic leader and myself, we will finish the bill this week. We pay our respects to the Senator from New Mexico by saying he has been more than willing to be here to receive amendments. The fact that there were not a lot of people either on Thursday or today rushing to the floor to offer the amendments actually leads me to be very hopeful that we will complete this bill Thursday, although I know in all likelihood it is going to be Friday. We are down to just very few amendments.

We recognize that some people will not be here over the course of even today, voting tonight, tomorrow, and the next day. That is not going to slow us down at all in our obligation to address the Nation's business. When there are amendments, we will take them to the Senate floor to debate them. I think we are discouraged a little by the fact that people are not rushing down to offer amendments. On the other hand, it kind of gives me a little bit of encouragement. It means we are going to finish this bill. We are going to file cloture Tuesday in order to finish it, in all likelihood, unless we come to some agreement by both the managers.

I congratulate them for where we are today. We intend on finishing the bill with certainty this week.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. I would be totally opposed to cloture being invoked if I felt the majority was somehow stopping us from offering amendments, but that has not been the case. There has been ample opportunity for people to offer amendments. So I think we either have to have a list of finite amendments the two managers can agree on or it appears cloture would have to be invoked.

Mr. DOMENICI. I thank the Senators for their comments.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Mr. DOMENICI. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand the distinguished Senator, Mr. WYDEN, is here and desires to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 792

Mr. WYDEN. Mr. President, I thank the distinguished chairman of the committee, Senator DOMENICI. I ask unanimous consent to call up at this time an amendment I filed with Senator DORGAN, No. 792.

Mr. DOMENICI. Reserving the right to object, is there a pending amendment?

The ACTING PRESIDENT pro tempore. There is no pending amendment.

Mr. DOMENICI. He does not need consent to bring up the amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is correct.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] for himself and Mr. DORGAN proposes an amendment numbered 792.

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

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

The amendment is as follows:

(Purpose: To provide for the suspension of strategic petroleum reserve acquisitions)

On page 208, strike lines 11 through 20 and insert the following:

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—

(1) DEFINITION OF PRICE OF OIL.—In this subsection, the term ''price of oil'' means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) ACQUISITION.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) SUSPENSION OF ACQUISITIONS.—

(A) IN GENERAL.—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds $58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) ACQUISITION.—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below $40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

Mr. WYDEN. I thank the distinguished chairman for his thoughtfulness.

Mr. DOMENICI. I wonder if the Senator would watch the floor for me while I leave for 10 minutes.

Mr. WYDEN. Absolutely. It is my intent to speak on this amendment I offer with Senator DORGAN and then lay it aside. My hope is we can work something out. I know Senator COLLINS and Senator LEVIN are working on something and desire to work with you, as well. If we bring it up now, we can start the discussion on it and work something out.

I see Senator BINGAMAN. He has been so thoughtful throughout the process as well.

Mr. President and colleagues, the reason I have come to the floor today is because oil prices per barrel are now at an all-time record high. If you scour this legislation, it is hard to find anything in it that would provide relief to the American consumer any time soon. It is my hope as we go forward with this debate, at a time when prices are in the stratosphere, that we work in a bipartisan way and at least provide some help in this legislation for the consumer who is getting clobbered by these historically high costs.

What especially concerns me is it seems to this Member of the Senate that the Federal Government actually makes the problem of high oil and gasoline prices worse every day. Every single day, the Federal Government, through its policies, is compounding the problem the consumers are seeing at the pump because it has been the policy of the Federal Government to fill the Strategic Petroleum Reserve at the worst possible time—when prices are at record-high levels.

When the prices are at a record-high level, it seems to me this is not the time to be taking oil out of the private market and putting it in the Government reserve. It just does not make economic sense to add more pressure to what is already a very tight oil supply. Reducing the supply of oil on the market, of course, leads to higher oil prices. That is simply supply and demand. Because oil accounts for 49 percent of the cost of gasoline, that means higher prices for consumers at the pump. For the life of me, I do not see how it makes sense for consumers, who are already paying sky-high prices at the pump, to then have their Government force them to pay higher prices by taking oil out of the private market and putting it into the Strategic Petroleum Reserve. So it does not make sense for the consumer, and, in my view, it does not make sense for taxpayers as well, who have to pay record-high prices for the oil that is taken off the market.

Now, this is not just my opinion. The Senate Energy Committee heard testimony last year by experts who said the policy with respect to filling the Strategic Petroleum Reserve when prices are so high jacks up costs. I asked John Kilduff, senior vice president of energy risk management at Fimat USA, whether the SPR fill rate of 300,000 barrels per day was contributing to oil price increases. Before the committee that day, which the distinguished Senator from New Mexico, Mr. DOMENICI, chairs, and our friend, Senator BINGAMAN, is the ranking minority Member, when we were all in our committee, the expert witnesses said they do believe these policies are contributing to oil price increases. Mr. Kilduff specifically stated:

> A fill rate of 100,000 represents, obviously, 700,000 barrels for a week. At 300,000 it is 2.1 million barrels. A 2.1 million barrel increase in U.S. commercial crude oil inventory in a particular weekly report would be a big build for the particular week and would help with downward pressure on crude oil prices.

So I would say to colleagues that this notion that this is something the Senate can just let the Secretary of Energy do what he wants is belied by the expert testimony we have had before the Senate Energy Committee where experts specifically said that a fill rate of several hundred thousand barrels per day is contributing to oil price increases.

As far as I can tell, under the policy we are now seeing at the Energy Department, it does not matter how high the prices are, they are just going to keep filling the Strategic Petroleum Reserve. They will continue to take oil off the private market no matter how high the prices get.

I would just like to say, Mr. President and colleagues, I am not talking about taking oil out of the Reserve. I know people very often bring that up. I am just saying it does not make sense to have the same fill rate when you are talking about historically high prices because that very high cost of filling it at that point directly hurts the consumer at the pump.

On Friday, and again today, when the price of oil skyrocketed to the highest price ever recorded on the New York Mercantile Exchange, our Government has continued to fill the Strategic Petroleum Reserve. Earlier this spring, when gasoline prices set an all-time record high of $2.28 for a gallon of gas, the Energy Department continued to fill the Strategic Petroleum Reserve. So I say to those who have reservations about what I am advocating, I would simply ask, how high do prices have to go before we stop pursuing policies that drive the prices even higher? At some point, there should be some limit when it comes to the Federal Government actually compounding the difficulties consumers are having at the pump.

Under the language currently in the bill, there are no limits. There seems to be some language about ''excessive'' costs, but there is nothing that actually blocks our Government from filling the Strategic Petroleum Reserve if the price goes even higher than the current record price of $59.23 per barrel. So I want to repeat that. Even if the price goes to $60 or $70 or $80, there is nothing that would force our Government to change its policy of filling the Strategic Petroleum Reserve at these very high prices. So with no restrictions in sight, I guess the Government can just continue indefinitely to fill the Reserve with these record prices.

To address this problem, my amendment directs that the Secretary of Energy suspend the filling of the Strategic Petroleum Reserve when the prices go above the record-high level in the market and stay above that record-high level for 10 consecutive trading days. The suspension of filling would continue until the price of oil falls back down for 10 consecutive days.

I also note the House of Representatives at least is trying to move in the direction of a bit of consumer protection because they have included a prohibition against continuing to fill the Strategic Petroleum Reserve until the price drops below $40 per barrel. Under my amendment, current SPR filling could go forward. But additional filling would be halted when prices are at record-high levels unless there is some consumer protection for our citizens.

The bottom line is we cannot continue to allow filling of the Strategic Petroleum Reserve when our economy suffers due to high gas and oil prices without providing some safety valve. Unless this amendment is adopted or unless we can work out a compromise with Senator COLLINS and Senator LEVIN and other colleagues who worked on this—unless we can get some legislation in place—there will be no standard for action or any certainty there will be some consumer protection for our citizens when oil prices are out of control.

Now, some may argue there should not be these kinds of price triggers for the Strategic Petroleum Reserve. I guess that argument is: Let's just leave it to the Secretary of Energy. Well, there are parts of this bill, such as section 313, that do not leave matters to the Secretary's discretion, such as when you are talking about price relief, royalty relief for oil and gas producers. Section 313 of the legislation has clear price levels for when the oil companies get a break from the normal royalty policy.

So what we have here is a double standard. There are price levels to protect oil and gas producers when it comes to their royalties but absolutely no protection for the consumer who is getting clobbered at the pump and who could get some relief if the Government simply did not fill the Strategic Petroleum Reserve at a time when prices are at a record-high level.

The last point I would make is suspending the fill of the Strategic Petroleum Reserve when prices are at a record-high level will not hurt this country's energy security. The Reserve already has more than 693 million barrels now in storage. That is the highest level in history. The Strategic Petroleum Reserve is expected to be filled to

its current authorized capacity by the end of the summer.

What is more, a 2003 study by the Senate Permanent Investigations Subcommittee found that increased filling of the Strategic Petroleum Reserve when prices were high did not increase overall U.S. oil supplies. Instead, because of the higher prices, oil companies took oil out of their own inventories rather than buy higher priced oil on the market. That does not increase our overall oil supply or our Nation's energy security.

So what we have is record prices for the consumer, record costs in terms of filling the Strategic Petroleum Reserve, and the Federal Government, in effect, providing free oil storage for high-priced oil in the Strategic Petroleum Reserve so oil companies can reduce their own inventories and storage costs. That is not energy security; that is just pounding the consumer and taxpayers once more.

For these reasons, I strongly urge colleagues to place some limits on when the Energy Department can fill the Strategic Petroleum Reserve. When prices are at an all-time high, it seems that to do otherwise denies consumers a fair shake and taxpayers a fair shake. It is my view the Senate can take pressure off the price of a barrel of oil and off consumers who are getting squeezed at the pump without compromising our national security. One way to do it is along the lines of the amendment I propose this afternoon.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I commend the Senator from Oregon for his comments and his amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my colleague, Senator WYDEN, just offered an amendment on his behalf and mine. He spoke in support of it. Obviously, I am a cosponsor so I support the amendment. It is an amendment that is very simple. We are putting oil away underground in something called the Strategic Petroleum Reserve or SPR. The purpose of putting oil underground at this point is in the event that we would have an emergency at some point in the future, we would have a substantial inventory of oil in the Strategic Petroleum Reserve.

That SPR is nearly full. As I understand, it is well over 98 percent filled at this point. Yet we are still, each day, taking about 100,000 barrels of oil off the market and putting it underground at a time when we are effectively paying the highest price ever for that oil in order to put it there.

There are two problems with that. No. 1, at a time when we have very high prices, which means we have lower supplies and higher demand, it makes no sense to have 100,000 barrels a day taken off the market and stuck underground. Even more than that, it makes no sense to do this, with the last increment to be put into the Strategic Petroleum Reserve, at a time when oil is $55, $57, $58 a barrel.

Our amendment is very simple. It would suspend the acquisition of oil at these inflated prices, suspend the acquisition of oil at a time when we need more supply, not less, and it would allow the acquisition to complete filling the SPR when the price of a barrel of oil reaches $40 per barrel or below.

My hope is the Senate will adopt the amendment. It is just common sense. It is not rocket science to believe that if you have a Strategic Petroleum Reserve almost filled, you should not go to the market and take $55 or $57 oil in order to take inventory off the market at a time when you have record prices. That doesn't make any sense.

We are asking that the Senate approve the amendment.

Before the Senator from New Mexico leaves the floor, I have another matter I wish to address, but I don't intend to address something in morning business that would interrupt the work on the bill. I ask unanimous consent to speak in morning business for up to 15 minutes with the understanding that if someone comes to the floor with an amendment on the Energy bill, I will defer. I don't want to delay the bill. I ask unanimous consent for 15 minutes in morning business with that understanding.

Mr. BINGAMAN. I don't think that is going to be any major obstacle to the progress we are making on the Senate floor this afternoon. I have no objection.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, will the Senator yield to me for 1 minute?

Mr. BUNNING. Absolutely.

Mr. DOMENICI. Mr. President, the distinguished Senator, Mr. BUNNING from the State of Kentucky, is going to speak, and I assume he is going to talk about the Energy bill; is that correct?

Mr. BUNNING. That is correct.

Mr. DOMENICI. I wish to say as a preamble to his speech, for those who are going to listen to him, that he is a member of the Energy and Natural Resources Committee and has been for some time. Most of the time people think that the committee is a committee of interior, public land States, but it also has a lot to do with coal and our energy future, diversification of our energy resources.

We have had a marvelous committee. Part of it is because of Members such as Senator BUNNING. He has been a great participant. He comes to the meetings, he works hard, he offers amendments. He understands we need an energy bill. He does not win all the time, but he has his views, and he has been a strong proponent for us getting our house in order and to use as much American energy as possible for our future. I commend him for it.

I trust we will get a bill out of the Senate and out of conference, one he can vote with not just a ''yea'' but with a hearty ''yea,'' not just one of those softballs but one of those fastballs he used to throw. That is what we are looking for.

I yield the floor and thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I thank Chairman DOMENICI for his extremely hard work in trying to get an energy policy for the United States since I have been in the Senate.

Many of us have spoken on this Senate floor several times about the need for our national energy policy. We have been here before debating an energy bill. To some, it may seem like the same old song and same old dance. But here we are again. I am more optimistic than I have ever been about finally getting an energy bill to the President's desk.

I commend Chairman DOMENICI for his leadership and determination in helping to put America on an independent path with this energy legislation. It is a pleasure to serve with him on the Energy Committee.

The Energy bill before us is a good starting point that attempts to strike a balance between conservation and production. In the past, Congress failed to make progress on energy policy because we tried to make a choice between conservation and production, but it does not have to be one or the other.

Many of us understand that a balanced and sensible energy policy must boost production of domestic energy sources as well as promote conservation. This Energy bill takes a good step toward striking a balance, and passing an energy bill is important now more than ever.

We all know the price of energy has risen very sharply in the last few years, and it is only going to keep rising. It goes without saying that energy costs touch every single part of our economy and our lives. The average

price of gasoline has risen, for unleaded regular around this country, to about $2.13 a gallon, and the price of oil is bumping up against $60 a barrel. Natural gas, coal, and other fuels have also seen record prices this year. This is hitting Americans in their wallets, especially now when so many families are hitting the road for vacations.

Higher energy prices also slow business growth and force businesses to pass increased pricing on to consumers with higher priced goods. While passing an energy bill might not help energy prices in the short term, it will make a big difference over the long term.

This bill's domestic energy production provisions and increased conservation provisions will help slow these spikes of price increases. But without a new energy policy, there is not much we can do about rising energy prices. Oil producers and production are at full capacity, and with China and India upping their demands for oil, the world oil supply will be drawn down while prices continue to rise. This means that we cannot just try to conserve our way out of any kind of energy problem. We must find other sources of reliable and low-cost fuels or our economy and national security will be at risk.

We continue to depend on oil from some of the most dangerous and unstable parts of the world. It is a recipe for disaster.

The stock market jumps up and down, all around, depending on the latest reports of pipeline sabotage in the Middle East. Everyone wonders where the next terrorist attack is going to hit. We also worry about Iran's developing nuclear weapons, and we are trying with our allies to figure out a diplomatic answer that will bring stability to the region. But the Iranians do not have a lot of incentive to deal when they are getting nearly $60 a barrel for their oil. In a way, our increasing need for energy is cutting our influence in the part of the world where we need it the most. We have to reduce our reliance on foreign oil and do a better job internally of taking care of our own energy needs.

Congress has been playing political football with this issue over the past few Congresses, and it is time to end the game. Our Nation and our national security continue to be at risk. We do not want the United States beholden to other countries just to keep our engines running and our lights turned on.

It impresses me to know that the bill contains some strengthened electrical provisions. We have outgrown our electrical system, and changes need to be made. One of the provisions in the bill is PUHCA repeal, which will go a long way in helping our energy system meet increasing demands.

Also, we desperately need to build new transmission lines. I am glad to see that this bill has some provisions which will help ensure that happens. Building a better electric system, however, should not require mandates for electricity companies to get into regional transmission organizations. States and companies should be able to decide on their own what is best for their consumers. So I am pleased to see a provision in the bill that explicitly prevents FERC from mandating RTOs.

The Energy bill will also help reduce our dependence on foreign oil by increasing domestic energy production. It also provides important conservation provisions which will help protect the environment. And because coal is such a key industry in Kentucky, I am pleased that this bill contains clean coal provisions that I have authored and been pushing for a long time. The clean coal provisions will help to increase domestic energy production and help improve the environment.

Coal is an important part of our energy plans. It is cheap, plentiful, and we do not have to go very far to find it. For my home State and the States of others, this means more jobs and a cleaner place to live. Clean coal technologies will significantly reduce emissions and sharply increase efficiencies in turning coal into electricity.

Previously, our Government overpromoted production of one source of energy—natural gas. This not only depleted our supply, but it created so much demand that it completely outstripped supply and left Americans to pay higher prices for just this one energy source.

A sound energy policy should promote the use of many different types of fuels and technologies instead of favoring just one source. As we have seen time and again, putting all our eggs in one basket simply does not work.

I am glad we are turning things around and taking steps toward making sure clean coal and other sources play a vital role in meeting our future energy needs.

This bill encourages research and development of clean coal technology by authorizing about $2.4 billion for the department of energy.

These funds will be used to advance new technologies to significantly reduce emissions and increase efficiency of turning coal into electricity.

And almost $2 billion will be used for the clean coal power initiative.

This is where the Department of Energy will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

And the Finance Committee's energy tax package provides $2.7 billion to encourage the use of coal and deployment of clean coal technologies.

Coal plays an important role in our economy. It provides over 50 percent of the energy needed for our Nation's energy.

The Energy Information Administration expects coal will continue to remain the primary fuel for electricity generation over the next 2 decades.

As my colleagues can see, I am a little biased when it comes to coal.

It means so much to my State, and it is such an affordable and plentiful fuel to help America in her quest for energy independency.

The 21st century economy is going to require increased amounts of reliable, clean, and affordable energy to keep our Nation running, and clean coal can help fill that requirement.

With research advances, we have the know-how to better balance conservation with the need for increased energy production at home.

The diversity of this energy package to promote new fuels is quite impressive.

There are provisions for nuclear, hydro-power, solar, wind, bio-fuels and other renewable energy sources.

All this put together with the bill's conservation provisions will help America meet its sensible and long-term energy strategy and goals.

I look forward to the continued debate and consideration of this bill.

And I hope we can get it approved, conferenced and sent to the President's desk for his consideration.

The quicker we can do this, then the sooner we can help make our environment, economy, and national security stronger, and the sooner we can become more energy independent from other sources.

I yield the floor.

Mr. JEFFORDS. Mr. President, I want to address some statements made last week, during the debate on the Bingaman amendment No. 791, regarding community acceptance of renewable energy in Vermont. After I left the floor, one Senator tried to make a point in opposition to the creation of a national renewable portfolio standard by referencing some opposition to a wind power project in Vermont. I want to set the record straight: though we have had some siting issues, Vermonters overwhelmingly support renewable energy over nuclear, coal, or natural gas.

The Senate should not confuse local concerns about the appropriate location for wind power siting in Vermont as a monolithic objection to any new renewable energy in my State. In fact, the views are contrary to such a conjuncture, even in the case of wind power. Numerous polls throughout the last decade have consistently shown that Vermonters support wind energy. In fact, a survey in March 2004 found 74 percent of respondents said they would consider wind turbines along a Vermont mountain ridge either beautiful or acceptable. The same survey found 83 percent of Vermonters choose renewable energy from wind, solar, hydro and wood as preferable to other energy sources.

Lawrence Mott, Chair of Renewable Energy Vermont, which commissioned the energy poll said, ''It's clear, Vermonters want more renewable energy, including wind turbines, and that they find installation on ridgelines very acceptable.''

Vermont's history with wind power goes back to the turn of the century when farmers used windmills to pump

drinking water from their wells. One of the first great experiments in converting wind to energy was conducted atop a peak in Vermont called Grandpa's Knob in Castleton, Vermont. It was, at the time, the world's largest wind turbine and produced 1.25 MW with the first synchronous electric generator. I recall visiting this wind turbine with my grandfather, an architect, and we marveled at its beauty and ingenuity. It was the first time energy from a wind turbine was interconnected to the utility grid.

Vermont's interest in wind power has continued to grow since then. Just look at Green Mountain Power's wind farm in Searsburg, Vermont. Eleven wind turbines generate enough electricity to power more than 2,000 homes, reducing toxic air emissions by 22 million pounds compared to the impacts if that amount of electricity had been produced through combustion of fossil fuels.

Vermont has a tremendous capacity for wind power, as several of my colleagues have demonstrated with wind maps produced from the U.S. Department of Energy. Industry representatives in Vermont envision a handful of wind farms scattered about Vermont producing enough electricity to power about 50,000 homes, which would account for about 10 percent of the State's electricity needs.

Last week, Vermont Governor Jim Douglas signed a new renewable energy bill into law. He did so at the manufacturing plant of Northern Power Systems, a world leader in off-grid power systems. Northern Power is about to ship seven 100-kilowatt wind turbines to three communities in remote western Alaska, and the Governor used a 31-foot-long blade from one of these turbines as his writing table.

Clearly, Vermont's Governor and Vermont's legislators see the value of renewable energy. A large majority of Vermonters support wind energy and renewable energy. And I am very optimistic about the role wind energy can play in satisfying a growing proportion of this Nation's energy needs.

Last week the Senate defeated an important amendment that would have helped set this nation on a course to significantly reduce our reliance on foreign oil. It is unfortunate that a majority of my colleagues did not see fit to put the U.S. on the right course—to break our addiction to foreign oil.

H.R. 6 requires a 1 million barrel a day oil saving goal. Unfortunately, this goal would actually result in more oil being imported, not less. In fact, the U.S. will still be importing 14.4 million barrels a day under the underlying bill's goal. Slowing down the increased rate of consumption alone is not enough. We should be setting an ambitious goal that actually reduces imported oil, not a goal that will result in more oil being imported.

Instead, the Senate refused to set a national goal to reduce the Nation's addiction to foreign oil. The Cantwell amendment would have established that goal—to reduce U.S. dependence on foreign oil by 40 percent by 2025. By turning our backs on this goal, we are sending the wrong message. Reducing our addiction to foreign oil is essential to the economic security of our Nation. We cannot continue to rely on unstable foreign countries for the energy that runs the economic machine of this Nation.

Fluctuating energy prices and instability in the Middle East once again are prompting calls for energy independence for the U.S.

Federal efforts to ensure freedom from fluctuations in energy prices have been advocated by every President, both Republican and Democrat, since 1973 and the infamous oil boycott. As Americans we count on energy to protect our security, to fuel our cars, to provide heat, air conditioning and light for our homes, to manufacture goods, and to transport supplies. In all of these needs, we, as consumers, pay the price for fluctuations in the global energy market.

Reducing our reliance on foreign oil is essential and the most basic step we need to take to address this crisis. The Cantwell amendment would have resulted in about 7.6 million barrels per day less oil being imported in 2025. Those savings are equivalent to the amount of oil the U.S. currently imports from Saudi Arabia. We can and should stop the oil cartels from controlling the future of this Nation.

In addition, I believe setting an oil saving goal could have beneficial effects on our air quality. Since a vast majority of current oil consumption is from the transportation sector, I believe setting an oil saving goal would encourage auto manufacturers to voluntarily improve efficiency of cars and trucks. As our population continues to grow and more people are driving more miles, it is essential to our air quality to continue to improve fuel efficiency of the vehicles we drive.

As it stands now, this bill does not require auto manufacturers or others in the transportation sector—the plane, train and truck sector—to meet corporate average fuel economy standards. I believe increased fuel economy standards can and should also be included in this bill. But short of adding new standards, setting this goal would have been a significant step in that direction.

By failing to set an oil saving goal, I think we have failed to state one of the most basic goals of this bill—a real reduction the amount of foreign imported oil.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. CARPER, and Mrs. FEINSTEIN, proposes an amendment numbered 799.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. VOINOVICH. Mr. President, I offer this amendment today as chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety. This amendment is a bipartisan piece of legislation that was introduced last Thursday. It is called the Diesel Emissions Reduction Act of 2005, or S. 1265.

This bill is cosponsored by Environment and Public Works Committee Chairman JIM INHOFE and Ranking Member JIM JEFFORDS and Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN. Focused on improving air quality and protecting public health, it would establish voluntary National and State-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards.

Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense, Clean Air Task Force, Union of Concerned Scientists, Ohio Environmental Council, Caterpillar Inc., Cummins Inc., Diesel Technology Forum, Emissions Control Technology Association, Associated General Contractors of America, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials, Ohio Environmental Protection Agency, Regional Air Pollution Control Agency in Dayton, OH., and the Mid-Ohio Regional Planning Commission.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

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

CATERPILLAR INC.,
Mossville, IL, June 16, 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Caterpillar is in full support of the Diesel Emissions Reduction Act of 2005. Thank you for assembling a broad coalition of stakeholders in this bipartisan effort to modernize and retrofit millions of diesel engines across the country. It is impressive to see such a strong coalition of environmental groups, regulators and industry representatives working hard to advance retrofit as a national energy and environmental policy issue.

As a company. Caterpillar has invested more than $1 billion in new clean diesel engine technology. No power source can match the reliability, efficiency, durability and cost effectiveness of the diesel engine. From the late 1980s to 2007, Caterpillar will have reduced diesel emissions in on-road trucks and school buses by 98 percent. When meeting Environmental Protection Agency Tier 4 regulations, Caterpillar will reduce emissions for off-road machines an additional 90 percent by 2014. This ensures that clean diesel engines will continue to be the workhorses of our economy for years to come.

Our customers who operate fleets of buses, trucks, construction machines and the equipment that safeguards our homes and lives in non-attainment areas are very interested in retrofit technology. However, they need a nationally consistent approach to address these challenges. Your bill, which focuses on grants and loans, wisely lets the market determine the right technologies for various product applications. Retrofitted engines last longer and, most importantly, have fewer emissions.

Thank you again for your commitment to this legislation. You can count on Caterpillar's support as the bill moves forward in Congress.

Sincerely,

JAMES J. PARKER,
Vice President.

ENVIRONMENTAL DEFENSE,
New York, NY, June 17, 2005.

Re Introduction of the Diesel Emission Reduction Act of 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH, I am writing to express Environmental Defense's support for the Diesel Emission Reduction Act of 2005 which you are introducing today.

As you are aware the U.S. Environmental Protection Agency's regulations establishing new standards for diesel buses and freight trucks and new nonroad diesel equipment will slash diesel emissions by more than 80% from 2000 levels, ultimately saving 20,000 lives a year in 2030. But because these federal standards apply only to new diesel engines and because diesel engines are so durable, the high levels of pollution from existing diesel sources will persist throughout the long lives of the engines in service today.

Your legislation establishing a national program to cut pollution from today's diesel engines would speed the transition to cleaner diesel engines and achieve healthier air well in advance of that schedule. The program design principles embodied in your bill help ensure that the funds for diesel emission reduction projects will be spent in an equitable and efficient manner.

Environmental Defense has long been a proponent of smart policy design. We have promoted market-based and cost-effective programs such as cap-and-trade as a solution to a variety of environmental issues dating back to the 1990 Clean Air Act Amendment.

Environmental Defense commends you on your leadership in cleaning up the existing diesel fleet. We look forward to working with you and your staff to ensure the passage and funding of the Diesel Emission Reduction Act.

Sincerely,

FRED KRUPP,
President.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Alexandria, VA, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: The Associated General Contractors of America (AGC) thanks you for taking the lead in introducing The Diesel Emissions Reduction Act (DERA) to provide assistance for owners to retrofit their diesel powered equipment. The legislation would establish grant and loan programs to achieve significant reduction in diesel emissions. This initiative could prove to be extremely beneficial to local areas attempting to come into compliance with the Clean Air Act.

The construction industry welcomes this legislation because it will provide the needed assistance to help contractors retrofit their off road equipment. Contractors use diesel powered off road equipment to build projects that enhance our environment and quality of life by improving transportation system, water quality, offices, homes, navigation and other vital infrastructure. This equipment tends to have a long life, and therefore is in use for many years before it is replaced.

Reducing the emissions from the engines that power this equipment is a costly undertaking and is particularly burdensome for small businesses. Providing grants to aid contractors with the expense of retrofitting is a highly cost effective use of federal funds.

AGC applauds your efforts in taking an incentive approach to addressing environmental concerns. AGC urges that this legislation be enacted quickly so that environmental benefits can be achieved as soon as possible.

Sincerely,

STEPHEN E. SANDHERR,
Chief Executive Officer.

CUMMINS INC.,
Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Cummins Inc. strongly supports the Diesel Emissions Reduction Act of 2005, which establishes a voluntary national retrofit program aimed at reducing emissions from existing diesel engines, and congratulates you on your efforts to bring the diesel industry and environmental groups together on this effort.

The Diesel Emissions Reduction Act of 2005 recognizes the clean air challenges ahead of us and puts in place a system to help address them. In the near future, states must develop plans to address particulate matter and ozone emission reductions to meet the new air quality standards. A federally sponsored voluntary diesel retrofit initiative is a great tool to help states and communities meet these new air quality standards. Your legislation recognizes that one size does not fit all, and there are a number of technologies, which can be implemented to modernize diesel fleets. The term retrofit not only describes an after treatment exhaust device used to reduce key vehicle emissions but also refers to engine repair/rebuild, refuel, repower, and replacement.

The Diesel Emissions Reduction Act of 2005 represents a sound use of tax payer dollars. Diesel retrofits have proven to be one of the most cost-effective emissions reductions strategies. Furthermore, another advantage to retrofits is that reductions can be realized immediately after installation and can be particularly important in metropolitan areas where high volumes of heavy-duty trucks are prevalent and/or where major construction projects are underway for long periods of time.

Finally, I, again, wanted to congratulate you on your efforts to bring our industry together with the environmental community on this legislation. This legislation is truly a model on how to find solutions to environmental problems. It is our hope that the process, which you put together to craft this legislation, can be used to further address the older fleets as well as advance efforts, which recognize the energy efficiency and environmental benefits of clean diesel technologies.

Again, Cummins thanks you for your vision on these issues and looks forward to working with you to pass this legislation.

Very truly yours,

MIKE CROSS,
Vice President, Cummins Inc. and General Manager, Fleetguard Emission Solutions.

DIESEL TECHNOLOGY FORUM,
Frederick, MD, June 9, 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: We would like to recognize and thank you for your leadership in developing the Diesel Emissions Reduction Act of 2005. We are especially encouraged by the broad coalition of industry and environmental groups from whom you have successfully sought not just cooperation, but real collaboration in development and support of this important legislation.

As you know, the recent advancements in new clean diesel technology have been substantial. New emissions control devices such as particulate filters oxidation catalysts, and other technologies will play an important role in the clean diesel system of the future, allowing new commercial truck engines to be over 90 percent lower in emissions than those built just a dozen years ago. And, as we have learned over the last 5 years, these technologies can also be applied to some existing vehicles and equipment. Your legislation will play an important role in helping to deploy more clean diesel retrofit technologies to thousands of small businesses and equipment owners who might otherwise not be able to afford the upgrading of their equipment.

Because of its unique combination of energy efficiency, durability and reliability, diesel technology plays a critical role in many industrial and transportation sectors, powering two-thirds of all construction and farm equipment and over 90 percent of highway trucks. Diesel technology has played and will continue to play a vital role in key sectors of our economy. Thanks to your legislation, diesel technology will continue to serve these sectors and help assure this country's continued clean air progress.

We look forward to continuing to promoting a greater awareness of the benefits of clean diesel retrofits and your legislation.

Sincerely yours,

ALLEN R. SCHAEFFER,
Executive Director.

STATE OF OHIO
ENVIRONMENTAL PROTECTION AGENCY,
Columbus, OH, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: It has been a great pleasure to meet you and discuss air quality issues with you over these last few months. Ohio's air quality has improved dramatically over the last 30 years. However, as you are well aware, Ohio faces a significant challenge in achieving compliance with the new federal air quality standards for ozone and fine particle matter. We have 33 counties that don't meet the more stringent ozone standard, and all or part of 32 counties that don't meet the more stringent particulate standard.

Diesel emissions are part of the problem in both of those scenarios. That is why I am so encouraged by your efforts to develop bipartisan legislation to provide federal financial assistance for a voluntary diesel retrofit initiative. In many cases, lack of funding is the only thing keeping people from using the cleaner technology that is available.

As Ohio develops its clean air plans for ozone and particulate matter, we need to consider every tool available to us. A funding program to help reduce pollution from diesel engines is a valuable tool.

I look forward to the successful passage of your bill and the clean air benefits it bring to Ohio and the nation.

Sincerely,

JOSEPH P. KONCELIK,
Director.

OHIO ENVIRONMENTAL COUNCIL,
Columbus, OH, June 13, 2005.

Subject: Diesel Emissions Reduction Act of 2005.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: The Ohio Environmental Council offers its hearty support for the Diesel Emissions Reduction Act of 2005. This landmark legislation will help clean up one of Ohio's and the nation's largest sources of dangerous air pollution; diesel engines.

From our initial meeting with you in April of 2004 to discuss the impacts of diesel pollution, we have been impressed by your leadership in addressing this significant contributor to Ohio's, and the nation's, air quality problems. As you know, approximately one-third of Ohio counties are failing federal air quality standards for ground-level ozone and fine particulate matter. Much of the nation faces a similar burden with an estimated 65 million people living in areas exceeding the fine particulate standard and 111 million people living in areas exceeding the 8-hour ozone standard.

Diesel engines contribute significantly to this problem with on-road and off-road diesel engines accounting for roughly one-half of the ozone contributing nitrogen oxide and fine particulate mobile source emissions nationwide. According to EPA, diesel exhaust also contains over 40 chemicals listed as hazardous air pollutants (HAPs), some of which are known or probable human carcinogens including benzene and formaldehyde. Numerous studies have suggested that diesel pollutants contribute to health effects such as asthma attacks, reduced lung function, heart and lung disease, cancer and even premature death.

Fortunately, unlike many complex environmental problems that have very complicated solutions, the clean-up of diesel air pollution is easy. Technologies are available today to retrofit existing diesel engines, reducing emissions from the tailpipe by 20–90%—reductions realized immediately after installation. In fact, due to EPA's Diesel Rules, starting in 2007 we will see the cleanest diesel engines ever coming off production lines. Unfortunately, those rules do not address the 11 million diesel engines in use today. In order to meet EPA's goal to modernize 100% of these existing engines by 2014, states and fleets will need assistance.

That is why the Diesel Emissions Reduction Act of 2005 is so imperative. It will establish an unprecedented $200 million annual national grant and loan program to assist states, organizations and fleets in reducing emissions from diesel engines. These efforts will serve to help counties in complying with federal air standards as well as minimize the health toll of diesel emissions on the public.

I am proud to offer the Ohio Environmental Council's support to you, Senator Voinovich, with the introduction of the Diesel Emissions Reduction Act of 2005.

Sincerely,

VICKI L. DEISNER,
Executive Director.

MID-OHIO REGIONAL PLANNING COMMISSION,
Columbus, OH, June 14, 2005

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: Our membership, comprised of 41 local governments in central Ohio, has identified our ozone and PM2.5 nonattainment status as one of the most daunting challenges facing our region. Numerous health studies demonstrate the negative health impacts of polluted air, especially for asthmatic children and older adults with heart disease. In addition to these, health impacts, failure to clean up our air could inhibit business expansion and investment in transportation.

Freight transportation is one of the primary growth sectors for central Ohio. Yet, we do not want growth at the expense of a diminished quality of life for our residents. Therefore, it is important that we do whatever we can to encourage public and private on and off-road fleets to improve emissions from existing diesel engines that will continue to operate for many years.

MORPC's Air Quality Committee is working diligently with a broad coalition of local governments, manufacturers, industry, health organizations, and environmental groups to identify and implement cost effective ways to reduce nitrogen oxide (NO_X) and particulate matter (PM) emissions that contribute to ozone and particle pollution in central Ohio. We strongly support the introduction of the Diesel Emissions Reduction Act of 2005 to provide federal funds to spur local investment in voluntary diesel emission reduction programs. This will be an invaluable tool to help us meet the Environmental Protection Agency's (EPA) ambient air quality standards.

We look forward to working with you to continue to develop support for the Diesel Emissions Reduction Act of 2005. Please let me know if we can be of any assistance.

Sincerely,

WILLIAM C. HABIG,
Executive Director.

CLEAN AIR TASK FORCE,
Boston, MA, June 16, 2005.

Re Letter of support for the Diesel Emissions Reduction Act of 2005.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: The Clean Air Task Force is proud to be one of the core members of a group of industry, environmental and government representatives that worked together on a collaborative effort to find ways of reducing harmful emissions of air pollution from existing diesel engines. We strongly support legislation that grew out of that effort, the Diesel Emissions Reductions Act of 2005. We thank you and your staff for your leadership on this important issue.

Heavy-duty diesel engines powering vehicles and equipment such as long-haul trucks, buses, construction equipment, logging and agricultural equipment, locomotives and marine vessels produce a wide variety of dangerous air pollutants, including particulate matter, nitrogen oxides and air toxics. These pollutants, emitted at ground level often in populated areas, produce substantial harm to human health and the environment, up to and including premature death.

Recently, EPA has determined that 65 million people live in areas where the air contains unhealthy levels of fine particulate matter ($PM_{2.5}$), areas that EPA has thus classified as nonattainment for the $PM_{2.5}$ NAAQS. In order for those areas to meet the attainment requirements in the Clean Air Act, substantial reductions of $PM_{2.5}$ emissions will be required. The largest local source of potential $PM_{2.5}$ reductions in most urban areas is the existing fleet of heavy-duty diesel engines. Although EPA has promulgated regulations to substantially reduce emissions from heavy duty highway and nonroad diesels, many of these engines are long-lived and the air quality benefits of EPA's new engine rules won't be fully realized for more than two decades—a full generation away and long past applicable NAAQS attainment deadlines.

Fortunately, efficient and cost-effective means of substantially reducing diesel emissions are readily available today. For example, diesel particulate filters can reduce diesel $PM_{2.5}$ emissions by about 90% from many heavy-duty diesel engines. Widespread use of such controls could dramatically reduce harmful diesel emissions in our cities and states, would save thousands of lives, produce billions of dollars of societal benefits, and help states meet their attainment obligations under the Clean Air Act.

One of the primary barriers to the widespread installation of diesel emission control technology is a lack of resources. Many heavy-duty diesel fleets, such as buses, refuse trucks, highway maintenance equipment, trains and ferries are owned or operated by public agencies with limited resources.

The Diesel Emissions Reduction Act of 2005 will provide $200 per year for the next 5 years to help fund reductions of air pollution from in-use diesel engines, including those operated by cash-strapped public agencies. This will produce human health and environmental benefits far in excess of the costs, and will provide timely assistance to many areas to help them achieve EPA's health based air quality standards for particulate matter and ozone.

CATF urges your support of the Diesel Emissions Reductions Act of 2005.

Very truly yours,

CONRAD G. SCHNEIDER,
Advocacy Director.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS/ ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH,
Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR CHAIRMAN VOINOVICH: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the national associations of state and local air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country—I am pleased to offer support for the Diesel Emissions Reduction Act of 2005 and to commend your leadership in introducing this legislation and in working with a broad coalition of diverse stakeholders to draft it.

Emissions from dirty diesel engines pose serious threats to public health and the environment. These emissions are not only substantial contributors to unhealthful levels of ozone and fine particulate matter ($PM_{2.5}$), they cause or exacerbate unacceptably high levels of toxic air pollution in most areas of the country. Although our nation has taken significant action to reduce emissions from new highway and nonroad diesel engines, and additional federal measures are planned to address new diesel marine and locomotive engines, several critical opportunities remain for achieving further reductions in diesel emissions. Chief among them is cleaning up existing diesel engines by retrofitting these engines with new emission control technologies. By authorizing funds for grants and loans to states and other organizations for the purpose of reducing emissions from diesel engines, the Diesel Emissions Reduction Act of 2005 will help states and localities achieve their air quality goals, including attaining and maintaining health-based National Ambient Air Quality Standards for ozone and $PM_{2.5}$ and reducing exposure to toxic air pollution.

STAPPA and ALAPCO are pleased to support this bill and look forward to working with you and other stakeholders as it proceeds through the legislative process.

Sincerely,

S. WILLIAM BECKER,
Executive Director.

UNION OF CONCERNED SCIENTISTS,
Washington, DC, June 10, 2005.

The Union of Concerned Scientists, and our 140,000 members and activists nationwide, strongly support the Diesel Emissions Reduction Act of 2005. This landmark legislation will improve air quality across the country by providing $200 million in grants and loans to reduce pollution from diesel vehicles and equipment.

The exhaust from conventional diesel-powered engines may cause or exacerbate serious health problems such as asthma, bronchitis and cancer, and can even lead to premature death. In addition to its public health toll, diesel exhaust exacts enormous social costs, with escalating health care expenditures, loss of work and school days, and the most costly impact of all—the loss of human lives.

Although standards for new diesel engines offer important health benefits, they do not address the biggest polluters: existing diesel engines. The bulk of diesel pollution now and for the next decade or more come from engines already in use. Fortunately, there are a wide range of readily available cleanup technologies and strategies, including replacing high-polluting engines and retrofitting with emissions controls. The Diesel Emissions Reduction Act will help get diesel cleanup technologies off the shelf and onto today's vehicles and equipment.

USC is pleased to be part of a diverse coalition of groups—including environmental and health groups, the diesel industry, and public agencies—that is working collaboratively on reduciug diesel pollution. This unique mix of voices all agree that reducing pollution from diesel engines is a public health priority, and that federal and state funding is a key strategy to clean up diesel engines.

The Diesel Emissions Reduction Act will accelerate the public health benefits of the new engine emissions standards, and will help Americans breathe easier.

Sincerely,

PATRICIA MONAHAN,
Senior Analyst, Transportation Program.

REGIONAL AIR POLLUTION CONTROL AGENCY,
Dayton, OH, June 15, 2005.

Hon. GEORGE V. VOINOVICH,
Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR SENATOR VOINOVICH: The Regional Air Pollution Control Agency (RAPCA) would like to express our support for the Diesel Emissions Reduction Act of 2005. RAPCA is a six county local air pollution control agency charged with protecting the residents of the Dayton/Springfield area from the adverse health impacts of air pollution. We would like to thank you and your staff for offering this vital piece of legislation which will greatly help the citizens of our area breathe healthier air.

Diesel emission reductions offer a significant opportunity in the effort to clean the nation's air. Diesel emissions represent approximately one-half of the nitrogen oxide and particulate matter emissions from the mobile source sector and numerous air toxics.

Like many areas across the county, the Dayton/Springfield area is nonattainment for both ozone and fine particulate matter. RAPCA strongly believes that this bill provides a unique opportunity to help the area attain these standards, especially fine particulates, as well as reducing the health risks associated with air toxics. Furthermore, many of the diesel vehicles that would be affected by this bill operate in the urban core, thus providing health benefits to many individuals.

Again we would like to express our sincere thanks to you for offering the Diesel Emissions Reduction Act of 2005, which will help millions of Americans breathe easier.

Sincerely,

JOHN A. PAUL,
Supervisor.

EMISSION CONTROL TECHNOLOGY ASSOCIATION,
Washington, DC, June 14, 2005.

HON. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Emission Control Technology Association (ECTA), I would like to thank you for introducing the Diesel Retrofit Reduction Act of 2005, and advise you of our wholehearted support for this legislation. If enacted, this legislation will help states to reduce diesel engine emissions, thereby, strengthening the economy, public health, and the environment.

On-road heavy duty diesel vehicles and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide (NO_X) and particulate matter (PM) mobile source emissions nationwide. These emissions contribute to ozone formation, fine particulate matter, and regional haze. With more than 167 million Americans living in counties that do not achieve the National Ambient Air Quality Standard (NAAQS) established by the Environmental Protection Agency, it is more important than ever that states and other organizations are given the means to address this growing problem. Clean diesel retrofits are a highly cost effective means of reducing these emissions, costing approximately $5,000 per ton equivalent of air pollution removed. The Diesel Retrofit Reduction Act of 2005 will ease the growing burden states are feeling as they strive to reach attainment of these national standards, by providing them with grants and loans for the purpose of reducing emissions from diesel engines.

There are several programs that demonstrate the achievements made by clean diesel retrofits. A prime example is the Metropolitan Transportation Commission (MTC) Retrofit Program in San Francisco, California. As part of the MTC program, more than 1,700 emission control systems were installed on diesel buses. It is estimated that 2,500 pounds of NO_X and 300 pounds per day of particulates will be eliminated as a result of the MTC transit bus retrofit program. We are certain that the Diesel Retrofit Reduction Act of 2005 will accomplish similar feats upon its passage.

ECTA thanks you for authoring this important legislation and for your leadership on this issue. We look forward to working with you and your staff to ensure its passage.

Sincerely,

TIMOTHY REGAN,
President.

Mr. VOINOVICH. The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. On-road and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong action with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not be realized until 2030 because these regulations address new engines and the estimated 11 million existing engines have a long life. Diesel engines have a very long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that are working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the Nation's 495 and Ohio's 38 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center

doctors—as recently as earlier this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways because of emissions from diesel engines.

It became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work was released last Thursday with the introduction of the Diesel Emissions Reduction Act of 2005.

The amendment that I am offering today is the same as this bill. It would establish voluntary national and State-level grant and loan programs to promote the reduction of diesel emissions. The amendment would authorize $1 billion over 5 years—$200 million annually. Some will claim that this is too much money and others will claim it is not enough—so probably it is the right number.

We should first recognize that the need far outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. For example, let's compare the cost effectiveness of diesel retrofits versus current Congestion Mitigation and Air Quality program projects.

We are talking about the per ton of Nitrogen Oxides reduced, cost on average. We are talking about 1 ton of nitrogen oxides and how much it costs to reduce them: $126,400 for alternative fuel buses; $66,700 for signal optimization; $19,500 for bike racks on buses; and $10,500 for vanpool programs.

This is compared to $5,390 to repower construction equipment and $5,000 to retrofit a transit bus.

The bottom line is that if we want to clean up our air to improve the environment and protect public health, diesel retrofits are one of the best uses of taxpayers' money.

Furthermore, as a former Governor, I know firsthand that the new air quality standards are an unfunded mandate on our States and localities—and they need the Federal Government's help. We are going to find that out. Many Americans are not aware, because of the ozone and particulate standards that many communities are going to have a difficult time complying with these new ambient air standards.

This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The amendment is efficient with the Federal Government's dollars in several ways. First, 70 percent of the program would be administered by the EPA. The remaining 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. Ten percent of the amendment's overall funding would be set aside as an incentive for state's to match the Federal dollars being provided.

The hope is this amendment leverages additional public and private funding with the creation of State level programs throughout this country. The amendment would expand on very successful programs that now exist in Texas and California.

Second, the program would focus on nonattainment areas where help is needed the most.

Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about using public dollars.

Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the amendment includes provisions to help develop new technologies, encourage more action through nonfinancial incentives, and require EPA to reach out to stakeholders and report on the success of the program.

EPA estimates this billion-dollar program would leverage an additional $500 million, leading to a net benefit of almost $20 billion with the reduction of 70,000 tons of particulate matter. This is a quite substantial 13–1 cost-benefit ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

I ask for the yeas and nays, and I ask unanimous consent 10 minutes be set aside prior to the vote on the amendment for sponsors to speak on its behalf.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. BINGAMAN. Mr. President, could I ask the Senator from Ohio a question about his amendment?

The ACTING PRESIDENT pro tempore. The Senator may.

Mr. BINGAMAN. Mr. President, if we could get copies of the amendment, Senator DOMENICI would be anxious to review it. I would, as well. It sounds very meritorious as described, but before actually agreeing to a unanimous consent as to the timing of the vote and the amount of time needed in anticipation of a vote, it would be better to get a copy at this point, if we could. That is just a suggestion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. VOINOVICH. I withdraw the request for the 10 minutes until the ranking member has an opportunity to review the amendment, and we can discuss at that time how much time the Senator is willing to give.

Mr. BINGAMAN. That will be very good. I appreciate that opportunity. We will be back in touch with the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will ask the Senator from Ohio a question. I walked in about two-thirds of the way through his remarks.

Do I understand that this is legislation that helps reduce sulfur in the air by retrofitting diesel engines so they comply with the new EPA requirements for low sulfur?

Mr. VOINOVICH. Right. This is one of the most effective ways, actually, to reduce nitrogen oxide and also particulate matter. In my remarks I mentioned the study at the University of Cincinnati on children. The negative impact is amazing on children who live very close to freeways with this diesel fuel. Retrofitting would be the most cost-efficient way of dealing with that problem.

This program fundamentally is a voluntary program. It is a program in which we encourage all of the States to participate. If they did, each State would get 2 percent of the money. If they didn't, those States that participated would benefit from this on a per capita basis, 30 percent of the program allocated to them and 70 percent of it would be distributed by the Environmental Protection Agency based on submissions submitted and also on the basis of giving priority to public requests for this money.

Mr. ALEXANDER. Mr. President, I commend the Senator from Ohio. He has spent a long time in this session working on clean air legislation.

As one Senator, I am extremely interested in that for our country. The Great Smoky Mountains—2 miles from where I live, and on the other side is the Senator from North Carolina, the Presiding Officer—is the most polluted National Park in America.

Many of our counties are not in attainment. Our biggest problem is sulfur. But NO_X is also a major problem. Of course, a major contributor is the big diesel trucks on the road.

One of the President's greatest accomplishments in terms of sulfur is tighter restrictions on the fuel that will be used in these trucks. They also are major contributors to NO_X, nitrogen oxide. My understanding from my visits and discussions with people who know about the big trucks is that the retrofitting of these older engines is not as good as a new engine, but it is a very substantial—70 or 80 percent as good as having a new engine.

I look forward to reading the legislation. The Clean Energy Act that we are working on is not the Clean Air Act that the Senator spent so much time on, but clean energy is the solution to the clean air problem. I am glad the Senator is bringing this to our attention. I look forward to reading it. It looks like a welcome contribution.

Mr. VOINOVICH. I thank the Senator from Tennessee. The administration should be complimented. The new diesel regulations will go into effect next year. The fact is, 11 million on- and off-road vehicles will still be on the road for many years to come. As the Senator pointed out regarding retrofitting,

we had a bus retrofit. We are talking about 85 percent reduction. The diesel fuel is fine, but if you do not have the retrofit, it will not give you the desired emissions control.

AMENDMENT NO. 800

(Purpose: To amend the Internal Revenue Code of 1936 to provide energy tax incentives, and for other purposes)

Mr. DOMENICI. On behalf of the leader, we have cleared the amendment at the desk. I ask unanimous consent that the pending amendment be set aside. I further ask that the Grassley-Baucus amendment No. 800 which is at the desk be considered and agreed to and the motion to reconsider be laid on the table.

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

The amendment (No. 800) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BAUCUS. Mr. President, I strongly support the Finance Committee's energy tax language.

Why are the incentives proposed in this language so important? First and foremost, they are important because of the energy challenges facing the Nation.

Energy is critical to our Nation's economy and security. Our continuing dependence on foreign oil increasingly threatens our vital national interests.

As the world's demand for oil continues to grow at a record pace, the world's oil producers strain to meet consumption. Today, OPEC is pumping close to full capacity. Even so, refined products remain scarce.

The price of oil has soared to more than $55 a barrel. The price of gas at the pump is a daily reminder of the scarcity of energy. Increasing energy prices stifle economic growth.

Folks in my home State of Montana are hit hard by rising energy prices. High gas prices particularly hurt folks who have to drive great distances. And high energy prices hurt small businesses, ranchers, and farmers by raising the costs of doing business.

We can do more to provide reliable energy from domestic sources. That is our first challenge.

Our next great energy challenge is to ensure safe, clean, and affordable energy from renewable resources. Energy produced from wind, water, sun, and waste holds great potential. But that energy cannot currently meet our national energy demands. Technology is helping to bridge the gap. But further development requires financial assistance.

The energy tax incentives take an evenhanded approach to an array of promising technologies. We do not yet know which new technologies will prove to be the most effective. As we go forward and provide the needed incentives to develop these new technologies, we also need appropriate cost-benefit assessments to guide future investments.

The energy tax language reflects the incentives endorsed by the Finance Committee last Thursday. These incentives make meaningful progress toward energy independence. They provide a balanced package of targeted incentives directed to renewable energy, traditional energy production, and energy efficiency.

These incentives would encourage new energy production, especially production from renewable sources.

They would encourage the development of new technology.

And they would encourage energy efficiency and conservation.

To encourage production, the tax language provides a uniform 10-year period for claiming production tax credits under section 45 of the Tax Code. This encourages production of electricity from all sources of renewable energy. It would not benefit one technology over another.

In Judith Gap, MT, wind whips across the wheat plains. Wind is a great and promising resource in Montana. But future development of wind projects needs support, like that provided in the tax language.

The tax language recognizes the value of coal and oil to our economy. It provides tax incentives for cleaner-burning coal and much-needed expansion of refinery capacity.

The lack of refinery capacity is driving up the price of oil. And our lack of domestic capacity increases our vulnerabilities. A new refinery has not been built in the U.S. since 1976. The tax language would encourage the development of additional refinery capacity domestically by allowing the development costs to be expensed.

The tax language also rewards energy conservation and efficiency, and encourages the use of clean-fuel vehicles and technologies. It provides an investment tax credit for recycling equipment. These incentives are environmentally responsible. They reduce pollution. And they improve people's health.

The energy tax provisions would make meaningful progress toward energy independence. They are balanced and fair. I encourage my colleagues to support this legislation.

I yield the floor.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF JOHN ROBERT BOLTON TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 103, which the clerk will report.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, today the Senate again takes up the nomination of John Bolton to be U.S. Ambassador to the United Nations. This nomination has traveled a long road. I am hopeful that we can conclude the debate today.

I appreciate that several of my colleagues continue to be dissatisfied that their requests for information have not been granted in their entirety. Under the rules, clearly they can continue to block this nomination as long as 60 Senators do not vote for cloture. Although I acknowledge their deeply held opposition to this nominee, we urgently need an ambassador at the United Nations. A clear majority of Senators is in favor of confirming Secretary Bolton.

The President has stated repeatedly that this is not a casual appointment. He and Secretary Rice want a specific person to do a specific job. They have said that they want John Bolton, an avowed and knowledgeable reformer, to carry out their reform agenda at the United Nations.

Regardless of how each Senator plans to vote today, we should not lose sight of the larger national security issues concerning U.N. reform and international diplomacy that are central to this nomination. We should recall that U.N. reform is an imperative mission of the next ambassador. In fact, on Friday, our colleagues in the House of Representatives passed an extensive U.N. reform bill. This body is also working on various approaches to reform.

In 2005, we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N. Secretary General Kofi Annan has proposed a substantial

reform plan that will provide a platform for reform initiatives and discussions.

Few people in Government have thought more about U.N. reform than John Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on the subject. During his confirmation hearing, Secretary Bolton demonstrated an impressive command of issues related to the United Nations. Senator BIDEN acknowledged to the nominee at his hearing that, ''There is no question you have extensive experience in U.N. affairs.'' Deputy Secretary Rich Armitage has told reporters: ''John Bolton is eminently qualified. He's one of the smartest guys in Washington.''

This nomination has gone through many twists and turns. But now we are down to an issue of process. The premise expressed for holding up the nominee is that the Senate has the absolute right as a co-equal branch of Government to information that it requests pertaining to a nominee. Political scientists can debate whether this right actually is absolute, but there is a flaw in this premise as it applies to the Bolton nomination. This is that the Senate, as a body, has not asked for this information. The will of the Senate is expressed by the majority. A majority of Senators have voted to end debate. By that vote, a majority of Senators have said that they have the information they need to make a decision.

If Members are intent upon exercising their right to filibuster this nominee, they may do so. But they cannot claim that the Senate as an institution is being disadvantaged or denied information it is requesting when at least 57 Senators have supported cloture knowing that invoking it would lead to a final vote. Senate rules give 41 Senators the power to continue debate. But neither a filibuster nor a request from individual Senators counts as an expression of the will of the Senate.

Minds are made up on this nomination, as they have been for weeks. In fact, with few exceptions, minds have been made up on this nominee since before his hearing occurred. Nevertheless, the Foreign Relations Committee conducted an exhaustive investigation. I would remind my colleagues that Republicans on the Foreign Relations Committee assented to every single witness that the minority wanted to interview. The cases for and against Secretary Bolton have been made extensively and skillfully. In the context of an 11-week investigation involving 29 witnesses and more than 1,000 pages of documents culminating in 14 hours of floor debate, the remaining process dispute over a small amount of information seems out of proportion. This is particularly the case given that the ostensible purpose of obtaining documents and interviewing witnesses is to help Senators make up their minds on how to vote.

If we accept the standard that any Senator should get whatever documents requested on any nominee despite the will of the Senate to move forward, then the nomination process has taken on nearly limitless parameters. Nomination investigations should not be without limits. It is easy to say that any inquiry into any suspicion is justified if we are pursuing the truth. But as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest and open. Clearly, we should thoroughly examine each nominee's record. But in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair.

I reiterate that the President has tapped Secretary Bolton to undertake an urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the U.N. for the national security and foreign policy objectives of the United States. He has stated his belief in decisive American leadership at the U.N. and underscored that an effective United Nations is very much in the interest of U.S. national security. I believe that the President deserves to have his nominee represent him at the United Nations. I urge my colleagues to invoke cloture.

Mr. President, before I yield the floor, I ask unanimous consent that quorum calls be charged equally to both sides.

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

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I state at the outset that the vote we are about to take is not about John Bolton. The vote we are about to take is about taking a stand—about the Senate taking a stand. The vote is about whether the Senate will allow the President to dictate to a coequal branch of Government how we, the Senate, are to fulfill our constitutional responsibility under the advice and consent clause. It is that basic. I believe it is totally unacceptable for the President of the United States, Democrat or Republican—and both have tried—to dictate to the Senate how he, the President, thinks we should proceed.

The fact that the President of the United States in this case says he does not believe the information we seek is relevant to our fulfilling our constitutional responsibility is somewhat presumptuous, to say the least. I am aware—as we all are on both sides of the aisle—of the sometimes admirable but most times excessive obsession with secrecy on the part of this administration. But notwithstanding that, we should not forfeit our responsibility in order to accommodate that obsession.

I do not hold John Bolton accountable for this administration's arrogance. John Bolton was gentleman enough to come see me. At the request of the Senator from Arizona, Mr. MCCAIN, who contacted me, I said I would be willing to sit with John Bolton last week and speak with him about what we were seeking and why we were seeking it. I did that. As a matter of fact, one of my colleagues, the Senator from Connecticut—although it wasn't his idea, and I caught him on the way to have dinner with his brother—was kind enough to come and sit with me and listen to John Bolton.

I believe Mr. Bolton would be prepared to give us this information. Whether that is true is, quite frankly, irrelevant, because the fact is we both told Mr. Bolton this dispute about the documents is not about him. I say to my colleague from Indiana, this is above his pay grade. He indicated under oath in our committee hearing that he was willing to let all of this information come forward. So I actually went to the extent of sitting with Mr. Bolton and suggesting how, as it related to a matter on which I have been the lead horse—on Syria—we could accommodate an even further narrowing and detailing of the information we are seeking and why.

Last month, after the Senate stood up for itself and rejected cloture on the Bolton nomination, the Democratic leader and I both promised publicly—and today I pledge again—that once the administration provides the information we have requested and information that no one thus far has suggested we are not entitled to—we will agree to vote up or down on the Bolton nomination.

At the outset, it should be emphasized that these are not—and I emphasize ''not''—new requests made at the 11th hour to attempt to derail a vote. Nobody is moving goalposts anywhere except closer, not further away.

The committee made these requests, the same two requests, back in April. First, we requested materials relating to testimony on Syria and weapons of mass destruction prepared by Mr. Bolton and/or his staff in the summer and fall of 2003.

We already know from senior CIA officials that Mr. Bolton sought to stretch the intelligence that was available on Syria's WMD program well beyond what the intelligence would support.

We think the documents we are seeking will bolster the case that he repeatedly sought to exaggerate intelligence data. Some who are listening might say: Why is that important? Remember the context in the summer of 2003. In the summer of 2003, there were assertions being made in various press accounts and by some ''outside'' experts and some positing the possibility that

those weapons of mass destruction that turned out not to exist in Iraq had been smuggled into Syria and that Syria had its own robust weapons of mass destruction program.

Remember, people were speculating about ''who is next?'' Newspaper headlines and sub-headlines: Is Syria next? Syria was at the top of the list—not the only one on the list. There was speculation, as I said, that the weapons of mass destruction we could not find in Iraq had been smuggled into Syria.

We know, at that same time, the CIA says Mr. Bolton was trying to stretch—stretch—the intelligence case against Syria on weapons of mass destruction.

The Syrian documents may also raise questions as to whether Mr. Bolton, when he raised his hand and swore to tell the truth and nothing but the truth, in fact may not have done that because he told the Foreign Relations Committee that he was not in any way personally involved in preparing that testimony. The documents we seek would determine whether that was true or not. It may be true, but the documents will tell us.

Second, we have requested access to 10 National Security Agency intercepts. That means conversations picked up between a foreigner and an American, where they may have relevance to an intelligence inquiry and where the name of the foreigner is always listed, but it says speaking to ''an American,'' or an American representing an American entity.

Mr. Bolton acknowledged, under oath, that he had sought—which is not unusual in the sense that it has never happened, but it is noteworthy—he sought the identities of the Americans listed in 10 different intercepts.

When I asked him why he did that, he said intellectual curiosity and for context. It is not a surprise to say—and I am not revealing anything confidential; I have not seen those intercepts—that there have been assertions made by some to Members of the Senate and the staff members of the Senate that Mr. Bolton was seeking the names of these individuals for purposes of his intramural fights that were going on within the administration about the direction of American foreign policy. These requests resulted in Mr. Bolton being given the names of 19 different individuals. Nineteen identities of Americans or American companies were on those intercepts.

Mr. Bolton has seen these intercepts. Mr. Bolton's staff has seen some of these intercepts, but not a single Senator has seen the identities of any of these Americans listed on the intercepts.

I might note, parenthetically, we suggested—I was reluctant to do it, but I agreed with the leader of my committee—that we would yield that responsibility to the chairman and vice chair of the Intelligence Committee. Later, the majority leader, in a genuine effort to try to resolve this issue, asked me what was needed. I said he should ask for the names—not the chairman—he should ask for the names. He said he did, and he said they would not give him the names either.

It has been alleged, as I said, that Mr. Bolton has been spying on rivals within the bureaucracy, both inferior and superior to him. While I doubt this, as I said publicly before, we have a duty to be sure that he did not misuse this data.

The administration has argued that the Syrian testimony material is not relevant to our inquiry. I simply leave it by saying that is an outrageous assertion. The administration may not decide what the Senate needs in reviewing a nomination unless it claims Executive privilege or a constitutional prohibition of a violation of separation of power. As my grandfather and later my mother would say: Who died and left them boss? No rationale has been given for the testimony.

Parliamentary inquiry, Mr. President: How much time have I consumed?

The ACTING PRESIDENT pro tempore. The minority has just under 18 minutes.

Mr. BIDEN. Mr. President, I have two colleagues who wish to speak. I will be brief. We have narrowed the request of the documents. We narrowed them on several different occasions. I am grateful to Chairman ROBERTS and Director Negroponte for accepting the principle that they can cross-check names on the list we have with the list of names on the intercepts. But I hope everyone understands, as my friend from Connecticut will probably speak to, that in offering to provide a list of names, we were trying to make it easier. We were not trying to move the goalposts; we were trying to make it closer for them.

The bottom line is, it is very easy to get this resolved. It is not inappropriate for me to say that I had a very good conversation not only with Mr. Bolton but with Mr. Card, who indicated he was sure we could resolve the Syrian piece of this. I indicated from the beginning that was not sufficient. We had two requests for good reason: One relating to intercepts and one relating to the Syrian matter. The Syrian matter is within striking distance of being resolved. I said in good faith to him: Do not resolve that if you think that resolves the matter, unless you are ready to resolve the matter of the issue relating to Mr. Bolton and the intercepts.

Absent that material being made available, I urge my colleagues to reject cloture in the hope that the administration will finally step up to its constitutional responsibility of providing this information to us.

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

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to speak in favor of actually voting on John Bolton's nomination. I listened to my colleague's arguments, and I listened to the studious and accurate statement of the chairman of the Foreign Relations Committee regarding this long-debated, long-considered nomination.

The Senate has had this nomination for 5 months. Ambassador to the United Nations is a very important post. In fact, it is a very important position at this particular time, as democracy is on the march, as freedom is on the march throughout the world, whether in Lebanon, Iraq, Afghanistan, or elsewhere.

It is important also to note that even the United Nations recognizes that it is time for reform. It is vitally important that the taxpayers of this country, who put in $2 billion every year into the United Nations, ought to have a man such as John Bolton leading our efforts. John Bolton is a reformer, and that is why the President nominated him.

The President was elected by the people of this country. A President needs to have the men and women he desires to effectuate his goals, his policies, and to keep the promises he made to the people of this country.

This nomination has been held up through obstructionist tactics. I am hopeful that my colleagues will review the thorough and extensive vetting process. I am hoping that they will actually take off their political blinders and look at this nomination, look at the record of performance, and look at all the evidence, all the charges, all the refutations, and look at the facts regarding Mr. Bolton.

I think it is highly irresponsible for the Senate to keep obstructing reform of the United Nations. And, Mr. President, that is what is happening. This obstruction of John Bolton's nomination, while a political effort, I suppose, in some people's point of view, clearly could be characterized as obstructing reform of the United Nations. Until we have our ambassador there with the strength and the support of the Senate and the people of this country, we do not have someone arguing for the American taxpayers, arguing for accountability, trying to stop the waste, the fraud, and the corruption in the United Nations.

We have gone through every germane argument and stretched allegation against John Bolton. Instead of talking about reforming the United Nations, we have been on a fishing expedition. Every time on this fishing expedition we end up seeing a dry hole.

First, there was concern about his general views in saying the United Nations needed to be reformed. Then the opposition recognized: Gosh, the American people also think the United Nations needs reforming.

Then there was a great fixation and focus on the drafting of speeches. And wasn't that very interesting, how speeches are crafted?

Then there was a worry about the sensibilities of some people being offended by John Bolton.

Then there was a worry about a woman—I forgot where it was,

Kazakhstan or Moscow—that was refuted as not being a fact.

Then there was a concern about a speech that John Bolton gave where he said that North Korea was a repressive dictatorship and that it was a hellish nightmare to live in North Korea. That was supposedly terrible for him to say, when in fact that is a pretty good description of North Korea.

Then there were worries about Great Britain and what John Bolton might have done with Great Britain. Within hours our British friends said: No, we had no problems whatsoever.

Then the other side said: We want a list of names; we want to see a cross-check, that request got to Senator ROBERTS and Senator ROCKEFELLER, the chair and cochair on the Intelligence Committee.

Then there were a few names cross-checked. There was nothing new there. What comes up? Now we want 3 dozen names cross-checked as the fishing expedition continues.

Now there is a fixation, an interest in the crafting of testimony or a speech dealing with Syria.

It is just going to continue and continue. It does not matter what the answers are. It does not matter what the truth is. It does not matter about the facts. What they want to do, unfortunately, is ignore the dire need for reform in the United Nations. The opposition seems to want to completely ignore John Bolton's qualifications and outstanding record of performance for the people of this country.

John Bolton has played a significant role in negotiating a number of treaties that will result in reducing nuclear weapons, or keeping them from falling into the hands of rogue nations and terrorist organizations. His work on the Moscow Treaty will reduce by two-thirds operationally deployed nuclear weapons in both the United States and Russia.

John Bolton also led the U.S. negotiations to develop President Bush's Proliferation Security Initiative, which garnered the support of 60 countries. This Proliferation Security Initiative is an important security measure to stop the shipment of weapons of mass destruction, their delivery systems, and related materials worldwide.

John Bolton also helped create the global partnership at the G8 summit, which doubled the size of the nonproliferation effort in the former Soviet Union. By committing our G8 partners to match the $1 billion-per-year cooperative threat reduction of the United States, or as we call it here, the Nunn-Lugar program. John Bolton also has proven that he can work well within the United Nations. He has previously served as Assistant Secretary of State for International Organizations, where he worked intensively on U.N. issues, including the repealing of the offensive United Nations resolution which equated Zionism to racism. That is one of the reasons B'nai Brith supports his nomination.

John Bolton has the knowledge, the skills, the principles, and the experience to be an exceptional ambassador to the United Nations. He has the right, steady, and strong principles to lead the U.S. mission at a time when the United Nations is in desperate need of reform.

I believe the people of America do not want a lapdog as our ambassador to the United Nations, they want a watchdog. They want to make sure the billions of dollars we are sending to the United Nations is actually helping advance freedom; helping to build representative, fair, just, and free systems in countries that have long been repressed. It is absolutely absurd and farcical that countries such as Syria, Zimbabwe, or other repressive regimes are on the Human Rights Commission. Even the United Nations recognizes they need reform. So that is why the President has sent forth an individual, John Bolton, to bring this organization into account and reform it.

Whether it is fraud or corruption, this country does not think the United Nations ought to be placating or rewarding dictators and oppressive tyrants. We have heard many absurd arguments since the President has sent John Bolton's nomination to the Senate 5 months ago. What my colleagues will see as they look at each and every one of these charges as the process has dragged on, is that they are wild, they are unsubstantiated, or they have been proven false. Some claims against Mr. Bolton have even been retracted.

This nomination has been considered for a long time. Throughout, new charges have been made, and each time they do not stand up when placed in the accurate context or studied fully. They have been shown to be misleading, exaggerated, false, or irrelevant.

This is the definition of a fishing expedition, and its sole goal is to bring down a nominee because of differing policy views. Many of those are leading very articulately, even if I disagree with them, on the Bolton nomination. The five leading most senior members of the Foreign Relations Committee, who talked about speeches and offending sensibilities of people, they all were against Mr. Bolton in 2001 before any of these accusations arose. So this is just a continuation of that opposition.

I hope Senators the other side of the aisle who are refusing to bring this issue to a close would note what Chairman ROBERTS noted, that they seem to be intent on preserving John Bolton's nomination as a way to embarrass our President.

The President was elected by the people of America. It is logical and it is important that our CEO, our President, be accorded the ability to bring in and to lead our efforts consistent with his principles, with people who are loyal to those views, and who will effectuate those goals.

There is little question that one of the most fair chairmen in this entire Senate is the Senator from Indiana, Mr. LUGAR. He has negotiated in good faith on this issue. Unfortunately, time after time some on the other side keep moving the goalpost. I know they do not like that term, but every time there is something answered, every time this gets ready for a vote, there is always a new allegation, a new request, something else to delay a vote on this nomination. Obstruction in this case, as in many others, has gone on for too long. It is time to vote on John Bolton's nomination. The continued delaying tactics can only be viewed as obstructionism for petty partisan reasons.

This nomination has received inordinate scrutiny and review. Yet opponents of voting up or down continue to demand even more information. This position has been vacant for 5 months, we need to have a conclusion. Mr. Bolton has an exemplary career in public service. The extensive oversight that the Senate has undertaken in considering this nomination means that Senators ought to have the guts to get out of these cushy seats and vote yes or vote no. Anyone who votes to continue to obstruct this nomination can be fairly characterized as delaying and obstructing the much needed, reforms in the United Nations. And it is also contrary to the will of the American people.

I yield the floor.

Mr. JEFFORDS. Mr. President, I will cast my vote today in opposition to ending the debate on the nomination of John Bolton to be the U.S. Ambassador to the United Nations.

I am distressed the administration has not provided the Congress with the documents it has requested that are essential for judging the quality of Mr. Bolton's performance in his past positions. When the President sends the Congress a request for approval of a nominee for a top position, the President must be prepared to assist Congress in a thorough inspection of that individual's prior Government service. Withholding information needed by Congress, even classified information that can be handled in a secure fashion, is detrimental to the successful functioning of our Government. The administration's full cooperation with Congress is not optional, but essential.

If Mr. Bolton's nomination comes to the full Senate for a vote, I plan to vote no. I do not oppose him because of his skeptical view of the UN. I do not oppose him because he believes the UN should be reformed. If the President wants to change U.S. policy toward the UN, he has the right to choose an ambassador who will attempt to do so. The Congress should evaluate that nominee on his or her ability to do the job for which the individual has been selected.

I am opposing Mr. Bolton because his past record leads me to believe he does not have the skills to do the job of Ambassador to the UN. As the second-ranking foreign policy job in any administration, it is very important that

this job be done right. My review of his prior experience leads me to conclude that Mr. Bolton is not a man who builds consensus, who appreciates consensus, or who abides by consensus. No matter what one thinks of the UN's performance, or how its functionality and mission ought to be reformed, one must be able to build support among our allies in order to effect change. As we have seen, nothing is accomplished at the UN by banging one's shoe on the podium. The work of the UN requires respect for national differences, searching for common ground, and development of consensus on what actions must be taken. It would be irresponsible to approve a UN ambassador who is not capable of performing these tasks.

The record shows that on occasion when his personal beliefs clashed with administration policy, Mr. Bolton has not hesitated to take matters into his own hands, to misuse secret materials, to threaten Federal employees with personal retribution and to endanger national security in order to advance his own view of a situation. This is not who we should be sending to the UN as our chief representative. We can, and we must, do better by an institution that should be an important part of a successful American foreign policy.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. I yield 6 minutes on my time, and I am told the distinguished Senator from California has 5 minutes of leader time. I yield to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from Delaware has 16 minutes in total remaining.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time is equally divided until 6. Extending the time past 6 would take a unanimous consent request.

Mrs. BOXER. Senator REID gave me 5 minutes of his leader time, and I ask unanimous consent that I might add that to my 6 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. LUGAR. Mr. President, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Delaware.

Mr. BIDEN. I yield 6 minutes on my time to the distinguished Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I think we need to take a deep breath and a reality check. All this talk from Senator ALLEN about how obstructionist the Democrats are being—now, here is the truth: The Republicans run the Foreign Relations Committee. They did not even have the votes to vote John Bolton out of that committee and bring it to the floor with a positive recommendation.

This is a very divisive and controversial nomination. Since 1945, the Senate has confirmed 24 men and women to serve as U.N. ambassador. Never before has any President of either party made such a divisive and controversial nomination. In 60 years, only two nominees have had a single Senator cast a ''no'' vote against them. Andrew Young was one. He was confirmed 89 to 3 in 1977, and Richard Holbrooke was confirmed 81 to 16 in 1999. Every other time the nominee has been approved unanimously. I long for those days.

This is a President who said he wanted to be a uniter, not a divider. Yet in light of all the controversy, he sticks with this nominee. The fact is, 102 former diplomats, both Republican and Democrat, signed a letter opposing John Bolton. They wrote that his past activities and statements indicate conclusively that he is the wrong man for this position at a time when the U.N. is entering a critically important phase of democratic reforms.

Senator VOINOVICH said it well, and he is a Republican. He is a member of the committee. He said: Frankly, I am concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms we need.

John Bolton has said that there is no United Nations. He has said if the U.N. Secretariat Building in New York lost 10 floors, it would not make a bit of difference. How does someone with that attitude get the respect required to bring the reforms?

As we know, today is not about whether Senators should vote for or against John Bolton. Today is a different vote. It is a vote as to whether the Senate deserves, on behalf of the American people, to get the information that Senators BIDEN and DODD have taken the lead in asking for. By the way, Senator LUGAR, at one point in time, had signed some of those letters requesting the information.

Why is this important? It is important because every Senator is going to decide whether to vote up or down on Mr. Bolton. We need to know what this information will show. Yes, as Senator BIDEN has said, we get the information, we schedule a vote. But we will look at the information. What if the information shows that, in fact, John Bolton was trying to spy on other Americans with whom he had an ax to grind? What if the information shows that John Bolton did not tell the truth to the committee and that he had written a speech about Syria which was misleading and which could have, in many ways, made that drumbeat for war against Syria much louder than it was?

There is a third piece of information that Senators DODD and BIDEN did not think was that important, but I still think is important and we have asked for, which is the fact that Mr. Bolton has an assistant, someone he has hired, who has outside clients so that while he, Mr. Matthew Friedman, is getting paid with taxpayer dollars, he has outside clients.

Who are these outside clients? We cannot find out. We called Mr. Friedman's office. The secretary answered. This is a private office, his private business, and she said: Oh, yes, he is here. He will be right with you.

Then, upon finding out it was my office, suddenly Mr. Friedman was nowhere to be found and has not returned the call.

I represent the largest State in the Union. Believe me, it is a diverse State. We have conservatives and liberals and everything in between. We have every political party represented there, and many independent voters. But they all want me to be able to make an informed decision. This information is very important. Therefore, I think today's vote is crucial.

There is one more point I would like to make.

Mr. President, I ask how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute.

Mrs. BOXER. This is the point. When we had the whole debate over a judge a long time ago, a judge named Richard Paez, at that time Dr. FRIST, Senator FRIST supported the filibuster against Judge Paez. What he said in explaining his vote was it is totally appropriate to have a cloture vote—as we are going to do today—when you are seeking information. That is totally appropriate.

I have the exact quote here, and I would like to read it. He said:

> Cloture, to get more information, is legitimate.

I agree with Senator FRIST. It is legitimate to hold out on an up-or-down vote, to stand up for the rights of the American people and the information they deserve to have through us.

I thank Senator DODD and Senator BIDEN for their leadership, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Mr. President, I yield the remainder of the time under my control to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut has 9 minutes remaining.

Mr. DODD. Mr. President, I thank my colleague from Delaware, as well as my colleague from California for her comments. Let me say to the distinguished chairman of our committee, I know this has been a long ordeal, now going up to 2 months that this nomination has been before us. No one, except possibly the chairman of the committee, would like this matter to be terminated sooner rather than later more than I would. I am sure the Senator from Delaware feels similarly, as I know my colleague from California does as well.

But there is an important issue before this body that transcends the nomination of the individual before us. That is whether as an institution we have a right to certain information pertaining to the matter before us. Certainly the matter that we have requested—Senator BIDEN has and I have—regarding this nomination is directly on point when it comes to the qualities of this nominee.

For nearly a month since our May 26th cloture vote on this nomination, the administration has stonewalled our efforts to get the additional information we believe the Senate should have to make an informed judgment on this nomination.

Senator BIDEN and I have attempted to reach an accommodation with the administration on the two areas of our inquiry—draft testimony and related documents concerning Syria's weapons of mass destruction capabilities and the nineteen names contained in ten National Security Agency intercepts which Mr. Bolton requested and was provided during his tenure as Under Secretary of State for Arms Control and International Security. Senator BIDEN has narrowed the scope of his request related to Syria. I have offered to submit a list of names of concern related to the NSA intercepts to be cross checked by director Negroponte against the list of names provided to Mr. Bolton.

I am very puzzled, Mr. President, by the intransigent position that the administration has taken, particularly with respect to the intercept matter.

If the intercepts are ''pure vanilla'' as our colleague, Senator ROBERTS, has described them, then why does the administration continue to withhold the information from the Senate?

The answer is we don't know.

Was Mr. Bolton using the information from the intercepts to track what other officials were doing in policy areas he disagreed with?

Or was he simply utilizing the information in the normal course of carrying out his responsibilities?

Again, we don't know.

Under ordinary circumstances, I would not be inquiring whether a State Department official had sought access to sensitive intelligence for anything other than official purposes.

But we know from the Foreign Relations Committee investigation of this nominee—from interviews of individuals who served with Mr. Bolton in the Bush administration—that Mr. Bolton's conduct while at the State Department was anything but ordinary.

We learned how Mr. Bolton harnessed an abusive management style to attempt to alter intelligence judgments and to stifle the consideration of alternative policy options—all in furtherance of his own personal ideological agenda.

According to a story that appeared in today's Washington Post, we now know that Mr. Bolton's machinations weren't limited to Cuba or Syria weapons of mass destruction. It would seem he was the ''Mr. No'' of the Department on a wide variety of policy initiatives, acting as a major roadblock to progress on such important initiatives as U.S.-Russian cooperative nuclear threat reduction.

Mr. Bolton has done a disservice to the Bush administration and to the American people by putting his agenda ahead of the interests of the administration and the American people.

It is not only that he had his own agenda that is problematic. It is the manner in which he sought to advance that agenda by imposing his judgments on members of the intelligence community and threatening to destroy the careers of those with the temerity to resist his demands to alter their intelligence judgments.

In so doing, he breached the firewall between intelligence and policy which must be sacrosanct to protect U.S. foreign policy and national security interests.

That is not to say there should not be a vibrant and healthy disagreement where one exists. There ought to be, in fact, more disagreements where these matters have caused friction. But the idea that you would allow that friction, those disagreements to transcend the firewall where you would then seek to have people dismissed from their jobs because you disagreed with their conclusions, that goes too far. Mr. Bolton went to far and for those reasons, in my view, does not deserve to be the confirmed nominee as ambassador to the United Nations. That fact is painfully clear to all Americans following the serious and dangerous intelligence failures related to Iraqi weapons of mass destruction.

We know that Mr. Bolton's efforts to manipulate intelligence wasn't some anomaly because he was having a bad day. The entire intelligence community knew of his reputation.

We were fortunate to have individuals, like Dean Hutchings, Chairman of the National Intelligence Council from 2003–2005, who disapproved of and resisted Bolton's efforts to cherry pick intelligence.

We also know that Mr. Bolton needed adult supervision to ensure that his speeches and testimony were consistent with administration policy. Deputy Secretary Armitage took it upon himself to personally oversee all of Mr. Bolton's public pronouncements to ensure that he stayed on the reservation.

Is this really the kind of performance we want to reward by confirming this individual to the position of United States Representative to the United Nations?

Is Mr. Bolton the kind of individual who we can trust to carry out the United States agenda at the United Nations at this critical juncture?

I think not.

We all know that these are difficult times. Our responsibilities in Iraq and Afghanistan are significant and costly. Other challenges to international peace and stability loom large on the horizon: Iran, North Korea, Middle East Peace. Humanitarian crises in Africa and Asia cry out for attention.

The United States can not solve all these problems unilaterally. We need international assistance and cooperation to address them. And the logical focal point for developing that international support is the United Nations.

But international support will not automatically be forthcoming.

It will take real leadership at the United Nations to build the case for such cooperation. That United States leadership must necessarily be embodied in the individual that serves as the United States Ambassador to the United Nations. Based on what I know today about Mr. Bolton, I believe he is incapable of demonstrating that kind of leadership.

The United States Ambassador to the United Nations is an important position. The individual who assumes this position is necessarily the face of our country before the United Nations.

For all of the reasons I have cited—Mr. Bolton's management style, his attack on the intelligence community, his tunnel vision, his lack of diplomatic temperament—I do not believe that he is the man to be that face at the United Nations.

I hope that when it comes time for an up or down vote on Mr. Bolton that my colleagues will join me in opposing this nominee.

But this afternoon's vote is about who determines how the Senate will discharge its constitutional duties related to nominations. Will the executive branch tell this body what is relevant or not relevant with respect to its deliberations on nominations? Or will the Senate make that determination?

If you believe as I do that the Senate is entitled to access to information that is so clearly relevant in the case of the Bolton nomination, then I would respectfully ask you to join Senator BIDEN and me in voting against cloture.

But this vote isn't just about the nomination of Mr. Bolton, it is also about setting a precedent for future requests by the Senate of the executive on a whole host of other issues that may come before us—in this administration and in future administrations.

For that reason I strongly urge all of our colleagues to support us in sending the right signal to the administration by voting no on cloture when it occurs at 6 p.m.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LUGAR. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, having listened to my Democrat colleagues discuss the Bolton nomination last week, I very briefly come to the floor to set the record straight.

The plain, simple truth is that some on the other side of the aisle are obstructing a highly qualified nominee and, I believe, by not allowing him to

assume this position yet, are doing harm to our country. I say that because John Bolton has a long record of successfully serving his country. He has been confirmed by this body no fewer than four times.

We have had 12 hours of committee hearings, 23 meetings with Senators, 31 interviews conducted by the staff of the Senate Foreign Relations Committee, and 157 questions for the record submitted by members of the committee. The committee has had nearly 500 pages of documents from State and USAID. After reviewing thousands of pages of material, the intelligence community has provided over 125 pages of documents to the Foreign Relations Committee. The nominee has had 2 days of floor debate. The list goes on and on.

The chair and vice chair of the Intelligence Committee have both reviewed the NSA intercepts. Both have concluded that there is nothing there of concern.

I am satisfied with their conclusions, and I am satisfied that the prerogatives of the Senate have been respected.

I have been more than willing to try and reach a fair accommodation with Senators DODD and BIDEN, but the goal posts keep moving from a handful of names to now, three dozen. What is going on here looks and smells like a fishing expedition.

I supported Senator ROBERTS' initiative last week to strike a compromise. 1t made sense. It fairly and appropriately allowed the Director of National Intelligence to review names.

The names Senator ROBERTS vetted with the DNI were taken straight from the minority report of the Foreign Relations Committee. They are also names of persons that were raised by Senator DODD and Senator BIDEN during committee hearings and deliberations.

The fact that none of these names was in any of the 10 intercepts confirms what Senator ROBERTS and Senator ROCKEFELLER have said previously. John Bolton did nothing improper in requesting these intercepts, and there is no reason for concern.

Last week, Senator DODD and Senator BIDEN stated again that they wanted to see earlier drafts of Secretary Bolton's 2003 Syria testimony before the House.

I don't believe those documents are necessary, because what really matters is the final draft.

That said, I have been working with the White House to make this happen, and to give Senator DODD and Senator BIDEN a chance to review these documents.

What is important is to get this process moving, to give John Bolton a fair up-or-down vote, and to get our Ambassador to the U.N.

We will find out today if that will happen and if Members will do what is right for our country or if pointless obstruction will continue to stymie the process and damage America's foreign affairs.

The United States has not had an ambassador at the U.N. for over 5 months now. It is time to stop the grandstanding and give this nominee a vote.

John Bolton is a smart, principled, and straightforward man who will effectively articulate the President's policies on the world stage.

We need a person with Under Secretary Bolton's proven track record of determination and success to cut through the thick and tangled bureaucracy that has mired the United Nations in scandal and inefficiency.

It is no accident that polling shows that most Americans have a dim view of the United Nations. In recent months, we have seen multiple negative reports about the world body.

We now know that Saddam Hussein stole an estimated $10 billion through the Oil-for-Food Program. The U.N. official who ran the operation stands accused of taking kickbacks, along with other officials.

Last month, the head of the Iraq Survey Group told the Council on Foreign Relations that as a result of the Oil-for-Food corruption, Saddam came to believe he could divide the U.N. Security Council and bring an end to sanctions.

He did divide us, but he didn't stop us.

The U.N. failed to stop the genocide in Rwanda in the 1990s. The U.N. now seems to be repeating that mistake in Darfur.

In the Congo, there are numerous allegations that U.N. peacekeepers have committed sexual abuse against the innocent, female war victims they were sent to protect.

Meanwhile, the U.N.'s Human Rights Commission, which is charged with protecting our human rights, includes such human rights abusers as Libya, Cuba, Zimbabwe, and Sudan.

These failures are very real and very discouraging. They can be measured in lives lost and billions of dollars stolen. And they can be measured in the sinking regard for an organization that should be held in some esteem.

America sends the United Nations $2 billion per year. Our contribution makes up 22 percent of its budget. We provide an even larger percentage for peacekeeping and other U.N. activities. It is no surprise that Americans are calling out for reform.

John Bolton is the President's choice to lead that effort. He possesses deep and extensive knowledge of the United Nations and has, for many years, been committed to its reform

Under Secretary Bolton has the confidence of the President and the Secretary of State, and it is to them he will directly report.

As Senator LUGAR has pointed out, Under Secretary Bolton has served 4 years in a key position that technically outranks the post for which he is now being considered.

This is a critical time for the United States and for the world. Because of the President's vision and commitment, democracy is on the march around the globe. The United Nations can and should play a central role in advancing these developments.

I believe in the U.N.'s potential if it is reformed and more rightly focused. It has been an important forum for peace and dialogue. And, like the President, I believe that an effective United Nations is in America's interest.

As we all know, there has been one cloture vote. Tonight, in a few minutes, we will have that second cloture vote.

Mr. President, John Bolton is the right man to represent us in the United Nations. He is a straight shooter, a man of integrity. He is exactly what we need at this time in the United Nations. He is exactly what the United Nations needs from us. A vote for John Bolton is a vote for change there. A vote for John Bolton is a vote for reform there. We have had dilatory tactics and obstructionism that has been thinly veiled in words of ''Senate prerogative.'' John Bolton deserves a vote, and the American people deserve a strong, principled voice in the United Nations.

Mr. President, I encourage our colleagues to vote for cloture tonight because John Bolton deserves an up-or-down vote as the nominee to the United Nations ambassadorship.

The ACTING PRESIDENT pro tempore. All time has expired.

Under the previous order, the motion to proceed to the motion to reconsider the failed cloture vote on this nomination is agreed to, the motion to reconsider the failed cloture vote is agreed to, and the Senate will proceed to a vote on the motion to invoke cloture on the nomination.

CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 103:

William Frist, Richard Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Robert Bennett, Mel Martinez, George Allen.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 103, the nomination of John Robert Bolton, to be the Representative of the United States of America to the United Nations, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. COLEMAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 38, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—54

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Roberts
Bunning	Grassley	Santorum
Burr	Gregg	Sessions
Chafee	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Isakson	Stevens
Cornyn	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lott	Thomas
DeMint	Lugar	Vitter
DeWine	Martinez	Warner

NAYS—38

Akaka	Dodd	Murray
Baucus	Dorgan	Nelson (FL)
Bayh	Durbin	Obama
Biden	Feinstein	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Byrd	Jeffords	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Lautenberg	Schumer
Clinton	Leahy	Stabenow
Conrad	Lieberman	Voinovich
Corzine	Lincoln	Wyden
Dayton	Mikulski	

NOT VOTING—8

Burns	Johnson	Levin
Coleman	Kerry	Thune
Feingold	Kohl	

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 799

The PRESIDING OFFICER. The pending amendment is No. 799, the Voinovich amendment.

Mr. NELSON of Florida. Mr. President, is it in order to ask unanimous consent to lay aside the pending amendment for the purpose of speaking on an amendment that will be offered by Senator MARTINEZ?

The PRESIDING OFFICER. The Senator may ask that consent.

Mr. NELSON of Florida. Mr. President, I will certainly be willing to have my colleague from Florida speak. I ask unanimous consent that I speak after the Senator from Florida, Mr. MARTINEZ, who will offer the amendment.

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

The Senator from Florida.

AMENDMENT NO. 783

Mr. MARTINEZ. Mr. President, I call up amendment No. 783.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for Mr. NELSON of Florida, for himself, Mr. MARTINEZ, Mr. CORZINE, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KERRY, Mrs. DOLE, and Mr. BURR, proposes an amendment numbered 783.

(Purpose: To strike the section providing for a comprehensive inventory of outer Continental Shelf oil and natural gas resources)

Beginning on page 264, strike line 1 and all that follows through page 265, line 12.

Mr. MARTINEZ, Mr. President, I appreciate the opportunity that the chairman, Senator DOMENICI, the ranking member, Senator BINGAMAN, and other members have given me to work on this important piece of legislation.

I came late to the work of this committee on this bill, having joined the Senate just this year. Much of the work had previously been done.

As the chairman himself has said, this bill will make a real difference in America's energy landscape.

I must tell my colleagues that I want to vote for this bill. I think it contains a lot of what this Nation needs.

I have grave reservations about one particular provision that calls for an inventory of the resources off this Nation's outer continental shelf.

It is for this reason that I rise today to oppose the inventory, offer an amendment to strike the inventory language, and ask for the support of my colleagues. The inventory language is opposed by both Senators from Florida and a number of coastal State Senators because it opens the door to the development of offshore drilling.

In my State of Florida, such an inventory off our coastlines would take place entirely within a Federal moratorium that bans offshore drilling.

I oppose the inventory because it encroaches on an area off of Florida's coast that we expect will remain under that drilling ban in perpetuity.

My colleagues should be aware that this proposed inventory will cost in excess of a billion dollars and the result will tell us much of what we already know.

I am asking my colleagues to strike the proposed inventory language contained in this bill and protect the rights of States that have no interest in drilling off their shores.

This provision offered by my colleague, Mr. Senator LANDRIEU of Louisiana, proposes to require a ''seismic survey inventory'' of all outer continental shelf areas, including within sensitive coastal waters long-protected from all such invasive activities by the 24-year bipartisan congressional moratorium.

I opposed this amendment in committee because it contains something we in Florida don't want and it opens the door to a number of problems, environmental problems, economic problems, and unnecessary challenges for our military.

Why would we inventory an area where we are never going to drill?

The inventory is a huge problem for Florida. It tantalizes pro-drilling interests. It basically puts the State at risk.

I have received assurances from my friends on the other side of this issue that States such as Florida, States that do not want drilling on their coast, will not have to do it. Fine. That is Florida's position.

I can clearly state that we do not want drilling now, and I do not see a scenario anywhere on the horizon where we would change that position. So why, given our objection to drilling, would we spend the resources, more than a billion dollars, and damage the environment in the eastern planning zone to do this inventory? I would also say to my colleagues that an inventory is not a benign thing.

Seismic surveys involve extensive acoustic disruption to marine ecosystems and fisheries. Recent scientific studies have documented previously-unknown impacts from the millions of high-intensity airgun impulses used in such inventories. These sudden, repetitive explosions bring about a potential for harm that is simply too great.

Seismic surveys are an invasive procedure, inappropriate for sensitive marine areas and economically important fishing grounds.

And if one looks at the cost of this inventory, the Minerals Management Service reports that using the most up-to-date technology to perform an inventory of this magnitude will cost between $75 million and $125 million for each frontier planning area. Nowhere in this legislation can I find a section that suggests how we recoup the cost of such an inventory.

So I ask my colleagues to strike the inventory. Going forward will encroach upon our coastal waters, waters covered by a drilling ban, and would do little more than act as enticement to oil companies that want our drilling moratorium lifted.

Last year, more than 74 million people visited Florida to enjoy its coastline, its wonderful climate, its excellent fishing. Families return year after

year to their favorite vacation spots to relax under our brilliant blue skies, our powdery white beaches, and our crystal-clear emerald waters.

The people of Florida share a love and appreciation of the Atlantic Ocean and the Gulf of Mexico, its coastal habitat and our wetlands, which make a very complex ecosystem, and also a very special place to live.

I share these facts for one reason: The people of Florida are concerned their coastal waters are coming under increased pressure to exploit possible oil and gas resources. The people of Florida do not want that to happen. Floridians are adamantly opposed to oil and gas exploration off our coastal waters. We have very serious concerns that offshore exploration will weaken the protections we have built over these many years. The inventory is but a foot in the door; it seriously threatens marine wildlife and the coastal habitat off the coast of Florida.

One other area of concern that perhaps has not been highlighted enough and I know my colleague from Florida shares my view, is that it has a tremendous impact on military uses of waters off Florida to conduct extensive training and testing. For whatever time it would take to conduct an inventory off our coastline, it would be the exact amount of time our military will be put at a disadvantage.

We must afford our military the most and best training possible for battle preparedness. Vieques used to give our men and women that capability. Now that Vieques is closed, Florida's Panhandle plays an increasingly significant role. Oil and gas exploration would have the potential to halt that important work for an indefinite period of time.

Here are just some of the current missions using our section of the Gulf: F–15 combat crew training; F–22 combat crew training; Navy cruise missile exercises; special forces training; carrier battle group training; composite and joint force training exercises; air-to-surface weapons testing; surface-to-air weapons testing; and mine warfare testing.

Any military mind knows that it takes months to schedule training opportunities when joint operations are involved. If we were to continue on this path of mandating an inventory in Florida's waters, we could bring a halt to a number of important exercises.

In fact, one of the main reasons the military uses this area so extensively is due to the protections currently in place. Here is what MG Michael Kostelnik, the base commander of Eglin Air Force Base, said in May of 2000:

> We continue to place the most severe restrictions in the eastern portion of the proposed sale area where oil and gas operations would be incompatible with military training and testing operations.

If we allow exploration there now, the military will suffer a setback in their training and preparedness.

As many of my colleagues know, Senator NELSON and I are working together to engage a coalition of Senators to help beat back any efforts to encroach upon our coastal waters. I am proud to say in doing so I follow in the footsteps of our predecessors, former Senators Connie Mack and Bob Graham, and a bipartisan Florida delegation, in our firm opposition to drilling off our coasts.

Let me again take a moment to praise Chairman DOMENICI and Ranking Member BINGAMAN for putting together a comprehensive, bipartisan, and significant energy policy that is forward looking, forward thinking, and a road map of where we as a Nation need to go in order to address the challenges that confront us today.

The problem is that this inventory language is a bad provision in a good bill. I cannot emphasize enough how damaging this will be to Florida, other coastal States, and our military training and testing operations in the Gulf. The inventory will have a chilling affect on all of these interests.

The amendment I offer here tonight is simple in that it strikes the language requiring a ''seismic survey inventory'' of all outer continental shelf areas. I believe striking this language makes the overall bill stronger and I ask for my colleagues to support such an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to join my colleague from Florida, as we have introduced this amendment to strike the portion of the Energy bill that would set up an inventory on the Outer Continental Shelf.

I want to show how extensive this inventory is going to be. The Outer Continental Shelf is all of the west coast of the United States, the Pacific coast, the area in yellow off the coast of Washington, Oregon, and California. All of that area would be subject to the inventory. All of this area in the Gulf of Mexico is presently covered by the moratorium about which Senator MARTINEZ and I fought very hard last week to get an agreement from the two leaders and managers of the bill that they would not come in and support any amendments that would offer drilling in the Gulf of Mexico off Florida.

But look at the Outer Continental Shelf. It extends from Maine all the way down to Florida. We are talking about a huge area that would be inventoried. That sounds innocent enough, but let me tell you why I oppose it. I oppose it because it is unnecessary unless you are preparing to drill in areas off our coast that are currently subject to this moratorium; otherwise, why would we want to take an inventory if all of this Outer Continental Shelf is now under a moratorium so you cannot drill for oil and gas?

I oppose it also because it is harmful to marine life and commercial fish, and the Minerals Management Service already conducts inventories of the economically recoverable oil and gas reserves on the Outer Continental Shelf, including moratoria areas, every 5 years. In fact, the MMS will complete its next inventory this summer. Its last inventory came out in the year 2000. If that is the case, why do we need another inventory? How is the inventory in this bill different from the one that is already in effect? Two words: seismic exploration.

What is seismic exploration—in other words, what they call survey? It is an expensive, invasive, and harmful practice used by oil and gas companies to determine where to drill. Why doesn't MMS use seismic exploration currently to complete their inventory? Because it is too costly and it is considered a precursor to drilling.

If you are not going to drill, you should not be spending hundreds of millions of dollars to tell you where to put the drill. MMS estimates that these surveys would cost between $75 million and $125 million for each of the planning areas. Remember, in the Outer Continental Shelf, there are nine planning areas. At $75 million to $125 million apiece for seismic exploration, that means we would be having MMS spend $675 million to $1 billion to survey our moratorium areas, areas on our coastline that are under a moratorium until the year 2012, pursuant to a Presidential directive.

Let me tell you a little bit about what seismic exploration and surveying is. Oil and gas companies use seismic air guns. They are long, submersible cannons that are towed behind boats in arrays, firing shots of compressed air into the water every 10 seconds. Interestingly, these air guns have replaced dynamite as the industry's primary method of exploration. But they create sound rivaling that of dynamite. A large seismic array can produce peak pressures of sound that are higher than virtually any other manmade source, save for explosives like dynamite—over 250 decibels.

The oil and gas industry typically conducts several seismic surveys over the life of their offshore leases. They use these seismic surveys to determine the best placement of oil rigs and pipelines and to track fluid flows within the reservoirs. Seismic surveys are massive, covering vast areas of the ocean, with thousands of blasts going off every few seconds, in some cases over the course of days, weeks, months. The arrays towed by boats consist of 12 to 48 individual air guns, synchronized to create a simultaneous pulse of sound outputting a total of 3,000 to 8,000 cubic inches of air per shot. The sounds are so powerful because the array is attempting to generate echoes from each of several geologic boundary layers at the bottom of the ocean. Echoes produced by these seismic impulses are recorded, and they are analyzed by oil and gas companies to provide information on the subsurface geological features.

The noise pollution from these tests can literally be heard across oceans. If the sea floor is hard and rocky, the noise might be heard for thousands of miles. And the sound can mask the calls of whales and other animals that rely on the acoustic environment to breed and survive. Scientists are documenting more and more problems associated with the seismic surveys. Whales, dolphins, fish, sea turtles, and squid have all been impacted adversely by the seismic activity. I sure would not want to be a scuba diver in the water with one of these seismic blasts going off.

The 2004 International Whaling Commission's Scientific Committee, one of the most well-respected bodies of whale biologists in the world, concluded that increased sound from seismic surveys was a ''cause for concern'' because there is a growing body of evidence that seismic pulses kill, injure, and disturb marine life.

The impacts range from strandings to temporary or permanent hearing loss, to abandonment of habitat and disruption of vital behaviors such as mating and feeding.

Studies have also shown substantial impacts on commercial species of fish. Fishermen, beware. One series of studies demonstrated that air guns caused extensive and apparently irreversible damage to the inner ears of snapper, and the snapper were several kilometers from the seismic surveys.

The scientific community is not the one that is raising the alarm bells. Courts and governments are starting to realize the dangers posed by seismic exploration. In 2002, a California Federal court stopped a geologic research project in the Sea of Cortez, when two beaked whales were found dead with an undeniable link to the seismic activity.

The Canadian Government slowed a geologic project off its west coast and is looking closely at an oil and gas seismic survey off Cape Breton as a result of dangers posed by the surveys.

The Australian Government refused to issue permits for a survey near a marine park because the proponents of the survey could not prove it would not harm the marine park.

And the Bermuda Government refused to issue a permit for seismic geologic surveys off its coast, citing concerns for impacts on marine mammals.

Air gun activity associated with seismic surveys must be considered an invasive procedure, inappropriate for sensitive marine areas and economically important commercial fishing grounds.

We have to continue to remember that the United States has 3 percent of the world's oil reserves.

Yet the United States uses four times more oil than any other nation, according to the report from the National Commission on Energy Policy. According to Alan Greenspan in a speech he gave in April of this year, the 200 million personal vehicles currently on the U.S. highways consume 11 percent of the total world oil production. We cannot drill our way to energy independence.

Spending hundreds of millions of dollars on harmful exploration in areas whose economic livelihood depends on their fishing industry and their marine ecosystem could have devastating effects.

For these reasons, I must oppose this invasive, duplicative, and harmful exploration on the moratoria areas on the Outer Continental Shelf.

The bottom line is, if you have the Outer Continental Shelf under moratoria, why do we need to try to inventory all of that if you are not supposed to have any drilling under Presidential directive at least until the year 2012? Why go in with the risk to Mother Nature with this kind of seismic exploration?

I yield to my colleague from Florida.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Florida.

Mr. MARTINEZ. If the Senator will yield, I wonder if in any part of this bill the Senator noticed any area that would denote how the $1 billion, the cost of exploration, would be paid for?

Mr. NELSON of Florida. That is an excellent question. If you are going to do the seismic exploration which this bill would allow in the nine areas under the moratoria, it is going to cost between $650 million and $1 billion. In a Congress that is so concerned about budget deficits to the tune of almost half a trillion a year, where are we going to get that kind of money?

The Senator's point is well taken. I thank my colleague from Florida for making that point.

Mr. MARTINEZ. A further question: It seems to me, when we have a moratoria, drilling is prohibited right now. To do this inventory in that particular area, it certainly seems to me to be a waste of taxpayer dollars since there is no prospect of drilling with the congressional and Presidential moratoriums in place.

Mr. NELSON of Florida. The Senator is correct. Since a President of the United States established this moratorium on the Outer Continental Shelf and it is to run to 2012, why do we need to be spending money on seismic surveying on an area that is off limits to drilling, which the moratorium has in place until the year 2012?

I thank the Senator for joining to offer this amendment. I ask the Senate to consider helping continue to preserve the moratorium.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we are on the eve of a turning point in the energy future of our country. As we move closer to voting on a comprehensive energy bill, we have a truly historic opportunity to transform the way we think about energy. We have an opportunity to make a decisive step away from dependence on foreign imports and fossil fuels and toward an independent future based on the abundant natural human and technological resources found right here within our borders.

As we wean ourselves from the oil fields of the unstable Middle East and other parts of the world and rely increasingly on field crops and fuel cells produced in America's heartland, we will build an energy future that will make us more secure and a future of which we can be proud.

This is the bottom line. When we talk about moving toward energy independence in this country, we are talking primarily about reducing America's dependence on imported oil. Petroleum accounts for more than 85 percent of our energy imports. As everyone is acutely aware, much of the 85 percent comes from some of the world's most unstable and, in some cases, openly hostile countries.

Today, rising global demand for petroleum is driving prices for gasoline and home heating oil to record levels. This year, China passed Japan as the world's second largest consumer of energy. China's use of oil is expected to grow exponentially over the next few years. So the focus of any national energy strategy must be to reduce our dependence on foreign oil in a sustainable way and as rapidly as possible.

By far, the largest use of petroleum in this country is in the transportation sector, and 97 percent of today's transportation fuel comes from petroleum. Thankfully, we know the solution. It is technologically feasible. We need to build vehicles that use less gasoline or no gasoline, and we need to make an aggressive transition to clean, renewable domestic fuels such as ethanol, biodiesel, and fuel cells.

The goal is a future of vehicles powered by fuel cells. The hydrogen is used to create the electricity to turn the motors that turn the wheels. The power from the fuel cell comes from hydrogen that will be made by renewable resources such as wind, photovoltaic, and other forms of renewable energy.

The biggest single step right now that we can take is to improve vehicle fuel economy. This bill takes a modest step in this direction, for example, by offering tax incentives for hybrid gas-electric vehicles, but we need improvements across the board, including raising the corporate average economy standard for vehicles.

Another commonsense way to reduce reliance on fossil fuels is to make greater use of clean and homegrown fuels. This bill has several provisions that take us in the right direction on this front, starting with the robust 8-billion-plus renewable fuel standard first proposed by Senator LUGAR and I and overwhelmingly approved by this Senate last week.

It is very disturbing that even with the price of ethanol well below that of gasoline, fuel blenders are still turning their backs on this cleaner, cheaper, homegrown alternative and turning instead to imports of refined gasoline.

This chart illustrates that. Right now, going back to 5 years ago, there has been a steady increase in the imports of gasoline. This is weekly total gasoline imports—thousands of barrels per day. From April 28 of 2000 until March of this year, gasoline imports increased 66 percent. This is not oil, this is gasoline. This is oil that has been refined in some foreign country, put on a tanker, and shipped to this country. So right now, we are up to just about a million barrels a day. Think about that, that is just gasoline. Not too many people know that. Most people think we are just importing oil. We are importing about a million barrels a day of refined gasoline into this country. That is at the expense of American dollars and jobs. This is taking us in the wrong direction.

A recent report by the Consumer Federation of America found consumers would be saving up to 8 cents a gallon at the pump if refiners were instead adding it to the gasoline at just 10-percent blends.

My consumers in Iowa, right now, are saving as much as 10 cents per gallon on ethanol-blended fuels, for an average savings of at least $100 a year for a typical family.

I believe Americans all across the country deserve the cost and clean air benefits that ethanol-blended fuels provide. It is imperative we insist on our strong 8-billion-gallon renewable fuels standard when this Energy bill goes to conference with the House.

In addition to the renewable fuels standard, this bill in front of us includes tax incentives for alternative motor vehicles and fuels. This is very important. But we need to act more aggressively. For example, I believe we need to mandate that gasoline vehicles sold in this country be flexible-fuel vehicles that can run on E–85; that is, 85 percent ethanol or some other biofuel.

Now, flexible-fuel vehicles only cost maybe, right now, between $100 and $200 per vehicle. That is with just a small amount that are being made. If every vehicle was a flexible-fuel vehicle, the cost per vehicle would drop way below $100 per vehicle. The savings a consumer would get on that few dollars extra added to the sticker price of a car would be more than made up for, probably within the first year or so of buying flexible fuels.

So I am saying, right now we do not have that many flexible-fuel vehicles. We need to mandate that cars sold in America—not made here, sold in America—be a flexible-fuel vehicle. You might say: Is that possible? Well, Brazil is planning on having all of its new cars flexible-fuel ready by 2008. I want to ask the question: If the Brazilians can do it, why can't we? If the Brazilians can do it, of course we can do it.

Now, of course, consumers need access to the renewable fuels. So I am glad the bill in front of us includes incentives for the installation of flexible-fuel pumps at fueling stations. So now the bill has in it, as I said, incentives for installing flexible-fuel pumps at fuel stations. But we do not have a mandate to build flexible-fuel cars.

Right now, there is a fuel savings credit that auto manufacturers get for making E–85 vehicles. It is called the CAFE credits. But it is on the assumption that these vehicles will run on E–85 at least half the time. In other words, an auto manufacturer gets the credits for building a flexible-fuel vehicle on the assumption the vehicle will use E–85 half the time.

But the truth is, most people who own flexible-fuel vehicles do not even know it. So E–85 does not get used at all for that reason, and for the reason there are not many pumps out there. So we call this the dual-fuel loophole because carmakers get the credit for alternative fuels even if no alternative fuel is used. We should close that loophole now by tying CAFE credits to the amount of flexible fuel that is actually used, or by simply letting the credit expire.

So what I am saying is we need a three-pronged approach. We have the incentives in the bill to add flexible-fuel pumps at fueling stations. Secondly, we need to provide these credits will go only—only—on the amount of flexible fuel that is actually used. Third, what I am saying is we actually need a mandate that cars sold in America be flexible fueled.

Now, another important provision of the Energy bill extends the income tax credit for the production of biodiesel, another excellent renewable fuel. Biodiesel offers tremendous energy savings by providing 3.5 times more energy than is used to produce it, and by offering improved air quality over traditional diesel.

In addition to investment in today's biofuels, we also need a strong investment in the future of bio-based fuels and products of all kinds. New technology is making it possible to produce biofuels and a host of industrial and commercial products out of biomass; that is, agricultural material such as corn stalks and wheat straw and switchgrass and wood pulp and things like that—dedicated energy crops that together are expected to produce 10 times the current volume of ethanol at prices equal to or less than that of gasoline, and, again, with tremendous benefits to our environment and our rural economy.

A recent study found that farmers can expect to earn an additional $35 per acre just by selling the excess biomass—the stalks and the straw—from traditional corn and wheat operations.

Now, ethanol made from this residual biomass is expected to have near zero or even negative net carbon dioxide emissions. How can that be? If you are using it, you are burning it, burning the fuel in a car, you put carbon dioxide into the atmosphere. That is true. But as these plants grow, they take carbon dioxide out of the atmosphere more than what is burned in the automobile. So biomass is a vital part of combating climate change.

Now, the biorefineries that produce this ethanol will also give us bio-based products to supplement or replace everyday products now made from petroleum. I have a couple of posters that indicate that. Shipping materials, building construction materials, roofing materials, elastomeric-type roofing materials, paints, hand sanitizers, and even carpets are made from renewable resources, biodegradable resources. For home and automotive use, just think of all the plastic cups, all these containers made out of petroleum now. And there are lubricants, soy oil. Even rubber tires are made out of renewable resources which are biodegradable. All of these things can be made from the biorefineries that will be producing the ethanol and the biodiesel that we will use in transportation. Many of these products are on the market, not in the future but today.

Tripling the use of bio-based products could add $20 billion in economic benefits just by the year 2010—5 years from now. Replacing the Nation's petrochemicals with bio-based equivalents would save some 700 million barrels of petroleum a year. Just replacing plastics with bio-based counterparts would save another 100 million barrels or more. So there is great potential here. We need to get serious about supporting these bio-based products, and the Federal Government needs to take the lead.

Now, I know we are talking about the Energy bill, and that is what I have been talking about. But I am just going to digress for a minute and talk about a provision that was in the farm bill that was passed in 2002 because it has a lot to do with this Energy bill. Keep in mind what I have been saying is, by getting the biorefineries going and making more ethanol and biodiesel, we have byproducts that can also be made. As I mentioned, they are the plastic containers and the building materials and things like that. There is an important provision in the farm bill, section 9002, that we worked very hard to get in the farm bill, passed and signed by the President 3 years ago this month. Section 9002 requires all Government Departments and Agencies to give a purchasing preference to bio-based products. Now, here is the exact wording. This is section 9002. This is law. It has been the law for 3 years:

Each Federal agency . . . shall—

It does not say ''may''—

shall, in making procurement decisions, give preference to such items composed of the highest percentage of bio-based products practicable . . . unless such items (A) are not reasonably available; (B) fail to meet performance standards; or (C) are available only at an unreasonable price.

So price, performance, and availability—as long as it meets those three criteria, each Federal agency shall buy them. That is what it says, period.

Think of all the plastic cups and forks used every day in the Senate cafeteria alone.

Think of the Department of Defense, think about all of the plastic materials they use in serving the troops every day. Think of the millions of gallons of metal-working fluids, lubricants, and paint used by the Department of Defense. Yet 3 years after the passage of the farm bill, we still do not have a bio-based procurement program in place in the Federal Government. That has been there. It has been the law. And we are still not doing it. McDonald's can go buy plastic cups made out of renewable resources. Good for them. Why can't the Department of Defense? Why can't the Department of Interior that operates in our national parks? Why aren't they using more biodegradable materials? The law says they are supposed to, but they are not doing it because USDA has yet to issue the rules.

Again, I bring that up because this is part and parcel of the Energy bill. This saves us energy because right now all this material is made from imported oil, or most of it. It could be made by homegrown products here in America. We need to have the Federal Government setting an example and leading the way in reducing dependence on products made from foreign oil. I am sorry to say that 3 years later we still are not doing it.

We also need to invest in research and commercialization of bio-based fuels and products. That is why a few weeks ago, I, along with Senators LUGAR, OBAMA, and COLEMAN, introduced the National Security and Bioenergy Investment Act of 2005. Our bill promotes targeted biomass research and development in order to expand the cost-effective use of bio-based fuels, products, and power. It provides incentives for the production of the first 1 billion gallons of biofuels from cellulosic biomass; that is, crop residues like corn stocks and wheat straw, or wood chips from lumber mills. It provides bioeconomy development grants to small bio-based businesses. It creates a new Assistant Secretary position at the Department of Agriculture to carry out energy and bio-based initiatives.

It requires the Capitol complex to lead by example by procuring bio-based products. This bill has the support of a broad coalition of agricultural producers, clean energy and environment groups, and national security experts. I have a number of letters from these organizations supporting the bill.

I ask unanimous consent that the letters be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. HARKIN. Mr. President, I am excited about this new bill. I hope my colleagues will get behind it. In fact, we may be offering an amendment to the Energy bill that would take a small part of that and add it to the Energy bill. I hope we can get that done this week.

America's dangerous dependence on fossil fuels extends beyond oil. Natural gas prices have skyrocketed, hurting everyone who uses gas to heat their home or fuel their appliances or to make fertilizer for our farmers. Americans now pay two to three times what Europeans pay for natural gas due to our ever-growing demand and limited availability. Farmers are hit hard. Our farmers rely on natural gas not only to heat homes and run much of their equipment but also for fertilizer in the fields. These impacts on farmers are severe and getting worse. We need an energy bill that looks for sensible ways to lower natural gas costs for all Americans. We need to look for environmentally sensitive ways to increase our supply.

That is why I keep saying, the House put in a bill to drill for oil in the Arctic National Wildlife Refuge, but we all know that oil doesn't amount to anything. Most of that oil—I could be corrected—I believe all of that oil is going to go to Japan. It is a drop in the bucket compared to what we use. But what else they have in Alaska is a lot of natural gas, and we need to pipe that natural gas from Alaska down to the lower 48. That has been on the drawing boards in the past to get that natural gas down here. And for various and sundry reasons that I don't need to go into here, it has been held up.

I call upon the Governor of Alaska to move expeditiously to reach the agreements that are necessary to get the natural gas pipeline constructed and built to deliver the natural gas down to the lower 48. They have been talking a lot about how they would pipe it down—they would liquefy it and then send it down to the west coast, or maybe to the Gulf States. That costs a lot of money when you liquefy natural gas, when we could build a pipeline that could be environmentally safe and bring that gas right down to the Midwest where it is needed, not only for the Midwest but for the upper part, the northern part of the United States. So we need to move ahead aggressively on that, and we are not doing it.

We need to look for all environmentally sensitive ways to increase supply, and we need to look for solar and biomass and wind. I am glad so many colleagues from both sides of the aisle joined together in approving the amendment offered by Senator BINGAMAN requiring 10 percent of this country's electricity to come from renewable resources by 2020. Wind power in particular has tremendous potential to provide clean, abundant energy in many parts of the country. Wind power generation can provide thousands of dollars in additional revenue to our farmers and ranchers and people in rural areas, while continuing to allow for crop production and grazing. Valuable incentives for wind power production exist in the section 45 wind production tax credit. However, development of this vital industry has been tied up by Congress's refusal to provide a long-term extension of this incentive.

In 2004, when extension of the production tax credit was delayed, more than $2 billion in wind power investment was put on hold. I am pleased a 3-year extension of the production tax credit for wind has been included in this bill. We could do more, much more. It should be extended longer than that, but at least this minimal amount should provide developers the certainty they need to move ahead with wind power projects.

We also need to make sure farmers and farmer co-ops can be full participants in wind power projects. The farm bill's energy title, section 906, is providing grants and loans to farmers and rural small businesses to install wind and other renewable energy systems on their property. It also supports energy-efficient improvements to farm and small business operations. This program has been a real success over the past several years. We expect it to grow substantially in the years ahead.

I have also introduced a bill, S. 715, to help more farmers and other rural citizens become active investors in wind energy by removing restrictions that are in the production tax credit. This bill I am sponsoring includes a pass through of the wind production tax credit to cooperative members, just like the small ethanol producer credit pass through right now. This will provide another needed boost to rural America's wind power development. Right now, if a co-op builds an ethanol plant, they can get the production tax credits passed through to their members. If a co-op wants to build windmills, however, they can't pass it through to their members. Hopefully, we can lift this restriction, and we can do it on this Energy bill before us.

Finally, we need to look to the longer term future, and we need to do it now by laying the groundwork. To deliver truly sustainable energy that will not add to climate change and global warming, that will not pollute the environment, we must invest in clean technologies. What I am talking about is hydrogen. It offers real potential for a clean, domestic, sustainable energy future. But only if it is produced from renewable resources. That is why we need to support research and demonstration of technologies to produce hydrogen from ethanol and other renewable resources. My bill, S. 373, the Renewable Hydrogen Transportation Act, would do just that, by funding the installation of an ethanol-to-hydrogen reformer, as well as the operation of hybrid electric vehicles converted to run on renewable hydrogen instead of gasoline.

Making hydrogen from ethanol and other renewable fuels makes a lot of sense for transportation—one, because we can use the existing ethanol production and distribution network; two, because it could well be the least expensive renewable hydrogen option available. I appreciate the willingness of the chairman and the ranking member to work with me to put this modest, but meaningful, initiative in the bill.

Again, to get to that sustainable future, we have to think about making hydrogen from renewable resources. You use the wind power. When the wind blows at night and you don't need all that electricity and you cannot store it, what do you do with it? You waste it. It is gone. But if you can use that wind at night to turn a turbine that makes electricity, and you can use that electricity to hydrolyze water—remember the old chemistry experiment where you put positive and negative in water, and off of one comes oxygen and off of the other comes hydrogen. There are two atoms for oxygen for every atom of hydrogen. As long as those turbines are turning, we can make hydrogen. You can store hydrogen. You can save it. You can compress it. You can pipe it. So, therefore, at times when you don't need a lot of electrical power and the wind is blowing, you can make hydrogen. You can store it and take the hydrogen and put it through a fuel cell to make the electricity when you need it. The beauty of doing that is you only get one product—H_2O, water. Nothing else. It doesn't pollute, doesn't add to global warming or anything. So that is the cycle that we need. Use the Sun, use the wind, hydropower, whatever is renewable, take that and make hydrogen, store it, compress it, put it through a fuel cell, and make the electricity, and the cycle starts all over again. I know a lot of this is some years down the pike. We cannot do it tomorrow. But we can start now by building assistance that will enable us to move to a renewable hydrogen-based economy in this country.

Mr. President, let me close by thanking Senator DOMENICI and Senator BINGAMAN for the extraordinary job they have done during the past months and during floor consideration of the bill. The bipartisan cooperation we are seeing is due largely to their example and impressive leadership, and the entire Senate owes them a debt of gratitude for a job well done.

Of course, we are not done yet. Hurdles remain. We are headed, though, toward concluding a strong, bipartisan bill that leads America decisively into the new world of clean, renewable, home-grown energy. When the time comes, we need to stand firm for the Senate provisions when we go to conference.

Mr. President, I yield the floor.

EXHIBIT 1

JUNE 9, 2005.

Re The National Security and Bioenergy Investment Act of 2005.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. RICHARD LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The National Corn Growers Association (NCGA), the American Soybean Association (ASA), and the Renewable Fuels Association are writing to express our support for the National Security and Bioenergy Investment Act of 2005. In particular, we strongly support the increased procurement of biobased products by Federal agencies and all Federal government contractors. Biobased products represent a large potential growth market for corn and soybean growers in areas such as plastics, solvents, packaging and other consumer goods to provide markets for U.S.-grown crops. The biobased product industry has already started to grow, bringing new products to consumers, new markets to growers and new investments to our communities.

The procurement of biobased products promotes energy and environmental security. Products made from corn and soybeans could replace a variety of items currently produced from petroleum, and aid in reducing dependence on imported oil. Already the production of ethanol and biodiesel reduces imports by more than 140 million barrels of oil. The production of biobased products generates less greenhouse gas than traditional petroleum-based items. There are also tremendous opportunities for grower-owned processing facilities and rural America and agriculture as a whole. New jobs and investments will be brought into rural communities, as new processing and manufacturing facilities move into those communities to be near renewable feedstocks.

NCGA, ASA and RFA applaud your continued efforts to promote the use of biobased I products that will encourage the development of new markets for corn and soybeans and ultimately help to revitalize rural economies and the agriculture industry as a whole. We have been avid supporters of the biobased products industry, and we look forward to working with you as you continue to provide vision and direction for this emerging industry.

Sincerely,

LEON CORZINE,
President, National Corn Growers Association.
NEAL BREDEHOEFT,
President, American Soybean Association.
BOB DINNEEN,
President, Renewable Fuels Association.

GOVERNORS' ETHANOL COALITION,
June 9, 2005.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington DC.
Hon. BARACK OBAMA,
Hart Senate Office Building,
Washington DC.
Hon. RICHARD LUGAR,
Hart Senate Office Building,
Washington DC.
Hon. NORM COLEMAN,
Hart Senate Office Building,
Washington DC.

DEAR SENATORS: On behalf of the thirty members of the Governors' Ethanol Coalition, we strongly support and endorse the National Security and Bioenergy Investment Act of 2005, as well as your efforts to expand development of other biofuels and co-products. The Governors' Ethanol Coalition is pleased that this bill embodies the recommendations developed by the Coalition in Ethanol From Biomass: America's 21st pi Century Transportation Fuel. When signed into law, this act will catalyze needed research, production, and use of biofuels and bio-based products, thereby enhancing our economic, environmental, and national security.

The Coalition believes that the nation's dependency on imported oil presents a huge risk to this country's future. The combination of political tensions in major oil-producing nations with growing oil demand from China and India is seriously threatening our national security. Moreover, as we import greater amounts of oil each year, we are draining more and more of the wealth from our states.

The key provisions contained in your bill bring focus and resources to biomass-derived ethanol research and commercialization efforts. The result, over time, will be the replacement of significant amounts. of imported oil with domestically produced fuels—improving our rural economies, cleaning our air, and contributing to our national security. Of particular importance is the bill's aim to broaden ethanol production to include all regions of the nation so that many more states will reap the benefits of biofuels.

Again, thank you for inclusion of the Coalition's recommendations in this landmark legislation. Please let us know how the Coalition can help with the passage of this very important legislation. The continued expansion of ethanol production and use, particularly biomass-derived fuels, and the accompanying economic growth and environmental benefits for our states is essential to the nation's long-term economic vitality and national security.

Sincerely,

TIM PAWLENTY,
Chair, Governor of Minnesota.
KATHLEEN SEBELIUS,
Vice Chair, Governor of Kansas.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, June 7, 2005.

DEAR SENATORS HARKIN AND LUGAR: The Natural Resources Defense Council strongly supports the National Security and Bioenergy Investment Act of2005, which you introduced today. This important bill would expand and refine research, development, demonstration and deployment efforts for the production of energy from crops grown by farmers here in America. The bill would also expand and improve the Department of Agriculture's efforts to promote a biobased economy, federal bio-energy and bioproduct purchasing requirements, and federal educational efforts.

The Research and Development (R&D) title of this bill continues your tradition of leadership in this area by updating the Biomass Research and Development Act of2000, which you also crafted. This title will not only extend the provisions of the original bill and greatly increase the funding for these provisions, it will also refine the direction of this funding. Taken together, these changes maximize the impacts of R&D on the greatest challenges facing cellulosic biofuels today.

Your bill also creates extremely important production incentives for the first one billion gallons of cellulosic biofuels. The production incentives approach taken by the bill a combination of fixed incentives per gallon at first, switching over to a reverse auction will maximize the development of cellulosic biofuels production while minimizing the cost to taxpayers.

In addition, the bill creates an Assistant Secretary of Agriculture for Energy and Biobased Products. Coupled with the bill's development grants, tax incentives, biobased product procurement provisions, and educational program, the bill would make a huge contribution to developing a sustainable biobased economy, reducing our oil dependence and improving our national security.

The technologies advanced by this bill will undoubtedly make important contributions to reducing our global warming pollution and the air and water pollution that comes

from our dependence on fossil fuels. We are concerned, however, that the eligibility provisions for forest biomass do not exclude sensitive areas that need protecting, including roadless areas, old growth forests, and other endangered forests, and do not restrict eligibility to renewable sources or prohibit possible conversion of native forests to plantations. We know that you do not want to see this admirable legislation applied in ways that exploit these features, and will be happy to work with you in the future to take any steps needed if abuses arise.

Sincerely,

KAREN WAYLAND,
Legislative Director.

ENERGY FUTURE COALITION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: On behalf of the Energy Future Coalition, I am writing to commend your leadership and vision in drafting the National Security and Bioenergy Investment Act of 2005.

In our judgment, America's growing dependence on foreign oil endangers our national and economic security. We believe the Federal government should undertake a major new initiative to curtail U.S. oil consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives.

With such a push, we believe domestic biofuels can cut the nation's oil use by 25 percent by 2025, and substantial further reductions are possible through efficiency gains from advanced technologies. That is an ambitious goal, but it is also an extraordinary opportunity for American leadership, innovation, job creation, and economic growth.

You took an important step forward by introducing S. 650, the Fuels Security Act, incorporated into the Senate energy bill during Committee markup. This legislation is another important step, authorizing the additional research and development and federal incentives needed to accelerate the adoption of biobased fuels and coproducts. We are pleased to support it.

Sincerely,

REID DETCHON,
Executive Director.

NATIONAL FARMERS UNION,
Washington, DC, June 9, 2005.

Hon. RICHARD LUGAR,
Hart Senate Office Building,
U.S. Senate, Washington, DC.
Hon. TOM HARKIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LUGAR AND HARKIN: On behalf of the family farming and ranching members of the National Farmers Union, we are writing to express our strong support for your bipartisan, National Security and Bioenergy Investment Act of 2005 legislation. The provisions within this act contain crucial measures that will benefit not only rural, but all of America.

Importantly, your legislation would create an Assistant Secretary for Energy and Biobased Products position at USDA, which we feel would complement and reinforce initiatives created by the energy section of the 2002 Farm Bill.

We also applaud your proposals for promoting the usage of biobased products within the U.S. government, which will expand future development of these technologies. These products, and their use, are an asset to the rural producers of the commodities used in the production of these commonly used items. Also, the more we increase the use of these items, the better it will be environmentally for future generations.

We wholeheartedly support your legislation and look forward to working with you to promote the expansion of biobased products.

Sincerely,

DAVID J. FREDERICKSON,
President.

BIOTECHNOLOGY
INDUSTRY ORGANIZATION,
Washington, DC, June 8, 2005.

Senator TOM HARKIN,
Ranking Democratic Member,
Senator RICHARD LUGAR,
Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Biotechnology Industry Organization (BIO) Industrial and Environmental Section fully supports the National Security and Bioenergy Investment Act of 2005. We greatly appreciate your vision and initiative to expand the Biomass Research and Development Act and to create new incentives to produce biofuels and biobased products.

America's growing dependence on foreign energy is eroding our national security. We must take steps to drastically increase production of domestic energy. As an active participant in the Energy Future Coalition, BIO believes this country needs a major new initiative to more aggressively research, develop and deploy advanced biofuels technologies. With sufficient government support, we can meet up to 25% of our transportation fuel needs by converting farm crops and crop residues to transportation fuel.

The National Security and Bioenergy Investment Act of 2005 will boost the use of industrial biotechnology to produce fuels and biobased products from renewable agricultural feedstocks. With the use of new biotech tools, we can now utilize millions of tons of crop residues, such as corn stover and wheat straw, to produce sugars that can then be converted to ethanol, chemicals and biobased plastics. These biotech tools can only be rapidly deployed if federal policy makers take steps to help our innovative companies get over the initial hurdles they face during the commercialization phase of bioenergy production, and your bill will help get that job done.

We are pleased to endorse this visionary legislation.

Sincerely,

BRENT ERICKSON,
Executive Vice President.

ENVIRONMENTAL LAW & POLICY CENTER,
Chicago, IL, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Environmental Law and Policy Center (''ELPC'') is pleased to support the National Security and Bioenergy Investment Act of 2005, and we commend you for your leadership and vision in introducing this legislation. This bill would accelerate research, development, demonstration and production efforts for energy from farm crops in the United States, especially cellulosic ethanol. It also will expand and prioritize the United States Department of Agriculture's leadership responsibilities to promote clean and sustainable energy development, and it will increase procurement of biobased products.

By significantly expanding the development and production of clean energy ''cash crops,'' this legislation will improve our environmental quality, stimulate significant rural economic development, and strengthen our national energy security. ELPC also appreciates that this legislation reflects your longstanding support for farm-based sustainable energy programs. ELPC strongly supported your successful efforts to create the new Energy Title in the 2002 Farm Bill, which established groundbreaking new federal incentives for renewable energy and energy efficiency, while renewing existing programs such as the Biomass Research and Development Act of 2000.

The National Security and Bioenergy Investment Act of 2005 is a natural complement to the 2002 Farm Bill Energy Title programs, and it will help to strengthen support for the right bioenergy production programs in the 2007 Farm Bill. Accordingly, ELPC is pleased to support this legislation.

Very truly yours,

HOWARD A. LEARNER,
Executive Director.

INSTITUTE FOR LOCAL SELF-RELIANCE,
June 6, 2005.

Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR TOM HARKIN: Congratulations on your bill, National Security and Bioenergy Investment Act of 2005. It is a breakthrough piece of legislation. Your well-conceived bill, combining needed executive branch changes, welcome increases in research and development funding and innovative commercialization techniques, can move the use of plants as a fuel and industrial material from the margins of the economy to the mainstream. I urge everyone with an interest in our environmental, agricultural and economic future to support this bill.

Sincerely,

DAVID MORRIS,
Vice President.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 805

Mr. SCHUMER. Mr. President, first, I thank my colleague from Iowa for his being always thoughtful. We even want to produce ethanol plants and wind in New York. We just don't want to transport it over to Iowa. I am not from Iowa. In any case, I am not here to talk about that.

Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I send an amendment to the desk.

Mr. DOMENICI. Reserving the right to object.

Mr. SCHUMER. This is the sense of the Senate amendment on the Strategic Petroleum Reserve.

Mr. DOMENICI. We will temporarily set it aside, and then we will return to where we were. I have no objection.

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

Mr. SCHUMER. Mr. President, I believe the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 805.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits)

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as ''OPEC'') has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as ''SPR'') was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(c) RELEASE OF OIL FROM SPR.—

(1) IN GENERAL.—For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day shall be released from the SPR.

(2) ADDITIONAL RELEASE.—If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day shall be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. Mr. President, I thank my friend from New Mexico for his grace, as usual. I will be brief as I make a statement on the amendment.

I rise to offer this amendment, which will express the sense of the Senate that the Federal Government should take long, overdue action to curb the record-high gasoline prices that are plaguing American consumers at the pump. As my colleagues are well aware, for weeks, oil and gasoline prices have been placing an immense burden on working families and threatening our fragile economic recovery, and it is time that this body took action to protect our Nation's economic security from the sky-high oil prices and the whims of the OPEC cartel.

This amendment would urge the administration to provide the American consumer with relief by releasing oil from the Strategic Petroleum Reserve through a swap program in order to increase the supply, quell the markets, and bring down prices at the pump. Of course, the other side of the swap is that we would buy back the oil when the price was lower and put it back in the Strategic Petroleum Reserve, which is now just about full.

Mr. President, what we are faced with here is simple market economics of supply and demand. If demand goes up, price goes up. If supply goes up, price goes down. At a time facing record-breaking gasoline prices, it is hard to believe that the Federal Government would be taking oil off the market and exacerbate the high energy costs to working families.

The price of crude oil has remained at near record highs for over one-third of 2005, with oil having traded at over $50 a barrel since May 25. Just today, we saw the biggest jump yet, with oil closing at almost $60 a barrel. OPEC used to claim it was interested in helping to keep prices under $30 a barrel. That is when it went from a $22 to $28 rate. It may be fun to double down in Las Vegas but not in the oil market, and certainly not at the gas pump.

These prices have already burdened Americans in New York and in the rest of the Northeast. We get a double whammy because we have high home heating oil prices, as well as high gasoline prices because we depend on heating oil more than most parts of the country. Other parts are warmer or use more natural gas. I know these families were hoping for a quick spring so they could enjoy a brief respite from the high energy prices.

Unfortunately, that hasn't been the case, as the increased burden of oil costs has just moved from the home to the highway. As Americans are beginning to plan for their road trips and summer vacations, the national price of gasoline has seemingly reached a new record high every week. Last week, the Energy Information Administration reported that prices had increased for the second straight week, to $2.13 for regular self-service. That is an increase of almost 49 cents from last year. Unfortunately, it could give way to even higher prices in the future.

We know who is being hurt by these oil prices, and we know who is benefiting—OPEC. Last year, OPEC made $300 billion in oil revenue. They stand to gain much, much more if the price of oil stays as high as it is—stratospheric levels. In order to institutionalize the profits from these spikes, OPEC agreed to abandon their longstanding price target of $22 to $28 a barrel, as I mentioned before, and some of its members say they could be comfortable with oil remaining at $40 to $50 permanently. I know who will not be comfortable—American families who depend on affordable oil to commute to work, heat their homes, and provide for their energy needs.

Some of my colleagues may be asking: Didn't OPEC agree to increase production in March by 500,000 barrels a day?

The reality is that OPEC's pledge to increase production on paper has not reduced prices at the pump. OPEC, after having cut production by 1 million barrels in the face of rising oil prices—it is not that amazing—claimed that they would increase production by half the previous cut. While this would seem like a step in the right direction, the reality is they were already producing 700,000 barrels over their quota, so as a result this paper increase added no oil to U.S. markets.

These are exactly the type of shell games that the OPEC cartel uses to take money out of Americans' pockets to put toward OPEC profits.

We have to act to stop it. Once again, OPEC is talking about another 500,000-barrel increase. We will see if they actually follow through.

Instead of standing up to OPEC, what has this administration done? It has continued, incredibly enough, taking oil off the market and placing it in the SPR. This policy, which further tightens oil markets by taking much needed supplies out of commerce, is slated to take an average of almost 85,000 barrels per day off the market during the height of the driving season, between April and the end of August, despite the fact that the SPR is almost completely full.

I understand that some of my colleagues think the SPR should never be

touched, even to safeguard our economic security. I would argue that concerns to this degree do not properly balance America's physical security needs against its economic security needs. With the SPR almost full, we can easily reduce 30 million barrels through a swap and still have an effective safeguard against a physical supply disruption.

Initiating a swap of oil from the SPR to increase the supply of oil is a proven way to reduce the price of gasoline and heating oil. In the fall of 2000, the Clinton administration announced a swap of 30 million barrels over 30 days, causing crude oil prices to quickly fall by over $6 a barrel and wholesale prices to fall 14 cents a gallon. Under a swap, the Federal Government could decide on a set quantity of oil to release from the SPR and accept bids from private companies for the rights to that oil. The companies would then bid on how much oil they would be willing to return, in addition to the oil they would receive under the swap, to the SPR at a later date.

The administration has had these tools in its hands and could have acted more quickly, earlier, to stand up for the American consumer, but it has not. Instead, despite repeated urgings from Members of this body, among others, it has steadfastly refused to intervene and to allow oil prices to soar. It has been good for oil companies, it has been good for OPEC and bad for the American consumer.

This amendment says enough is enough and gives this body an opportunity to do what others have refused by hitting the breaks to stop runaway gasoline prices.

An oil swap would result in a win-win situation where gasoline prices are lowered and long-term contributions to the SPR are augmented at no additional cost to the taxpayers. The SPR is intended to provide relief at times when American families are struggling to make ends meet. The time is now. The summer driving months are just beginning.

I urge my colleagues to join me in protecting the pocketbooks of working families from OPEC profiteering by supporting this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, we will not argue our case against the case of the Senator from New York yet. We will do that tomorrow. Suffice it to say we are talking about a reserve. It is there as a safety valve in the event something were to happen, and we will talk about the perils of that and why the amendment should not be adopted.

For now, it looks as if we are lining up a number of amendments for tomorrow, including some amendments that should be in place with reference to global warming and some agreements and understanding regarding them. Later on, an amendment about the inventory of offshore assets, resources, will be discussed and when that amendment to strike will be taken up. So we might have some understanding by morning on a series of votes.

For now, I do not think we are going to do anything else other than wrap up business, and we will take care of that in due course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, I want to speak about the Corporation for Public Broadcasting. My understanding is their board of directors is meeting today. I don't know whether they are going to select a new president for the corporation, but I know that was at least announced as the intention today of the Corporation for Public Broadcasting. Let me go all the way back to Big Bird. Everyone who grows up watching Sesame Street and Children's Television Workshop understands that Cookie Monster, Big Bird, and all of those things represent learning devices and the wonderful characters on Sesame Street. The Corporation for Public Broadcasting was created a long while ago as a part of an approach to do something unique.

The Corporation for Public Broadcasting, Public Television, and National Public Radio have been pretty remarkable. Every week 94 million Americans watch public television or some portion of public television and 46 million people listen to public radio. That is a remarkable statistic. Public radio and public television are available to over 90 percent of American homes. We have come a long way since President Johnson signed the Public Broadcasting Act of 1967.

It is the case that public broadcasting will tackle issues that other broadcasters don't tackle. I admit you won't see Fear Factor on public television. You won't tune in and see someone sitting in front of a bowl of maggots to see whether they can eat an entire bowl in 15 or 30 seconds. That is not the kind of television I watch. But occasionally when you are browsing through the television routine, you tune in to programs that have that kind of approach. You wonder what has become of good television. Or you might tune in to another program where you see a couple of women or men engaged in a fist fight over some romance that turned sour, where on that program day after day they hold this imperfection up to the light and say: Isn't this ugly? Let's entertain ourselves with everyone else's dysfunctional behavior.

You won't find that on public broadcasting. They sink their teeth into some pretty interesting things. I mentioned Big Bird. I suppose could you say Big Bird isn't quite so serious, but a lot of children grow up with Sesame Street watching Big Bird and the lessons therein. Frankly, it is wonderful television—more than television for children, I will give you an example of the kinds of things public broadcasting tackles that others will not.

Do you think ABC, CBS, NBC or FOX is going to tackle the question of concentration in broadcasting? There are no more than five or six companies and people that control what we see, hear, and read. Because we see all of these concentrations of television stations and radio stations, the Federal Communications Commission decided in their ruling, which the court subsequently stayed, that it is OK to open this up. And the Federal Communications Commission said: We believe that in one major American city, one company ought to be able to own eight radio stations, three television stations, the cable company, and the dominant newspaper. We think that is fine.

It is not fine with me. It is limiting what people can see and read and hear. The controversy surrounding public television, public radio, the Corporation for Public Broadcasting saddens me. My hope is that perhaps actions taken in the next couple of days might resolve that.

There is apparently a board meeting this afternoon and apparently another meeting of some type tomorrow where they will choose a new president. This all is with the backdrop of the chairman of the Corporation for Public Broadcasting, who has consistently and publicly said that public broadcasting, public television, public radio has a liberal bias. There have been all of those allegations over some long period of time. A liberal bias, it is easy to say. It doesn't have a liberal bias. It is just independent television which most people appreciate.

Let me talk for a moment about my concern about where we are heading. Press accounts from last week noted that the House Appropriations Committee approved a spending bill on Thursday that would slash spending for public television and radio by nearly half. That includes a 25-percent cut in financing for the Corporation for Public Broadcasting and a total of $112 million in additional cuts for programs that provide continuing children's programming.

Just the news coming out of the Appropriations Committee in the House is

ominous. But more than that, inside the organization, the chairman of the Corporation for Public Broadcasting hired a consultant to evaluate the bias in public broadcasting. He hired a consultant to go after the program called ''NOW with Bill Moyers.'' He hired that consultant without notifying the board of directors. This is the chairman of the board. He hired that consultant with public funds.

As an appropriator, I asked him: Would you provide me with the information that the consultant provided you.

This is what I received. I received a substantial amount of what he called raw data. It didn't include any summary, just raw data. I was struck and disappointed to see that a consultant was hired, and this is a summary of April 4 to June 4, just to pick one. And they go through the list of programs, and they label anti-Bush, anti-Bush, anti-DeLay. I guess if he reported on the controversy about TOM DELAY, it is anti-DeLay programming.

It says, ''anticorporation.'' In fact, they did a program about some waste. It might have been about Halliburton, although I have done hearings on Halliburton. I guess that would then be declared anticorporation. It is really not. Again, it reads anti-Bush, anti-Bush, pro-Bush.

I am struck that it is way out of bounds to be paying money for a consultant who decides to evaluate public broadcasting through the prism of whether or not it supports the President. That is not the role of public broadcasting, to decide whether it supports the President of the United States. If we ever get to the point where you can't be critical of public policy, Democrats and Republicans, Congress and the President, then there is something wrong.

Interestingly enough, they used another approach on another set of programming, and they divided these segments that were shown into either liberal or conservative segments. And there was a segment on June 7 last year and Senator HAGEL from Nebraska, a conservative Republican, was on that segment and apparently said something that wasn't completely in sync with the White House. So he is labeled as a liberal. A conservative Republican Senator from Nebraska is labeled a liberal by the consultant for the Corporation for Public Broadcasting. Why? Because he said something liberal? No, apparently he just didn't have the party line down and said something that was perhaps at odds with policy coming out of the White House.

This list goes on and on. My guess is my colleague Senator HAGEL is going to be mighty surprised to discover that a consultant hired by the Corporation for Public Broadcasting views his appearances on public broadcasting as appearances that contribute to a liberal bias because a conservative Republican Senator from Nebraska shows up on public broadcasting.

I don't mean to make light of this. I think it is serious. In addition to all of this, an allegation of bias—a relentless allegation of bias by the chairman of the Corporation for Public Broadcasting, in addition to his hiring a consultant to do this kind of thing—evaluate programming, whether it is anti-Bush or pro-Bush—in addition to all of that, there is now a discussion and potentially even a vote today in which they would select a new president of the Corporation for Public Broadcasting, and the leading candidate for that job is a former cochairman of the Republican National Committee.

I would not think it appropriate for a former cochair of the Democratic National Committee to assume the presidency of the Corporation for Public Broadcasting; nor would I think it would be wise for Mr. Tomlinson, the chairman of the board, to usher in a former partisan as president of the Corporation for Public Broadcasting.

Again, I only say that, going back some 35 years and more, I think public broadcasting has been a real service to our country. Public television and public radio tackle things other interests will not tackle in this country. They are, in fact, independent. That is precisely what drives some people half-wild. My hope is that the actions of Mr. Tomlinson, the chairman, the actions of the board, whatever they might be today—my hope is that those actions will not further contribute to injuring public broadcasting.

We fund public broadcasting because we think it is a great alternative to commercial television. If you tune in—nothing against broadcasts in the evening on the commercial station, but I happen to think Jim Lehrer has one of the best newscasts in our country. He covers both sides aggressively. I think it contributes to our country and I think, in many ways, public broadcasting is a national treasure. I regret that I have to describe these things—consultants who evaluate whether or not something is anti-Bush. That is not the prism through which one should evaluate whether something makes sense. I will wait to see what happens today at the meeting taking place of the board. My hope is that they will not take action that will further injure and be detrimental to public broadcasting.

25TH ANNIVERSARY OF ANDRE'S FRENCH RESTAURANT

Mr. REID. Mr. President, I rise today to congratulate Chef Andre Rochat, the Dean of Las Vegas Chefs. Twenty-five years ago, he opened the doors to his first restaurant, Andre's French Restaurant. In the decades since, he has served patrons—including my wife Landra and I—the finest French cuisine in the city.

I first encountered Andre in the 1970s—a few years before he opened Andre's. At that time, he was operating the Savoy French Bakery and selling the most wonderful pastries you could find. Bolstered by the bakery's success, he opened Andre's in 1980 in a converted Spanish-style home one block east of Las Vegas Boulevard. It was an unlikely location for a restaurant—but he quickly found success.

Twenty-five years later, Andre's has become what some have called the ''most honored, awarded and respected restaurant in Las Vegas.'' The restaurant's intimate dining rooms, wonderful food and outstanding service have made it a landmark.

Andre's arrival in our city was the result of hard work and determination.

He was born in the Savoie region of the French Alps and inherited a love for his trade from his parents, who owned a delicatessen and butcher shop. At 14, Andre left home and began an apprenticeship at Leon de Lyon, in Lyon, France. After serving in the French Navy, Andre came to the United States in 1965, landing in Boston with just $5 and his knives. Eventually, he made his way to Las Vegas and forever changed the city's dining scene.

Today Las Vegas is home to many great chefs. But Andre was one of the first. He now has two more restaurants in the city, and both of them continue in the award winning tradition begun by Andre's French Restaurant 25 years ago.

I congratulate Andre on 25 great years and thank him for sharing his outstanding gifts. Las Vegas is privileged to be able to enjoy his world-renowned talents, and it won't be long before Landra and I return to Andre's to enjoy our favorite meal, the Imported Dover Sole Sauteed Véronique with Lemon Tarts for dessert.

TRIBUTE TO DRAKE DELANOY

Mr. REID. Mr. President, I rise today to congratulate Drake DeLanoy of Las Vegas, NV as he reaches two incredible milestones in life: his 55th wedding annirersary and his 77th birthday. For four decades, Drake has been a friend and mentor of mine, and I wish him and his wife Jackie all the best as they mark these two occasions.

Drake DeLanoy was raised in Reno. He graduated from the university of Nevada, Reno, and married Jackie on June 19, 1950. Drake earned his law degree from Denver University.

Following law school, Drake served in the United States Air Force and eventually returned to Nevada to practice law, which is where I had the good fortune of working with him.

Drake and I practiced together for 13 years, beginning in the mid-1960s. When we started working together, I was right out of law school and an inexperienced attorney. But Drake and his partners William Singleton and Rex Jameson took me under their wing.

These three men were great teachers who gave me the freedom to learn and grow. They let me take the legal cases I wanted to pursue, and they allowed me to watch them in the courtroom

and observe them work during trials. They also gave me the opportunity to be politically involved, and I have no doubt that the freedom and support I enjoyed with them allowed me to serve and now be in the U.S. Senate.

At the age of 77, Drake DeLanoy continues to build on his strong career. As an appointee of the Governor, Drake now serves on the Governing Board of the Tahoe Regional Planning Agency, which protects and preserves the beauty of the Tahoe basin.

I will forever be grateful to Drake DeLanoy. The lessons he taught and the experiences he provided have stayed with me all these years.

As Drake and Jackie celebrate their 55th anniversary and Drake looks forward to another year, I congratulate them both and wish them many more years of happiness together.

HONORING OUR ARMED FORCES

LANCE CORPORAL CHAD MAYNARD

Mr. SALAZAR. Mr. President, I rise today to remember one of Colorado's fallen heroes, Marine LCpl Chad Bryant Maynard who was killed last week in Ar Ramadi, Iraq. He was only 19 years old.

Lance Corporal Maynard hailed from Montrose, CO, on the Western Slope. Growing up, it was his dream to serve his country. Chad Maynard's deep patriotism was a family tradition—his father served in the Marines, and his brother Jacob returned from his second tour in Iraq a few months ago.

As a high school student, Chad had secretly contacted recruiters when he was 16 about his wish to join the Marines. His parents remember him sneaking recruiting brochures into the house. The recruiters had to ask him to stop contacting them until he was 18.

But Lance Corporal Maynard was determined to serve his country. He joined the junior ROTC at Montrose High School. One of his friends once quipped, ''God rested on the seventh day and on the eighth day made Maynard for the Marines. . . .'' He worked hard at his classes so he could graduate early to go to boot camp. At his 2004 graduation from Montrose High, Chad Maynard stood proudly in his Marine Corps dress uniform.

Lance Corporal Maynard's friends and instructors remember him as a young man who took his commitment to his country very seriously. On September 11, Lance Corporal Maynard organized a prayer around the flagpole at school. He sought out the Marines because he wanted to be on the front lines, making a difference for his country.

Today in Montrose is the funeral for Lance Corporal Maynard. Just 1 year and 6 days after he picked up his diploma, Chad Maynard was taken from us, a life of extraordinary promise snuffed out all too soon. He served his Nation with honor and distinction.

LCpl Chad Maynard set an example for all those around him to follow and left a positive mark on every life he touched. Chad's brave and selfless actions have made the world a better and safer place for all of us and we owe him a debt of gratitude which we will never be able to pay. To his wife Becky and their soon-to-be-born child, I send my humble thanks for Chad's sacrifice on our behalf. Your family will remain in my thoughts and prayers.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 17-year-old transgender woman and her 18-year-old friend were shot in the head while sitting in a SUV, which was set on fire. The SUV was found in an isolated parking lot after the two had been missing for a day. Their bodies were burned beyond recognition. The perpetrator allegedly killed the two victims when he discovered that one of them was a crossdresser.

The Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CRIMES AGAINST HUMANITY IN DARFUR

Mr. CORZINE. Mr. President, Senator BROWNBACK and I have submitted a resolution to designate July 15–17, 2005 as a National Weekend of Prayer and Reflection to draw attention to the genocide and Crimes Against Humanity occurring in Darfur, Sudan, and to find a solution to this great moral challenge. The resolution calls upon the people of the United States to pray and reflect. Churches, synagogues, mosques, other communities of faith, and all individuals of compassion will join together to acknowledge, observe, and reflect upon the crimes against humanity that continue to occur in Darfur, so that we can together end the genocide and bring about lasting peace to Sudan.

The Congress and administration have already defined the atrocities in Darfur as genocide. Estimates of the death toll range from 180,000 to 400,000. More than two million people have been displaced from their homes, including over 200,000 refugees in Chad. Recent accounts of these atrocities, as reported by Doctors without Borders, include documented rapes by soldiers and government-backed militia.

Many religious and human rights leaders, communities, and institutions throughout the world have already spoken out, and called for an end to the genocide. In my own state, thousands participated in a Darfur Sabbath Weekend on May 14–15, 2005, when clergy and congregations throughout New Jersey addressed this crisis during their worship services. With my friend and colleague Representative DONALD PAYNE, I was privileged to visit a mosque, a synagogue, a Catholic rectory, an African American Baptist Church and a United Methodist Church during those two days.

Whatever the denomination, we spoke to each other in the same language, and committed ourselves to the same determination to act according to our words and the dictates of our universal conscience. That profound experience impels me to this broader outreach. I want to take this opportunity to urge my fellow members of Congress to join me in saying, ''never again.'' Never again, will we accept the slaughter of fellow human beings. Never again, will we stand by as systematic crimes are inflicted upon humanity. I ask that you join me, Senator BROWNBACK and people all across the globe in supporting this unified movement to tell the world that humanity will never again allow genocide to occur.

NATIONAL HISTORY DAY

Mr. ALEXANDER. Mr. President, I salute today the students who participated in the National History Day national contest that was held last week at the University of Maryland. More than 700,000 students in grades 6 through 12 from all over the country chose topics, researched, and presented their projects at State and local competitions this year. I am proud that 52 students from Tennessee made it to Washington. I especially want to recognize two of those students, Daniel Jordan and Tyler Sexton, eighth graders at St. John Neumann School in Knoxville.

Their National History Day project is a documentary on Sequoyah's Syllabary, which they presented at the Smithsonian American Art Museum. Sequoyah was a Cherokee warrior who was born in east Tennessee and created a syllabary, which is often called the Cherokee alphabet. He was born in 1776 in the village of Tuskeegee, which was very near Vonore, TN, where the Sequoyah Birthplace Museum is located.

Daniel and Tyler say the seed for their documentary was planted during a visit to the Sequoyah Birthplace Museum. The two boys got tired and decided to sit on several bales of hay in the center of a field. After a few minutes, two Cherokee approached the boys and explained that they were sitting on a holy prayer circle. The boys apologized profusely and removed themselves, but not before they learned

more from Star Medicine Woman and Elk Dreamer about the Cherokee Indians, especially Sequoyah and the relation to present-day culture. The boys were fascinated and appreciated the kindness shown to them.

Along with congratulating these outstanding students, I also recognize their teacher, Judy Buscetta, who is the winner of the National History Day in Tennessee's Teacher of the Year award. Daniel said it best in a letter he wrote to me to let me know he was going to be in Washington. He said: Without good teachers, we do not have a chance.

I am proud of Judy and Daniel and Tyler. Students and teachers like them are who I had in mind when I introduced legislation along with the distinguished minority leader to put the teaching of American history and civics back into our classrooms, so our children grow up learning what it means to be an American. I am proud that the Presidential academies for teachers and congressional academies for students in American history and civics through the Department of Education are beginning this summer as a result of Congress passing and the President signing that bill into law.

I have also introduced legislation with Senator EDWARD KENNEDY of Massachusetts to create a 10-State pilot study to provide State-by-State comparisons of U.S. history and civics test data for 8th and 12th grades administered through the National Assessment of Educational Progress, NAEP, to assess and improve knowledge of American history.

I appreciate National History Day and its commitment to improving the teaching and learning of American history in our schools. I also appreciate Daniel, Tyler and Judy, fellow Tennesseans, who are working to keep history alive.

ELIGIBILITY FOR AUTOMATIC COMPENSATION

Mr. HARKIN. Mr. President, I have come to the floor today to celebrate a landmark achievement for former nuclear weapons workers in Iowa. Today marks the completion of an administrative process whereby workers from the Iowa Army Ammunition Plant, who assembled some of the most significant nuclear weapons in this Nation's history and subsequently developed devastating forms of cancer, will become eligible for automatic compensation.

Reaching this point has been an example of both the best and the worst in our system of government. I first started working on this issue back in 1997 when I received a letter from a constituent, Bob Anderson, who wrote about how he and many of his former coworkers had become ill after working on nuclear weapons in Burlington, IA. I shake my head every time I think of what Bob's reaction must have been when he got a letter back from me, telling him that the Department of the Army had assured my office that they never made nuclear weapons in Burlington!

In fact, the list of weapons that were made by Bob and 4,000 other Iowans includes many familiar names: Polaris, Titan, Pershing, Minuteman the list just goes on and on. It's a tribute to the workers in Burlington that while the Cold War was going on, no one beyond the workers at the plant—including me—ever had a clue about the work that was occurring. They did their job with excellence, and they did it at great personal peril. The men and women of Burlington truly were on the front lines of the Cold War. They received no medals, no thank-you's, no special pay. Instead, they paid a terrible price. The levels and types of cancer that have afflicted this workforce are shocking. And along with these illnesses have come financial hardships—pain and suffering—which family members have witnessed and nursed loved ones through—and, in too many cases, premature death.

Today, finally, workers from IAAP, including Bob Anderson, at long last, will receive compensation. Equally importantly, at long last, they have some measure of justice.

This has been a long process. It seems like more than seven years since I brought then-Secretary of Energy Bill Richardson to the plant to meet with workers. It seems like more that six years since I got a team from the University of Iowa School of Public Health to track and analyze the illnesses that workers had developed. And it has been almost five years since Congress passed the Energy Employees Occupational Illness Compensation Act to actually provide compensation to these workers.

For almost five years we have struggled through one of the worst bureaucratic processes that I have ever seen. We have been required to demonstrate that no documents existed that would allow the radiation doses the workers received to be accurately reconstructed. It has been mind-boggling that a program designed to compensate people who had been deceived by the government, could put those same people through a second bureaucratic nightmare.

But today is a day to celebrate. It is also a time to say thank you for the marvelous team effort that has made this day possible. IAAP was the first facility to file a petition for automatic compensation, and only the 2nd in the Nation to be approved. While I have worked hard to make that happen, it simply could not have happened without the workers themselves, as well as the University of Iowa scientists.

I would like to say a special thank you to Jack Polson, Sy Iverson, Paula Graham, and Vaughn Moore. It was their willingness to repeatedly challenge the assumptions that were made about the work performed at the plant, and about how that work was done, that forced the Government to acknowledge that the documents from the plant were just inadequate to accurately reconstruct the levels of radiation that workers were exposed to.

I also want to thank Joe Shannon, Laska Yerington, Sharon Shumaker, Marge Foster and Nancy Harman for there service on the Advisory Board here in Burlington and Shirley Wiley and Ed Webb for their help with the petition.

No thank-you is complete without acknowledging how fortunate we were to have the help of the University of Iowa team: Laurence Fuortes, Bill Field, Kristina Venske, Howard Nicholson, Christina Nichols, Marek Mikulski, Phyllis Scheeler, Stephanie Leonard, and Laura McCormick.

I would also like to thank my own staff. Alison Hart, my staffer in Davenport, Iowa, has put her heart into helping hundreds of workers and their families navigate this whole process.

I would also like to thank Peter Tyler, Lowell Unger, Michelle Evermore, Jenny Wing, Ellen Murray, and Beth Stein of my Washington, DC, staff for their years of sustained work on this effort. And a special thank you is owed to Richard Miller of the Government Accountability Project for his assistance and his commitment to making this compensation program work.

Finally, I would like to thank Bob Anderson and his wife Kathy. Bob and Kathy have weathered the ups and downs of this process with patience, good humor, and great fortitude. It will be a proud day for me when they actually receive a compensation check in hand from the Treasury. It speaks volumes that a letter from one Iowan can set in motion a monumental process that, in the end, will bring acknowledgement, compensation, and a measure of justice to so many.

While more than 700 former workers are still seeking compensation, today marks our first significant victory. The people who will now be receiving compensation include at least 364 of those who got the most serious illnesses from their work at IAAP. Unfortunately, this group includes far too many workers who are no longer with us. In their honor and in their memory, I thank all of the former workers of the Iowa Army Ammunition Plant for their patience, their persistence, and their service to America. They are genuine patriots.

COMMEMORATING 142 YEARS OF WEST VIRGINIA STATEHOOD

Mr. ROCKEFELLER. Mr. President, today I commemorate 142 years of statehood for my State of West Virginia. In doing so, I believe that it is important to note my State's motto, ''Mountaineers Are Always Free.'' This phrase, as relevant today as it was 142 years ago, truly embodies a people who have done so much to contribute to our great Nation and a State so abundant in natural beauty.

Historically, West Virginia's magnificent landscape has nurtured and inspired her inhabitants, endowing willing adventurers the freedom to explore, experience, and utilize her natural wonders. Native Americans came to West Virginia over 9,000 years ago and established the State's first permanent settlement in present-day St. Albans. Their ancient artifacts and impressive monuments, such as the Grave Creek Burial Mound, in Moundsville, serve as lasting tributes to the land's eternal contributions to mankind.

Today, the people of West Virginia remain free to explore and enjoy the State's unspoiled, majestic terrain. Mountainous views extend for miles in every direction, and blend seamlessly with glades of rhododendron and deep river valleys.

Hundreds of thousands of acres of forests, such as the Monongahela National Forest, blanket our State with lush plant life. West Virginia has over 50 State and national parks that protect our natural habitat and provide recreation to millions of visitors each year. Nearly 20 different species of endangered or threatened animals, including the bald eagle, have found refuge within our ecosystem.

Pocahontas County's pristine rivers and streams provide some of the best trout fishing in the State, and offer those who visit countless opportunities to escape into the serenity of the Appalachian Mountains. The county is known as the ''Birthplace of Rivers'' because 8 different rivers have headwaters there, with their only source of water being the fresh mountain rain.

In addition to the freedoms provided by West Virginia's natural environment, the citizens of West Virginia have fostered a social climate of acceptance, where all are free to express their thoughts and beliefs and take advantage of the benefits of a good education.

Booker T. Washington, following President Abraham Lincoln's emancipation proclamation, sought refuge in West Virginia and was raised in a small mining town called Malden. It was there that he was encouraged to follow his dream of education, and there that he developed the skills to become one of our country's foremost educators and leaders.

Another location, the Sumner School in Parkersburg, became the Nation's first free school for African-American children below the Mason-Dixon. It was operated until school segregation ended in 1954 and currently houses the Sumnerite African-American History Museum.

In addition to these advances to freedom and education made within our home State, West Virginians have consistently and overwhelmingly devoted their lives to protect the ideals on which this Nation was founded—liberty and equality.

Five hundred thousand West Virginians, since the time of the Civil War, have fought to protect our country in battles and conflicts all over the world. There are currently 200,000 veterans in West Virginia, giving my State the highest per capita ratio of veterans in the Nation.

Such an impeccable record of devotion to freedom is not surprising from a State with origins like West Virginia. It was born out of the Civil War in 1863 and became the ultimate manifestation of a State's loyalty to our young country.

For 142 years West Virginians have been selfless in our love for this Nation, and our contributions to this country are best reflected in President Abraham Lincoln's own words. As our great President Lincoln said:

> We can scarcely dispense with the aid of West Virginia in this struggle . . . Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials.

The meaning of these words, and the contributions of my State in the development of this country's freedom, continue to hold immense importance with West Virginians today. I am proud to be a West Virginian. So, today, as we celebrate West Virginia's 142nd birthday, we remember our history, celebrate our present, and look with hope toward the future of our truly wonderful State.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF FORBES, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I salute the North Dakota community of Forbes as it celebrates its centennial this July 2–4. Its 100th anniversary is a testament to the resilience and dedication of the 64 residents who call this North Dakota town home.

Located in Dickey County a few miles east of the Coteau Hills and on the North Dakota border with South Dakota, Forbes is a town rich in North Dakota history even though it is the youngest town in the county. It boasts the Schulstad Stone House Museum, a stone house built in 1907 and furnished to that time period, and the Shimmin Tveit Museum, which has displays of historical artifacts from American Indians and early settlers. From railroad agent and town merchant, S.F. Forbes, for whom the town bears its name, to current mayor, Troy Anliker, this town has been a home on the prairie for several generations of farmers, ranchers, and business people.

The southern Dickey County area where Forbes is located boasts a diversified agricultural economy. The area has farmers who plant and harvest wheat, barley, corn, sunflowers, and soybeans, along with ranchers who manage several prominent cattle operations. Like most of rural North Dakota, the area has a rich heritage in farming and ranching.

As a part of the community's celebration, organizers have planned to honor Forbes' centennial with food, a pickup pull, a demolition derby, dancing, beard and dress judging, crafts, team penning, fireworks, a beer garden, a pancake breakfast, and plenty of games for kids.

Again, I salute the current and past residents of Forbes as they celebrate this momentous occasion, and urge my colleagues to congratulate Forbes and its residents on their first 100 years and wish them well through the next century.●

100TH ANNIVERSARY OF NEKOMA, NORTH DAKOTA

● Mr. CONRAD. Mr President, today I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On July 9 and 10, the residents of Nekoma, ND, will celebrate their community's history and founding.

Nekoma is a small town in the northeastern part of North Dakota with a population of 51. Despite its small size, Nekoma holds an important place in North Dakota's history. Charles B. Billings was the postmaster of the town's first post office, which opened in 1898. The town was nearly named Polar, but it changed after the Soo Line Railroad townsite was plotted in 1905. The name Nekoma was selected by the Postal Department from a list of names submitted by the first appointed postmaster, Orzo B. Aldrich.

Nekoma is the site for America's only Safeguard ABM and Missile Site Radar military installations. Nicknamed the ''prairie pyramid,'' the inactive installation site is just northeast of the town. The SALT treaty between the United States and the former Soviet Union, stated that only two safeguard sites were allowed—one of which was the site in Nekoma, ND, and the other in Washington, DC.

Mr. President, I ask the Senate to join me in congratulating Nekoma, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Nekoma and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Nekoma that have helped to shape this country into what it is today, which is why Nekoma is deserving of our recognition.

Nekoma has a proud past and a bright future.●

100TH ANNIVERSARY OF GARRISON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 30–July 3, the residents of Garrison will gather to celebrate their community's history and founding.

Garrison is a vibrant community in west-central North Dakota, along the edge of beautiful Lake Sakakawea. Garrison holds an important place in North Dakota's history. Founded by two brothers, Cecil and Theodore Taylor in 1903, Garrison, like most small

towns in North Dakota, got its start when the railroad stretched throughout the State. The post office was established in June 17, 1903, and Garrison was organized into a city on March 20, 1916. In its early years, Garrison was known as a town ''bustin' at the seams'' with gun carrying rascals.

Today, Garrison is a magnet for sports fisherman who venture to tap into the abundance of walleye prevalent in Lake Sakakawea. Garrison is the host for the North Dakota's Governor's Cup Walleye Tournament that attracts hundreds of serious sports enthusiasts from across the country.

For those who call Garrison home, it is a comfortable place to live, work, and play. It is certainly true, as its residents say, that it is ''a town worth knowing from the start.'' The people of Garrison are enthusiastic about their community and the quality of life it offers. The community has a wonderful centennial weekend planned that includes an all school reunion, parade, pitch fork fondue, street dance, fireworks, games, and much more.

Mr. President, I ask the Senate to join me in congratulating Garrison, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Garrison and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Garrison that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Garrison has a proud past and a bright future.●

100TH ANNIVERSARY OF ALSEN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 2, 2005, the residents of Alsen, ND, will celebrate their community's history and founding.

Alsen is a small town in the northeastern part of North Dakota with a population of 68. Despite its size, Alsen holds an important place in North Dakota's history. In August 1905, this Soo Line Railroad townsite was founded. Originally named Storlie when it was established on April 6, 1899, the township was named after Halvor Storlie, who was the county clerk and postmaster. On August 31, 1905, officials of the Tri-State Land Co. plotted a town site in another area of Storlie Township, and named it Alsen for the local settlers, who had come from Alsen Island off of the coast of Denmark. The village of Alsen was incorporated in 1920 and reached its peak population of 358 in 1930.

Alsen's citizens are very proud of the Alsen Farmers' Elevator, the Swiss Mennonite Church, and the Alsen Post Office.

Mr. President, I ask the Senate to join me in congratulating Alsen, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Alsen and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Alsen that have helped to shape this country into what it is today, which is why Alsen is deserving of our recognition.

Alsen has a proud past and a bright future.●

HIGHLAND HIGH SCHOOL WE THE PEOPLE COMPETITION

● Mr. DOMENICI. Mr. President, it is with great pleasure that I rise before you today to commend the hard work and dedicated spirit of the students from Highland High School in Albuquerque, NM. These fine students competed in the National Finals of the We the People: The Citizens and the Constitution contest in Washington DC, from April 30–May 2, 2005 against more than 1,200 students from across the United States.

The We the People competition is a national tournament designed to forge a strong understanding of the U.S. government in the minds and hearts of our future leaders. Students compete to demonstrate their knowledge, not simply of how the government works, but of why it works, and how it is best able to provide for the protection of its people and their natural liberties.

Programs such as this help to ignite the noble flame of civic duty and democratic spirit in the souls of our young people, and it is with great pride that I wish to commend the students of Highland High School for their placing in the top 10 of the Nation and received an honorable mention. These fine students and their teachers have demonstrated to everyone that the spirit of our founding fathers is alive and well today.

I would like to congratulate Chad Adcox, Joseph Baca, Sarah Bellacicco, Hannah Doran, Katye Ellison, David Estrada, Stephen Ford, Elizabeth Jackson, Mia Kimmelman, Paul Kruchoski, Graceila Lopez, Joshua McComas, Samuel Montoya, Samantha Morris, Ngoc-Giao Nguyen, Maria Osornio, Martha Ramirez, Leon Richter-Freund, Julie Russell, Benjamin Trent and teachers Steve Seth and Bob Coffee.

May Albuquerque, and New Mexico as a whole, continue to produce such fine examples for the youth of America, and may they use the knowledge and experience they gained with this program to help lead us all into the next generation of American freedom, prosperity, and honor.●

HONORING THE COMMUNITY OF ARLINGTON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the 125th anniversary of the founding of the city of Arlington, SD. On July 29, 2005, citizens of Arlington will celebrate their city's proud past and look forward to a promising future.

Located near the eastern border of South Dakota in Kingsbury County, Arlington is only 35 miles from the Minnesota line. Like many towns in South Dakota, Arlington got its start with help from the railroad in 1880. In fact, the town's original name, Nordlund, was given by the Dakota Central Railroad, inspired by the large number of Scandinavians who settled in the area. In 1884, however, the Western Town Lot Company objected and the county commissioner renamed the town Denver. That title was also short lived, as one year later, in 1885, the local post office insisted on again renaming the community. This time, the Dakota Central Railroad chose Arlington, and 120 years later, its name endures.

Arlington's spirited residents live in the midst of some of South Dakota's most fertile farmland, as this rural community is a dependable corn producer. Additionally, Arlington's 1,000 residents have come to count on The Sun, founded in 1885, for quality and accurate reporting on local events.

In the twelve and a half decades since its founding, Arlington has proven its ability to flourish and serve farmers and ranchers throughout the region. Arlington's proud residents celebrate its 125th anniversary on July 29, 2005, and it is with great pleasure that I share with my colleagues the achievements of this great community.●

HONORING THE TOWN OF WAUBAY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to publicly recognize the 125th anniversary of the founding of the city of Waubay, South Dakota. On July 2, 2005, Waubay citizens look back on their city's proud past and look forward to a promising future.

Platted on November 16, 1880, the community was first known as Station #50 until later that year, when crew members of the Milwaukee Railroad Company named it Blue Lake. It was not until 1885 that the town took on its current name of Waubay, meaning ''Nesting place of the birds,'' given by the Sioux Indians. One hundred twenty five years later, Waubay thrives as the oldest city in Day County.

Waubay, like many South Dakota towns and communities, got its start with the help of the railroad. Although the rail tracks that pass through the town ran as far as Bristol and were ready for travel in 1880, the first train to ever pass through Waubay didn't arrive until May, 1881. A severe blizzard hit the region in October of 1880, and the snow and subsequent run-off in the spring rendered the rail line impassable.

The town, which was incorporated as a village in 1894 and as a city in 1920, grew rapidly in its early years. Station #50 began with only 50 residents, yet

Waubay swelled to a population of 1,007 in 1925; currently, about 625 South Dakotans live in the town. By the early 1900s, the community boasted a general store, a lumber yard, a corner drug store, a livery barn, a railroad depot, several coal sheds, the Waubay Clipper, The Advocate, a power company, several banks, a creamery, several grain elevators, a school, and many stores.

In May of 1890, the Waubay Clipper, owned by Charles W. Stafford and his son, published the paper's first issue. It was the only newspaper in town for two decades, until The Advocate began under the direction of Major Maynard in 1910. However, in December 1917, the Clipper purchased The Advocate and merged the two, again returning the Clipper's status as Waubay's sole news publication. Despite management turnover over the years, Waubay residents still rely on the Clipper for quality and accurate reporting on local events 115 years later.

Prior to 1910, most Waubay residents lacked the convenience of electricity. However, in 1884, officials partitioned the town into wards, which Roy Thompson used to his advantage in 1900 when he devised a lighting system utilizing windmill power. In 1910, Dr. Park Jenkins, a prominent Waubay resident, established an electricity plant in back of the Yellowstone Garage. Although the plant was quite successful during the early portion of the 20th century, the Ottertail Power Company ultimately became the primary service provider for Waubay, and still maintains that role to this day.

Waubay was home to South Dakota's State Board of Health in the early 1900s. Headed by Dr. Park Jenkins, who in 1913 was appointed Board Superintendent, the office employed 22 people at its peak. The board moved to Pierre, SD in 1933.

Today, Waubay is a multicultural community that includes many residents of Sisseton-Wahpeton Oyate, as well as those of European descent. It is also home to Waubay National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service. Waubay's location near several area lakes makes it a prime location for fishermen. Blue Dog State Fish Hatchery is just one mile north of Waubay, producing walleyes, northerns, perch, bass, bluegills, crappies, and trout.

In the twelve and a half decades since its founding, Waubay's innovative and resourceful residents have proven their ability to thrive as a community. It is with great pleasure that it share with my colleagues the admirable, pioneer spirit still present in these wonderful South Dakotans, as they celebrate Waubay's 125th anniversary on July 2, 2005.●

HONORING THE CITY OF EGAN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the town of Egan, South Dakota as it celebrates its 125th anniversary on July 4, 2005. It is at this time that I would like to draw to my colleagues' attention the achievements and history of this charming town on the prairie. Egan stands as an enduring tribute to all those who had the courage to pursue their greatest dreams on the plains of South Dakota.

Egan is a small community nestled amongst the fertile farmland of southeastern South Dakota. It was founded in 1880 to service the Milwaukee Railroad as it made its way west through Dakota Territory. The town was first incorporated by Joe Enoe, Alfred Brown, and John Hobart. Rectangular in shape, Egan grew quickly and soon included seven square miles of Moody County, thereby encompassing a new mill on the Big Sioux River and the small village of Roscoe—which was, by the way, a different community than the Roscoe, SD that exists in Edmunds County today.

Roscoe had been started four years earlier, in 1876, when Decatour D. Bidwell chose the spot on the Big Sioux River for his new mill. Roscoe also served as a stopping point for the numerous travelers who used a nearby river crossing, one of the best fords for many miles. Soon the town of Roscoe boasted two restaurants, a store, a saloon, a newspaper, and the first courthouse in Moody County. However, due to Egan's increasing growth and popularity, in addition to the railroad's new sturdy and reliable bridges that phased out Roscoe's river crossing, all that remains of the pioneer village of Roscoe is a small pasture scattered with pieces of millstone.

The Baptist and Methodist Episcopal churches were the first to be built in the town of Egan. These two churches were constructed by all members of the community, regardless of faith or profession, in response to a promise made by Mr. Egan, the prominent railroad official for whom the city is named. Mr. Egan promised a church bell to the first church with a belfry equipped to receive it. The Baptist Church was the first completed, and therefore received the much-desired bell. While the bell now hangs in the tower of the Methodist Church, it is still used to call worshippers to services every Sunday morning.

Egan experienced a great deal of economic prosperity in the early twentieth century. In 1904, Egan boasted nearly seven hundred people and more than fifty prosperous business enterprises. These included a state bank, three hotels, two hardware stores, an implement house, four grain elevators, six general stores, a flourishing mill, two lumber yards, two doctors, a newspaper, a furniture store, and an opera house.

The curtailment of the railroad, better roads providing alternate routes that sidestepped Egan, and the rise of more modern methods of transportation fostered travel to larger towns in the state, thus making it more difficult for businesses in Egan to draw in customers. Nevertheless, technology and progress can never undermine the firm resolve and remarkable work ethic that is characteristic of the great people of this country's heartland. The vision of those individuals who had the courage to make a home for themselves on the plains of the Dakotas serves as inspiration to all those who believe in the honest pursuit of their dreams. On July 4, 2005, the 257 proud residents of Egan will celebrate their vibrant history and the legacy of the pioneer spirit with the 125th anniversary of the city's founding.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams: one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM–13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on June 18, 2004 (69 FR 34047).

It remains a major national security goal of the United States to ensure

that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 17, 2005.*

MESSAGE FROM THE HOUSE

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2745. An act to reform the United Nations, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 483. An act to designate a United States courthouse in Brownsville, Texas, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

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

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2745. An act to reform the United Nations, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 17, 2005, she had presented to the President of the United States the following enrolled bill:

S 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–111. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security reform; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, Social Security is our country's most important and successful income protection program and provides economic security to workers, retirees, persons with disabilities, and the surviving spouses and keiki of deceased workers; and

Whereas, Social Security provides essential benefits to over 195,000 people in Hawaii, including 139,300 retired workers, 16,090 widows and widowers, 16,790 disabled workers and 13,630 children; and

Whereas, Social Security has reduced the poverty rate of our kupuna from over thirty per cent down to 10.2 per cent in the last forty years, and without Social Security, thirty-four per cent of elderly women in Hawaii would be poor; and

Whereas, six out of ten of today's beneficiaries derive more than half of their income from Social Security, and in most low-income households of retirement age, Social Security represents eighty per cent or more of their retirement income; and

Whereas, the Social Security Trust Fund is large enough to pay one hundred per cent of promised benefits until 2042, and after that, seventy-three per cent of benefits could still be paid; and

Whereas, proposals are being considered in Washington, D.C. that would privatize Social Security and threaten the retirement security of millions of Americans and their families; and

Whereas, diverting more than one-third of the 6.2 per cent of wages that workers currently contribute to Social Security into private accounts drains money from Social Security and will cut guaranteed benefits; and

Whereas, diverting money from Social Security will increase the national debt by almost $2 trillion over the next ten years—a debt that will be passed on to future generations; and

Whereas, privatization is particularly harmful to women and minorities who rely most on Social Security by replacing a portion of a secure benefit with investment risk—a risk that they cannot afford; and

Whereas, widows would experience enormous cuts under privatization—reducing their Social Security from $829 to $456 per month, which is only sixty-three per cent of the poverty level, even when proceeds from private accounts are included in the total; and

Whereas, private accounts do not provide the lifetime, inflation-adjusted benefit that Social Security does, and they can be depleted by long life and market fluctuation; and

Whereas, Social Security needs to be strengthened now for our children and grandchildren, but the solution should not be worse than the problem; and

Whereas, the Social Security System also needs to be changed sensibly in order to honor obligations to future generations: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, That the Hawaii State Legislature opposes the privatization of Social Security and urges Hawaii's congressional delegation to reject such proposed changes to the Social Security System; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Hawaii's congressional delegation.

POM–112. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to the privatization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION NO. 100

Whereas, people throughout human history have faced uncertainties, especially those uncertainties brought on by death, disability, and old age; and

Whereas, prior to the turn of the twentieth century, the majority of individuals living in the United States lived and worked on farms, relying in part on immediate and extended family, friends, and neighbors to provide them with economic and social security; and

Whereas, as the United States moved through the Industrial Revolution and became an industrial power, increasing numbers of individuals began moving to the cities and suburbs where employment opportunities abounded; and

Whereas, this migration from the farmlands to the industrial centers of the United States reduced the degree to which a person's immediate and extended family and neighbors could augment the economic security of those living in the cities and suburbs; and

Whereas, with the stock market crash in 1929 and the beginning of the Great Depression, the United States found its economy in crisis and individuals in this country, especially elder Americans, were faced with economic hardships never before seen; and

Whereas, in an address to Congress on June 8, 1934, President Franklin Delano Roosevelt stating that he intended to provide a program for the social security of Americans, subsequently created, by Executive Order, the Committee on Economic Security (Committee), with instructions to study the problem of economic insecurity and make recommendations for legislative consideration; and

Whereas, in 1935, six months after its establishment, the Committee made its report to the President and Congress, who after deliberations and compromise, enacted the Social Security Act of 1935, which created a social insurance program designed to pay retirees age 65 or older a continuing income after retirement, and to keep these retirees out of poverty; and

Whereas, Social Security taxes were collected for the first time in 1937, with initial lump-sum payments being made that first month and regular monthly benefit payments being made beginning in January, 1940; and

Whereas, today, Social Security provides a guaranteed income for more than 147 million retirees, family members of workers who have died, and persons with disabilities; and

Whereas, Social Security beneficiaries earn their benefits by paying into the system throughout their years of employment, and currently serves as the main source of income for a majority of retirees, with over two-thirds of retirees currently dependent on Social Security for financial survival; and

Whereas, for the past 70 years Social Security has remained solvent and has been able to pay benefits to millions of Americans with few adjustments; and

Whereas, although the Social Security trustees state that in its present form, Social Security has enough funds in its reserve to be able to meet 100 percent of its obligations until 2042 and, there is concern over the solvency of the current Social Security system and whether it will be able to pay benefits for the millions of Americans scheduled to retire over the next decade; and

Whereas, individuals who support efforts to reform Social Security are currently reviewing a three-prong approach including raising of the retirement age, increasing the maximum annual earnings subject to Social Security tax, and allowing the establishment of voluntary private investment accounts; and

Whereas, the current focus on the national level has been the establishment of private investment accounts to allow taxpayers to put a portion of their social security tax into stocks, bonds, and other investments that may pay them a higher return and increase their retirement benefits; and

Whereas, contrary to the original purpose of Social Security, which established a comprehensive and secure safety net to keep retirees out of poverty, private investment accounts may result in Social Security beneficiaries with poor returns on their investments to fall through the cracks of the system; and

Whereas, the costs of transitioning to this system of private investment accounts may effectively scuttle the current Social Security system; and

Whereas, it has been estimated that transitioning to a system of private investment accounts will generate costs as high as $2–$3 trillion, which will degrade any investment earnings of these private accounts; and

Whereas, diverting a portion of Social Security money to private accounts will leave fewer dollars available to pay Social Security benefits, and reduce system reserves and the cash on hand to pay beneficiaries; and

Whereas, it has further been estimated that by allowing for the establishment of private investment accounts, the current Social Security trust fund reserves could be wiped out by 2021, a full 20 years sooner than if the system had been left alone; and

Whereas, arguments have also been made that the way to ''fix'' Social Security is not to change the system and its purpose, but rather to help individuals establish their own private pensions and retirement savings accounts such as Individual Retirement Accounts, to supplement the guaranteed benefit of Social Security; and

Whereas, with the myriad of difficult choices to be made to keep the Social Security system solvent, and given the fact that the Social Security system will still be solvent for a good number of years, the issue of strengthening Social Security and making any changes or adjustments to the system should be carefully studied and planned to ensure that future generations will be provided the retirement security received by past generations; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that this body hereby urges President George W. Bush to reconsider his plans to hurriedly enter into a Social Security privatization plan; and be it further

Resolved, that this body also urges President George W. Bush to carefully study the effects that privatization may have on the basic purpose of Social Security, and on the welfare of current and future beneficiaries, and to consider privatization within a comprehensive review of alternative methods of adjusting Social Security, such as raising the retirement age, increasing the maximum annual earnings subject to Social Security tax, and helping more individuals establish supplementary private pension and retirement savings accounts; and be it further

Resolved, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of Hawaii's congressional delegation, and the Governor.

POM–113. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the privatization of Social Security; to the Committee on Finance.

HOUSE RESOLUTION 3

Whereas, demographic changes and cost increases will drain the existing Social Security system;

Whereas, without significant changes to the system, costs will exceed revenues starting in 2018 and the system may not be able to pay any benefits by 2042;

Whereas, anyone born after the year 1970 will not receive full Social Security benefits if changes are not made to the system;

Whereas, not reforming the system will require a tax increase on every working American or a benefit cut; and

Whereas, allowing younger workers to invest a portion of their income in personal retirement accounts will avoid any benefit cuts or tax increases: Now, therefore, be it

Resolved, that the House of Representatives of the State of Utah urges Utah's congressional delegation to oppose increases in payroll taxes and cuts in Social Security benefits; and be it further

Resolved, that the House of Representatives urges Utah's congressional delegation to support optional Social Security Personal Retirement Accounts; and be it further

Resolved, that a copy of this resolution be sent to the members of Utah's congressional delegation.

POM–114. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

HOUSE RESOLUTION 9

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called ''The United Nations of World Trade'';

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: ''The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO.'';

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: ''If Congress had known there was anything like this in NAFTA, they never would have voted for it.'';

Whereas, the United States is considering entering into a new 34–member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States: Now, therefore, be it

Resolved, that House of Representatives of the state of Utah respectfully but firmly urges all members of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA); and be it further

Resolved, that the House of Representatives of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience with and a greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United Sates Senate, Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM–115. A joint resolution adopted by the House of the Legislature of the State of Utah relative to United States trade negotiations; to the Committee on Finance.

HOUSE JOINT RESOLUTION

Whereas, although the United States Constitution places the regulation of trade with foreign countries within the prerogative of the Federal Government, the primary responsibility for protecting public health, welfare, and safety is left to the states;

Whereas, the United States Congress has consistently recognized, respected, and preserved the states' power to protect the health, welfare, and environments of their states and their citizens in a variety of statutes, such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act;

Whereas, it is vital that the Federal Government not agree to proposals in the current negotiations on trade in services that might in any way preempt or undercut this reserved state authority;

Whereas, proposed changes should not, in the name of promoting increased international trade, accord insufficient regard for existing regulatory, tax and subsidy policies, and the social, economic, and environmental values those policies promote;

Whereas, statutes and regulations that the states and local governments have validly adopted, that are plainly constitutional and within their province to adopt, and that reflect locally appropriate responses to the needs of their citizens, should not be overridden by federal decisions solely in the interests of increased trade;

Whereas, states are concerned about retaining a proper scope for state regulatory authority in actual commitments in agreements with one or more United States' trading partners;

Whereas, it is crucial to maintain the principle that the United States may request, but not require, states to alter their regulatory regimes in areas over which they hold constitutional authority;

Whereas, if the United States makes broader offers later in the negotiations and the legislation is ''fast tracked,'' there will be little opportunity for states to have improper positions reversed;

Whereas, it is critical that there be full and effective coordination and consultation

with the states before the United States Trade Representative (USTR) makes any binding commitments;

Whereas, while the State Point of Contact system was meant to create a clearly marked channel for two-way communications, the reality has not lived up to those intentions;

Whereas, a broader and deeper range of contacts with a variety of state entities, particularly with those bearing regulatory and legislative authority, must be improved and maintained over the next several years;

Whereas, it is important for state authorities to engage with the USTR in the communications process and to respond to timely requests in any equally timely manner;

Whereas, as negotiations with other nations continue, they should also be conducted in ways that will avoid litigation in world courts;

Whereas, the United States is the signatory to the World Trade Organization's General Agreement on Trade in Services (GATS);

Whereas, the United States Trade Representative has published proposals that would apply trade rules under GATS to regulation of electricity by state and local governments;

Whereas, these proposals would cover regulation of services related to transmission, distribution, and access of energy traders to the grid and, if implemented, might conflict with state energy policy and alter the balance of domestic authority between states and the Federal Energy Regulatory Commission (FERC);

Whereas, concerns include the impact of market access rules on the structure of Regional Transmission Organization (RTO), state jurisdiction over utilities that are part of an RTO, RTO contracts for reliability of the electricity grid, and potential roles for the RTO to structure or facilitate wholesale trade and brokering services;

Whereas, another question is the impact national treatment rules may have on tax incentives to produce wind energy, and market access rules that may impact renewable portfolio standards that mandate minimum quotas for acquisition from renewable sources;

Whereas, another question is the impact that GATS rules on domestic regulation may have on rate setting and the public interest standard for exercising regulatory authority by state public utility commissions; and

Whereas, in early 2004, a working group of state and local officials consulted three times with staff of the USTR who described the meeting as timely, productive, and unprecedented; Now, therefore, be it

Resolved, that the Legislature of the state of Utah urges the United States Trade Representative to conduct trade negotiations in a manner that will preserve the responsibility of states to develop their own regulatory structures and that will avoid litigation in world courts, and be it further

Resolved, that the Legislature of the state of Utah urges the USTR to take further steps to enhance the level of consultation before negotiations commence on any trade commitments under the World Trade Organization's General Agreement on Trade in Services (GATS); and be it further

Resolved, that the Legislature of the state of Utah commends the USTR staff for its willingness to consult with the working group and learn about the potential impact of GATS rules on state and local regulation of the energy sector; and be it further

Resolved, that the Legislature urges the USTR to disclose to the public the United States' requests for GATS commitments from other nations, and be it further

Resolved, that the Legislature urges the USTR to give prior notice of the next United States' offer or counter offer for GATS commitments so that state and local governments have time to discuss its potential impact; and be it further

Resolved, that the Legislature urges the USTR to participate in public discussions of trade policy and energy; and be it further

Resolved, that a copy of this resolution be sent to the United States Senate Finance Committee, the House Ways and Means Committee, the Senate Subcommittee on International Trade, the House Subcommittee on Trade, the Secretary of the Department of Energy, the United States Trade Representative, the National Association of Attorneys General, the National Conference of State Legislatures, the President of the United States, and Utah's Congressional delegation.

POM–116. A resolution adopted by the Senate of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

SENATE RESOLUTION 1

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called ''The United Nations of World Trade'';

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: ''The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO'';

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: ''If Congress had known there was anything like this in NAFTA, they never would have voted for it'';

Whereas, the United States is considering entering into a new 34-member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States: Now, therefore, be it

Resolved, that the Senate of the state of Utah respectfully but firmly urges all members of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA) at this time; and be it further

Resolved, that the Senate of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience and greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM–117. A joint resolution adopted by the Legislature of the State of Utah relative to Medicaid reform; to the Committee on Finance.

SENATE JOINT RESOLUTION 15

Whereas, the Medicaid program provides access to health care for Utah's most vulnerable citizens, including low-income children, parents, pregnant women, people with disabilities, and senior citizens;

Whereas, growth in Medicaid spending per capita has remained relatively low when compared to private health insurance premiums;

Whereas, current federal and state Medicaid expenditures are growing at a rate of 12% per year and averaging almost 22% of states' annual budgets primarily because of the recent economic downturn, rising health care costs, and an increase in the aging population; and

Whereas, new funding challenges for state government will become more acute as states absorb new costs to help implement the Medicaid Modernization Act: Now, therefore, be it

Resolved, that the Legislature of the state of Utah urges the United States Congress to reject any budget reduction and budget reconciliation process for fiscal year 2006 related to Medicaid reform that would shift additional costs to the states; and be it further

Resolved, that the Legislature urges the United States Congress to reject any cap on federal funding for the Medicaid program, whether in the form of an allotment, an allocation, or a block grant; and be it further

Resolved, that the Legislature urges the United States Congress to work with state policymakers to enact reforms that will result in Medicaid cost savings for both the states and the Federal Government; and be it further

Resolved that the Legislature urges the United States Congress to establish a benefits program for the ''dual eligible'' population, people eligible for both Medicaid and Medicare, that would be 100% funded by Medicare instead of Medicaid; and be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–118. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

SENATE RESOLUTION NO. 22

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises, and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs; now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

Resolved, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM–119. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 44

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises, and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM–120. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to national park status for the Kawainui Marsh Complex; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 51

Whereas, the Convention on Wetlands was signed on February 2, 1971 in Ramsar, Iran; and

Whereas, in 1987, the United States joined the Ramsar Convention, an international treaty that aims at halting the worldwide loss of wetlands and to conserve those that remain; and

Whereas, the treaty's one hundred forty-four contracting parties have designated one thousand four hundred four wetlands sites totaling more than three hundred million acres for inclusion in the Ramsar List of Wetlands of International Importance; and

Whereas, despite the great value of wetlands, they have been shrinking worldwide, including in the United States; and

Whereas, on Earth Day 2004, President George W. Bush announced an aggressive new national initiative to create, improve, and protect at least three million wetland acres over the next five years in order to increase overall wetland acreage and quality; and

Whereas, wetlands are a source of water, food, recreation, transportation, and, in some places, are part of the local religious and cultural heritage. They provide groundwater replenishment, benefiting inhabitants of entire watersheds; and

Whereas, wetlands play a vital role in storm and flood protection and water filtration. In addition, they provide a rich feeding ground for migratory birds, fish, and other animals; and

Whereas, the United States designated three new Ramsar sites last month: the two thousand five hundred-acre Tijuana River National Estuarine Research Reserve in San Diego County, California; the one hundred sixty thousand-acre Grassland Ecological Area in western Merced County, California; and the one thousand-acre Kawainui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and

Whereas, these additional sites bring the total number of United States Ramsar sites to twenty-two, covering nearly 3.2 million acres: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the State of Hawaii's elected Representatives and Senators in the United States Congress are respectfully requested to support, work to pass, and vote for National Park protection for the one thousand-acre Kawainui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and be it further

Resolved, that certified copies of this Senate Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the State of Hawaii's Congressional Delegation.

POM–121. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

HOUSE RESOLUTION 10

Whereas, the World Health Organization's (WHO) Constitution states that ''The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health'';

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including non-member states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation

forms and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO who shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Now, therefore, be it

Resolved, that the House of Representatives of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

Resolved, that the House of Representatives urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, that a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the majority leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM–122. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the government and the people of the Republic of Kiribati in their efforts to address war reparations; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 62

Whereas, two days after the Japanese raid on Pearl Harbor, Japanese aircraft bombed the Republic of Kiribati, formerly known as the Gilbert Islands, including Banaba, and later reconnaissance parties landed on Tarawa and Butaritari; and

Whereas, in 1942, Japanese armed forces occupied the Republic of Kiribati; and

Whereas, American forces invaded Tarawa in late 1943 and drove the Japanese from most of the Gilbert Islands; and

Whereas, Banaba was not reoccupied by American forces until 1945, by which time the Japanese had massacred all but one man of the imported labor force; and

Whereas, native inhabitants of Banaba, the Banabans, had been deported to Nauru and Kosrae (Caroline Islands) and after their rescue, Banabans elected to live on Rabi Island, Fiji, which had earlier been bought for them; and

Whereas, the people of Kiribati suffered tremendous atrocities and losses as a result of the occupation of the island by Japanese armed forces during World War II; and

Whereas, many people of Kiribati were not given the opportunity during the aftermath of World War II to file a war reparations claim; and

Whereas, after sixty years, the people of Kiribati deserve to have a final resolution on the long-awaited issue of war reparations and due recognition for their heroic sacrifices and struggle during the Japanese occupation; and

Whereas, the member nations of the Association of Pacific Island Legislatures recognize the sacrifice and suffering of the people of the Republic of Kiribati and the injustice further inflicted upon them due to the lack of resolution by the governments of Japan and the United States to address war reparations for the people of the Republic of Kiribati: Now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature of the State of Hawaii strongly supports the government and the people of the Republic of Kiribati in their efforts to address war reparations; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the Prime Minister of Japan through the Consulate General of Japan in Honolulu, the President of the Republic of Kiribati through the Consulate of the Republic of Kiribati in Honolulu, the President of the Association of Pacific Island Legislatures, and the members of Hawaii's congressional delegation.

POM–123. A joint resolution adopted by the Legislature of the State of Nevada relative to the Community Services Block Grant Program; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 13

Whereas, The Community Services Block Grant program, administered by the Department of Health and Human Services, was created by the federal Omnibus Budget Reconciliation Act of 1981 and is designed to provide a range of services to address the needs of low-income persons to ameliorate the causes and conditions of poverty; and

Whereas, The money allocated by the program is used to provide services that assist such persons in attaining the skills, knowledge and motivation necessary to achieve self-sufficiency and may also be used to provide the immediate necessities of life such as food, shelter and medicine; and

Whereas, Throughout the nation, local governments have created more than 1,080 Community Action Agencies as public or private entities to channel the money provided by the Community Services Block Grant program into communities to coordinate resources and empower communities in rural and urban areas; and

Whereas, In Nevada, each dollar received by Community Action Agencies leverages at least $19 brought in from other sources, and this money is reinvested in the business communities of Nevada, thus enhancing the economic vitality as well as the social fabric of the entire State; and

Whereas, Using money provided by the Community Services Block Grant program, Community Action Agencies in this State not only assist low-income persons in obtaining employment, training, education, including participation in Head Start, energy assistance, senior services, and health and nutrition benefits, but the Agencies also acquire the infrastructure to develop affordable housing projects, assist first-time home buyers in paying down-payment and closing costs, and help senior citizens repair their homes; and

Whereas, When such activities relating to housing are considered, the leverage for each federal dollar received by the State of Nevada increases up to $29; and

Whereas, The proposed federal budget for Fiscal Year 2006 recommends the elimination of the Community Services Block Grant program; and

Whereas, The elimination of the program would negatively impact not only the residents of Nevada but citizens all across the United States and would significantly hinder the ability of Community Action Agencies and other businesses to improve the economic viability of families and businesses, hurting those in need and lessening their ability to live a decent life; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 73rd Session of the Nevada Legislature urge Congress to preserve the Community Services Block Grant program as an independent program administered by the Department of Health and Human Services and to appropriate money for the program for Fiscal Year 2006 that meets or exceeds the funding level for Fiscal Year 2005; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health and Human Services, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–124. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to ''Amyotrophic Lateral Sclerosis Awareness Month''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 277

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,600 new ALS patients are diagnosed annually; and

Whereas, It is estimated that 30,000 Americans may have ALS at any given time; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' will increase public awareness of ALS patients circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2005 as ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–125. A joint resolution adopted by the Legislature of the State of Utah relative to the federal No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 3

Whereas, the state of Utah applauds the laudable goals proposed by the President and the United States Congress and articulated in the No Child Left Behind Act of 2002, those goals being to close the achievement gap and increased student performance;

Whereas, these are the same goals the state of Utah has pursued and continues to pursue under the Utah Performance Assessment System for Student (U–PASS), which accounts for individual student growth and the difference among our children;

Whereas, the stakeholders in public education in the state of Utah are more experienced and have a better understanding of the unique needs of Utah students, evident by the fact that the state has performed above the national average on the National Assessment of Educational Progress while maintaining the lowest per pupil expenditures in the nation;

Whereas, No Child Left Behind greatly expends the reach of the federal government into the education governance structure in Utah, bypassing critical stakeholders in the policymaking process and dealing directly with individual schools and districts, negating state and local board control and undermining the state's ability to meet its constitutional duty to provide a system of public education in Utah;

Whereas, prior to No Child Left Behind, the federal government's involvement in education in the state was focused primarily on a small percentage of students, commensurate, with the 7% contribution to the state's aggregate spending on K–12 education;

Whereas, No Child Left Behind greatly expands the authority of the U.S. Department of Education by impacting all students in the state, without a significant increased in its 7% contribution to the state, making the U.S. Department of Education's mandates on public education no longer commensurate with the resources it provided to Utah;

Whereas, federal funding for No Child Left Behind falls dramatically short of sufficient funds for remedial services for struggling students, and No Child Left Behind therefore requires substantial supplemental state funding;

Whereas, No Child Left Behind represents the greatest federal intrusion in the history of our nation, over what has historically been a right of the states, to direct public education in a way that best fits the needs of individual students;

Whereas, while No Child Left Behind was appropriately intended, it was nonetheless poorly designed, in that it is too punitive, too prescriptive, and sets unrealistic expectations that demoralize students and educators and confuse the general public;

Whereas, No Child Left Behind contains fundamental conflicts between competing federal education laws that govern the treatment of students with special needs, as well as between federal law and state statutory and constitutional requirements, and is built on inadequate methods for measuring student and school performance;

Whereas, No Child Left Behind may cause unintended consequences to Utah's education system in that it will redirect the allocation of resources, amend state and local curriculum, standards, and assessments, and do more damage in labeling Utah's schools and students than it does to improve student performance, making it a less effective method for Utah to measure student achievement;

Whereas, No Child Left Behind includes expectations for teacher qualifications that ignore realities in rural settings and in specialty assignments; and

Whereas, while No Child Left Behind includes provisions, such as Sections 9401 and 9527, that would protect states and provide regulatory relief from concerns raised about its shortcomings, there has been very little effort by the U.S. Department of Education to encourage or allow states to utilize these provisions: Now, therefore, be it

Resolved, That the Legislature of the state of Utah recognizes that the Legislature, the Utah State Board of Education, and local boards of education have an understanding of Utah's schools that surpasses that of federal government entities in terms of missions, needs, goals, and values of those schools; and be it further

Resolved, That the Legislature recognizes that the U-PASS should be the basis by which students and schools in Utah will be assessed and monitored; and be it further

Resolved, That the Legislature recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate bill 154, 2003 General Session; and be it further

Resolved, That the Legislature recognizes that the state should control its public education budget and allocate education dollars according to Utah's priorities and needs, driven by decision-making of local school boards; and be it further

Resolved, That the Legislature recognizes that until and unless the federal government substantially amends No Child Left Behind, extends waiver authority under Section 9401 to acknowledge that Utah is complying with the intent and spirit of the law through U-PASS, and that the federal government provides funding commensurate with what an independent analysis of implementation costs indicates is required to fully implement the law or the Congress significantly alters the law such that control of public education is fully restored to our state, Utah should utilize its own proven system of student accountability and reassert its historic leadership role in providing a quality public education for its citizens; and be it further

Resolved, That a copy of this resolution be sent to the Utah State Board of Education, each of Utah's local boards of education, the United States Department of Education, and to the members of Utah's congressional delegation.

POM–126. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the Even Start Family Literacy Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, the federal Even Start Family Literacy Program (Literacy Program) (Title I, Part B, subpart 3 of the Elementary and Secondary Education Act of 1965) was first authorized in 1988 with an appropriation of $14,800,000; and

Whereas, the Literacy Program became state-administered in 1992 at which time the appropriation exceeded $50,000,000; and

Whereas, the Literacy Program was most recently reauthorized by the Learning Involves Families Together (LIFT) Act of 2000 and the federal No Child Left Behind (NCLB) Act of 2001; and

Whereas, the Literacy Program offers hope for breaking the intergenerational cycle of poverty and poor literacy rates that afflict the nation by embracing the whole family as pupils and incorporating four core components as follows: early childhood education; adult literacy; parenting education; and interactive literacy activities between parents and their children;

Whereas, the Literacy Program is designed to help parents from low-income families improve their own education skills and vocational opportunities, making them more effective parents and improving the academic achievement of their young children, by: building on existing community resources of high quality; promoting the academic achievement of children and adults; incorporating research-based practices into the instructional programs for adults and children; promoting healthy relationships and interaction between children and adults; and helping children and adults meet the state's challenging content standards; and

Whereas, the Literacy Program at Blanche Pope Elementary School in Waimanalo and at other sites in Hawaii has successfully helped Literacy Program partners integrate their efforts into a more unified, effective, and accountable system than the previously fragmented adult and family-focused services; and

Whereas, the Literacy Program, such as the one at Blanche Pope Elementary School in Waimanalo, is a state-administered discretionary program; and

Whereas, the goals of raising quality and accountability in family education under the LIFT Act of 2000 and the NCLB Act of 2001 are being achieved in Hawaii; and

Whereas, the President of the United States, in his public comments and proposed budget to Congress, has expressed a loss of confidence in, or concern for, the Literacy Program; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature urges the President of the United States, the United States Congress, and the United States Department of Education to continue funding the Even Start Family Literacy Program; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, Speaker of the United States House of Representatives,

President of the United States Senate, Secretary of the United States Department of Education, and Members of Hawaii's congressional delegation.

POM–127. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to ''Amyotrophic Lateral Sclerosis Awareness Month''; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 96

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,000 new ALS patients are diagnosed annually; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2005 as ''Amyotrophic Lateral Sclerosis Awareness Month'' in Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–128. A joint resolution adopted by the Legislature of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION 7

Whereas, Forty-two years after the passage of the Federal Equal Pay Act of 1963 and forty-one years after the passage of Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, According to statistics released in 2004 by the U.S. Census Bureau, year-round, full-time working women in 2003 earned only 76% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

Whereas, A General Accounting Office report on women's earnings shows that there exists an inexplicable wage gap of approximately 20 percent between men and women, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, Since, the passage of the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due in large part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, The consequences of the wage gap reach beyond working women and extend to their families and the economy to the extent that; in 1999, even after accounting for differences, in education, age, location, and the number of hours worked, America's working families lost $200 billion of annual income to the wage gap, with an average of $4,000 per family; and

Whereas, Women play a crucial role in maintaining the financial well-being of their families by providing significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, Pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, Women currently comprise 48 percent of the labor force; and

Whereas, Educated women are not exempt from pay disparity; and

Whereas, In 2001 the average income for a woman with a bachelor's degree was 24 percent lower than that of a man with the same level of education—$32,238 versus $42,292; and

Whereas, The wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, Even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, According to the data analysis of over 300 job classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, The average 25-year-old woman who works fulltime, year round, is projected to earn $523,000 less over the course of her career than the average 25-year-old man who works full time, year round; and

Whereas, If women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income, of each of these women would rise by $4,000, and the number of families who live below the poverty line would be reduced by half; and

Whereas, The wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after, retirement, and affect a woman's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, Half of all older women with income from a private pension receive less than $5,600 per year, as compared with $10,340 per year for older men; and

Whereas, Men live an average of 77 years and women live an average of 81.7 years; and

Whereas, Assuming men and women retire at age 65; men will rely on their state pensions to help them through 12 years of life, while a woman's pension will have to last 16.7 years; and

Whereas, There is a greater likelihood that a female worker would outlive her defined contribution plan; and

Whereas, It is estimated that it would cost a man $654,000 to purchase an annuity based on 25 years of service and a $6,000 final-month salary, while it would cost a woman over $700,000 to purchase the same annuity with the same monthly benefits; and

Whereas, if both a man and a woman invested $750,000 in this same annuity, it is estimated the women would receive a little under $3,420 per month while the man would receive $3,670, or a 7-percent difference: Now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the Legislature hereby declares April 19, 2004, to be ''Equal Pay Day'' in California and urges California citizens to recognize the full' value and worth of women and their contributions to the California workforce; and be it further

Resolved, That the Legislature respectfully, urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay, for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–129. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the federal estate tax; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 94

Whereas, under tax relief legislation passed in 2001, the estate tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay estate taxes; and

Whereas, if the estate tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output, and an average of one hundred forty-five thousand additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the estate tax holds wide bipartisan support: and therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–130. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to sending federal funds directly to the Arizona Legislature for appropriation and oversight; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2009

Whereas, the State of Arizona receives nearly $6 billion in federal grant funds each year; and

Whereas, currently, the bulk of these federal funds that flow into state government are sent directly from federal agencies to state agencies and local governments; and

Whereas, the current system of distribution of federal funds gives the state legislature little input into how the funds are received, allocated or spent; and

Whereas, the direct allocation of federal funds, including funds that have been earmarked by the federal government for a specific purpose at the state level, to the legislature would give the legislature appropriation authority over those funds and would provide additional financial and programmatic information necessary to make more informed budgeting decisions. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States send federal funds directly to the Arizona Legislature for appropriation and oversight.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–131. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the permanent repeal of the Federal Inheritance Tax; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION 2

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, the death tax is particularly damaging to families who are working hard to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now Therefore, be it

Resolved, That the House of Representatives of the state of Utah requests that Utah's congressional delegation support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

Resolved, That a copy of this resolution be sent to the members of Utah's congressional delegation.

POM–132. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to authorizing state governors to proclaim that the United States flag be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 117

Whereas, according to Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the national flag shall be flown at half-staff; and

Whereas, it is only fitting that the United States Code also authorize a state governor to proclaim that the flag shall be flown at half-staff upon the death of members of the United States armed forces from that state who have given their lives for their country; and

Whereas, the long-held tradition of lowering of the flag to half-staff in periods of recognition of the deceased would be an appropriate way to pay respect to the memories of these honorable men and women; and

Whereas, the valor displayed by fallen members of the military in the defense of democratic ideals and the right of free people to live in peaceful coexistence with their neighbors is a proud example of the American spirit in which all Louisianians take great pride; and

Whereas, flying the flag at half-staff would serve as a solemn and suitable reminder of the heroism of those who have made the ultimate sacrifice for freedom; and therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the United States Code to authorize state governors to proclaim that the United States flag shall be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–133. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to the amending the Constitution of the United States concerning marriage; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL 2005

Whereas, the union of man and woman in marriage has been recognized as the foundation of society since the beginning of time; and

Whereas, marriage between one man and one woman substantially and undeniably benefits the individuals involved, any children resulting from the union and society at large; and

Whereas, the founders of our country decreed marriage between a man and a woman to be ''the highest and most blessed of relationships''; and

Whereas, nearly three-fourths of the states already have enacted laws to define marriage as being only between a man and a woman and the federal government enacted the Defense of Marriage Act in 1996; and

Whereas, seventeen states have adopted amendments to their constitutions to protect the definition of marriage as being only between a man and a woman; and

Whereas, the people of the State of Arizona view with growing concern attempts to change the definition of marriage through judicial action, including, most recently, rulings by the courts in Canada, the Commonwealth of Massachusetts and the State of Washington; and

Whereas, in addition to simply stating that marriage in the United States consists of the union of a male and a female, an amendment to the Constitution of the United States ensures the democratic process by allowing the states to establish their own policy in the area of marital benefits, including privileges associated with marriage.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That, pursuant to article V of the Constitution of the United States, the Congress of the United States propose an amendment to the Constitution of the United States, to be ratified by the legislatures or by conventions in three-fourths of the several states, stating that marriage in the United States shall consist only of the union of a man and a woman.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–134. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the support of the United States Senate for the President's Supreme Court nominees; to the Committee on the Judiciary.

HOUSE RESOLUTION 4

Whereas, Article II, Section 2 of the United States Constitution states the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States'';

Whereas, there is a high likelihood of at least one vacancy on the United States Supreme Court during the 109th Congress;

Whereas, activist judges on some federal courts have frustrated the constitutional structure which prescribes that laws shall be written by elected legislatures;

Whereas, President Bush has expressed his commitment to appoint federal judges who will strictly interpret the United States Constitution; and

Whereas, in the past, a minority of Senators has used dilatory tactics to prevent a Senate floor vote on several of President Bush's judicial nominees, all of whom were reported favorably by the United States Senate Committee on the Judiciary; and now, therefore, be it

Resolved, That the House of Representatives of the state of Utah requests that the United States Senate move quickly to confirm all presidential nominations to the United States Supreme Court; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate and to the members of Utah's congressional delegation.

POM–135. A joint resolution adopted by the Legislature of the State of Maine relative to allowing Poland's citizens to travel in the United States without visas; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas the visa waiver program was established under 8 United States Code, Section 1187 to provide under certain conditions a visa waiver to citizens of certain countries; and

Whereas 8 Code of Federal Regulations, Section 217.2 (2005) delineates the specific requirements of the visa waiver program, including the list of countries whose citizens may take advantage of its provisions; and

Whereas the list of countries allowed to have the visa requirement waived includes Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas citizens from Poland are still required to go through the visa process, despite the change in circumstances of that nation during the last 15 years and its being a staunch ally of the United States; and

Whereas since the breakup of the Soviet Union, Poland has been a free and democratic nation and is a member of the North Atlantic Treaty Organization, known as NATO, and is an indispensable ally to our own Nation, actively participating in Operation Iraqi Freedom and the Iraqi reconstruction with troops serving alongside American soldiers; and

Whereas the President of the United States, George W. Bush, and other high-ranking officials in our government have described Poland as one of our best allies; and

Whereas many Polish citizens wanting to visit the United States are relatives of American citizens and they face major impediments in the visa process, while Americans going to Poland have had the visa requirement waived for them since 1991; and

Whereas in view of the enormous strides that Poland has made in democratic reform and the new status of Poland as a major ally of the United States, as firm and staunch as our oldest allies who have had the visa requirement waived: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge that Poland be included in the United States Department of Homeland Security's visa waiver program as codified in 8 Code of Federal Regulations, Section 217.2; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of Homeland Security, the Speaker of the United States House of Representatives and the President of the United States Senate and to each Member of the Maine Congressional Delegation.

POM–136. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to conferring veterans' benefits on Filipino veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION 249

Whereas approximately 142,000 Philippine nationals were inducted into the United States armed forces in 1941, when their country was under American control; and

Whereas Filipino soldiers fought bravely beside American troops to restore liberty and democracy to their homeland by volunteering as spies, serving as guerrillas in the jungles, and fighting in American units in the war against Japan; and

Whereas these soldiers exhibited great courage at the battles of Corregidor and Bataan, and their bravery and self-sacrifice contributed to the Allied victory in World War II; and

Whereas the United States promised Filipino solders the same benefits as American soldiers, then rescinded that promise five years later; and

Whereas the Legislature finds that the United States should honor its promise to the Filipino veterans; and

Whereas Filipino interest groups estimate that there are approximately 58,000 Filipino World War II veterans still alive, 12,000 of them living in the United States; and

Whereas time is running out for the United States to correct the injustice committed against Filipino World War II veterans as most are now elderly and frail, and approximately eight die per day based on 2004 mortality statistics from the United States Department of Veterans Affairs; and

Whereas there are several measures pending in Congress that propose to confer veterans' benefits on Filipino veterans of World War II; and

Whereas these legislative measures include S. 146, H.R. 302, and H.R. 170; and

Whereas S. 146 and H.R. 302, (Filipino Veterans Equity Act of 2005), amend Title 38 of the United States Code to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to be active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; and

Whereas under H.R. 170, (Filipino Veterans Fairness Act) Filipino World War II veterans who became United States citizens or legal aliens are entitled to service-connected disability payments, vocational rehabilitation, and housing loans; Filipino World War II veterans residing in the Philippines are entitled to out-patient health care; and veterans' spouses and dependents are entitled to educational and vocational assistance; and

Whereas passage of these measures will mean official recognition of Filipino veterans as American veterans, who will become eligible for veterans' benefits such as health care, disability compensation, pension, burial, housing loans, education, and vocational rehabilitation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Congress is urged to support and pass legislation conferring veterans' benefits on Filipino World War II veterans; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's delegation to the Congress of the United States.

POM–137. A resolution adopted by the Lexington-Fayette Urban County Government, relative to the Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–138. A resolution adopted by the Municipal Legislature of Moca, Puerto Rico relative to the opposition of the elimination of the Community Development Block Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

POM–139. A resolution adopted by the City Counsel of the City of Oceanside, California relative to the funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

POM–140. A resolution adopted by the Passaic County (New Jersey) Board of Chosen Freeholders relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

POM–141. A resolution adopted by the Mayor and Municipal Council of the City of Clifton, New Jersey relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of January 4, 2005, the following reports of committees were submitted on June 10, 2005:

By Mr. BURNS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2361. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–80).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions:

*Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1268. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr. HAGEL, Mr. CRAIG, and Mr. ROBERTS):

S. 1269. A bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 1270. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1271. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1272. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

By Mr. REID:

S. 1273. A bill to provide for the sale and adoption of excess wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KENNEDY:

S. Res. 176. A resolution congratulating Cam Neely on his induction into the Hockey Hall of Fame; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. DEWINE, Mr. LIEBERMAN, Ms. SNOWE, Mr. DURBIN, Mr. COLEMAN, and Mr. LAUTENBERG):

S. Res. 177. A resolution encouraging the protection of the rights of refugees; to the Committee on Foreign Relations.

By Mr. BENNETT (for himself and Mr. LUGAR):

S. Res. 178. A resolution expressing the sense of the Senate regarding the United States-European Union Summit; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 501

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 501, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 557

At the request of Mr. COBURN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 557, a bill to provide that Executive Order 13166 shall have no force or effect, to prohibit the use of funds for certain purposes, and for other purposes.

S. 558

At the request of Mr. REID, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 687

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 687, a bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 695

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Colorado (Mr. ALLARD) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 752

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 752, a bill to require the United States Trade Representative to pursue

a complaint of anti-competitive practices against certain oil exporting countries.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 924

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 924, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 933

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 933, a bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals.

S. 986

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 986, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1046

At the request of Mr. KYL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1066

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1081

At the request of Mr. KYL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1137

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1137, a bill to include dehydroepiandrosterone as an anabolic steroid.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1178

At the request of Mr. MARTINEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance.

S. 1186

At the request of Mr. DOMENICI, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1214

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE), the Senator from Maine (Ms. COLLINS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1215

At the request of Mr. GREGG, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1246

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in post-graduate medical or dental internship, residency, or fellowship programs.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S.J. RES. 14

At the request of Mr. SANTORUM, his name was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 39

At the request of Mr. SMITH, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. Res. 39, supra.

S. RES. 162

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate concerning Griswold v. Connecticut.

S. RES. 165

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 165, a resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

AMENDMENT NO. 783

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 783 proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1268. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The ''Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act,'' otherwise known as ''The SAVE LIVES Act of 2005.'' This bill is drafted in response to the 9/11 Commission's Final Report, which recommended the ''expedited and increased assignment of radio spectrum for public safety purposes.''

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would authorize funds for public safety agencies to purchase emergency communications equipment and ensure that Congress has the ability to consider whether additional spectrum should be provided for public safety communications prior to the recovered spectrum being auctioned. The bill contains significant language concerning consumer education in anticipation of the digital television transition. The bill would mandate that warning labels be displayed on analog television sets sold prior to the transition, require warning language to be displayed at television retailers, command the distribution at retailers of brochures describing the television set options available to consumers, and call on broadcasters to air informational programs to better prepare consumers for the digital transition.

The bill would ensure that no television viewer's set would go ''dark'' by providing digital-to-analog converter boxes to over-the-air viewers with a household income at or below 200 percent of the poverty line and by allowing cable companies to down convert digital signal signals if necessary. I continue to believe that broadcast television is a powerful communications tool and important information source for citizens. I know that on 9/11, I learned about the attack on the Twin Towers and the Pentagon by watching television like most Americans. Therefore, this bill seeks to not only protect citizens' safety, but also the distribution of broadcast television.

Lastly, the bill would require the Environmental Protection Agency to report to Congress on the need for a national electronic waste recycling program.

The 9/11 Commission's final report contained harrowing tales about police officers and fire fighters who were inside the twin towers and unable to receive evacuation orders over their radios from commanders. In fact, the report found that this inability to communicate was not only a problem for public safety organizations responding at the World Trade Center, but also for those responding at the Pentagon and Somerset County, Pennsylvania crash sites where multiple organizations and multiple jurisdictions responded. Therefore, the Commission recommended that Congress accelerate the availability of additional spectrum for public safety.

The SAVE LIVES Act would implement that important recommendation and ensure that WHEN our Nation experiences another attack, or other critical emergencies occur, our police, fire fighters and other emergency response personnel will have the ability to communicate with each other and their commanders to prevent another catastrophic loss of life. Now is the time for Congressional action before another national emergency or crisis takes place.

Several lawmakers attempted to act last year during the debate on the Intelligence reform bill, but our efforts were thwarted by the powerful National Association of Broadcasters. This year, I hope we can all work together and pass a bill that ensures the country is not only better prepared in case of another attack, but also protects the vital communications outlet of broadcast television. I believe the SAVE LIVES Act achieves both goals.

In an effort to expeditiously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of The SAVE LIVES Act. Additionally, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1268

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spectrum Availability for Emergency-Response and Law-Enforcement to Improve Vital Emergency Services Act'' or the ''SAVE LIVES Act''.

SEC. 2. SETTING A SPECIFIC DATE FOR THE AVAILABILITY OF SPECTRUM FOR PUBLIC SAFETY ORGANIZATIONS AND CREATING A DEADLINE FOR TRANSITION TO DIGITAL TELEVISION.

(a) AMENDMENTS.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) in subparagraph (A), by striking ''December 31, 2006'' and inserting ''December 31, 2008'';

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking ''or (B)'';

(4) in subparagraph (D), by striking ''(C)(i)'' and inserting ''(B)(i)''; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) IMPLEMENTATION.—

(1) FINAL DTV ALLOTMENT TABLE OF IN-CORE CHANNELS FOR FULL-POWER STATIONS.—The Federal Communications Commission (in this Act referred to as the ''Commission'') shall—

(A) release by December 31, 2006, a report and order in MB Docket No. 03–15 assigning all full-power broadcast television stations authorized in the digital television service a final channel between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive); and

(B) conclude by July 31, 2007, any reconsideration of such report and order.

(2) STATUS REPORTS.—Beginning February 1, 2006, and ending when international coordination with Canada and Mexico of the DTV table of allotments is complete, the Commission shall submit reports every 6 months on the status of that international coordination to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives.

(3) TERMINATIONS OF ANALOG LICENSES AND BROADCASTING.—The Commission shall take such actions as may be necessary to terminate all licenses for full-power broadcasting stations in the analog television service and to require the cessation of broadcasting by full-power stations in the analog television service by January 1, 2009.

SEC. 3. AUCTION OF RECOVERED SPECTRUM.

(a) DEADLINE FOR AUCTION.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)), as amended by section 2, is amended in subparagraph (B)—

(1) in clause (ii), by striking the second sentence; and

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

''(iii) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—

''(I) IN GENERAL.—Not earlier than 1 year after the date on which the Commission submits to Congress the report required under section 7502(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3855), and not later than April 1, 2008, the Commission shall—

''(aa) conduct the auction of the licenses for recovered analog spectrum; and

''(bb) not later than June 30, 2008, deposit the proceeds of such auction in accordance with paragraph (8), except for those funds authorized to be used in accordance with sections 4(f) and 5 of the SAVE LIVES Act.

''(II) RECOVERED ANALOG SPECTRUM DEFINED.—In this clause, the term 'recovered analog spectrum' means the spectrum reclaimed from analog television service broadcasting under this paragraph, other than—

''(aa) the spectrum required by section 337 to be made available for public safety services;

''(bb) the spectrum auctioned prior to the date of enactment of the SAVE LIVES Act; and

''(cc) any spectrum designated by Congress for use by public safety services between the date of enactment of the SAVE LIVES Act and the auction described in subclause (I).''.

(b) EXTENSION OF AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2009''.

SEC. 4. DIGITAL TRANSITION PROGRAM.

(a) IN GENERAL.—Beginning no earlier than January 1, 2008, and not later than July 1, 2008, the Commission, in consultation with commercial television broadcast licensees, shall distribute to eligible persons digital-to-analog converter devices that will enable television sets that operate only with analog signal processing to continue to operate when receiving a digital signal.

(b) APPLICATION.—Each eligible person seeking a digital-to-analog converter device under subsection (a) shall submit an application to the Commission at such times, in such manner, and containing such information as the Commission requires.

(c) PROCUREMENT.—The provisions, rules, and regulations of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to the procurement, by the Comptroller General of the United States, of the digital-to-analog converter devices described in subsection (a).

(d) STUDY.—Not later than 12 months after the date of enactment of this Act, the Commission shall, in consultation with commercial television broadcast licensees, consumer groups, and other interested parties, complete a study of—

(1) the geographic location of eligible persons by Nielsen Designated Market Areas;

(2) the use of not only broadcast studios for distribution of such digital-to-analog converter devices, but the ability of commercial television broadcast licensees to partner with grocery stores, electronics stores, and post offices to serve as distribution centers for such devices; and

(3) the ability of the Commission and commercial television broadcast licensees to partner together to develop a public communications campaign to inform over-the-air viewers of—

(A) the need for a digital-to-analog converter device; and

(B) the availability of such a digital-to-analog converter device free of charge for eligible persons.

(e) ELIGIBLE PERSON DEFINED.—In this section, the term ''eligible person'' means any person relying exclusively on over-the-air television broadcasts with a household income that does not exceed 200 percent of the poverty line, as such line is published in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $468,000,000 from the proceeds of the auction of licenses for recovered analog spectrum under section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)).

(2) DISTRIBUTION.—Of the funds authorized to be appropriated under paragraph (1)—

(A) $463,000,000 shall be available to procure digital-to-analog converter devices; and

(B) $5,000,000 shall be available to to cover the costs of administration of the digital transition program established under this section.

SEC. 5. ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM TO PROVIDE ENHANCED INTEROPERABILITY OF COMMUNICATIONS FOR FIRST RESPONDERS.

(a) ESTABLISHMENT OF PROGRAM TO ASSIST FIRST RESPONDERS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a program to help State, local, tribal, and regional first responders—

(A) acquire and deploy interoperable communications equipment;

(B) purchase such equipment; and

(C) train personnel in the use of such equipment.

(2) COMMON STANDARDS.—The Secretary, in cooperation with the heads of other Federal departments and agencies who administer programs that provide communications-related assistance programs to State, local, and tribal public safety organizations, shall develop and implement common standards to the greatest extent practicable.

(b) APPLICATIONS.—To be eligible for assistance under the program established in subsection (a), a State, local, tribal, or regional first responder agency shall submit an application, at such time, in such form, and containing such information as the Under Secretary of Homeland Security for Science and Technology may require, including—

(1) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate Federal, State, local, tribal, and regional agencies in a regional or national emergency;

(2) assurance that the equipment and system would—

(A) not be incompatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform Act of 2004;

(B) would meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act; and

(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act.

(c) REVIEW.—The Under Secretary of Homeland Security for Science and Technology shall review and approve, in the discretion of the Under Secretary, all applications submitted under subsection (b).

(d) SINGLE GRANTS.—The Secretary of Homeland Security, pursuant to an application approved by the Under Secretary of Homeland Security for Science and Technology, may make the assistance provided under the program established in subsection (a) available to all approved applicants in the form of a single grant for a period of not more than 3 years.

(e) REPORT.—Not later than January 1, 2008, the Commission shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the amount required to carry out the program described in section 4.

(f) AUTHORIZATION OF APPROPRIATIONS.—To the extent that proceeds from the auction of licenses for recovered analog spectrum under section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) are available and exceed the amount required to carry out the program described in section 4, there are authorized to be appropriated from such proceeds such sums as are available to fund the grant program established under this section.

SEC. 6. CONSUMER EDUCATION REGARDING THE DIGITAL TELEVISION TRANSITION.

(a) COMMISSION AUTHORITY.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following new subsection:

''(z) Require the consumer education measures specified in section 330(d) in the case of apparatus designed to receive television signals that—

''(1) are shipped in interstate commerce or manufactured in the United States after 180 days after the date of enactment of the SAVE LIVES Act; and

''(2) are not capable of receiving and displaying broadcast signals in the digital television service on the channels allocated to such broadcasts.''.

(b) CONSUMER EDUCATION REQUIREMENTS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(1) in subsection (d), by striking ''sections 303(s), 303(u), and 303(x)'' and inserting ''subsections (s), (u), (x), and (z) of section 303'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

''(d) CONSUMER EDUCATION REGARDING EQUIPMENT, TELEVISION RECEIVERS, AND OTHER MATERIALS RELATED TO THE DIGITAL TO ANALOG CONVERSION.—

''(1) REQUIREMENTS FOR MANUFACTURERS.—Any manufacturer of any apparatus described in section 303(z) shall—

''(A) place on the screen of any such apparatus that such manufacturer ships in interstate commerce or manufactures in the United States after 180 days after the date of enactment of the SAVE LIVES Act, a removable label containing the warning language required by paragraph (3); and

''(B) also include such warning language on the outside of the retail packaging of such apparatus in a manner that cannot be removed.

''(2) REQUIREMENTS FOR RETAIL DISTRIBUTORS.—Any retail distributor shall place adjacent to each apparatus described in section 303(z) that such distributor displays for sale or rent after 180 days after the date of enactment of the SAVE LIVES Act, a separate sign containing the warning language required by paragraph (3).

''(3) WARNING LANGUAGE.—

''(A) RULEMAKING PROCEEDING.—Not later than 120 days after the date of enactment of this Act, the Commission, in consultation with consumers and representatives from the broadcast, cable, and satellite industries, shall complete a rulemaking proceeding to develop warning language to be used by manufacturers and retail distributors concerning the size and format of the warning language required by this paragraph.

''(B) CONTENT OF WARNING.—The warning language required by this paragraph shall clearly inform consumers, in plain English understandable to the average consumer, of the following:

''(i) After December 31, 2008, television broadcasters will cease analog over-the-air broadcasts and will broadcast only in digital format.

''(ii) That a television set carrying the label required under paragraph (1) will no longer be able to receive broadcast programming unless it is connected to a digital tuner, a digital-to-analog converter device, or cable, satellite, or other multichannel video services.

''(iii) Beyond December 31, 2008, a television set carrying the label required under paragraph (1) will, however, continue to display images from devices such as DVD recorders and video game consoles or content recorded for display on an analog television using devices such as VCRs, digital video recorders, or DVD recorders.

''(iv) For more information regarding the transition to digital television consumers should call the Federal Communications

Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's website at: www.fcc.gov.

''(4) ENFORCEMENT.—Any violation of the requirements of this section, shall be enforced by the Federal Trade Commission as if it were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

''(5) SUNSET.—The warning language required by paragraph (3) shall not apply to any manufacturer or retail distributor on or after January 1, 2009.

''(6) COMMISSION OUTREACH.—Beginning not later than 1 month after the date of enactment of the SAVE LIVES Act, the Commission shall engage in a public outreach program to educate consumers about—

''(A) the deadline for termination of analog television broadcasting; and

''(B) the options consumers have after such termination to continue to receive broadcast programming.''

(c) PRESERVING AND EXPEDITING DIGITAL TELEVISION TUNER MANDATES.—

(1) IN GENERAL.—The Commission shall require not later than—

(A) July 1, 2005, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes 36 inches or greater;

(B) March 1, 2006, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes between 25 inches and 35 inches; and

(C) March 1, 2007, that digital television tuners be integrated into television receivers having analog tuners in the case of television sets with screen sizes between 14 inches and 24 inches.

(2) STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study to determine whether digital television tuners are necessary in television sets with screen sizes 13 inches or smaller.

(B) MANDATES FOR TELEVISION SETS WITH SCREEN SIZES 13 INCHES OR SMALLER.—Upon completion of the study required under subparagraph (A), if the Commission determines that digital television tuners are necessary in television sets with screen sizes 13 inches or smaller, the Commission shall enact, not later than July 1, 2008, digital television tuner mandates for such television sets.

(d) INFORMED CONSUMER REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Consumer and Governmental Affairs Bureau of the Commission shall develop and distribute to all consumers seeking to purchase a televison set a brochure that clearly describes the different options available to a consumer, including information that—

(1) in order for a consumer to receive and display a digital television signal, a consumer must have—

(A) both a digital television display or monitor and a digital tuner; or

(B) an integrated digital television set;

(2) there is a difference between a digital television and high-definition digital television signals and a digital television and high-definition digital television set; and

(3) current televisions—

(A) are not obsolete;

(B) can receive digital television signals with the use of a digital-to-analog converter device and will display such signals in an analog format; and

(C) will continue to work with cable, satellite, VCRs, DVD recorders, and other devices.

SEC. 7. DIGITAL TO ANALOG CONVERSION AVAILABLE FOR CABLE SUBSCRIBERS.

(a) DIGITAL TO ANALOG CONVERSION PERMITTED.—Section 614(b) of the Communications Act of 1934 (47 U.S.C. 534(b)) is amended by adding at the end the following new paragraph:

''(11) DIGITAL.—

''(A) DIGITAL PRIMARY VIDEO SIGNAL.—A cable operator shall carry the primary video of the digital signal of a local broadcast station in its originally broadcast format without material degradation upon such local broadcast station's—

''(i) cessation of analog broadcasting; and

''(ii) election of cable carriage under this section or section 615.

''(B) DIGITAL TO ANALOG CONVERSIONS PERMITTED.—Notwithstanding subparagraph (A), the conversion by a cable operator, at any location from the cable headend through equipment on the premises of a subscriber, of a digital television signal into a signal capable of being viewed by such subscriber with an analog television receiver shall be permitted subject to the conditions described in subparagraph (C).

''(C) CONDITIONS ON PERMITTED DOWNCONVERSION.—If a cable operator provides a converted signal for any station in a local market under subparagraph (B), that—

''(i) is carried under this section or section 615; and

''(ii) has ceased to broadcast in the analog television service;

such cable operator shall provide such a converted signal for each such station that is located within the same local market.

''(D) CONVERSION SUNSET.—

''(i) IN GENERAL.—Subject to clause (ii), beginning not earlier than December 31, 2011 and not later than December 31, 2012, the Commission shall cease to impose on a cable operator the requirement under subparagraph (B), if the Commission determines that such requirement is not necessary to ensure the continued ability of the audiences for foreign-language and religious television broadcast stations to view the signals of such stations.

''(ii) CONSIDERATIONS.—In making a determination under clause (i), the Commission shall take into consideration—

''(I) the penetration of digital televisions, digital receivers, and digital-to-analog converter devices among audiences of foreign-language and religious television broadcast stations; and

''(II) the market incentives of cable operators, in the absence of the requirement under subparagraph (B), to carry the signals of foreign-language and religious television broadcast stations in the format most available to be viewed by the audiences of such stations.

''(E) REVIEW.—Not later than 1 year after the date of enactment of the SAVE LIVES Act, and every 2 years thereafter until December 31, 2012, the Commission shall review the considerations described in subparagraph (D)(ii).''.

(b) TIERING.—

(1) AMENDMENT TO COMMUNICATIONS ACT.—Section 623(b)(7)(A)(iii) of the Communications Act of 1934 (47 U.S.C. 543(b)(7)(A)(iii)) is amended—

(A) by striking ''Any signal'' and inserting ''Any analog signal''; and

(B) by inserting ''and a single digital video programming stream, designated by such station, that is transmitted over-the-air by such station, and'' after ''television broadcast station''.

(2) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on January 1, 2009.

SEC. 8. STUDY OF NATIONWIDE RECYCLING PROGRAM.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with appropriate executive agencies (as determined by the Administrator), shall conduct a study of the feasibility of establishing a nationwide recycling program for electronic waste that preempts any State recycling program.

(2) INCLUSIONS.—The study shall include an analysis of multiple programs, including programs involving—

(A) the collection of an advanced recycling fee;

(B) the collection of an end-of-life fee;

(C) producers of electronics assuming the responsibility and the cost of recycling electronic waste; and

(D) the extension of a tax credit for recycling electronic waste.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report describing the results of the study conducted under subsection (a);

SEC. 9. COMPLETION OF CERTAIN PENDING PROCEEDINGS.

(a) IN GENERAL.—The Commission shall complete action on and issue a final decision not later than—

(1) July 31, 2007, in the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 03-15;

(2) July 31, 2007, should the Commission begin a Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television;

(3) December 31, 2007, in the Matter of Public Interest Obligations of Television Broadcast Licensees, MM Docket No. 99-360;

(4) December 31, 2007, in the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168;

(5) December 31, 2007, in the Matter of Children's Television Obligations Of Digital Television Broadcasters, Further Notice of Proposed Rulemaking, MM Docket No. 00-167;

(6) December 31, 2007, in the proceeding on rules regarding the use of distributed transmission system technologies as referenced in paragraph 5 of MB Docket No. 03-15; and

(7) December 31, 2007, in the proceeding adopting digital standards for an Emergency Alert System.

(b) TWO-WAY DEVICES.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, and every 3 months thereafter until July 1, 2007, the parties in the matter of the Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Second Report and Order, CS Docket No. 97-80, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of negotiations for two-way devices.

(2) FINAL ORDER.—Not later than December 31, 2007, the Commission shall complete action on and issue a final decision in the matter of the Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Second Report and Order, CS Docket No. 97-80.

SEC. 10. EXCEPTION TO REMOVAL AND RELOCATION OF INCUMBENT BROADCAST LICENSEES OPERATING BETWEEN 746 AND 806 MEGAHERTZ.

Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended by adding at the end the following new paragraph:

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) television translator stations;
''(B) low-power television stations; or
''(C) class A television stations.''.

By Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr.HAGEL, Mr. CRAIG, and Mr. ROBERTS):

S. 1269. A bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Pest Management and Fire Suppression Flexibility Act. I am proud to be joined by ten of my colleagues, Senators LINCOLN, CRAPO, BOND, ISAKSON, CRAIG, CHAMBLISS, COCHRAN, THOMAS, HAGEL and ROBERTS. This legislation codifies long-standing Democratic and Republican Administration policy of not requiring a Clean Water Act permit for pesticides in full compliance with their EPA-approved label. It will further affirm historic a Federal practices with regard to the Clean Water Act and fire suppression and other foreset management activities.

In 1972, Congress enacted both the Clean Water Act and the Federal Insecticide, Fungicide and Rodenticide Act. CWA authorized the Environmental Protection Agency to protect the Nation's waterways by regulating discharges of large industrial operations and wastewater facilities through the National Pollutant Discharge Elimination System. FIFRA proyided the EPA with the authority to regulate the sale and use of pesticides through a comprehensive registration and labeling protocol.

Until some recent court decisions, the application of agricultural and other pesticides in full compliance with labeling requirements did not require NPDES permits. Because pesticides undergo lengthy testing under FIFRA including tests to ensure water quality and aquatic species preservation, a NPDES permit was considered unnecessary and duplicative. These court decisions commonly known as Talent and Forsgren contradict years of Federal policy and undermine the manner in which the Federal Government regulates farmers, foresters, irrigators, mosquito abatement officials, and other pesticide applicators.

Similar cases are pending. Groups are now using the notice of intent to sue to intimidate farmers, mosquito abatement districts and Federal and State agencies into stopping or reducing West Nile virus prevention and crop loss rangeland protection operations. While EPA has proposed a rule to ensure that pesticides sprayed to, near, or over waters do not need a permit, the rule needs to be codified in statute. Environmentalists who filed notices of intent to sue Maine's two largest blueberry farmers have indicated that they plan on threatening others with lawsuits including more farmers and foresters.

Our legislation fills this regulatory gap left by EPA. While the agency's rule is a step in the right direction, our legislation codifies the agency's long-standing policy that the application of agricultural and other pesticides, in accordance with their label, does not require an NPDES permit. Moreover, the rule does not protect farmers, irrigators, mosquito abatement districts, fire fighters, Federal and State agencies, pest control operators or foresters vulnerable to citizen's suits, simply for performing long-practiced, expressly approved and already heavily regulated pest management and public health protection activities. Without such protection, those who protet us from mosquito borne illnesses and other pest outbreaks or combat destructive and potentially deadly forest fires will continue to be potential victims of mischievous citizen's suits.

My bill codifies EPA's rulemaking, as well as affirms Congressional intent and the long-held positions of Republican and Democratic administrations with regard to the CWA and pesticide applications generally, as well as fire suppression and other forest management activities. I am pleased to be joined by so many of my colleagues in this effort and encourage others to cosponsor our proposal.

By Mr. NELSON of Nebraska:

S. 1272. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1272

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Belated Thank You to the Merchant Mariners of World War II Act of 2005''.

SEC. 2. MONTHLY BENEFIT FOR WORLD WAR II MERCHANT MARINERS AND SURVIVORS UNDER TITLE 46, UNITED STATES CODE.

(a) MONTHLY BENEFIT.—Chapter 112 of title 46, United States Code, is amended—

(1) by inserting after the table of sections the following new subchapter heading:

''SUBCHAPTER I—VETERANS' BURIAL AND CEMETERY BENEFITS''; AND

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

''SUBCHAPTER II—MONTHLY BENEFIT

''§ 11205. Monthly benefit

''(a) PAYMENT.—The Secretary of Veterans Affairs shall pay to each person issued a certificate of honorable service pursuant to section 11207(b) of this title a monthly benefit of $1,000.

''(b) SURVIVING SPOUSES.—

''(1) PAYMENT TO SURVIVING SPOUSES.—The Secretary of Veterans Affairs shall pay to the surviving spouse of each person issued a certificate of honorable service pursuant to section 11207(b) of this title a monthly benefit of $1,000.

''(2) EXCLUSION.—No benefit shall be paid under paragraph (1) to a surviving spouse of a person issued a certificate of honorable service pursuant to section 11207(b) unless the surviving spouse was married to such person for no less than 1 year.

''(c) EXEMPTION FROM TAXATION.—Payments of benefits under this section are exempt from taxation as provided in section 5301(a) of title 38.

''§ 11206. Qualified service

''For purposes of this subchapter, a person shall be considered to have engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of such Administration or Office);

''(B) operated in waters other than—

''(i) inland waters;

''(ii) the Great Lakes; and

''(iii) other lakes, bays, and harbors of the United States;

''(C) under contract or charter to, or property of, the Government of the United States; and

''(D) serving the Armed Forces; and

''(2) while serving as described in paragraph (1), was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''§ 11207. Documentation of qualified service

''(a) APPLICATION FOR SERVICE CERTIFICATE.—A person seeking benefits under section 11205 of this title shall submit an application for a service certificate to the Secretary of Transportation, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense.

''(b) ISSUANCE OF SERVICE CERTIFICATE.—The Secretary who receives an application under subsection (a) shall issue a certificate of honorable service to the applicant if, as determined by that Secretary, the person engaged in qualified service under section 11206 of this title and meets the standards referred to in subsection (d) of this section.

''(c) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than 1 year after the date of that receipt.

''(d) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (b), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

''§ 11208. Definitions

''In this subchapter, the term 'surviving spouse' has the meaning given such term in section 101 of title 38, except that in applying the meaning in this subchapter, the term 'veteran' shall include a person who performed qualified service as specified in section 11206 of this title.

''§ 11209. Authorization of appropriations

''There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary for the purpose of carrying out this subchapter.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of section 11201 of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''chapter'' and inserting ''subchapter''; and

(2) in paragraph (2), by striking ''chapter'' the second place it appears and inserting ''subchapter''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 112 of title 46, United States Code, is amended—

(1) by inserting at the beginning the following new item:

''SUBCHAPTER I—VETERANS' BURIAL AND CEMETERY BENEFITS'';

and

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

''SUBCHAPTER II—MONTHLY BENEFIT

''11205. Monthly benefit
''11206. Qualified service
''11207. Documentation of qualified service
''11208. Definitions
''11209. Authorization of appropriations''.

(d) EFFECTIVE DATE.—Subchapter II of chapter 112 of title 46, United States Code, as added by subsection (a) of this section, shall take effect with respect to payments for periods beginning on or after the date of the enactment of this Act, regardless of the date of application for benefits.

SEC. 3. BENEFITS FOR WORLD WAR II MERCHANT MARINERS UNDER TITLE II OF THE SOCIAL SECURITY ACT.

(a) BENEFITS.—Section 217(d) of the Social Security Act (42 U.S.C. 417(d)) is amended by adding at the end the following new paragraph:

''(3) The term 'active military or naval service' includes the service, or any period of forcible detention or internment by an enemy government or hostile force as a result of action against a vessel described in subparagraph (A), of a person who—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of such Administration or Office);

''(ii) operated in waters other than—

''(I) inland waters;

''(II) the Great Lakes; and

''(III) other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while serving as described in subparagraph (A), was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to benefits for months beginning on or after the date of the enactment of this Act.

By Mr. REID:

S. 1273. A bill to provide for the sale and adoption of excess wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise on behalf of myself and Senator ENSIGN to offer legislation that will give greater protections to our Nation's wild horses and make needed improvements to the Bureau of Land Management's wild horse and burro adoption program.

Right now there are an estimated 32,000 wild horses on our Nation's public lands. This is 4,000 more horses than our rangeland can sustain. The Bureau of Land Management has established that nationwide, the Appropriate Management Level for wild horses and burros is 28,000. Unfortunately, after many years of trying, the BLM has been unable to reach this benchmark, even after many significant budget increases for the wild horse and burro program. This situation is compounded by the fact that wild horses naturally reproduce at a rate of 20 percent per annum, adding to management difficulties and placing greater strain on our public rangelands.

In Nevada, we feel the failures of the wild horse and burro program most acutely. Of the 32,000 horses on America's public lands, roughly half are in Nevada. So when the program fails, it hits us hard. In recent years, the program's shortcomings have been amplified by an ongoing drought in the Southwest that has, in places, seriously jeopardized the health and well-being of wild horses and burros and has devastated the rangeland upon which they depend for their survival.

At present, the wild horse program is failing on both ends. The BLM is struggling to remove sufficient numbers of horses from the range and many of the horses that are removed are placed into an adoption program that is not locating a sufficient number of willing adopters. This means that more horses stay in Government hands, driving the cost of this troubled program ever higher. As a result, today we have nearly 22,000 wild horses sitting in long-term holding facilities in the Midwest, costing the U.S. taxpayer approximately $465 per horse, per year. And this is only part of the roughly $40 million we are spending this year to manage our Nation's wild horses and burros. Add this to the fact that the cost of running this program has doubled in the last five years and it becomes clear that reform is needed.

Last year, Congress passed language that allowed the BLM to sell a limited number of the horses that are held in long-term holding facilities. Unfortunately, this additional management tool has been abused by a handful of people and a small number of horses ended up at slaughter. These unfortunate events have led to calls for greater protections for wild horses that are being offered to the public under the sale program.

Mr. President, the legislation that we offer today provides that greater protection for wild horses, while also giving the BLM greater leverage to put more horses into the hands of good, caring owners.

Currently, wild horses that are acquired through the BLM's adoption program are federally protected for 1 year. This is the strongest protection available to wild horses that are placed into private ownership and our bill extends this protection to horses that are acquired under sale authority.

Our legislation also gives the BLM more flexibility in finding good homes for wild horses. We do this by giving the BLM the authority to make all horses that are not suitable for the adoption program available for purchase by caring owners.

We also lift the limit on the number of horses that an approved adopter can take title to in a single year, and we lower the minimum adoption fee from $125 to $25. It is our firm belief that when good people want to adopt horses and meet the requirements set forth by the BLM, they should have as few barriers to overcome as possible. By increasing the number of horses that can be adopted and lowering the adoption fee, we believe that we can put more horses into the hands of more quality owners.

Our goal is to give all wild horses the maximum protection available under our current system and to provide the BLM with the management tools they need to get tens of thousands of wild horses and burros into safe and caring homes. We believe that this is the right thing to do. I look forward to working with the Energy Committee and the Senate to move this legislation expeditiously.

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

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

S. 1273

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wild Free-Roaming Horses and Burros Sale and Adoption Act of 2005''.

SEC. 2. SALE AND ADOPTION OF WILD FREE-ROAMING HORSES AND BURROS.

Section 3 of Public Law 92–195 (16 U.S.C. 1333) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (B), by striking '': *Provided*'' and all that follows through ''adopting party''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) Additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist shall be sold under subsection (e).'';

(2) in subsection (c), by striking ''not more than four animals'' and inserting ''excess animals transferred '';

(3) in subsection (e)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) the Secretary determines that there is no adoption demand from qualified individuals for the excess animal;'';

(B) in paragraph (2), by striking ''without limitation''; and

(C) by striking paragraph (4) and inserting the following:

''(4) EFFECT OF SALE.—At the end of the 1-year period following the sale of any excess animal under this subsection—

''(A) the Secretary shall grant to the transferee title to the excess animal; and

''(B) the excess animal transferred shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act.''; and

(4) by adding at the end the following:

''(f) MINIMUM FEES AND BIDS.—The minimum adoption fee required for the adoption of an excess animal under this section shall be $25.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—CONGRATULATING CAM NEELY ON HIS INDUCTION INTO THE HOCKEY HALL OF FAME

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on the Judiciary:

Mr. KENNEDY. Mr. President, earlier this month, Cam Neely of the Boston Bruins was elected to the Hockey Hall of Fame in Toronto, Canada, and he will be formally inducted into the Hall on November 7.

Cam has inspired a generation of ice hockey fans in Boston and New England, and throughout the Nation with his extraordinary skill and brilliant accomplishments. He is truly one of hockey's immortals, and he eminently deserves this high honor.

In addition, he is also well-known to all of us in Boston for his good citizenship and impressive participation in inspiring our community.

I am submitting a resolution today to honor Cam Neely for his on-ice accomplishments and also for his continuing commitment to charitable causes in the Commonwealth of Massachusetts.

S. RES. 176

Whereas on June 8, 2005, Cam Neely was elected to the Hockey Hall of Fame in Toronto, Canada, and will be formally inducted into the Hall of Fame on November 7, 2005;

Whereas as a member of the Boston Bruins, Cam Neely became one of ice hockey's greatest players, defining the position of ''power forward'';

Whereas although his career was cut short when he retired at the age of 31 due to injury, Cam Neely scored 395 goals and had 299 assists in 726 games in his brilliant career;

Whereas Cam Neely led the Boston Bruins in goals for 7 seasons, led the team in scoring for 2 seasons, and was the team's all-time leader in goals during playoffs;

Whereas Cam Neely had three 50-goal seasons for the Boston Bruins, including back-to-back 50-goal seasons in 1989–1990 and 1991–1992;

Whereas Cam Neely, returning to the Boston Bruins after an injury in 1993–1994, scored 50 goals and was awarded the National Hockey League's Bill Masterton Trophy as the ''player who best exemplifies the qualities of perseverance, sportsmanship, and dedication to hockey'';

Whereas Cam Neely, number 8, became the tenth Boston Bruin to be honored by having his uniform number retired;

Whereas Cam Neely continues to provide invaluable assistance to charitable causes in the Commonwealth of Massachusetts, including the establishment of the Neely House and the Neely Foundation, which comfort, support, and offer hope to cancer patients and their families: Now, therefore, be it

Resolved, That the Senate—

(1) honors the extraordinary achievements of Cam Neely during his brilliant career in ice hockey with the Boston Bruins;

(2) commends Cam Neely for his recent and eminently well-deserved induction into the Hockey Hall of Fame; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to:

(A) Cam Neely;

(B) Jeremy Jacobs, owner of the Boston Bruins;

(C) Harry Sinden, president of the Boston Bruins; and

(D) Mike Sullivan, head coach of the Boston Bruins.

SENATE RESOLUTION 177—ENCOURAGING THE PROTECTION OF THE RIGHTS OF REFUGEES

Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. DEWINE, Mr. LIEBERMAN, Ms. SNOWE, Mr. DURBIN, Mr. COLEMAN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 177

Whereas the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the ''Convention'') and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the ''Protocol'') provide that individuals who flee a country to avoid persecution deserve international protection;

Whereas such protection includes freedom from forcible return and the basic rights necessary for a refugee to live a free, dignified, self-reliant life, even while in exile;

Whereas such rights, as recognized in the Convention, include the right to earn a livelihood, to engage in wage-employment or self-employment, to practice a profession, to own property, to freedom of movement and residence, and to receive travel documents;

Whereas such rights are applicable to a refugee independent of whether a solution is available that would permit the refugee to return to the country that the refugee fled;

Whereas such rights are part of the core protection mandate of the United Nations High Commissioner for Refugees;

Whereas warehoused refugees have been confined to a camp or segregated settlement or otherwise deprived of their basic rights;

Whereas more than 50 percent of the refugees in the world are effectively warehoused in a situation that has existed for at least 10 years;

Whereas donor countries, including the United States, have typically offered less developed countries hosting refugees assistance if they keep refugees warehoused in camps or segregated settlements but have not provided adequate assistance to host countries that permit refugees to live and work among the local population; and

Whereas warehousing refugees not only violates the rights of the refugees but also debilitates their humanity, often reducing the refugees to enforced idleness, dependency, disempowerment, and despair: Now, therefore, be it

Resolved, That the United States Senate—

(1) expresses deep appreciation and gratitude for those States which have and continue to host refugees and offer refugee resettlement;

(2) denounces the practice of warehousing refugees, which is the confinement of refugees to a camp or segregated settlement or other deprivation of the refugees' basic rights in a protracted situation, as a denial of basic human rights and a squandering of human potential;

(3) urges the Secretary of State to actively pursue models of refugee assistance that permit refugees to enjoy all the rights recognized in the Convention and the Protocol;

(4) urges the Secretary of State to encourage other donor nations and other members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme to shift the incentive structure of refugee assistance and to build mechanisms into relief and development assistance to encourage the greater enjoyment by refugees of their rights under the Convention;

(5) encourages the international community, including donor countries, host countries, and members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme, to denounce resolutely the practice of warehousing refugees in favor of allowing refugees to exercise their rights under the Convention;

(6) calls upon the United Nations High Commissioner for Refugees to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;

(7) encourages those countries that have not yet ratified the Convention or the Protocol to do so;

(8) encourages those countries that have ratified the Convention or the Protocol, but have done so with reservations on key articles pertaining to the right to work and freedom of movement, to remove such reservations; and

(9) encourages all countries to enact legislation or promulgate policies to provide for the legal enjoyment of the basic rights of refugees as outlined in the Convention.

Mr. KENNEDY. Mr. President, today is World Refugee Day and I welcome this opportunity to reaffirm the fundamental rights embodied in the United Nations Refugee Convention of 1951. It is an honor to join my colleagues—Senators BROWNBACK, LEAHY, DEWINE, LIEBERMAN, SNOWE, DURBIN, COLEMAN, and LAUTENBERG—in introducing this bipartisan resolution to focus attention on the plight of millions of refugees throughout the world who are endlessly confined in refugee camps or segregated settlements. These ''warehoused'' refugees are denied basic rights under the Convention, such as the right to work, to move freely, and to receive a basic education. The deprivation goes on for years and in some cases, even for generations.

Worldwide, more than 7 million refugees have been restricted to camps or isolated settlements for 10 years or more. These populations constitute more than half of the refugees around the world.

In Tanzania, nearly 400,000 refugees from Burundi and the Democratic Republic of Congo are confined in 13 camps along the western border. Some of these camps have existed for more than a decade. Many refugees confined in these camps find it extremely difficult to find employment, let alone obtain other basic necessities of life. Other refugee populations have been warehoused and forgotten for over 20 years, such as Angolans in Zambia, Afghans in Iran and Pakistan, Bhutanese

in Nepal, Burmese in Thailand, and Somalians and Sudanese in Kenya.

Sadly, the number of warehoused refugees may soon increase as violent conflicts continue around the world. According to the recently published 2005 World Refugee Survey, the total number of refugees and asylum seekers worldwide exceeds 11 million, and 21 million more are internally displaced. As these shameful statistics demonstrate, there is far more the world community can do to ease their plight.

The resolution we are offering denounces the practice of warehousing refugees and urges all nations to grant them their basic rights under the Refugee Convention of 1951. Refugee camps are often created quickly to address a crisis. But the solution creates a greater problem, if temporary camps are allowed to become long-term places of confinement.

Under the 1951 Convention, refugees have the right to earn a livelihood, to have a job and earn wages, to practice a profession, to own property, and to have freedom of movement and residence. Warehoused refugees can do none of these things. Unable to work, travel, own property or obtain an education, they live unlived lives, without the basic freedoms they are entitled to have under the 1951 Convention.

This resolution denounces the practice of warehousing refugees and calls for conditions that enable refugees to exercise their rights. It encourages donor countries, including the United States, to increase their assistance to host countries that allow refugees to live and work among the local population.

It urges the Secretary of State and the United Nations High Commissioner for Refugees to adopt models of refugee assistance that achieve the rights recognized in the Refugee Convention. It also encourages all nations to ratify the Convention, and without reservations, and to enact legislation and policies that protect human rights and end the denial of these rights to any refugees.

The U.S. must strengthen our own commitment and work with other countries to solve this problem.

As a number of authorities have pointed out, we may well have to face an urgent aspect of the issue ourselves if conditions in Iraq continue to deteriorate and significant numbers of Iraqis are free to become refugees because of their ties to us.

Over 130 international organizations support the end of warehousing, including more than 25 agencies based in the United States. Nobel Laureates have condemned this practice, including Archbishop Desmond Tutu of South Africa, and so has the Vatican.

We must find long-term solutions and alternatives to this abominable practice. It is a gross violation of both refugee rights and human rights. It is wrong to squander the immense human potential and condemn human refugees to live in despair and isolation for unacceptable lengths of time.

Refugees around the world depend on us to hear their pleas and respond to the assistance they so desperately need and deserve. We must do all we can to protect the rights and dignity of refugees everywhere.

I look forward to working with our colleagues on both sides of the aisle, as well as in the international community, to pass this important resolution and take steps toward implementing its provisions and achieving its objectives.

SENATE RESOLUTION 178—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES-EUROPEAN UNION SUMMIT

Mr. BENNETT (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas over the past 55 years the United States and the European Union have built a strong transatlantic partnership based upon the common values of freedom, democracy, rule of law, human rights, security, and economic development;

Whereas working together to promote these values globally will serve the mutual political, economic, and security interests of the United States and the European Union;

Whereas cooperation between the United States and the European Union on global security issues such as terrorism, the Middle East peace process, the proliferation of weapons of mass destruction, ballistic missile technology, and the nuclear activities of rogue nations is important for promoting international peace and security;

Whereas the common efforts of the United States and the European Union have supported freedom in countries such as Lebanon, Ukraine, Kyrgyzstan, Georgia, Moldova, Belarus, and Uzbekistan;

Whereas through coordination and cooperation during emergencies such as the 2004 Indian Ocean tsunami disaster, the AIDS pandemic in Africa, and the ongoing situation in Darfur, the United States and the European Union have mitigated the effects of humanitarian disasters across the globe;

Whereas economic cooperation such as removing impediments to transatlantic trade and investment, expanding regulatory dialogues and exchanges, integrating capitol markets, and ensuring the safe and secure movement of people and goods across the Atlantic will increase prosperity and strengthen the partnership between the United States and the European Union; and

Whereas although disagreements between the United States and the European Union have existed on a variety of issues, the transatlantic relationship remains strong and continues to improve: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the leadership of the European Union to the 2005 United States-European Union Summit to be held in Washington, DC, on June 20, 2005;

(2) highlights the importance of the United States and the European Union working together to address global challenges;

(3) recommends—

(A) expanded political dialogue between Congress and the European Parliament; and

(B) that the 2005 United States-European Union Summit focus on both short and long-term measures that will allow for vigorous and active expansion of the transatlantic relationship;

(4) encourages—

(A) the adoption of practical measures to expand the United States-European Union economic relationship by reducing obstacles that inhibit economic integration; and

(B) encourages continued strong and expanded cooperation between Congress and the European Parliament on global security issues.

AMENDMENTS SUBMITTED AND PROPOSED

SA 797. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Ms. CANTWELL, Mr. JEFFORDS, Mr. CORZINE, Mr. SCHUMER, Ms. COLLINS, Mr. REED, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 798. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 799. Mr. VOINOVICH (for himself, Mr. CARPER, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 6, supra.

SA 800. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 801. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 800 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 802. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 803. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 804. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 805. Mr. SCHUMER proposed an amendment to the bill H.R. 6 supra.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 807. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 808. Mr. OBAMA (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 797. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Ms. CANTWELL, Mr. JEFFORDS, Mr. CORZINE, Mr. SCHUMER, Ms. COLLINS, Mr. REED, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 424, line 9, strike ''**SEC. 711**'' and insert the following:

SEC. 711. SHORT TITLE.

This subtitle may be cited as the ''Automobile Fuel Economy Act of 2005''.

SEC. 712. INCREASED AVERAGE FUEL ECONOMY STANDARD FOR LIGHT TRUCKS.

(a) DEFINITION OF LIGHT TRUCK.—Section 32901(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) through (14), by striking the period at the end and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(4) by inserting after paragraph (11) the following:

''(12) 'light truck' has the meaning given that term in regulations prescribed by the Secretary of Transportation in the administration of this chapter;''.

(b) REQUIREMENT FOR INCREASED STANDARD.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' after ''**AUTOMOBILES**.—'';

(2) by striking ''The Secretary'' and inserting ''Subject to paragraph (2), the Secretary''; and

(3) by adding at the end the following:

''(2) The average fuel economy standard for light trucks manufactured by a manufacturer may not be less than—

''(A) 23.5 miles per gallon for model year 2008;

''(B) 24.8 miles per gallon for model year 2009;

''(C) 26.1 miles per gallon for model year 2010; and

''(D) 27.5 miles per gallon for model year 2011 and each model year thereafter.''.

(c) APPLICABILITY.—Section 32902(a)(2) of title 49, United States Code, as added by subsection (b)(3), shall not apply with respect to light trucks manufactured before model year 2008.

SEC. 713. FUEL ECONOMY STANDARDS FOR AUTOMOBILES UP TO 10,000 POUNDS GROSS VEHICLE WEIGHT.

(a) VEHICLES DEFINED AS AUTOMOBILES.—Section 32901(a)(3) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 714. FUEL ECONOMY OF THE FEDERAL FLEET OF VEHICLES.

(a) DEFINITIONS.—In this section—

(1) the term ''class of vehicles'' means a class of vehicles for which an average fuel economy standard is in effect under chapter 329 of title 49, United States Code;

(2) the term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)); and

(3) the term ''new vehicle'', with respect to the fleet of vehicles of an executive agency, means a vehicle procured by or for the agency after September 30, 2007.

(b) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine the average fuel economy for all of the vehicles in each class of vehicles in the agency's fleet of vehicles in fiscal year 2006.

(c) INCREASE OF AVERAGE FUEL ECONOMY.—The head of each executive agency shall manage the procurement of vehicles in each class of vehicles for that agency to ensure that—

(1) not later than September 30, 2008, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 3 miles per gallon higher than the baseline average fuel economy determined for that class; and

(2) not later than September 30, 2011, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 6 miles per gallon higher than the baseline average fuel economy determined for that class.

(d) CALCULATION OF AVERAGE FUEL ECONOMY.—For purposes of this section—

(1) average fuel economy shall be calculated in accordance with guidance prescribed by the Secretary of Transportation for the implementation of this section; and

(2) average fuel economy calculated under subsection (b) for an agency's vehicles in a class of vehicles shall be the baseline average fuel economy for the agency's fleet of vehicles in that class.

SEC. 715.

SA 798. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 13___. ALTERNATIVE FUELS REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress reports on the potential for each of biodiesel and hythane to become major, sustainable, alternative fuels.

(b) BIODIESEL REPORT.—The report relating to biodiesel submitted under subsection (a) shall—

(1) provide a detailed assessment of—

(A) potential biodiesel markets and manufacturing capacity; and

(B) environmental and energy security benefits with respect to the use of biodiesel;

(2) identify any impediments, especially in infrastructure needed for production, distribution, and storage, to biodiesel becoming a substantial source of fuel for conventional diesel and heating oil applications;

(3) identify strategies to enhance the commercial deployment of biodiesel; and

(4) include an examination and recommendations, as appropriate, of the ways in which biodiesel may be modified to be a cleaner-burning fuel.

(c) HYTHANE REPORT.—The report relating to hythane submitted under subsection (a) shall—

(1) provide a detailed assessment of potential hythane markets and the research and development activities that are necessary to facilitate the commercialization of hythane as a competitive, environmentally-friendly transportation fuel;

(2) address—

(A) the infrastructure necessary to produce, blend, distribute, and store hythane for widespread commercial purposes; and

(B) other potential market barriers to the commercialization of hythane;

(3) examine the viability of producing hydrogen using energy-efficient, environmentally friendly methods so that the hydrogen can be blended with natural gas to produce hythane; and

(4) include an assessment of the modifications that would be required to convert compressed natural gas vehicle engines to engines that use hythane as fuel.

(d) GRANTS FOR REPORT COMPLETION.—The Secretary may use such sums as are available to the Secretary to provide, to 1 or more colleges or universities selected by the Secretary, grants for use in carrying out research to assist the Secretary in preparing the reports required to be submitted under subsection (a).

SA 799. Mr. VOINOVICH (for himself, Mr. CARPER, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 446, between lines 18 and 19, insert the following:

Subtitle E—Diesel Emissions Reduction

SEC. 741. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CERTIFIED ENGINE CONFIGURATION.—The term ''certified engine configuration'' means a new, rebuilt, or remanufactured engine configuration—

(A) that has been certified or verified by—

(i) the Administrator; or

(ii) the California Air Resources Board;

(B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and

(C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—

(i) removed from the vehicle; and

(ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a regional, State, local, or tribal agency with jurisdiction over transportation or air quality; and

(B) a nonprofit organization or institution that—

(i) represents organizations that own or operate diesel fleets; or

(ii) has, as its principal purpose, the promotion of transportation or air quality.

(4) EMERGING TECHNOLOGY.—The term ''emerging technology'' means a technology that is not certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.

(5) HEAVY-DUTY TRUCK.—The term ''heavy-duty truck'' has the meaning given the term ''heavy duty vehicle'' in section 202 of the Clean Air Act (42 U.S.C. 7521).

(6) MEDIUM-DUTY TRUCK.—The term ''medium-duty truck'' has such meaning as shall be determined by the Administrator, by regulation.

(7) VERIFIED TECHNOLOGY.—The term ''verified technology'' means a pollution control technology, including a retrofit technology, that has been verified by—

(A) the Administrator; or

(B) the California Air Resources Board.

SEC. 742. NATIONAL GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—The Administrator shall use 70 percent of the funds made available to carry out this subtitle for each fiscal year to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities to achieve significant reductions in diesel emissions in terms of—

(1) tons of pollution produced; and

(2) diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

(b) DISTRIBUTION.—

(1) IN GENERAL.—The Administrator shall distribute funds made available for a fiscal year under this subtitle in accordance with this section.

(2) FLEETS.—The Administrator shall provide not less than 50 percent of funds available for a fiscal year under this section to eligible entities for the benefit of public fleets.

(3) ENGINE CONFIGURATIONS AND TECHNOLOGIES.—

(A) CERTIFIED ENGINE CONFIGURATIONS AND VERIFIED TECHNOLOGIES.—The Administrator shall provide not less than 90 percent of funds available for a fiscal year under this

section to eligible entities for projects using—

(i) a certified engine configuration; or

(ii) a verified technology.

(B) EMERGING TECHNOLOGIES.—

(i) IN GENERAL.—The Administrator shall provide not more than 10 percent of funds available for a fiscal year under this section to eligible entities for the development and commercialization of emerging technologies.

(ii) APPLICATION AND TEST PLAN.—To receive funds under clause (i), a manufacturer, in consultation with an eligible entity, shall submit for verification to the Administrator or the California Air Resources Board a test plan for the emerging technology, together with the application under subsection (c).

(c) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant or loan under this section, an eligible entity shall submit to the Administrator an application at a time, in a manner, and including such information as the Administrator may require.

(2) INCLUSIONS.—An application under this subsection shall include—

(A) a description of the air quality of the area served by the eligible entity;

(B) the quantity of air pollution produced by the diesel fleet in the area served by the eligible entity;

(C) a description of the project proposed by the eligible entity, including—

(i) any certified engine configuration, verified technology, or emerging technology to be used by the eligible entity; and

(ii) the means by which the project will achieve a significant reduction in diesel emissions;

(D) an evaluation (using methodology approved by the Administrator or the National Academy of Sciences) of the quantifiable and unquantifiable benefits of the emissions reductions of the proposed project;

(E) an estimate of the cost of the proposed project;

(F) a description of the age and expected lifetime control of the equipment used by the eligible entity;

(G) a description of the diesel fuel available to the eligible entity, including the sulfur content of the fuel; and

(H) provisions for the monitoring and verification of the project.

(3) PRIORITY.—In providing a grant or loan under this section, the Administrator shall give priority to proposed projects that, as determined by the Administrator—

(A) maximize public health benefits;

(B) are the most cost-effective;

(C) serve areas—

(i) with the highest population density;

(ii) that are poor air quality areas, including areas identified by the Administrator as—

(I) in nonattainment or maintenance of national ambient air quality standards for a criteria pollutant;

(II) Federal Class I areas; or

(III) areas with toxic air pollutant concerns;

(iii) that receive a disproportionate quantity of air pollution from a diesel fleet, including ports, rail yards, and distribution centers; or

(iv) that use a community-based multistakeholder collaborative process to reduce toxic emissions;

(D) include a certified engine configuration, verified technology, or emerging technology that has a long expected useful life;

(E) will maximize the useful life of any retrofit technology used by the eligible entity; and

(F) use diesel fuel with a sulfur content of less than or equal to 15 parts per million, as the Administrator determines to be appropriate.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant or loan provided under this section to fund the costs of—

(A) a retrofit technology (including any incremental costs of a repowered or new diesel engine) that significantly reduces emissions through development and implementation of a certified engine configuration, verified technology, or emerging technology for—

(i) a bus;

(ii) a medium-duty truck or a heavy-duty truck;

(iii) a marine engine;

(iv) a locomotive; or

(v) a nonroad engine or vehicle used in—

(I) construction;

(II) handling of cargo (including at a port or airport);

(III) agriculture;

(IV) mining; or

(V) energy production; or

(B) an idle-reduction program involving a vehicle or equipment described in subparagraph (A).

(2) REGULATORY PROGRAMS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), no grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered ''mandated'', regardless of whether the reductions are included in the State implementation plan of a State.

SEC. 743. STATE GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—Subject to the availability of adequate appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this subtitle to support grant and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) APPLICATIONS.—The Administrator shall—

(1) provide to States guidance for use in applying for grant or loan funds under this section, including information regarding—

(A) the process and forms for applications;

(B) permissible uses of funds received; and

(C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and

(2) establish, for applications described in paragraph (1)—

(A) an annual deadline for submission of the applications;

(B) a process by which the Administrator shall approve or disapprove each application; and

(C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) ALLOCATION.—Using not more than 20 percent of the funds made available to carry out this subtitle for a fiscal year, the Administrator shall provide to each State described in paragraph (1) for the fiscal year an allocation of funds that is equal to—

(A) if each of the 50 States qualifies for an allocation, an amount equal to 2 percent of the funds made available to carry out this section; or

(B) if fewer than 50 States qualifies for an allocation, an amount equal to the amount described in subparagraph (A), plus an additional amount equal to the product obtained by multiplying—

(i) the proportion that—

(I) the population of the State; bears to

(II) the population of all States described in paragraph (1); by

(ii) the amount of funds remaining after each State described in paragraph (1) receives the 2-percent allocation under this paragraph.

(3) STATE MATCHING INCENTIVE.—

(A) IN GENERAL.—If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) REQUIREMENTS.—A State—

(i) may not use funds received under this subtitle to pay a matching share required under this subsection; and

(ii) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(4) UNCLAIMED FUNDS.—Any funds that are not claimed by a State for a fiscal year under this subsection shall be used to carry out section 742.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and, to the extent practicable, the priority areas listed in section 742(c)(3), a State shall use any funds provided under this section to develop and implement such grant and low-cost revolving loan programs in the State as are appropriate to meet State needs and goals relating to the reduction of diesel emissions.

(2) APPORTIONMENT OF FUNDS.—The Governor of a State that receives funding under this section may determine the portion of funds to be provided as grants or loans.

(3) USE OF FUNDS.—A grant or loan provided under this section may be used for a project relating to—

(A) a certified engine configuration; or

(B) a verified technology.

SEC. 744. EVALUATION AND REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this subtitle.

(b) INCLUSIONS.—The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant or loan made under this subtitle, including the amount of the grant or loan;

(3) each project for which a grant or loan is provided under this subtitle, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and cost-benefits of the grant and loan programs under this subtitle;

(5) the problems encountered by projects for which a grant or loan is provided under this subtitle; and

(6) any other information the Administrator considers to be appropriate.

SEC. 745. OUTREACH AND INCENTIVES.

(a) DEFINITION OF ELIGIBLE TECHNOLOGY.—In this section, the term ''eligible technology'' means—

(1) a verified technology; or

(2) an emerging technology.

(b) TECHNOLOGY TRANSFER PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator—

(A) informs stakeholders of the benefits of eligible technologies; and

(B) develops nonfinancial incentives to promote the use of eligible technologies.

(2) ELIGIBLE STAKEHOLDERS.—Eligible stakeholders under this section include—

(A) equipment owners and operators;

(B) emission control technology manufacturers;

(C) engine and equipment manufacturers;

(D) State and local officials responsible for air quality management;

(E) community organizations; and

(F) public health and environmental organizations.

(c) STATE IMPLEMENTATION PLANS.—The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through a State implementation plan under section 110 of the Clean Air Act (42 U.S.C. 7410).

(d) INTERNATIONAL MARKETS.—The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

SEC. 746. EFFECT OF SUBTITLE.

Nothing in this subtitle affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before the date of enactment of this Act.

SEC. 747. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $200,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SA 800. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; as follows:

At the end add the following:

TITLE XV—ENERGY POLICY TAX INCENTIVES

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Energy Policy Tax Incentives Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE XV—ENERGY POLICY TAX INCENTIVES

Sec. 1500. Short title; amendment of 1986 Code; table of contents.

Subtitle A—Electricity Infrastructure

Sec. 1501. Extension and modification of renewable electricity production credit.
Sec. 1502. Clean renewable energy bonds.
Sec. 1503. Treatment of income of certain electric cooperatives.
Sec. 1504. Dispositions of transmission property to implement FERC restructuring policy.
Sec. 1505. Credit for production from advanced nuclear power facilities.
Sec. 1506. Credit for investment in clean coal facilities.
Sec. 1507. Clean energy coal bonds.

Subtitle B—Domestic Fossil Fuel Security

Sec. 1511. Credit for investment in clean coke/cogeneration manufacturing facilities.
Sec. 1512. Temporary expensing for equipment used in refining of liquid fuels.
Sec. 1513. Pass through to patrons of deduction for capital costs incurred by small refiner cooperatives in complying with Environmental Protection Agency sulfur regulations .
Sec. 1514. Modifications to enhanced oil recovery credit.
Sec. 1515. Natural gas distribution lines treated as 15-year property.

Subtitle C—Conservation and Energy Efficiency Provisions

Sec. 1521. Energy efficient commercial buildings deduction.
Sec. 1522. Credit for construction of new energy efficient homes.
Sec. 1523. Deduction for business energy property.
Sec. 1524. Credit for certain nonbusiness energy property.
Sec. 1525. Energy credit for combined heat and power system property.
Sec. 1526. Credit for energy efficient appliances.
Sec. 1527. Credit for residential energy efficient property.
Sec. 1528. Credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 1529. Business solar investment tax credit.

Subtitle D—Alternative motor Vehicles and Fuels Incentives

Sec. 1531. Alternative motor vehicle credit.
Sec. 1532. Modification of credit for qualified electric vehicles.
Sec. 1533. Credit for installation of alternative fueling stations.
Sec. 1534. Volumetric excise tax credit for alternative fuels.
Sec. 1535. Extension of excise tax provisions and income tax credit for biodiesel.

Subtitle E—Additional Energy Tax Incentives

Sec. 1541. Ten-year recovery period for underground natural gas storage facility property.
Sec. 1542. Expansion of research credit.
Sec. 1543. Small agri-biodiesel producer credit.
Sec. 1544. Improvements to small ethanol producer credit.
Sec. 1545. Credit for equipment for processing or sorting materials gathered through recycling.
Sec. 1546. 5-year net operating loss carryover if any resulting refund is used for electric transmission equipment.
Sec. 1547. Credit for qualifying pollution control equipment.
Sec. 1548. Credit for production of Indian Country coal.
Sec. 1549. Credit for replacement wood stoves meeting environmental standards in non-attainment areas.
Sec. 1550. Exemption for equipment for transporting bulk beds of farm crops from excise tax on retail sale of heavy trucks and trailers.
Sec. 1551. National Academy of Sciences study and report.

Subtitle F—Revenue Raising Provisions

Sec. 1561. Treatment of kerosene for use in aviation.
Sec. 1562. Repeal of ultimate vendor refund claims with respect to farming.
Sec. 1563. Refunds of excise taxes on exempt sales of fuel by credit card.
Sec. 1564. Additional requirement for exempt purchases.
Sec. 1565. Reregistration in event of change in ownership.
Sec. 1566. Treatment of deep-draft vessels.
Sec. 1567. Reconciliation of on-loaded cargo to entered cargo.
Sec. 1568. Taxation of gasoline blendstocks and kerosene.
Sec. 1569. Nonapplication of export exemption to delivery of fuel to motor vehicles removed from United States.
Sec. 1570. Penalty with respect to certain adulterated fuels.
Sec. 1571. Oil Spill Liability Trust Fund financing rate.
Sec. 1572. Extension of Leaking Underground Storage Tank Trust Fund financing rate.

Subtitle A—Electricity Infrastructure

SEC. 1501. EXTENSION AND MODIFICATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) 3-YEAR EXTENSION FOR CERTAIN FACILITIES.—Section 45(d) (relating to qualified facilities) is amended—

(1) by striking ''January 1, 2006'' each place it appears in paragraphs (1), (2), (3), (5), (6), and (7) and inserting ''January 1, 2009'', and

(2) by striking ''January 1, 2006'' in paragraph (4) and inserting ''January 1, 2009 (January 1, 2006, in the case of a facility using solar energy)''.

(b) INCREASE IN CREDIT PERIOD.—Section 45(b)(4)(B) (relating to credit period) is amended—

(1) by inserting ''or clause (iii)'' after ''clause (ii)'' in clause (i), and

(2) by adding at the end the following:

''(iii) TERMINATION.—Clause (i) shall not apply to any facility placed in service after the date of the enactment of this clause.''.

(c) EXPANSION OF QUALIFIED RESOURCES TO INCLUDE FUEL CELLS.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) fuel cells.''.

(2) FUEL CELL FACILITY.—Section 45(d) (relating to qualified facilities) is amended by adding at the end the following new paragraph:

''(9) FUEL CELL FACILITY.—In the case of a facility using an integrated system comprised of a fuel cell stack assembly and associated balance of plant components which converts a fuel into electricity using electrochemical means, the term 'qualified facility' means any facility owned by the taxpayer which—

''(A) is originally placed in service after December 31, 2005, and before January 1, 2009,

''(B) has a nameplate capacity rating of at least 0.5 megawatt of electricity, and

''(C) has an electricity-only generation efficiency greater than 30 percent.''.

(3) CONFORMING AMENDMENTS RELATING TO COORDINATION WITH ENERGY CREDIT.—

(A) IN GENERAL.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(10) COORDINATION WITH ENERGY CREDIT.—The term 'qualified facility' shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.''.

(B) CONFORMING AMENDMENT.—Section 45(d)(4) is amended by striking the last sentence.

(d) EXPANSION OF QUALIFIED RESOURCES TO CERTAIN HYDROPOWER.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources), as amended by this Act, is amended by striking ''and'' at

the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) qualified hydropower production.''.

(2) CREDIT RATE.—Section 45(b)(4)(A) (relating to credit rate) is amended by striking ''or (7)'' and inserting ''(7), or (10)''.

(3) DEFINITION OF RESOURCES.—Section 45(c) (relating to qualified energy resources and refined coal) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED HYDROPOWER PRODUCTION.—

''(A) IN GENERAL.—The term 'qualified hydropower production' means—

''(i) in the case of any hydroelectric dam which was placed in service on or before the date of the enactment of this paragraph, the incremental hydropower production for the taxable year, and

''(ii) in the case of any low-head hydroelectric facility or nonhydroelectric dam described in subparagraph (C), the hydropower production from the facility for the taxable year.

''(B) DETERMINATION OF INCREMENTAL HYDROPOWER PRODUCTION.—

''(i) IN GENERAL.—For purposes of subparagraph (A), incremental hydropower production for any taxable year shall be equal to the percentage of average annual hydropower production at the facility attributable to the efficiency improvements or additions of capacity placed in service after the date of the enactment of this paragraph, determined by using the same water flow information used to determine an historic average annual hydropower production baseline for such facility. Such percentage and baseline shall be certified by the Federal Energy Regulatory Commission.

''(ii) OPERATIONAL CHANGES DISREGARDED.—For purposes of clause (i), the determination of incremental hydropower production shall not be based on any operational changes at such facility not directly associated with the efficiency improvements or additions of capacity.

''(C) LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the facility is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the facility did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) turbines or other generating devices are to be added to the facility after such date to produce hydroelectric power, but only if the installation of the turbine or other generating device does not require any enlargement of the diversion structure or the impoundment or any withholding of any additional water from the natural stream channel.

''(D) LOW-HEAD HYDROELECTRIC FACILITY DEFINED.—For purposes of this paragraph, the term 'low-head hydroelectric facility' means a minor diversion structure which is less than 10 feet in height.''.

(3) FACILITIES.—Section 45(d) (relating to qualified facilities), as amended by this Act, is amended by adding at the end the following new paragraph:

''(10) QUALIFIED HYDROPOWER FACILITY.—In the case of a facility producing qualified hydroelectric production described in subsection (c)(8), the term 'qualified facility' means—

''(A) in the case of any facility producing incremental hydropower production, such facility but only to the extent of its incremental hydropower production attributable to efficiency improvements or additions to capacity described in subsection (c)(8)(B) placed in service after the date of the enactment of this paragraph and before January 1, 2009, and

''(B) any other facility placed in service after the date of the enactment of this paragraph and before January 1, 2009.

''(C) CREDIT PERIOD.—In the case of a qualified facility described in subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on the date the efficiency improvements or additions to capacity are placed in service.''.

(e) TECHNICAL AMENDMENT RELATED TO TRASH COMBUSTION FACILITIES.—Section 45(d)(7) (relating to trash combustion facilities) is amended by adding at the end the following: ''Such term shall include a new unit placed in service in connection with a facility placed in service on or before the date of the enactment of this paragraph, but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(f) ADDITIONAL TECHNICAL AMENDMENTS RELATED TO SECTION 710 OF THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) Clause (ii) of section 45(b)(4)(B) is amended by striking ''the date of the enactment of this Act'' and inserting ''January 1, 2005,''.

(2) Clause (ii) of section 45(c)(3)(A) is amended by inserting ''or any nonhazardous lignin waste material'' after ''cellulosic waste material''.

(3) Subsection (e) of section 45 is amended by striking paragraph (6).

(4)(A) Paragraph (9) of section 45(e) is amended to read as follows:

''(9) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

''(A) IN GENERAL.—The term 'qualified facility' shall not include any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurred in a facility (within the meaning of section 29) the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.

''(B) REFINED COAL FACILITIES.—The term 'refined coal production facility' shall not include any facility the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.''.

(B) Subparagraph (C) of section 45(e)(8) is amended by striking ''and (9)''.

(5) Subclause (I) of section 168(e)(3)(B)(vi) is amended to read as follows:

''(I) is described in subparagraph (A) of section 48(a)(3) (or would be so described if 'solar and wind' were substituted for 'solar' in clause (i) thereof and the last sentence of such section did not apply to such subparagraph),''.

(6) Paragraph (4) of section 710(g) of the American Jobs Creation Act of 2004 is amended by striking ''January 1, 2004'' and inserting ''January 1, 2005''.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect of the date of the enactment of this Act.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (e) and (f) shall take effect as if included in the amendments made by section 710 of the American Jobs Creation Act of 2004.

SEC. 1502. CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart H—Nonrefundable Credit to Holders of Certain Bonds

''Sec. 54. Credit to holders of clean renewable energy bonds.

''SEC. 54. CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a clean renewable energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a clean renewable energy bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any clean renewable energy bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any clean renewable energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of clean renewable energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than subpart C thereof (relating to refundable credits) and this subpart) and section 1397E.

''(d) CLEAN RENEWABLE ENERGY BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'clean renewable energy bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable energy bond limitation under subsection (f)(2),

''(B) 95 percent or more of the proceeds from the sale of such issue are to be used for

capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsection (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means any qualified facility (as determined under section 45(d) without regard to any placed in service date) owned by a qualified borrower.

''(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean renewable energy bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean renewable energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean renewable energy bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean renewable energy bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a clean renewable energy bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national clean renewable energy bond limitation of $1,000,000,000.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a clean renewable energy bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

''(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(2) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a clean renewable energy bond lender,

''(B) a cooperative electric company,

''(C) a governmental body, or

''(D) the Tennessee Valley Authority.

''(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C),

''(B) a governmental body, or

''(C) the Tennessee Valley Authority.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—Rules similar to the rules under section 1397E(i)(2) shall apply.

''(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any clean renewable energy bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(5) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a clean renewable energy bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(6) REPORTING.—Issuers of clean renewable energy bonds shall submit reports similar to the reports required under section 149(e).

''(m) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON CLEAN RENEWABLE ENERGY BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CERTAIN BONDS.''.

(2) Section 1397E(c)(2) is amended by inserting ''and H'' after ''subpart C''.

(3) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54 of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2005.

SEC. 1503. TREATMENT OF INCOME OF CERTAIN ELECTRIC COOPERATIVES.

(a) ELIMINATION OF SUNSET ON TREATMENT OF INCOME FROM OPEN ACCESS AND NUCLEAR DECOMMISSIONING TRANSACTIONS.—Section 501(c)(12)(C) is amended by striking the last sentence.

(b) ELIMINATION OF SUNSET ON TREATMENT OF INCOME FROM LOAD LOSS TRANSACTIONS.—Section 501(c)(12)(H) is amended by striking clause (x).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1504. DISPOSITIONS OF TRANSMISSION PROPERTY TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''2007'' and inserting ''2008''.

(b) TECHNICAL AMENDMENT RELATED TO SECTION 909 OF THE AMERICAN JOBS CREATION ACT OF 2004.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2)'' and inserting ''December 31, 2007''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to transactions occurring after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

SEC. 1505. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding after section 45I the following new section:

''SEC. 45J. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

''(a) GENERAL RULE.—For purposes of section 38, the advanced nuclear power facility production credit of any taxpayer for any taxable year is equal to the product of—

''(1) 1.8 cents, multiplied by

''(2) the kilowatt hours of electricity—

''(A) produced by the taxpayer at an advanced nuclear power facility during the 8-year period beginning on the date the facility was originally placed in service, and

''(B) sold by the taxpayer to an unrelated person during the taxable year.

''(b) NATIONAL LIMITATION.—

''(1) IN GENERAL.—The amount of credit which would (but for this subsection and subsection (c)) be allowed with respect to any facility for any taxable year shall not exceed the amount which bears the same ratio to such amount of credit as—

''(A) the national megawatt capacity limitation allocated to the facility, bears to

''(B) the total megawatt nameplate capacity of such facility.

''(2) AMOUNT OF NATIONAL LIMITATION.—The national megawatt capacity limitation shall be 6,000 megawatts.

''(3) ALLOCATION OF LIMITATION.—The Secretary shall allocate the national megawatt capacity limitation in such manner as the Secretary may prescribe.

''(4) REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations shall provide a certification process under which the Secretary, after consultation with the Secretary of Energy, shall approve and allocate the national megawatt capacity limitation.

''(c) OTHER LIMITATIONS.—

''(1) ANNUAL LIMITATION.—The amount of the credit allowable under subsection (a) (after the application of subsection (b)) for any taxable year with respect to any facility shall not exceed an amount which bears the same ratio to $125,000,000 as—

''(A) the national megawatt capacity limitation allocated under subsection (b) to the facility, bears to

''(B) 1,000.

''(2) OTHER LIMITATIONS.—Rules similar to the rules of section 45(b)(1) shall apply for purposes of this section.

''(d) ADVANCED NUCLEAR POWER FACILITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'advanced nuclear power facility' means any advanced nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity, and

''(B) which is placed in service after the date of the enactment of this paragraph and before January 1, 2021.

''(2) ADVANCED NUCLEAR FACILITY.—For purposes of paragraph (1), the term 'advanced nuclear facility' means any nuclear facility the reactor design for which is approved after December 31, 1993, by the Nuclear Regulatory Commission (and such design or a substantially similar design of comparable capacity was not approved on or before such date).

''(e) OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following:

''(20) the advanced nuclear power facility production credit determined under section 45J(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45J. Credit for production from advanced nuclear power facilities.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after the date of the enactment of this Act.

SEC. 1506. CREDIT FOR INVESTMENT IN CLEAN COAL FACILITIES.

(a) IN GENERAL.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2), and by adding at the end the following new paragraphs:

''(3) the qualifying advanced coal project credit, and

''(4) the qualifying gasification project credit.''.

(b) AMOUNT OF CREDITS.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new sections:

''SEC. 48A. QUALIFYING ADVANCED COAL PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying advanced coal project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying advanced coal project—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING ADVANCED COAL PROJECT.—The term 'qualifying advanced coal project' means a project which meets the requirements of subsection (e).

''(2) ADVANCED COAL-BASED GENERATION TECHNOLOGY.—The term 'advanced coal-based generation technology' means a technology which meets the requirements of subsection (g).

''(3) COAL.—The term 'coal' means any carbonized or semicarbonized matter, including peat.

''(4) GREENHOUSE GAS CAPTURE CAPABILITY.—The term 'greenhouse gas capture capability' means an integrated gasification combined cycle technology facility capable of adding components which can capture, separate on a long-term basis, isolate, remove, and sequester greenhouse gases which result from the generation of electricity.

''(5) ELECTRIC GENERATION UNIT.—The term 'electric generation unit' means any facility at least 50 percent of the total annual net output of which is electrical power, including an otherwise eligible facility which is used in an industrial application.

''(6) INTEGRATED GASIFICATION COMBINED CYCLE.—The term 'integrated gasification combined cycle' means an electric generation unit which produces electricity by converting coal to synthesis gas which is used to fuel a combined-cycle plant which produces electricity from both a combustion turbine (including a combustion turbine/fuel cell hybrid) and a steam turbine.

''(d) QUALIFYING ADVANCED COAL PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced coal project program for the deployment of advanced coal-based generation technologies.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary may certify a qualifying advanced coal project as eligible for a credit under this section.

''(B) PERIOD OF ISSUANCE.—A certificate of eligibility under this paragraph may be issued only during the 10-fiscal year period beginning on October 1, 2005.

''(3) AGGREGATE GENERATING CAPACITY.—

''(A) IN GENERAL.—The aggregate generating capacity of projects certified by the Secretary under paragraph (2) may not exceed 7,500 megawatts.

''(B) PARTICULAR PROJECTS.—Of the total megawatts of capacity which the Secretary is authorized to certify—

''(i) 4,125 megawatts shall be available only for use for integrated gasification combined cycle projects, and

''(ii) 3,375 megawatts shall be available only for use for projects which use other advanced coal-based generation technologies.

''(C) DETERMINATION OF CAPACITY.—In determining capacity under this paragraph in the case of a retrofitted or repowered plant, capacity shall be determined based on total design capacity after the retrofit or repowering of the existing facility is accomplished.

''(4) APPLICATIONS.—The Secretary shall act on applications for certification as the applications are received.

''(5) DETERMINATION.—In determining whether to certify a qualifying advanced coal project, the Secretary shall take into account any written statement from the Governor of the State in which the project is to be sited that the construction and operation of the project is consistent with State environmental and energy policy and requirements.

''(6) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 6 years after the date of enactment of this section, the Secretary shall review the projects certified and megawatts allocated under this section as of the date which is 6 years after the date of enactment of this section.

''(B) REDISTRIBUTION.—The Secretary may reallocate the megawatts available under clauses (i) and (ii) of paragraph (3)(B) if the Secretary determines that—

''(i) capacity cannot be used because there is an insufficient quantity of qualifying applications for certification pending for any available capacity at the time of the review, or

''(ii) any certification commitment made pursuant to subsection (e)(4)(B) has not been revoked pursuant to subsection (f)(2)(B)(ii) because the project subject to the certification commitment has been delayed as a result of third party opposition or litigation to the proposed project.

''(e) QUALIFYING ADVANCED COAL PROJECTS.—

''(1) REQUIREMENTS.—For purposes of subsection (c)(1), a project shall be considered a qualifying advanced coal project that the Secretary may certify under subsection (d)(2) if the Secretary determines that, at a minimum—

''(A) the project uses an advanced coal-based generation technology—

''(i) to power a new electric generation or polygeneration unit, or

''(ii) to retrofit or repower an existing electric generation unit (including an existing natural gas-fired combined cycle unit),

''(B) the fuel input for the project, when completed, is at least 75 percent coal,

''(C) the applicant provides an assurance satisfactory to the Secretary that—

''(i) the project is technologically feasible, and

''(ii) the project is not financially feasible without the Federal financial incentives, after taking into account—

''(I) regulatory approvals or power purchase contracts referred to in subparagraph (D),

''(II) arrangements for the supply of fuel to the project,

''(III) contracts or other arrangements for construction of the project facilities,

''(IV) any performance guarantees to be provided by contractors and equipment vendors, and

''(V) evidence of the availability of funds to develop and construct the project,

''(D) the applicant demonstrates that the applicant has obtained—

''(i) approval by the appropriate regulatory commission of the recovery of the cost of the project, or

''(ii) a power purchase agreement (or letter of intent, subject to paragraph (3)) which has been approved by the board of directors of, and executed by, a creditworthy purchasing party,

''(E) except as provided in subsection (f)(2), the applicant demonstrates that the applicant has, or will, obtain all project agreements and approvals, and

''(F) the project will be located in the United States.

''(2) PRIORITY FOR INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—In determining which qualifying advanced coal projects to certify under subsection (d)(3)(B)(i), the Secretary shall—

''(A) certify capacity to—

''(i) projects using bituminous coal as a primary feedstock,

''(ii) projects using subbituminous coal as a primary feedstock, and

''(iii) projects using lignite as a primary feedstock, and

''(B) give high priority to projects which include, as determined by the Secretary—

''(i) greenhouse gas capture capability,

''(ii) increased by-product utilization, and

''(iii) other benefits.

''(3) LETTER OF INTENT.—A letter of intent described in paragraph (1)(D)(ii) shall be replaced by a binding contract before a certificate may be issued.

''(f) PROJECT AGREEMENTS AND APPROVALS.—

''(1) DEFINITION OF PROJECT AGREEMENTS AND APPROVALS.—For purposes of this subsection, the term 'project agreements and approvals' means—

''(A) all necessary power purchase agreements, and all other contracts, which the Secretary determines are necessary to construct, finance, and operate a project, and

''(B) all authorizations by Federal, State, and local agencies which are required to construct, operate, and recover the cost of the project.

''(2) CERTIFICATION COMMITMENT.—

''(A) IN GENERAL.—If the applicant has not obtained all agreements and approvals prior to application, the Secretary may issue a certification commitment.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—An applicant which receives a certification commitment shall obtain any remaining project agreements and approvals not later than 4 years after the issuance of the certification commitment.

''(ii) REVOCATION.—If all project agreements and approvals are not obtained during the 4-year period described in clause (i), the certification commitment is terminated without any other action by the Secretary.

''(iii) FINAL CERTIFICATE.—No certificate may be issued until all project agreements and approvals are obtained.

''(g) ADVANCED COAL-BASED GENERATION TECHNOLOGY.—

''(1) IN GENERAL.—For the purpose of this section, an electric generation unit uses advanced coal-based generation technology if—

''(A) the unit—

''(i) uses integrated gasification combined cycle technology, or

''(ii) except as provided in paragraph (3), has a design net heat rate of 8530 Btu/kWh (40 percent efficiency), and

''(B) the vendor warrants that the unit is designed to meet the performance requirements in the following table:

Performance characteristic:	Design level for project:
SO_2 (percent removal).	99 percent
NO_x (emissions)	0.07 lbs/MMBTU
PM* (emissions)	0.015 lbs/MMBTU
Hg (percent removal).	90 percent

''(2) DESIGN NET HEAT RATE.—For purposes of this subsection, design net heat rate with respect to an electric generation unit shall—

''(A) be measured in Btu per kilowatt hour (higher heating value),

''(B) be based on the design annual heat input to the unit and the rated net electrical power, fuels, and chemicals output of the unit (determined without regard to the cogeneration of steam by the unit),

''(C) be adjusted for the heat content of the design coal to be used by the unit—

''(i) if the heat content is less than 13,500 Btu per pound, but greater than 7,000 Btu per pound, according to the following formula: design net heat rate = unit net heat rate x [1–{((13,500-design coal heat content, Btu per pound)/1,000)* 0.013}], and

''(ii) if the heat content is less than or equal to 7,000 Btu per pound, according to the following formula: design net heat rate = unit net heat rate x [1–{((13,500-design coal heat content, Btu per pound)/1,000)* 0.018}], and

''(D) be corrected for the site reference conditions of—

''(i) elevation above sea level of 500 feet,

''(ii) air pressure of 14.4 pounds per square inch absolute,

''(iii) temperature, dry bulb of 63/o/F,

''(iv) temperature, wet bulb of 54/o/F, and

''(v) relative humidity of 55 percent.

(3) EXISTING UNITS.—In the case of any electric generation unit in existence on the date of the enactment of this section, such unit uses advanced coal-based generation technology if, in lieu of the requirements under paragraph (1)(A)(ii), such unit achieves a minimum efficiency of 35 percent and an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percentage points for coal of more than 9,000 Btu,

(B) 6 percentage points for coal of 7,000 to 9,000 Btu, or

(C) 4 percentage points for coal of less than 7,000 Btu.

''SEC. 48B. QUALIFYING GASIFICATION PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying gasification project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying gasification project—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING GASIFICATION PROJECT.—The term 'qualifying gasification project' means any project which—

''(A) employs gasification technology,

''(B) will be carried out by an eligible entity, and

''(C) any portion of the qualified investment in which is certified under the qualifying gasification program as eligible for credit under this section in an amount (not to exceed $1,000,000,000) determined by the Secretary.

''(2) GASIFICATION TECHNOLOGY.—The term 'gasification technology' means any process which converts a solid or liquid product from coal, petroleum residue, biomass, or other materials which are recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

''(3) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means any—

''(i) agricultural or plant waste,

''(ii) byproduct of wood or paper mill operations, including lignin in spent pulping liquors, and

''(iii) other products of forestry maintenance.

''(B) EXCLUSION.—The term 'biomass' does not include paper which is commonly recycled.

''(4) CARBON CAPTURE CAPABILITY.—The term 'carbon capture capability' means a gasification plant design which is determined by the Secretary to reflect reasonable consideration for, and be capable of, accommodating the equipment likely to be necessary to capture carbon dioxide from the gaseous stream, for later use or sequestration, which would otherwise be emitted in the flue gas from a project which uses a nonrenewable fuel.

''(5) COAL.—The term 'coal' means any carbonized or semicarbonized matter, including peat.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means any person whose application for certification is principally intended for use in a domestic project which employs domestic gasification applications related to—

''(A) chemicals,

''(B) fertilizers,

''(C) glass,

''(D) steel,

''(E) petroleum residues,

''(F) forest products, and

''(G) agriculture, including feedlots and dairy operations.

''(7) PETROLEUM RESIDUE.—The term 'petroleum residue' means the carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

''(d) QUALIFYING GASIFICATION PROJECT PROGRAM.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a qualifying gasification project program to consider and award certifications for qualified investment eligible for credits under this section to qualifying gasification project sponsors under this section. The total qualified investment which may be awarded eligibility for credit under the program shall not exceed $4,000,000,000.

''(2) PERIOD OF ISSUANCE.—A certificate of eligibility under paragraph (1) may be issued only during the 10-fiscal year period beginning on October 1, 2005.

''(3) SELECTION CRITERIA.—The Secretary shall not make a competitive certification award for qualified investment for credit eligibility under this section unless the recipient has documented to the satisfaction of the Secretary that—

''(A) the award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project,

''(B) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is spent efficiently and effectively,

''(C) a market exists for the products of the proposed project as evidenced by contracts or written statements of intent from potential customers,

''(D) the fuels identified with respect to the gasification technology for such project will comprise at least 90 percent of the fuels required by the project for the production of chemical feedstocks, liquid transportation fuels, or coproduction of electricity,

''(E) the award recipient's project team is competent in the construction and operation of the gasification technology proposed, with preference given to those recipients with experience which demonstrates successful and reliable operations of the technology on domestic fuels so identified, and

''(F) the award recipient has met other criteria established and published by the Secretary.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (ii), by striking clause (iii), and by adding after clause (ii) the following new clauses:

''(iii) the basis of any property which is part of a qualifying advanced coal project under section 48A, and

''(iv) the basis of any property which is part of a qualifying gasification project under section 48B.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new items:

''48A. Qualifying advanced coal project credit.

''48B. Qualifying gasification project credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1507. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax), as added by this Act, is amended by adding at the end the following new section:

''SEC. 54A. CREDIT TO HOLDERS OF CLEAN ENERGY COAL BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a clean energy coal bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a clean energy coal bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any clean energy coal bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any clean energy coal bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of clean energy coal bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than subpart C thereof (relating to refundable credits) and this section) and section 1397E.

''(d) CLEAN ENERGY COAL BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'clean energy coal bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (f)(2),

''(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsection (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means a qualifying advanced coal project (as defined in section 48A(c)(1)) placed in service by a qualified borrower.

''(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a clean energy coal bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean energy coal bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $1,000,000,000.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a clean energy coal bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

''(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(2) CLEAN ENERGY BOND LENDER.—The term 'clean energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a clean energy bond lender,

''(B) a cooperative electric company,

''(C) a governmental body, or

''(D) the Tennessee Valley Authority.

''(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C),

''(B) a governmental body, or

''(C) the Tennessee Valley Authority.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—Rules similar to the rules under section 1397E(i)(2) shall apply.

''(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any clean energy coal bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(5) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a clean energy coal bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(6) REPORTING.—Issuers of clean energy coal bonds shall submit reports similar to the reports required under section 149(e).

''(m) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2010.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest), as amended by this Act, is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON CLEAN ENERGY COAL BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart H of part IV of subchapter A of chapter 1, as added by this Act, is amended by adding at the end the following new item:

''Sec. 54A. Credit to holders of clean energy coal bonds.''.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2005.

Subtitle B—Domestic Fossil Fuel Security

SEC. 1511. CREDIT FOR INVESTMENT IN CLEAN COKE/COGENERATION MANUFACTURING FACILITIES.

(a) ALLOWANCE OF CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4), and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the clean coke/cogeneration manufacturing facilities credit.''.

(b) AMOUNT OF CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48B the following new section:

"SEC. 48C. CLEAN COKE/COGENERATION MANUFACTURING FACILITIES CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the clean coke/cogeneration manufacturing facilities credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of each clean coke/cogeneration manufacturing facilities property placed in service by the taxpayer during such taxable year.

''(2) CLEAN COKE/COGENERATION MANUFACTURING FACILITIES PROPERTY.—For purposes of this section, the term 'clean coke/cogeneration manufacturing facilities property' means real and tangible personal property which—

''(A) is depreciable under section 167,

''(B) is located in the United States,

''(C) is used for the manufacture of metallurgical coke or for the production of steam or electricity from waste heat generated during the production of metallurgical coke, and

''(D) does not exceed any of the following emission limitations—

''(i) 0.0 percent leaking for any coke oven doors unless the operation of ovens is under negative pressure,

''(ii) 0.0 percent leaking for any topside port lids,

''(iii) 0.0 percent leaking for any offtake system,

determined as provided for in section 63.303(b)(1)(ii) or 63.309(d)(1) of title 40, Code of Federal Regulations.

''(c) TERMINATION.—This subsection shall not apply to property for periods after December 31, 2009.''.

(c) TECHNICAL AMENDMENT.—Section 50(c) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR COKE/COGENERATION FACILITIES.—Paragraphs (1) and (2) shall not apply to any property with respect to the credit determined under section 48C.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any clean coke/cogeneration manufacturing facilities property.''

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48B the following new item:

''48C. Clean coke/cogeneration manufacturing facilities credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1512. TEMPORARY EXPENSING FOR EQUIPMENT USED IN REFINING OF LIQUID FUELS.

(A) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179B the following new section:

"SEC. 179C. ELECTION TO EXPENSE CERTAIN REFINERIES.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified refinery property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified refinery is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED REFINERY PROPERTY.—The term 'qualified refinery property' means any refinery or portion of a refinery—

''(1) the original use of which commences with the taxpayer,

''(2) the construction of which—

''(A) except as provided in subparagraph (B), is subject to a binding construction contract entered into after June 14, 2005, and before January 1, 2008, but only if there was no written binding construction contract entered into on or before June 14, 2005, or

''(B) in the case of self-constructed property, began after June 14, 2005,

''(3) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2012,

''(4) in the case of any portion of a refinery, which meets the requirements of subsection (d), and

''(5) which meets all applicable environmental laws in effect on the date such refinery or portion thereof was placed in service. A waiver under the Clean Air Act shall not be taken into account in determining whether the requirements of paragraph (5) are met.

''(d) PRODUCTION CAPACITY.—The requirements of this subsection are met if the portion of the refinery—

''(1) increases the rated capacity of the existing refinery by 5 percent or more over the capacity of such refinery as reported by the Energy Information Agency on January 1, 2005, or

''(2) enables the existing refinery to process qualified fuels (as defined in section 29(c)) at a rate which is equal to or greater than 25 percent of the total throughput of such refinery on an average daily basis.

''(e) ELECTION TO ALLOCATE DEDUCTION TO COOPERATIVE OWNER.—If—

''(1) a taxpayer to which subsection (a) applies is an organization to which part I of subchapter T applies, and

''(2) one or more persons directly holding an ownership interest in the taxpayer are organizations to which part I of subchapter T apply,

the taxpayer may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the taxpayer shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

''(f) INELIGIBLE REFINERIES.—No deduction shall be allowed under subsection (a) for any qualified refinery property—

''(1) the primary purpose of which is for use as a topping plant, asphalt plant, lube oil facility, crude or product terminal, or blending facility, or

''(2) which is built solely to comply with Federally mandated projects or consent decrees.

''(g) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the refineries of the taxpayer as the Secretary shall require.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1245(a) is amended by inserting ''179C,'' after ''179B,'' both places it appears in paragraphs (2)(C) and (3)(C).

(2) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by inserting after subparagraph (I) the following new subparagraph:

''(J) expenditures for which a deduction is allowed under section 179C.''.

(3) Section 312(k)(3)(B) is amended by striking ''179 179A, or 179B'' each place it appears in the heading and text and inserting ''179, 179A, 179B, or 179C''.

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179B the following new item:

''Sec. 179C. Election to expense certain refineries.''.

(c) EFFECTIVE DATE.— The amendments made by this section shall apply to properties placed in service after the date of the enactment of this Act.

SEC. 1513. PASS THROUGH TO PATRONS OF DEDUCTION FOR CAPITAL COSTS INCURRED BY SMALL REFINER COOPERATIVES IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS .

(a) IN GENERAL.—Section 179B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations) is amended by adding at the end the following new subsection:

''(e) ELECTION TO ALLOCATE DEDUCTION TO COOPERATIVE OWNER.—If—

''(1) a small business refiner to which subsection (a) applies is an organization to which part I of subchapter T applies, and

''(2) one or more persons directly holding an ownership interest in the refiner are organizations to which part I of subchapter T apply,

the refiner may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the refiner shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 338(a) of the American Jobs Creation Act of 2004.

SEC. 1514. MODIFICATIONS TO ENHANCED OIL RECOVERY CREDIT.

(a) ENHANCED CREDIT FOR CARBON DIOXIDE INJECTIONS.—Section 43 is amended by adding at the end the following new subsection:

''(f) ENHANCED CREDIT FOR PROJECTS USING QUALIFIED CARBON DIOXIDE.—

''(1) IN GENERAL.—In the case of any qualified enhanced oil recovery project described in paragraph (2), subsection (a) shall be applied by substituting '20 percent' for '15 percent'.

''(2) SPECIFIED QUALIFIED ENHANCED OIL RECOVERY PROJECT.—

''(A) IN GENERAL.—A qualified enhanced oil recovery project is described in this paragraph if—

''(i) the project begins or is substantially expanded after December 31, 2005, and

''(ii) the project uses qualified carbon dioxide in an oil recovery method which involves flooding or injection.

''(B) QUALIFIED CARBON DIOXIDE.—For purposes of this subsection, the term 'qualified carbon dioxide' means carbon dioxide that is—

''(i) from an industrial source, or

''(ii) separated from natural gas and natural gas liquids at a natural gas processing plant.

''(3) TERMINATION.—This subsection shall not apply to costs paid or incurred for any qualified enhanced oil recovery project after December 31, 2009.''.

(b) DEEP GAS WELL PROJECTS.—Section 43(c) is amended by adding at the end the following new paragraph:

''(6) APPLICATION OF SECTION TO QUALIFIED DEEP GAS WELL PROJECTS.—

''(A) IN GENERAL.—For purposes of this section, the taxpayer's qualified deep gas well project costs for any taxable year shall be treated in the same manner as if they were qualified enhanced oil recovery costs.

''(B) QUALIFIED DEEP GAS WELL PROJECT COSTS.—For purposes of this paragraph, the term 'qualified deep gas well project costs' shall be the costs determined under paragraph (1) by substituting 'qualified deep gas well project' for 'qualified enhanced oil recovery project' each place it appears.

''(C) QUALIFIED DEEP GAS WELL PROJECT.—For purposes of this paragraph, the term 'qualified deep gas well project' means any project—

''(i) which involves the production of natural gas from onshore formations deeper than 20,000 feet, and

''(ii) which is located in the United States.

''(D) TERMINATION.—This paragraph shall not apply to qualified deep gas well project costs paid or incurred after December 31, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after December 31, 2005.

SEC. 1515. NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) (defining 15-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and by inserting '', and'', and by adding at the end the following new clause:

''(vii) any natural gas distribution line the original use of which commences with the taxpayer and which is placed in service before January 1, 2008.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by adding after the item relating to subparagraph (E)(vi) the following new item:

''(E)(vii) ..... 35''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before June 14, 2005, or, in the case of self-constructed property, has started construction on or before such date.

Subtitle C—Conservation and Energy Efficiency Provisions

SEC. 1521. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179C the following new section:

''SEC. 179D. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the cost of energy efficient commercial building property placed in service during the taxable year.

''(b) MAXIMUM AMOUNT OF DEDUCTION.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(1) the product of—

''(A) $2.25, and

''(B) the square footage of the building, over

''(2) the aggregate amount of the deductions under subsection (a) with respect to the building for all prior taxable years.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—The term 'energy efficient commercial building property' means property—

''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(B) which is installed on or in any building which is—

''(i) located in the United States, and

''(ii) within the scope of Standard 90.1-2001,

''(C) which is installed as part of—

''(i) the interior lighting systems,

''(ii) the heating, cooling, ventilation, and hot water systems, or

''(iii) the building envelope, and

''(D) which is certified in accordance with subsection (d)(6) as being installed as part of a plan designed to reduce the total annual energy and power costs with respect to the interior lighting systems, heating, cooling, ventilation, and hot water systems of the building by 50 percent or more in comparison to a reference building which meets the minimum requirements of Standard 90.1–2001 using methods of calculation under subsection (d)(2).

''(2) STANDARD 90.1–2001.—The term 'Standard 90.1–2001' means Standard 90.1–2001 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on April 2, 2003).

''(d) SPECIAL RULES.—

''(1) PARTIAL ALLOWANCE.—

''(A) IN GENERAL.—Except as provided in subsection (f), if—

''(i) the requirement of subsection (c)(1)(D) is not met, but

''(ii) there is a certification in accordance with paragraph (6) that any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system, and the deduction under subsection (a) shall be allowed with respect to energy efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property by substituting '$.75' for '$2.25'.

''(B) REGULATIONS.—The Secretary, after consultation with the Secretary of Energy, shall establish a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the building would meet the requirements of subsection (c)(1)(D).

''(2) METHODS OF CALCULATION.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, based on the provisions of the 2005 California Nonresidential Alternative Calculation Method Approval Manual.

''(3) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under paragraph (2) shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this section, and

''(iii) which provides a notice form which documents the energy efficiency features of the building and its projected annual energy costs.

''(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in property owned by a Federal, State, or local government or a political subdivision thereof, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(5) NOTICE TO OWNER.—Each certification required under this section shall include an explanation to the building owner regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(B)(iii).

''(6) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary shall prescribe the manner and method for the making of certifications under this section.

''(B) PROCEDURES.—The Secretary shall include as part of the certification process procedures for inspection and testing by qualified individuals described in subparagraph (C) to ensure compliance of buildings with energy-savings plans and targets. Such procedures shall be comparable, given the difference between commercial and residential buildings, to the requirements in the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(C) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

''(e) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficient commercial building property, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(f) INTERIM RULES FOR LIGHTING SYSTEMS.—Until such time as the Secretary issues final regulations under subsection (d)(1)(B) with respect to property which is part of a lighting system—

''(1) IN GENERAL.—The lighting system target under subsection (d)(1)(A)(ii) shall be a reduction in lighting power density of 25 percent (50 percent in the case of a warehouse) of the minimum requirements in Table 9.3.1.1 or Table 9.3.1.2 (not including additional interior lighting power allowances) of Standard 90.1–2001.

''(2) REDUCTION IN DEDUCTION IF REDUCTION LESS THAN 40 PERCENT.—

''(A) IN GENERAL.—If, with respect to the lighting system of any building other than a warehouse, the reduction in lighting power density of the lighting system is not at least 40 percent, only the applicable percentage of the amount of deduction otherwise allowable

under this section with respect to such property shall be allowed.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the number of percentage points (not greater than 100) equal to the sum of—

''(i) 50, and

''(ii) the amount which bears the same ratio to 50 as the excess of the reduction of lighting power density of the lighting system over 25 percentage points bears to 15.

''(C) EXCEPTIONS.—This subsection shall not apply to any system—

''(i) the controls and circuiting of which do not comply fully with the mandatory and prescriptive requirements of Standard 90.1–2001 and which do not include provision for bilevel switching in all occupancies except hotel and motel guest rooms, store rooms, restrooms, and public lobbies, or

''(ii) which does not meet the minimum requirements for calculated lighting levels as set forth in the Illuminating Engineering Society of North America Lighting Handbook, Performance and Application, Ninth Edition, 2000.

''(g) COORDINATION WITH OTHER TAX BENEFITS.—In any case in which a deduction under section 200 or a credit under section 25C has been allowed with respect to property in connection with a building for which a deduction is allowable under subsection (a)—

''(1) the annual energy and power costs of the reference building referred to in subsection (c)(1)(D) shall be determined assuming such reference building contains the property for which such deduction or credit has been allowed, and

''(2) any cost of such property taken into account under such sections shall not be taken into account under this section.

''(h) REGULATIONS.—The Secretary shall promulgate such regulations as necessary—

''(1) to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section, and

''(2) to provide for a recapture of the deduction allowed under this section if the plan described in subsection (c)(1)(D) or (d)(1)(A) is not fully implemented.

''(i) TERMINATION.—This section shall not apply with respect to property placed in service after December 31, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) to the extent provided in section 179D(e).''.

(2) Section 1245(a), as amended by this Act, is amended by inserting ''179D,'' after ''179C,'' both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3) is amended by inserting before the period at the end of the first sentence ''or by section 179D''.

(4) Section 263(a)(1), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting '', or'', and by inserting after subparagraph (J) the following new subparagraph:

''(K) expenditures for which a deduction is allowed under section 179D.''.

(5) Section 312(k)(3)(B), as amended by this Act, is amended by striking ''179, 179A, 179B, or 179C'' each place it appears in the heading and text and inserting ''179, 179A, 179B, 179C, or 179D''.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1, as amended by this Act, is amended by inserting after section 179C the following new item:

''Sec. 179D. Energy efficient commercial buildings deduction.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1522. CREDIT FOR CONSTRUCTION OF NEW ENERGY EFFICIENT HOMES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

''SEC. 45K. NEW ENERGY EFFICIENT HOME CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible contractor, the new energy efficient home credit for the taxable year is the applicable amount for each qualified new energy efficient home which is—

''(A) constructed by the eligible contractor, and

''(B) acquired by a person from such eligible contractor for use as a residence during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(i) in the case of a dwelling unit described in paragraph (1) or (3) of subsection (c), $1,000, and

''(ii) in the case of a dwelling unit described in paragraph (2) or (4) of subsection (c), $2,000.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means—

''(A) the person who constructed the qualified new energy efficient home, or

''(B) in the case of a qualified new energy efficient home which is a manufactured home, the manufactured home producer of such home.

If more than 1 person is described in subparagraph (A) or (B) with respect to any qualified new energy efficient home, such term means the person designated as such by the owner of such home.

''(2) QUALIFIED NEW ENERGY EFFICIENT HOME.—The term 'qualified new energy efficient home' means a dwelling unit—

''(A) located in the United States,

''(B) the construction of which is substantially completed after the date of the enactment of this section, and

''(C) which meets the energy saving requirements of subsection (c).

''(3) CONSTRUCTION.—The term 'construction' includes substantial reconstruction and rehabilitation.

''(4) ACQUIRE.—The term 'acquire' includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

''(c) ENERGY SAVING REQUIREMENTS.—A dwelling unit meets the energy saving requirements of this subsection if such unit is—

''(1) certified—

''(A) to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level of heating and cooling energy consumption of a comparable dwelling unit—

''(i) which is constructed in accordance with the standards of chapter 4 of the 2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section, and

''(ii) for which the heating and cooling equipment efficiencies correspond to the minimum allowed under the regulations established by the Department of Energy pursuant to the National Appliance Energy Conservation Act of 1987 and in effect at the time of construction, and

''(B) to have building envelope component improvements account for at least ⅓ of such 30 percent,

''(2) certified—

''(A) to have a level of annual heating and cooling energy consumption which is at least 50 percent below such annual level, and

''(B) to have building envelope component improvements account for at least ⅕ of such 50 percent,

''(3) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations) and which—

''(A) meets the requirements of clause (i), or

''(B) meets the requirements established by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program, or

''(4) a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations) and which meets the requirements of clause (ii).

''(d) CERTIFICATION.—

''(1) METHOD OF CERTIFICATION.—A certification described in paragraphs (1) and (2) of subsection (c) shall be made in accordance with guidance prescribed by the Secretary, after consultation with the Secretary of Energy. Such guidance shall specify procedures and methods for calculating energy and cost savings.

''(2) FORM.—Any certification described in subsection (c) shall be made in writing in a manner which specifies in readily verifiable fashion the energy efficient building envelope components and energy efficient heating or cooling equipment installed and their respective rated energy efficiency performance.

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

''(f) COORDINATION WITH OTHER CREDITS AND DEDUCTIONS.—

''(1) SPECIAL RULE WITH RESPECT TO BUILDINGS WITH ENERGY EFFICIENT PROPERTY.—In the case of property which is described in section 200 which is installed in connection with a dwelling unit, the level of annual heating and cooling energy consumption of the comparable dwelling unit referred to in paragraphs (1) and (2) of subsection (c) shall be determined assuming such comparable dwelling unit contains the property for which such deduction or credit has been allowed.

''(2) COORDINATION WITH INVESTMENT CREDIT.—For purposes of this section, expenditures taken into account under section 47 or 48(a) shall not be taken into account under this section.

''(g) APPLICATION OF SECTION.—

''(1) 50 PERCENT HOMES.—In the case of any dwelling unit described in paragraph (2) or (4) of subsection (c), subsection (a) shall apply to qualified new energy efficient homes acquired during the period beginning on the date of the enactment of this section and ending on December 31, 2009.

''(2) 30 PERCENT HOMES.—In the case of any dwelling unit described in paragraph (1) or (3) of subsection (c), subsection (a) shall apply to qualified new energy efficient

homes acquired during the period beginning on the date of the enactment of this section and ending on December 31, 2007.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting '', plus'', and by adding at the end the following new paragraph:

''(21) the new energy efficient home credit determined under section 45K(a).''.

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting '', and'', and by adding at the end the following new paragraph:

''(33) to the extent provided in section 45K(e), in the case of amounts with respect to which a credit has been allowed under section 45K.''.

(d) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Section 196(c) (defining qualified business credits) is amended by striking ''and'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', and'', and by adding after paragraph (12) the following new paragraph:

''(13) the new energy efficient home credit determined under section 45K(a).''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 45K. New energy efficient home credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1523. DEDUCTION FOR BUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

''SEC. 200. ENERGY PROPERTY DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the greater of—

''(1) the amount determined under subsection (b) for each energy property of the taxpayer placed in service during such taxable year, or

''(2) the energy efficient residential rental building property deduction determined under subsection (e).

''(b) AMOUNT FOR ENERGY PROPERTY.—The amount determined under this subsection for the taxable year shall be—

''(1) $150 for any advanced main air circulating fan,

''(2) $450 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(2) $900 for any energy efficient building property.

''(c) ENERGY PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this part, the term 'energy property' means any property—

''(A) which is—

''(i) energy-efficient building property,

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or

''(iii) an advanced main air circulating fan,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which meets the performance and quality standards, and the certification requirements (if any), which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate),

''(ii) in the case of the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(I) require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(II) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency,

''(iii) in the case of geothermal heat pumps—

''(I) shall be based on testing under the conditions of ARI/ISO Standard 13256–1 for Water Source Heat Pumps or ARI 870 for Direct Expansion GeoExchange Heat Pumps (DX), as appropriate, and

''(II) shall include evidence that water heating services have been provided through a desuperheater or integrated water heating system connected to the storage water heater tank, and

''(iv) are in effect at the time of the acquisition of the property, or at the time of the completion of the construction, reconstruction, or erection of the property, as the case may be.

''(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' means—

''(A) an electric heat pump water heater which yields an energy factor of at least 2.0 in the standard Department of Energy test procedure,

''(B) an electric heat pump which has a heating seasonal performance factor (HSPF) of at least 9, a seasonal energy efficiency ratio (SEER) of at least 15, and an energy efficiency ratio (EER) of at least 13,

''(C) a geothermal heat pump which—

''(i) in the case of a closed loop product, has an energy efficiency ratio (EER) of at least 14.1 and a heating coefficient of performance (COP) of at least 3.3,

''(ii) in the case of an open loop product, has an energy efficiency ratio (EER) of at least 16.2 and a heating coefficient of performance (COP) of at least 3.6, and

''(iii) in the case of a direct expansion (DX) product, has an energy efficiency ratio (EER) of at least 15 and a heating coefficient of performance (COP) of at least 3.5,

''(D) a central air conditioner which has a seasonal energy efficiency ratio (SEER) of at least 15 and an energy efficiency ratio (EER) of at least 13, and

''(E) a natural gas, propane, or oil water heater which has an energy factor of at least 0.80.

''(2) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.

''(3) ADVANCED MAIN AIR CIRCULATING FAN.—The term 'advanced main air circulating fan' means a fan used in a natural gas, propane, or oil furnace originally placed in service by the taxpayer during the taxable year and which has an annual electricity use of no more than 2 percent of the total annual energy use of the furnace (as determined in the standard Department of Energy test procedures).

''(e) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY DEDUCTION.—

''(1) DEDUCTION ALLOWED.—For purposes of subsection (a)—

''(A) IN GENERAL.—The energy efficient residential rental building property deduction determined under this subsection is an amount equal to energy efficient residential rental building property expenditures made by a taxpayer for the taxable year.

''(B) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient residential rental building property expenditures taken into account under subparagraph (A) with respect to each dwelling unit shall not exceed—

''(i) $6,000 in the case of a percentage reduction of 50 percent or more as determined under paragraph (2)(B)(ii), and

''(ii) $12,000 times the percentage reduction in the case of a percentage reduction which is less than 50 percent as determined under paragraph (2)(B)(ii).

''(C) YEAR DEDUCTION ALLOWED.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction, reconstruction, erection, or rehabilitation of the property is completed.

''(2) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY EXPENDITURES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'energy efficient residential rental building property expenditures' means an amount paid or incurred for energy efficient residential rental building property—

''(i) in connection with construction, reconstruction, erection, or rehabilitation of residential rental property (as defined in section 168(e)(2)(A)) other than property for which a deduction is allowable under section 179D,

''(ii) for which depreciation is allowable under section 167,

''(iii) which is located in the United States, and

''(iv) the construction, reconstruction, erection, or rehabilitation of which is completed by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(B) ENERGY EFFICIENT RESIDENTIAL RENTAL BUILDING PROPERTY.—

''(i) IN GENERAL.—The term 'energy efficient residential rental building property' means any property which, individually or in combination with other property, reduces total annual energy and power costs with respect to heating and cooling of the building by 20 percent or more when compared to—

''(I) in the case of an existing building, the original condition of the building, and

''(II) in the case of a new building, the standards for residential buildings of the same type which are built in compliance with the applicable building construction codes.

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage and costs shall be demonstrated by performance-based compliance in accordance with the requirements of clause (iv).

''(II) COMPUTER SOFTWARE.—Computer software shall be used in support of performance-based compliance under subclause (I) and such software shall meet all of the procedures and methods for calculating energy savings reductions which are promulgated by the Secretary of Energy. Such regulations on the specifications for software and

verification protocols shall be based on the 2005 California Residential Alternative Calculation Method Approval Manual.

''(III) CALCULATION REQUIREMENTS.—In calculating tradeoffs and energy performance, the regulations prescribed under this clause shall prescribe for the taxable year the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage. If a State has developed annual energy usage and cost calculation procedures based on time of usage costs for use in the performance standards of the State's building energy code prior to the effective date of this section, the State may use those annual energy usage and cost calculation procedures in lieu of those adopted by the Secretary.

''(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary shall approve software submissions which comply with the requirements of subclause (II).

''(V) PROCEDURES FOR INSPECTION AND TESTING OF HOMES.—The Secretary shall ensure that procedures for the inspection and testing for compliance comply with the calculation requirements under subclause (III) of this clause and clause (iv).

''(iii) DETERMINATIONS OF COMPLIANCE.—A determination of compliance with respect to energy efficient residential rental building property made for the purposes of this subparagraph shall be filed with the Secretary not later than 1 year after the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary shall be available for inspection by the Secretary of Energy.

''(iv) COMPLIANCE.—

''(I) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Home Energy Rating Standards.

''(II) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—The determination of compliance may be provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider. All providers shall be accredited, or otherwise authorized to use approved energy performance measurement methods, by the Residential Energy Services Network (RESNET).

''(C) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient residential rental building property which is property owned by a Federal, State, or local government or a political subdivision thereof, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the improvements to the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this subsection.

''(f) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any property, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(g) REGULATIONS.—The Secretary shall promulgate such regulations as necessary to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section.

''(h) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2008.''.

(b) CONFORMING AMENDMENT.—Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', and'', and by inserting the following new paragraph:

''(34) for amounts allowed as a deduction under section 200(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 200. Energy property deduction.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1524. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the greater of—

''(A) the amount of residential energy property expenditures made by the taxpayer during such taxable year, or

''(B) the amount specified in paragraph (2) for any building owned by the taxpayer which is certified as a highly energy-efficient principal residence during such taxable year.

''(2) CREDIT AMOUNT.—For purposes of paragraph (1)(B), the credit amount with respect to a highly energy-efficient principal residence is—

''(A) $2,000 in the case of a percentage reduction of 50 percent or more as determined under subsection (c)(4)(C), and

''(B) $4,000 times the percentage reduction in the case of a percentage reduction which is 20 percent or more but less than 50 percent as determined under subsection (c)(4)(C).

''(b) LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(1)(A) shall not exceed—

''(1) $50 for any advanced main air circulating fan,

''(2) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(2) $300 for any item of energy efficient property.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used as a principal residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or

''(iii) an advanced main air circulating fan.

''(B) REQUIRED STANDARDS.—Property described under subparagraph (A) shall meet the performance and quality standards and certification standards of section 200(c)(1)(D).

''(3) ENERGY-EFFICIENT BUILDING PROPERTY; QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER; ADVANCED MAIN AIR CIRCULATING FAN.—The terms 'energy-efficient building property', 'qualified natural gas, propane, or oil furnace or hot water boiler', and 'advanced main air circulating fan' have the meanings given such terms in section 200.

''(4) HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—A building is a highly energy-efficient principal residence if—

''(i) such building is located in the United States,

''(ii) the building is used as a principal residence,

''(iii) in the case of a new building, the building is not acquired from an eligible contractor (within the meaning of section 45K(b)(1)), and

''(iv) the building is certified in accordance with subparagraph (D) as meeting the requirements of subparagraph (C).

''(B) PRINCIPAL RESIDENCE.—

''(i) IN GENERAL.—The term 'principal residence' has the same meaning as when used in section 121, except that—

''(I) no ownership requirement shall be imposed, and

''(II) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

''(ii) MANUFACTURED HOUSING.—The term 'residence' shall include a dwelling unit which is a manufactured home conforming to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

''(C) REQUIREMENTS.—The requirements of this subparagraph are met if the projected heating and cooling energy usage of the building, measured in terms of average annual energy cost to taxpayer, is reduced by 20 percent or more in comparison to—

''(i) in the case of an existing building, the original condition of the building, and

''(ii) in the case of a new building, a comparable building—

''(I) which is constructed in accordance with the standards of chapter 4 of the 2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section, and

''(II) for which the heating and cooling equipment efficiencies correspond to the minimum allowed under the regulations established by the Department of Energy pursuant to the National Appliance Energy Conservation Act of 1987 and in effect at the time of construction.

''(D) CERTIFICATION PROCEDURES.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(iv), energy usage shall be demonstrated by performance-based compliance in accordance with the requirements of subsection (d)(2).

''(ii) COMPUTER SOFTWARE.—Computer software shall be used in support of performance-based compliance under clause (i) and such software shall meet all of the procedures and methods for calculating energy savings reductions which are promulgated by the Secretary of Energy. Such regulations on the specifications for software and verification protocols shall be based on the 2005 California Residential Alternative Calculation Method Approval Manual.

''(iii) CALCULATION REQUIREMENTS.—In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage. If a State has developed annual energy usage and cost calculation procedures based on time of usage

costs for use in the performance standards of the State's building energy code before the effective date of this section, the State may use those annual energy usage and cost calculation procedures in lieu of those adopted by the Secretary.

''(iv) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary shall approve software submissions which comply with the calculation requirements of clause (ii).

''(v) PROCEDURES FOR INSPECTION AND TESTING OF DWELLING UNITS.—The Secretary shall ensure that procedures for the inspection and testing for compliance comply with the calculation requirements under clause (iii) and subsection (d)(2).

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this section shall be filed with the Secretary within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary shall be available for inspection by the Secretary of Energy.

''(2) COMPLIANCE.—

''(A) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Home Energy Rating Standards.

''(B) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—The determination of compliance may be provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider. All providers shall be accredited, or otherwise authorized to use approved energy performance measurement methods, by the Residential Energy Services Network (RESNET).

''(3) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a principal residence by 2 or more individuals, the following rules shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(4) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation and such credit shall be allocated pro rata to such individual.

''(5) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association and any credit shall be allocated appropriately.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as principal residences.

''(6) JOINT OWNERSHIP OF ENERGY ITEMS.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure under this section shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(7) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(8) YEAR CREDIT ALLOWED.—The credit under subsection (a)(2) shall be allowed in the taxable year in which the percentage reduction with respect to the principal residence is certified.

''(9) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(10) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), for purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing.

''(ii) SUBSIDIZED ENERGY FINANCING.—For purposes of clause (i), the term 'subsidized energy financing' has the same meaning given such term in section 48(a)(4)(C).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in subsection (b)(3) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(C) EXCEPTION FOR STATE PROGRAMS.—Subparagraphs (A) and (B) shall not apply to expenditures made with respect to property for which the taxpayer has received a loan, State tax credit, or grant under any State energy program.

''(11) COORDINATION WITH SECTION 25D.—In any case in which a credit under section 25D has been allowed with respect to property in connection with a building for which a credit is allowable under this section by reason of subsection (a)(1)(B)—

''(A) for purposes of subsection (c)(4)(C), the average annual energy cost with respect to heating and cooling of—

''(i) for purposes of subsection (c)(4)(C)(i), the original condition of the building, and

''(ii) for purposes of subsection (c)(4)(C)(ii), the comparable building,

shall be determined assuming such building contains the property for which such credit has been allowed, and

''(B) any cost of such property taken into account under such section shall not be taken into account under this section.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) REGULATIONS.—The Secretary shall promulgate such regulations as necessary to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section.

''(g) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2008.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', and'', and by adding at the end the following new paragraph:

''(35) to the extent provided in section 25C(e), in the case of amounts with respect to which a credit has been allowed under section 25C.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Nonbusiness energy property.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SEC. 1525. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is by striking ''or'' at the end of clause (i), by inserting ''or'' at the end of clause (ii), and by adding at the end the following new clause:

''(iii) combined heat and power system property,''.

(b) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

''(c) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(iii)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which has an electrical capacity of not more than 15 megawatts or a mechanical

energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(C) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(D) the energy efficiency percentage of which exceeds 60 percent, and

''(E) which is placed in service before January 1, 2008.

''(2) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) CERTAIN EXCEPTION NOT TO APPLY.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

''(3) SYSTEMS USING BAGASSE.—If a system is designed to use bagasse for at least 90 percent of the energy source—

''(A) paragraph (1)(D) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1526. CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

''SEC. 45L. ENERGY EFFICIENT APPLIANCE CREDIT.

''(a) GENERAL RULE.—

''(1) IN GENERAL.—For purposes of section 38, the energy efficient appliance credit determined under this section for any taxable year is an amount equal to the sum of the credit amounts determined under paragraph (2) for each type of qualified energy efficient appliance produced by the taxpayer during the calendar year ending with or within the taxable year.

''(2) CREDIT AMOUNTS.—The credit amount determined for any type of qualified energy efficient appliance is—

''(A) the applicable amount determined under subsection (b) with respect to such type, multiplied by

''(B) the eligible production for such type.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)—

''(A) DISHWASHERS.—The applicable amount is the energy savings amount in the case of a dishwasher which—

''(i) is manufactured in calendar year 2006 or 2007, and

''(ii) meets the requirements of the Energy Star program which are in effect for dishwashers in 2007.

''(B) CLOTHES WASHERS.—The applicable amount is—

''(i) $50, in the case of a clothes washer which—

''(I) is manufactured in calendar year 2005, and

''(II) has an MEF of at least 1.42,

''(ii) $100, in the case of a clothes washer which—

''(I) is manufactured in calendar year 2005, 2006, or 2007, and

''(II) meets the requirements of the Energy Star program which are in effect for clothes washers in 2007, and

''(iii) the energy and water savings amount, in the case of a clothes washer which—

''(I) is manufactured in calendar year 2008, 2009, or 2010, and

''(II) meets the requirements of the Energy Star program which are in effect for clothes washers in 2010.

''(C) REFRIGERATORS.—

''(i) 15 PERCENT SAVINGS.—The applicable amount is $75 in the case of a refrigerator which—

''(I) is manufactured in calendar year 2005 or 2006, and

''(II) consumes at least 15 percent but not more than 20 percent less kilowatt hours per year than the 2001 energy conservation standard.

''(ii) 20 PERCENT SAVINGS.—In the case of a refrigerator which consumes at least 20 percent but not more than 25 percent less kilowatt hours per year than the 2001 energy conservation standards, the applicable amount is—

''(I) $125 for a refrigerator which is manufactured in calendar year 2005, 2006, or 2007, and

''(II) $100 for a refrigerator which is manufactured in calendar year 2008.

''(iii) 25 PERCENT SAVINGS.—In the case of a refrigerator which consumes at least 25 percent less kilowatt hours per year than the 2001 energy conservation standards, the applicable amount is—

''(I) $175 for a refrigerator which is manufactured in calendar year 2005, 2006, or 2007, and

''(II) $150 for a refrigerator which is manufactured in calendar year 2008, 2009, or 2010.

''(2) ENERGY SAVINGS AMOUNT.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The energy savings amount is the lesser of—

''(i) the product of—

''(I) $3, and

''(II) 100 multiplied by the energy savings percentage, or

''(ii) $100.

''(B) ENERGY SAVINGS PERCENTAGE.—For purposes of subparagraph (A), the energy savings percentage is the ratio of—

''(i) the EF required by the Energy Star program for dishwashers in 2007 minus the EF required by the Energy Star program for dishwashers in 2005, to

''(ii) the EF required by the Energy Star program for dishwashers in 2007.

''(3) ENERGY AND WATER SAVINGS AMOUNT.—For purposes of paragraph (1)(B)(iii)—

''(A) IN GENERAL.—The energy and water savings amount is the lesser of—

''(i) the product of—

''(I) $10, and

''(II) 100 multiplied by the energy and water savings percentage, or

''(ii) $200.

''(B) ENERGY AND WATER SAVINGS PERCENTAGE.—For purposes of subparagraph (A), the energy and water savings percentage is the average of the MEF savings percentage and the WF savings percentage.

''(C) MEF SAVINGS PERCENTAGE.—For purposes of this paragraph, the MEF savings percentage is the ratio of—

''(i) the MEF required by the Energy Star program for clothes washers in 2010 minus the MEF required by the Energy Star program for clothes washers in 2007, to

''(ii) the MEF required by the Energy Star program for clothes washers in 2010.

''(D) WF SAVINGS PERCENTAGE.—For purposes of this paragraph, the WF savings percentage is the ratio of—

''(i) the WF required by the Energy Star program for clothes washers in 2007 minus the WF required by the Energy Star program for clothes washers in 2010, to

''(ii) the WF required by the Energy Star program for clothes washers in 2007.

''(c) ELIGIBLE PRODUCTION.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the eligible production in a calendar year with respect to each type of energy efficient appliance is the excess of—

''(A) the number of appliances of such type which are produced by the taxpayer in the United States during such calendar year, over

''(B) the average number of appliances of such type which were produced by the taxpayer (or any predecessor) in the United States during the preceding 3-calendar year period.

''(2) SPECIAL RULE FOR REFRIGERATORS.—The eligible production in a calendar year with respect to each type of refrigerator described in subsection (b)(1)(C) is the excess of—

''(A) the number of appliances of such type which are produced by the taxpayer in the United States during such calendar year, over

''(B) 110 percent of the average number of appliances of such type which were produced by the taxpayer (or any predecessor) in the United States during the preceding 3-calendar year period.

''(3) SPECIAL RULE FOR 2005 PRODUCTION.—For purposes of determining eligible production for calendar year 2005—

''(A) only production after the date of enactment of this section shall be taken into account under paragraphs (1)(A) and (2)(A), and

''(B) the amount taken into account under paragraphs (1)(B) and (2)(B) shall be an amount which bears the same ratio to the amount which would (but for this paragraph) be taken into account under such paragraph as—

''(i) the number of days in calendar year 2005 after the date of enactment of this section, bears to

''(ii) 365.

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1)(A),

''(2) clothes washers described in subsection (b)(1)(B)(i),

''(3) clothes washers described in subsection (b)(1)(B)(ii),

''(4) clothes washers described in subsection (b)(1)(B)(iii),

''(5) refrigerators described in subsection (b)(1)(C)(i),

''(6) refrigerators described in subsection (b)(1)(C)(ii)(I),

''(7) refrigerators described in subsection (b)(1)(C)(ii)(II),

''(8) refrigerators described in subsection (b)(1)(C)(iii)(I), and

''(9) refrigerators described in subsection (b)(1)(C)(iii)(II).

''(e) LIMITATIONS.—

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years.

''(2) AMOUNT ALLOWED FOR CERTAIN APPLIANCES.—

''(A) IN GENERAL.—In the case of appliances described in subparagraph (C), the aggregate amount of the credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $20,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years with respect to such appliances.

''(B) ELECTION TO INCREASE ALLOWABLE CREDIT.—In the case of any taxpayer who makes an election under this subparagraph—

''(i) subparagraph (A) shall be applied by substituting '$25,000,000' for '$20,000,000', and

''(ii) the aggregate amount of the credit allowed under subsection (a) with respect to such taxpayer for any taxable year for appliances described in subparagraph (C) and the additional appliances described in subparagraph (D) shall not exceed $50,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years with respect to such appliances.

''(C) APPLIANCES DESCRIBED.—The appliances described in this subparagraph are—

''(i) clothes washers described in subsection (b)(1)(B)(i), and

''(ii) refrigerators described in subsection (b)(1)(C)(i).

''(D) ADDITIONAL APPLIANCES.—The additional appliances described in this subparagraph are—

''(i) refrigerators described in subsection (b)(1)(C)(ii)(I), and

''(ii) refrigerators described in subsection (b)(1)(C)(ii)(II).

''(3) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

''(4) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(f) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1)(A),

''(B) any clothes washer described in subsection (b)(1)(B), and

''(C) any refrigerator described in subsection (b)(1)(C).

''(2) DISHWASHER.—The term 'dishwasher' means a residential dishwasher subject to the energy conservation standards established by the Department of Energy.

''(3) CLOTHES WASHER.—The term 'clothes washer' means a residential model clothes washer, including a residential style coin operated washer.

''(4) REFRIGERATOR.—The term 'refrigerator' means a residential model automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

''(5) MEF.—The term 'MEF' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standards.

''(6) EF.—The term 'EF' means the energy factor established by the Department of Energy for compliance with the Federal energy conservation standards.

''(7) WF.—The term 'WF' means Water Factor (as determined by the Secretary of Energy).

''(8) PRODUCED.—The term 'produced' includes manufactured.

''(9) 2001 ENERGY CONSERVATION STANDARD.—The term '2001 energy conservation standard' means the energy conservation standards promulgated by the Department of Energy and effective July 1, 2001.

''(g) SPECIAL RULES.—For purposes of this section—

''(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(2) CONTROLLED GROUP.—

''(A) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single producer.

''(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

''(3) VERIFICATION.—No amount shall be allowed as a credit under subsection (a) with respect to which the taxpayer has not submitted such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (20), by striking the period at the end of paragraph (21) and inserting '', plus'', and by adding at the end the following new paragraph:

''(22) the energy efficient appliance credit determined under section 45L(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 45L. Energy efficient appliance credit''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1527. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25C the following new section:

''SEC. 25D. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 30 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year,

''(2) 30 percent of the qualified solar water heating property expenditures made by the taxpayer during such year,

''(3) 30 percent of the qualified fuel cell property expenditures made by the taxpayer during such year,

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed—

''(A) $2,000 for property described in paragraph (1) or (2) of subsection (d), and

''(B) $500 for each 0.5 kilowatt of capacity of property described in subsection (d)(4).

''(2) CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating property, such property is certified for performance by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of a photovoltaic property or a fuel cell property such property meets appropriate fire and electric code requirements.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property to heat water for use in a dwelling unit located in the United States and used as a residence by the taxpayer if at least half of the energy used by such property for such purpose is derived from the sun.

''(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property which uses solar energy to generate electricity for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

''(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

''(4) QUALIFIED FUEL CELL PROPERTY EXPENDITURE.—The term 'qualified fuel cell property expenditure' means an expenditure for qualified fuel cell property (as defined in section 48(d)(1)) installed on or in connection with a dwelling unit located in the United States and used as a principal residence (within the meaning of section 121) by the taxpayer.

''(5) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1), (2), (4), (5), or (6) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(6) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following rules shall apply:

''(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be

determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) TERMINATION.—The credit allowed under this section shall not apply to property placed in service after December 31, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', and'', and by adding at the end the following new paragraph:

''(36) to the extent provided in section 25D(f), in the case of amounts with respect to which a credit has been allowed under section 25D.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25C the following new item:

''Sec. 25D. Residential energy efficient property.''.

(c) EFFECTIVE DATES.—Except as provided by paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 1528. CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property), as amended by this Act, is amended by striking ''or'' at the end of clause (ii), by adding ''or'' at the end of clause (iii), and by inserting after clause (iii) the following new clause:

''(iv) qualified fuel cell property or qualified microturbine property,''.

(b) QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.—Section 48 (relating to energy credit) is amended by adding at the end the following new subsection:

''(d) QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.—For purposes of this subsection—

''(1) QUALIFIED FUEL CELL PROPERTY.—

''(A) IN GENERAL.—The term 'qualified fuel cell property' means a fuel cell power plant which—

''(i) has a nameplate capacity of at least 0.5 kilowatt of electricity using an electrochemical process, and

''(ii) has an electricity-only generation efficiency greater than 30 percent.

''(B) LIMITATION.—In the case of qualified fuel cell property placed in service during the taxable year, the credit otherwise determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to $500 for each 0.5 kilowatt of capacity of such property.

''(C) FUEL CELL POWER PLANT.—The term 'fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components which converts a fuel into electricity using electrochemical means.

''(D) SPECIAL RULE.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to qualified fuel cell property which is used predominantly in the trade or business of the furnishing or sale of telephone service, telegraph service by means of domestic telegraph operations, or other telegraph services (other than international telegraph services).

''(E) TERMINATION.—The term 'qualified fuel cell property' shall not include any property for any period after December 31, 2009.

''(2) QUALIFIED MICROTURBINE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified microturbine property' means a stationary microturbine power plant which—

''(i) has a nameplate capacity of less than 2,000 kilowatts, and

''(ii) has an electricity-only generation efficiency of not less than 26 percent at International Standard Organization conditions.

''(B) LIMITATION.—In the case of qualified microturbine property placed in service during the taxable year, the credit otherwise determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal $200 for each kilowatt of capacity of such property.

''(C) STATIONARY MICROTURBINE POWER PLANT.—The term 'stationary microturbine power plant' means an integrated system comprised of a gas turbine engine, a combustor, a recuperator or regenerator, a generator or alternator, and associated balance of plant components which converts a fuel into electricity and thermal energy. Such term also includes all secondary components located between the existing infrastructure for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency, and power factors.

''(D) SPECIAL RULE.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to qualified microturbine property which is used predominantly in the trade or business of the furnishing or sale of telephone service, telegraph service by means of domestic telegraph operations, or other telegraph services (other than international telegraph servvices).

''(E) TERMINATION.—The term 'qualified microturbine property' shall not include any property for any period after December 31, 2008.''.

(c) ENERGY PERCENTAGE.—Section 48(a)(2)(A) (relating to energy percentage) is amended to read as follows:

''(A) IN GENERAL.—The energy percentage is—

''(i) in the case of qualified fuel cell property, 30 percent, and

''(ii) in the case of any other energy property, 10 percent.''.

(d) CONFORMING AMENDMENT.— Section 48(a)(1) is amended by inserting ''except as provided in paragraph (1)(B) or (2)(B) of subsection (d),'' before ''the energy''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1529. BUSINESS SOLAR INVESTMENT TAX CREDIT.

(a) INCREASE IN ENERGY PERCENTAGE.—Section 48(a)(2)(A) (relating to energy percentage), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The energy percentage is—

''(i) in the case of energy property described in paragraph (3)(A)(i) and qualified fuel cell property, 30 percent, and

''(ii) in the case of any other energy property, 10 percent.''.

(b) HYBRID SOLAR LIGHTING SYSTEMS.—Clause (i) of section 48(a)(3)(A) is amended to read as follows:

''(i) equipment which uses solar energy to generate electricity for use in a structure, to heat or cool (or provide hot water for use in) a structure, to illuminate the inside of a structure using fiber-optic distributed sunlight or to provide solar process heat, excepting property used to generate energy for the purposes of heating a swimming pool,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, and before January 1, 2010, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle D—Alternative Motor Vehicles and Fuels Incentives

SEC. 1531. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

''(2) the new qualified hybrid motor vehicle credit determined under subsection (c), and

''(3) the new qualified alternative fuel motor vehicle credit determined under subsection (d).

''(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

''(A) $8,000 ($4,000 in the case of a vehicle placed in service after December 31, 2009), if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(2) INCREASE FOR FUEL EFFICIENCY.—

''(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

''(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

''(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

''(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

''(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy,

''(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2002 model year city fuel economy,

''(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2002 model year city fuel economy, and

''(vii) $4,000, if such vehicle achieves at least 300 percent of the 2002 model year city fuel economy.

''(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

''(i) In the case of a passenger automobile:

''If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

''(ii) In the case of a light truck:

''If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

''(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

''(A) which is propelled by power derived from 1 or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

''(B) which, in the case of a passenger automobile or light truck, has received on or after the date of the enactment of this section a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(C) the original use of which commences with the taxpayer,

''(D) which is acquired for use or lease by the taxpayer and not for resale, and

''(E) which is made by a manufacturer.

''(c) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2) or (3).

''(2) CREDIT AMOUNT FOR LIGHTER VEHICLES.—

''(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile, medium duty passenger vehicle, or light truck, the credit amount determined under this paragraph shall be—

''(i) $400, if such vehicle achieves at least 125 percent but less than 150 percent of the 2002 model year city fuel economy,

''(ii) $800, if such vehicle achieves at least 150 percent but less than 175 percent of the 2002 model year city fuel economy,

''(iii) $1,200, if such vehicle achieves at least 175 percent but less than 200 percent of the 2002 model year city fuel economy,

''(iv) $1,600, if such vehicle achieves at least 200 percent but less than 225 percent of the 2002 model year city fuel economy,

''(v) $2,000, if such vehicle achieves at least 225 percent but less than 250 percent of the 2002 model year city fuel economy, and

''(vi) $2,400, if such vehicle achieves at least 250 percent of the 2002 model year city fuel economy.

''(B) 2002 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2002 model year city fuel economy with respect to a vehicle shall be determined on a gasoline gallon equivalent basis as determined by the Administrator of the Environmental Protection Agency using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

''(3) CREDIT AMOUNT FOR HEAVIER VEHICLES.—

''(A) IN GENERAL.—In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle, the credit amount determined under this paragraph is an amount equal to the applicable percentage of the incremental cost of such vehicle placed in service by the taxpayer during the taxable year.

''(B) INCREMENTAL COST.—For purposes of this paragraph, the incremental cost of any heavy duty hybrid motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

''(i) $7,500, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(ii) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(iii) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''If percent increase in fuel economy of hybrid over comparable vehicle is:	**The applicable percentage is:**
At least 30 but less than 40 percent	20 percent.
At least 40 but less than 50 percent	30 percent.
At least 50 percent	40 percent.

''(4) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

''(i) which draws propulsion energy from onboard sources of stored energy which are both—

''(I) an internal combustion or heat engine using consumable fuel, and

''(II) a rechargeable energy storage system,

''(ii) which, in the case of a passenger automobile, medium duty passenger vehicle, or light truck—

''(I) has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(II) has a maximum available power of at least 5 percent,

''(iii) which, in the case of a heavy duty hybrid motor vehicle—

''(I) which has a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds, has a maximum available power of at least 10 percent, and

''(II) which has a gross vehicle weight rating of more than 14,000 pounds, has a maximum available power of at least 15 percent,

''(iv) the original use of which commences with the taxpayer,

''(v) which is acquired for use or lease by the taxpayer and not for resale, and

''(vi) which is made by a manufacturer.

''(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

''(C) MAXIMUM AVAILABLE POWER.—

''(i) PASSENGER AUTOMOBILE, MEDIUM DUTY PASSENGER VEHICLE, OR LIGHT TRUCK.—For purposes of subparagraph (A)(ii)(II), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

''(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(iii), the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. The term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

''(4) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'heavy duty hybrid motor vehicle' means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 8,500 pounds. Such term does not include a medium duty passenger vehicle.

''(d) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

''(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) 50 percent, plus

''(B) 30 percent, if such vehicle—

''(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

''(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which weighs more than 14,000 pounds gross vehicle weight rating, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Incentives Act.

''(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

''(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

''(i) which is only capable of operating on an alternative fuel,

''(ii) the original use of which commences with the taxpayer,

''(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

''(iv) which is made by a manufacturer.

''(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

''(5) CREDIT FOR MIXED-FUEL VEHICLES.—

''(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

''(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

''(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

''(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

''(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

''(ii) either—

''(I) has received a certificate of conformity under the Clean Air Act, or

''(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

''(iii) the original use of which commences with the taxpayer,

''(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

''(v) which is made by a manufacturer.

''(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

''(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '90/10 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

''(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(2) the tentative minimum tax for the taxable year.

''(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

''(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'medium duty passenger vehicle', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (e)).

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter—

''(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (d) shall be reduced by the amount of such credit attributable to such cost, and

''(B) with respect to a vehicle described under subsection (b) or (c), shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in

service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (e)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this section. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(g) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(h) TERMINATION.—This section shall not apply to any property purchased after—

''(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2014,

''(2) in the case of a new qualified hybrid motor vehicle (as described in subsection (c)), December 31, 2009, and

''(3) in the case of a new qualified alternative fuel vehicle (as described in subsection (d)), December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30B(f)(4).''.

(2) Section 55(c)(2), as amended by this Act, is amended by inserting ''30B(e),'' after ''30(b)(2),''.

(3) Section 6501(m) is amended by inserting ''30B(f)(9),'' after ''30(d)(4),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

''Sec. 30B. Alternative motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1532. MODIFICATION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Section 30(a) (relating to allowance of credit) is amended by striking ''10 percent of''.

(2) LIMITATION OF CREDIT ACCORDING TO TYPE OF VEHICLE.—Paragraph (1) of section 30(b) (relating to limitations) is amended to read as follows:

''(1) LIMITATION ACCORDING TO TYPE OF VEHICLE.—The amount of the credit allowed under subsection (a) for any vehicle shall not exceed the greatest of the following amounts applicable to such vehicle:

''(A) In the case of a vehicle with a gross vehicle weight rating not exceeding 8,500 pounds—

''(i) except as provided in clause (ii) or (iii), $4,000,

''(ii) $6,000, if such vehicle is—

''(I) capable of a driving range of at least 100 miles on a single charge of the vehicle's rechargeable batteries as measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations, or

''(II) capable of a payload capacity of at least 1,000 pounds, and

''(iii) if such vehicle is a low-speed vehicle which conforms to Standard 500 prescribed by the Secretary of Transportation (49 C.F.R. 571.500), as in effect on the date of the enactment of the Energy Tax Incentives Act, the lesser of—

''(I) 10 percent of the manufacturer's suggested retail price of the vehicle, or

''(II) $1,500.

''(B) In the case of a vehicle with a gross vehicle weight rating exceeding 8,500 but not exceeding 14,000 pounds, $10,000.

''(C) In the case of a vehicle with a gross vehicle weight rating exceeding 14,000 but not exceeding 26,000 pounds, $20,000.

''(D) In the case of a vehicle with a gross vehicle weight rating exceeding 26,000 pounds, $40,000.''.

(b) QUALIFIED BATTERY ELECTRIC VEHICLE.—

(1) IN GENERAL.—Section 30(c)(1)(A) (defining qualified electric vehicle) is amended to read as follows:

''(A) which is—

''(i) operated solely by use of a battery or battery pack, or

''(ii) powered primarily through the use of an electric battery or battery pack using a flywheel or capacitor which stores energy produced by an electric motor through regenerative braking to assist in vehicle operation,''.

(2) LEASED VEHICLES.—Section 30(c)(1)(C) is amended by inserting ''or lease'' after ''use''.

(3) CONFORMING AMENDMENTS.—

(A) Subsections (a), (b)(2), and (c) of section 30 are each amended by inserting ''battery'' after ''qualified'' each place it appears.

(B) The heading of subsection (c) of section 30 is amended by inserting ''BATTERY'' after ''QUALIFIED''.

(C) The heading of section 30 is amended by inserting ''**BATTERY**'' after ''**QUALIFIED**''.

(D) The item relating to section 30 in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting ''battery'' after ''qualified''.

(E) Section 179A(c)(3) is amended by inserting ''battery'' before ''electric''.

(F) The heading of paragraph (3) of section 179A(c) is amended by inserting ''BATTERY'' before ''ELECTRIC''.

(c) ADDITIONAL SPECIAL RULES.—

(1) IN GENERAL.—Section 30(d) (relating to special rules) is amended by adding at the end the following new paragraphs:

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(3)).

''(7) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (b)(2) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year, except that no excess may be carried to a taxable year beginning before the date of the enactment of this paragraph. The preceding sentence shall not apply to any credit carryback if such credit carryback is attributable to property for which a deduction for depreciation is not allowable.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).''.

(2) CONFORMING AMENDMENTS.—Section 30(d)(3) is amended—

(A) by striking ''section 50(b)'' and inserting ''section 50(b)(1)'', and

(B) by striking '', ETC.,'' in the heading thereof.

(d) TERMINATION.—Section 30(e) (relating to termination) is amended by striking ''2006'' and inserting ''2009''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1533. CREDIT FOR INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits), as amended by this Act, is amended

by adding at the end the following new section:

"SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

''(1) $30,000 in the case of a property of a character subject to an allowance for depreciation, and

''(2) $1,000 in any other case.

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, and hydrogen.

''(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

''(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

''(2) the tentative minimum tax for the taxable year.

''(e) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

''(f) SPECIAL RULES.—For purposes of this section—

''(1) BASIS REDUCTION.—The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

''(2) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

''(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(6) RECAPTURE RULES.—Rules similar to the rules of section 179A(e)(4) shall apply.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(h) TERMINATION.—This section shall not apply to any property placed in service—

''(1) in the case of property relating to hydrogen, after December 31, 2014, and

''(2) in the case of any other property, after December 31, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30C(f).''.

(2) Section 55(c)(2), as amended by this Act, is amended by inserting ''30C(e),'' after ''30B(e),''.

(3) Section 6501(m) is amended by inserting ''30C(f)(5),'' after ''30B(f)(9),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

''Sec. 30C. Clean-fuel vehicle refueling property credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 1534. VOLUMETRIC EXCISE TAX CREDIT FOR ALTERNATIVE FUELS.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Section 4041(a)(2)(B) (relating to rate of tax) is amended—

(A) by adding ''and'' at the end of clause (i),

(B) by striking clauses (ii) and (iii),

(C) by striking the last sentence, and

(D) by adding after clause (i) the following new clause:

''(ii) in the case of liquefied natural gas, any liquid fuel (other than ethanol and methanol) derived from coal (including peat), and liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)), 24.3 cents per gallon.''.

(2) TREATMENT OF COMPRESSED NATURAL GAS.—Section 4041(a)(3) (relating to compressed natural gas) is amended—

(A) by striking ''48.54 cents per MCF (determined at standard temperature and pressure)'' in subparagraph (A) and inserting ''18.3 cents per energy equivalent of a gallon of gasoline'', and

(B) by striking ''MCF'' in subparagraph (C) and inserting ''energy equivalent of a gallon of gasoline''.

(3) ZERO RATE FOR HYDROGEN.—Section 4041(a)(2)(A) is amended by inserting ''liquefied hydrogen,'' after ''fuel oil,''.

(4) NEW REFERENCE.—The heading for paragraph (2) of section 4041(a) is amended by striking ''SPECIAL MOTOR FUELS'' and inserting ''ALTERNATIVE FUELS''.

(b) CREDIT FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426(a) (relating to allowance of credits) is amended to read as follows:

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit—

''(1) against the tax imposed by section 4081 an amount equal to the sum of the credits described in subsections (b), (c), and (e), and

''(2) against the tax imposed by section 4041 an amount equal to the sum of the credits described in subsection (d).

No credit shall be allowed in the case of the credits described in subsections (d) and (e) unless the taxpayer is registered under section 4101.

(2) ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426 (relating to credit for alcohol fuel and biodiesel mixtures) is amended by redesignating subsections (d) and (e) as subsections (f) and (g) and by inserting after subsection (c) the following new subsections:

''(d) ALTERNATIVE FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alternative fuel credit is the product of 50 cents and the number of gallons of an alternative fuel or gasoline gallon equivalents of a nonliquid alternative fuel sold by the taxpayer for use as a fuel in a motor vehicle or motorboat, or so used by the taxpayer.

''(2) ALTERNATIVE FUEL.—For purposes of this section, the term 'alternative fuel' means—

''(A) liquefied petroleum gas,

''(B) P Series Fuels (as defined by the Secretary of Energy under section 13211(2) of title 42, United States Code),

''(C) compressed or liquefied natural gas,

''(D) hydrogen,

''(E) any liquid fuel derived from coal (including peat) through the Fischer-Tropsch process,

''(F) liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)).

Such term does not include ethanol, methanol, or biodiesel.

''(3) GASOLINE GALLON EQUIVALENT.—For purposes of this subsection, the term 'gasoline gallon equivalent' means, with respect to any nonliquid alternative fuel, the amount of such fuel having a Btu content of 124,800 (higher heating value).

''(4) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.

''(e) ALTERNATIVE FUEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alternative fuel mixture credit is the product of 50 cents and the number of gallons of alternative fuel used by the taxpayer in producing any alternative fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) ALTERNATIVE FUEL MIXTURE.—For purposes of this section, the term 'alternative fuel mixture' means a mixture of alternative fuel and taxable fuel (as defined in subparagraph (A), (B), or (C) of section 4083(a)(1)) which—

''(A) is sold by the taxpayer producing such mixture to any person for use as fuel, or

''(B) is used as a fuel by the taxpayer producing such mixture.

''(3) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.''.

(3) CONFORMING AMENDMENTS.—

(A) The section heading for section 6426 is amended by striking ''**ALCOHOL FUEL AND BIODIESEL**'' and inserting ''**ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL**''.

(B) The table of sections for subchapter B of chapter 65 is amended by striking ''alcohol fuel and biodiesel'' in the item relating to section 6426 and inserting ''alcohol fuel, biodiesel, and alternative fuel''.

(C) Section 6427(e) is amended—

(i) by inserting ''or the alternative fuel mixture credit'' after ''biodiesel mixture credit'' in paragraph (1),

(ii) by redesignating paragraph (2) as paragraph (3) and paragraph (4) as paragraph (5),

(iii) by inserting after paragraph (1) the following new paragraph:

''(2) ALTERNATIVE FUEL.—If any person sells or uses an alternative fuel (as defined in section 6426(d)(2)) for a purpose described in section 6426(d)(1) in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alternative fuel credit with respect to such fuel.'',

(iv) by striking ''under paragraph (1) with respect to any mixture'' in paragraph (3) (as redesignated by clause (ii)) and inserting ''under paragraph (1) or (2) with respect to any mixture or alternative fuel'',

(v) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

''(4) REGISTRATION REQUIREMENT FOR ALTERNATIVE FUELS.—The Secretary shall not make any payment under this subsection to any person with respect to any alternative fuel credit or alternative fuel mixture credit unless the person is registered under section 4101.'',

(vi) by striking ''and'' at the end of paragraph (5)(A) (as redesignated by clause (ii)),

(vii) by striking the period at the end of paragraph (5)(B) (as so redesignated) and inserting a comma,

(viii) by adding at the end of paragraph (4) (as so redesignated) the following new subparagraphs:

''(C) except as provided in subparagraph (D), any alternative fuel or alternative fuel mixture (as defined in section 6426 (d)(2) or (e)(3)) sold or used after September 30, 2009, and

''(D) any alternative fuel or alternative fuel mixture (as so defined) involving hydrogen sold or used after December 31, 2014.'', and

(ix) by striking ''OR BIODIESEL USED TO PRODUCE ALCOHOL FUEL AND BIODIESEL MIXTURES'' in the heading and inserting '', BIODIESEL, OR ALTERNATIVE FUEL''.

(c) ADDITIONAL REGISTRATION REQUIREMENTS.—Section 4101(a)(1) (relating to registration) is amended—

(1) by striking ''4041(a)(1)'' and inserting ''4041(a)'', and

(2) by inserting ''or hydrogen'' before ''shall register''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after September 30, 2006.

SEC. 1535. EXTENSION OF EXCISE TAX PROVISIONS AND INCOME TAX CREDIT FOR BIODIESEL.

(a) IN GENERAL.—Sections 40A(e), 6426(c)(6), and 6427(e)(4)(B) are each amended by striking ''2006'' and inserting ''2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle E—Additional Energy Tax Incentives

SEC. 1541. TEN-YEAR RECOVERY PERIOD FOR UNDERGROUND NATURAL GAS STORAGE FACILITY PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(e)(3) (relating to 10-year property) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) any qualified underground natural gas storage facility property.''.

(b) DEFINITION.—Section 168(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(17) QUALIFIED UNDERGROUND NATURAL GAS STORAGE FACILITY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified underground natural gas storage facility property' means any underground natural gas storage facility and any equipment related to such facility, including any nonrecoverable cushion gas, the original use of which commences with the taxpayer.

''(B) CUSHION GAS.—The term 'cushion gas' means the minimum volume of natural gas necessary to provide the pressure to facilitate the flow of natural gas from a storage reservoir, aquifer, or cavern to a pipeline.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1542. EXPANSION OF RESEARCH CREDIT.

(a) CREDIT FOR EXPENSES ATTRIBUTABLE TO CERTAIN COLLABORATIVE ENERGY RESEARCH CONSORTIA.—

(1) IN GENERAL.—Section 41(a) (relating to credit for increasing research activities) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium.''.

(2) ENERGY RESEARCH CONSORTIUM DEFINED.—Section 41(f) (relating to special rules) is amended by adding at the end the following new paragraph:

''(6) ENERGY RESEARCH CONSORTIUM.—

''(A) IN GENERAL.—The term 'energy research consortium' means any organization—

''(i) which is—

''(I) described in section 501(c)(3) and is exempt from tax under section 501(a) and is organized and operated primarily to conduct energy research, or

''(II) organized and operated primarily to conduct energy research in the public interest (within the meaning of section 501(c)(3)),

''(ii) which is not a private foundation,

''(iii) to which at least 5 unrelated persons paid or incurred during the calendar year in which the taxable year of the organization begins amounts (including as contributions) to such organization for energy research, and

''(iv) to which no single person paid or incurred (including as contributions) during such calendar year an amount equal to more than 50 percent of the total amounts received by such organization during such calendar year for energy research.

''(B) TREATMENT OF PERSONS.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as related persons for purposes of subparagraph (A)(iii) and as a single person for purposes of subparagraph (A)(iv).''.

(3) CONFORMING AMENDMENT.—Section 41(b)(3)(C) is amended by inserting ''(other than an energy research consortium)'' after ''organization''.

(b) REPEAL OF LIMITATION ON CONTRACT RESEARCH EXPENSES PAID TO SMALL BUSINESSES, UNIVERSITIES, AND FEDERAL LABORATORIES.—Section 41(b)(3) (relating to contract research expenses) is amended by adding at the end the following new subparagraph:

''(D) AMOUNTS PAID TO ELIGIBLE SMALL BUSINESSES, UNIVERSITIES, AND FEDERAL LABORATORIES.—

''(i) IN GENERAL.—In the case of amounts paid by the taxpayer to—

''(I) an eligible small business,

''(II) an institution of higher education (as defined in section 3304(f)), or

''(III) an organization which is a Federal laboratory,

for qualified research which is energy research, subparagraph (A) shall be applied by substituting '100 percent' for '65 percent'.

''(ii) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' means a small business with respect to which the taxpayer does not own (within the meaning of section 318) 50 percent or more of—

''(I) in the case of a corporation, the outstanding stock of the corporation (either by vote or value), and

''(II) in the case of a small business which is not a corporation, the capital and profits interests of the small business.

''(iii) SMALL BUSINESS.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'small business' means, with respect to any calendar year, any person if the annual average number of employees employed by such person during either of the 2 preceding calendar years was 500 or fewer. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the person was in existence throughout the year.

''(II) STARTUPS, CONTROLLED GROUPS, AND PREDECESSORS.—Rules similar to the rules of subparagraphs (B) and (D) of section 220(c)(4) shall apply for purposes of this clause.

''(iv) FEDERAL LABORATORY.—For purposes of this subparagraph, the term 'Federal laboratory' has the meaning given such term by section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)), as in effect on the date of the enactment of the Energy Tax Incentives Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1543. SMALL AGRI-BIODIESEL PRODUCER CREDIT.

(a) IN GENERAL.—Subsection (a) of section 40A (relating to biodiesel used as a fuel) is amended to read as follows:

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the biodiesel mixture credit, plus

''(2) the biodiesel credit, plus

''(3) in the case of an eligible small agri-biodiesel producer, the small agri-biodiesel producer credit.''.

(b) SMALL AGRI-BIODIESEL PRODUCER CREDIT DEFINED.—Section 40A(b) (relating to definition of biodiesel mixture credit and biodiesel credit) is amended by adding at the end the following new paragraph:

''(5) SMALL AGRI-BIODIESEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The small agri-biodiesel producer credit of any eligible small agri-biodiesel producer for any taxable year is 10 cents for each gallon of qualified agri-biodiesel production of such producer.

''(B) QUALIFIED AGRI-BIODIESEL PRODUCTION.—For purposes of this paragraph, the term 'qualified agri-biodiesel production' means any agri-biodiesel which is produced by an eligible small agri-biodiesel producer, and which during the taxable year—

''(i) is sold by such producer to another person—

''(I) for use by such other person in the production of a qualified biodiesel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such agri-biodiesel at retail to another person and places such agri-biodiesel in the fuel tank of such other person, or

''(ii) is used or sold by such producer for any purpose described in clause (i).

''(C) LIMITATION.—The qualified agri-biodiesel production of any producer for any taxable year shall not exceed 15,000,000 gallons.''.

(c) DEFINITIONS AND SPECIAL RULES.—Section 40A is amended by redesignating subsection (e) as subsection (f) and by inserting

after subsection (d) the following new subsection:

''(e) DEFINITIONS AND SPECIAL RULES FOR SMALL AGRI-BIODIESEL PRODUCER CREDIT.—For purposes of this section—

''(1) ELIGIBLE SMALL AGRI-BIODIESEL PRODUCER.—The term 'eligible small agri-biodiesel producer' means a person who, at all times during the taxable year, has a productive capacity for agri-biodiesel not in excess of 60,000,000 gallons.

''(2) AGGREGATION RULE.—For purposes of the 15,000,000 gallon limitation under subsection (b)(5)(C) and the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(3) PARTNERSHIP, S CORPORATION, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitations contained in subsection (b)(5)(C) and paragraph (1) shall be applied at the entity level and at the partner or similar level.

''(4) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

''(5) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary—

''(A) to prevent the credit provided for in subsection (a)(3) from directly or indirectly benefiting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of agri-biodiesel during the taxable year, or

''(B) to prevent any person from directly or indirectly benefiting with respect to more than 15,000,000 gallons during the taxable year.

''(6) ALLOCATION OF SMALL AGRI-BIODIESEL CREDIT TO PATRONS OF COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—

''(i) ORGANIZATIONS.—The amount of the credit not apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under subsection (a)(3) for the taxable year of the organization.

''(ii) PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under such subsection for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(iii) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of the organization determined under such subsection for a taxable year is less than the amount of such credit shown on the return of the organization for such year, an amount equal to the excess of—

''(I) such reduction, over

''(II) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (4) of section 40A(b) is amended by striking ''this section'' and inserting ''paragraph (1) or (2) of subsection (a)''.

(2) The heading of subsection (b) of section 40A is amended by striking ''AND BIODIESEL CREDIT'' and inserting '', BIODIESEL CREDIT, AND SMALL AGRI-BIODIESEL PRODUCER CREDIT''.

(3) Paragraph (3) of section 40A(d) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) PRODUCER CREDIT.—If—

''(i) any credit was determined under subsection (a)(3), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(B),

then there is hereby imposed on such person a tax equal to 10 cents a gallon for each gallon of such agri-biodiesel.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1544. IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.

(a) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking ''30,000,000'' each place it appears and inserting ''60,000,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1545. CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

''SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

''(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed 15 percent of the cost of such qualified recycling equipment.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RECYCLING EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping, employed in sorting or processing residential and commercial qualified recyclable materials for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging. Such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

''(B) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

''(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means any packaging or printed material which is glass, paper, plastic, steel, or aluminum generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

''(3) PROCESSING.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

''(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

''(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

''(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

''(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting '', plus'', and by adding at the end the following new paragraph:

''(23) the qualified recycling equipment credit determined under section 45M(a).''.

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting ''; and'', and by adding at the end the following new paragraph:

''(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

''Sec. 45M. Credit for qualified recycling equipment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 1546. 5-YEAR NET OPERATING LOSS CARRYOVER IF ANY RESULTING REFUND IS USED FOR ELECTRIC TRANSMISSION EQUIPMENT.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by adding at the end the following new subparagraph:

''(I) TRANSMISSION PROPERTY INVESTMENT.—

''(i) IN GENERAL.—In the case of a net operating loss in a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 years preceding the taxable year of such loss to the extent that any refund resulting from such carryback is used for electric transmission property capital expenditures or pollution control facility capital expenditures.

''(ii) REFUND CLAIM.—Any refund resulting from the application of clause (i) may be claimed by the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, except that the portion of such refund which may be claimed during any taxable year shall not exceed the sum of the taxpayer's electric transmission property capital expenditures and pollution control facility capital expenditures made in the preceding taxable year.

''(iii) CARRYOVER OF EXCESS REFUNDS.—Any portion of such refund that exceeds the sum of the taxpayer's electric transmission property capital expenditures and pollution control facility capital expenditures made during the preceding taxable year shall, subject to clause (ii), be considered a refund due to the taxpayer and claimed in the succeeding taxable year if such taxable year begins before January 1, 2009.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) ELECTRIC TRANSMISSION PROPERTY CAPITAL EXPENDITURES.—The term 'electric transmission property capital expenditures' means any expenditure, chargeable to capital account, made by the taxpayer which is attributable to electric transmission property used in the transmission at 69 or more kilovolts of electricity for sale.

''(II) POLLUTION CONTROL FACILITY CAPITAL EXPENDITURES.—The term 'pollution control facility capital expenditures' means any expenditure, chargeable to capital account, made by an electric utility company (as defined in section 2(3) of the Public Utility Holding Company Act (15 U.S.C. 79b(3)) which is attributable to a facility which will qualify as a certified pollution control facility as determined under section 169(d)(1) by striking 'before January 1, 1976,' and by substituting 'an identifiable' for 'a new identifiable'.''

(b) ELECTION TO DISREGARD CARRYBACK.—Section 172(j) (relating to disregard 5-year carryback for certain net operating losses) is amended by inserting ''or (b)(1)(I)'' after ''(b)(1)(H)'' both places it appears.

(c) APPLICATION.—In the case of a net operating loss described in section 172(b)(1)(I) of the Internal Revenue Code of 1986 (as added by subsection (a)) for a taxable year ending in 2003, 2004, or 2005, any election made under section 172(j) of such Code (as amended by subsection (b)) shall be treated as timely made if made before January 1, 2009.

SEC. 1547. CREDIT FOR QUALIFYING POLLUTION CONTROL EQUIPMENT.

(a) ALLOWANCE OF QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.—Section 46 (relating to amount of credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following new paragraph:

''(6) the qualifying pollution control equipment credit.''.

(b) AMOUNT OF QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING POLLUTION CONTROL EQUIPMENT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying pollution control equipment credit for any taxable year is an amount equal to 15 percent of the basis of the qualifying pollution control equipment placed in service at a qualifying facility during such taxable year.

''(b) QUALIFYING POLLUTION CONTROL EQUIPMENT.—For purposes of this section, the term 'qualifying pollution control equipment' means any technology installed in or on a qualifying facility to reduce air emissions of any pollutant regulated by the Environmental Protection Agency under the Clean Air Act, including thermal oxidizers, regenerative thermal oxidizers, scrubber systems, evaporative control systems, vapor recovery systems, flair systems, bag houses, cyclones, continuous emissions monitoring systems, and low nitric oxide burners.

''(c) QUALIFYING FACILITY.—For purposes of this section, the term 'qualifying facility' means any facility which produces not less than 1,000,000 gallons of ethanol during the taxable year.

''(d) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(e) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.''.

(c) RECAPTURE OF CREDIT WHERE EMISSIONS REDUCTION OFFSET IS SOLD.—Paragraph (1) of section 50(a) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE FOR QUALIFYING POLLUTION CONTROL EQUIPMENT.—For purposes of subparagraph (A), any investment property which is qualifying pollution control equipment (as defined in section 48D(b)) shall cease to be investment credit property with respect to a taxpayer if such taxpayer receives a payment in exchange for a credit for emission reductions attributable to such qualifying pollution control equipment for purposes of an offset requirement under part D of title I of the Clean Air Act.''.

(d) SPECIAL RULE FOR BASIS REDUCTION; RECAPTURE OF CREDIT.—Paragraph (3) of section 50(c) (relating to basis adjustment to investment credit property), as amended by this Act, is amended by inserting ''or qualifying pollution control equipment credit'' after ''energy credit''.

(e) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) the basis of any qualifying pollution control equipment.''

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

''48D. Qualifying pollution control equipment.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1548. CREDIT FOR PRODUCTION OF COAL OWNED BY INDIAN TRIBES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

''SEC. 45N. CREDIT FOR PRODUCTION OF COAL OWNED BY INDIAN TRIBES.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the Indian coal production credit determined under this section for the taxable year is an amount equal to the product of—

''(1) the applicable dollar amount for the calendar year in which the taxable year begins, and

''(2) the number of tons of Indian coal—

''(A) the production of which is attributable to the taxpayer (determined under rules similar to the rules under section 29(d)(3)), and

''(B) which is sold by the taxpayer to an unrelated person during the taxable year.

''(b) INDIAN COAL.—For purposes of this section—

''(1) IN GENERAL.—The term 'Indian coal' means coal which is produced from coal reserves which, on June 14, 2005—

''(A) were owned by an Indian tribe, or

''(B) were held in trust by the United States for the benefit of an Indian tribe or its members.

''(2) INDIAN TRIBE.—For purposes of this subsection, the term 'Indian tribe' has the meaning given such term by section 7871(c)(3)(E)(ii).

''(c) OTHER TERMS.—For purposes of this section—

''(1) APPLICABLE DOLLAR AMOUNT.—

''(A) IN GENERAL.—The term 'applicable dollar amount' means—

''(i) $1.50 in the case of calendar years 2006 through 2009, and

''(ii) $2.00 in the case of calendar years beginning after 2009.

''(B) INFLATION ADJUSTMENT.—In the case of any calendar year after 2006, each of the dollar amounts under subparagraph (A) shall be equal to the product of such dollar amount and the inflation adjustment factor determined under section 45(e)(2)(B) for the calendar year, except that such section shall be applied by substituting '2005' for '1992'.

''(2) UNRELATED PERSON.—The term 'unrelated person' has the same meaning as when such term is used in section 45.

''(d) TERMINATION.—This section shall not apply to sales after December 31, 2012.''

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting '', plus'', and by adding at the end the following new paragraph:

''(24) the Indian coal production credit determined under section 45N(a).''.

(c) ALLOWANCE AGAINST MINIMUM TAX.—Section 38(c)(4) (relating to specified credits) is amended by striking the period at the end of clause (ii) and inserting '', or'' and by adding at the end the following:

''(iii) the credit determined under section 45N.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1549. CREDIT FOR REPLACEMENT STOVES MEETING ENVIRONMENTAL STANDARDS IN NON-ATTAINMENT AREAS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25D the following new section:

"SEC. 25E. REPLACEMENT STOVES IN AREAS WITH POOR AIR QUALITY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser—

''(1) the qualified stove replacement expenditures of the taxpayer for the taxable year, or

''(2) $500 multiplied by the number of noncompliant wood stoves replaced by the taxpayer during the taxable year.

''(b) QUALIFIED STOVE REPLACEMENT EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified stove replacement expenditures' means expenditures made by the taxpayer for the installation of a compliant stove which—

''(A) is installed in a dwelling unit which—

''(i) is located in the United States in an area which, at the time of the installation, is designated by the Environmental Protection Agency as a non-attainment area for particulate matter less than 2.5 micrometers in diameter or a non-attainment area for particulate matter less than 10 micrometers in diameter, and

''(ii) is used as a residence, and

''(B) replaces a noncompliant wood stove used in the dwelling unit.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the compliant stove.

''(2) COMPLIANT STOVE.—The term 'compliant stove' means a solid fuel burning stove which meets the requirements set forth in the 'Standards of Performance for Residential Wood Heaters' issued by the Environmental Protection Agency.

''(3) NONCOMPLIANT WOOD STOVE.—The term 'noncompliant wood stove' means any wood stove other than a compliant stove.

''(c) OTHER RULES.—Rules similar to the rules of paragraphs (3) and (4) of section 25C(d) shall apply for purposes of this section.

''(d) BASIS ADJUSTMENT.—If an expenditure to which this section applies results in an increase in basis in any property, the increase shall be reduced by the amount of the credit allowed under this section with respect to the expenditure.

''(e) TERMINATION.—This section shall not apply to expenditures made after December 31, 2008.''

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by this Act, is amended by striking ''and'' at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting '', and'', and by adding at the end the following new paragraph:

''(40) to the extent provided in section 25E(e), in the case of amounts with respect to which a credit has been allowed under section 25E.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Replacement stoves in areas with poor air quality.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to expenditures for stoves purchased after the date of the enactment of this Act.

SEC. 1550. EXEMPTION FOR EQUIPMENT FOR TRANSPORTING BULK BEDS OF FARM CROPS FROM EXCISE TAX ON RETAIL SALE OF HEAVY TRUCKS AND TRAILERS.

(a) IN GENERAL.—Section 4053 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(9) BULK BEDS FOR TRANSPORTING FARM CROPS.—Any box, container, receptacle, bin, or other similar article the length of which does not exceed 26 feet, which is mounted or placed on an automobile truck, and which is sold to a person who certifies to the seller that—

''(A) such person is actively engaged in the trade or business of farming, and

''(B) the primary use of the article is to haul to farms (and on farms) farm crops grown in connection with such trade or business.''.

(b) RECAPTURE OF TAX UPON RESALE OR NONEXEMPT USE.—Section 4052 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) IMPOSITION OF TAX ON SALES, ETC., WITHIN 2 YEARS OF BULK BEDS FOR TRANSPORTING FARM CROPS PURCHASED TAX-FREE.—

''(1) IN GENERAL.—If—

''(A) no tax was imposed under section 4051 on the first retail sale of any article described in section 4053(9) by reason of its exempt use, and

''(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article, then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

''(2) EXEMPT USE.—For purposes of this subsection, the term 'exempt use' means any use of an article described in section 4053(9) if the first retail sale of such article is not taxable under section 4051 by reason of such use.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after September 30, 2005.

SEC. 1551. NATIONAL ACADEMY OF SCIENCES STUDY AND REPORT.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to define and evaluate the health, environmental, security, and infrastructure external costs and benefits associated with the production and consumption of energy that are not or may not be fully incorporated into the market price of such energy, or into the Federal tax or fee or other applicable revenue measure related to such production or consumption.

(b) REPORT.—Not later than 2 years after the date on which the agreement under subsection (a) is entered into, the National Academy of Sciences shall submit to Congress a report on the study conducted under subsection (a).

Subtitle F—Revenue Raising Provisions

SEC. 1561. TREATMENT OF KEROSENE FOR USE IN AVIATION.

(a) ALL KEROSENE TAXED AT HIGHEST RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) (relating to rates of tax) is amended by adding ''and'' at the end of clause (ii), by striking '', and'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

(2) EXCEPTION FOR USE IN AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN AVIATION.—In the case of kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in aviation, the rate of tax under subparagraph (A)(iii) shall be—

''(i) in the case of use for commercial aviation by a person registered for such use under section 4101, 4.3 cents per gallon, and

''(ii) in the case of use for aviation not described in clause (i), 21.8 cents per gallon.''.

(3) APPLICABLE RATE IN CASE OF CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS.—Section 4081(a)(3) (relating to certain refueler trucks, tankers, and tank wagons treated as terminals) is amended—

(A) by striking ''a secured area of'' in subparagraph (A)(i), and

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

''(D) APPLICABLE RATE.—For purposes of paragraph (2)(C), in the case of any kerosene treated as removed from a terminal by reason of this paragraph—

''(i) the rate of tax specified in paragraph (2)(C)(i) in the case of use described in such paragraph shall apply if such terminal is located within a secured area of an airport, and

''(ii) the rate of tax specified in paragraph (2)(C)(ii) shall apply in all other cases.''.

(4) CONFORMING AMENDMENTS.—

(A) Sections 4081(a)(3)(A) and 4082(b) are amended by striking ''aviation-grade'' each place it appears.

(B) Section 4081(a)(4) is amended by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(C)(i)''.

(C) The heading for paragraph (4) of section 4081(a) is amended by striking ''AVIATION-GRADE''.

(D) Section 4081(d)(2) is amended by striking so much as precedes subparagraph (A) and inserting the following:

''(2) AVIATION FUELS.—The rates of tax specified in subsections (a)(2)(A)(ii) and (a)(2)(C)(ii) shall be 4.3 cents per gallon—''.

(E) Subsection (e) of section 4082 is amended—

(i) by striking ''aviation-grade'',

(ii) by striking ''section 4081(a)(2)(A)(iv)'' and inserting ''section 4081(a)(2)(A)(iii)'', and

(iii) by striking ''Aviation-Grade Kerosene'' in the heading thereof and inserting ''Kerosene Removed Into an Aircraft''.

(b) REDUCED RATE FOR USE OF CERTAIN LIQUIDS IN AVIATION.—

(1) IN GENERAL.—Subsection (c) of section 4041 (relating to imposition of tax) is amended—

(A) by striking ''aviation-grade kerosene'' in paragraph (1) and inserting ''any liquid for use as a fuel other than aviation gasoline'',

(B) by striking ''aviation-grade kerosene'' in paragraph (2) and inserting ''liquid for use as a fuel other than aviation gasoline'',

(C) by striking paragraph (3) and inserting the following new paragraph:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be 21.8 cents per gallon (4.3 cents per gallon with respect to any sale or use for commercial aviation).'', and

(D) by striking ''Aviation-Grade Kerosene'' in the heading thereof and inserting ''Certain Liquids Used as a Fuel in Aviation''.

(2) PARTIAL REFUND OF FULL RATE.—

(A) IN GENERAL.—Paragraph (2) of section 6427(l) (relating to nontaxable uses of diesel fuel, kerosene and aviation fuel) is amended to read as follows:

''(2) NONTAXABLE USE.—For purposes of this subsection, the term 'nontaxable use' means any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax.''.

(B) REFUNDS FOR NONCOMMERCIAL AVIATION.—Section 6427(l) (relating to nontaxable uses of diesel fuel, kerosene and aviation

fuel) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—

''(A) IN GENERAL.—In the case of kerosene used in aviation not described in paragraph (4)(A) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—The amount which would be paid under paragraph (1) with respect to any kerosene shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) CONFORMING AMENDMENTS.—

(A) Section 4041(a)(1)(B) is amended by striking the last sentence.

(B) The heading for subsection (l) of section 6427 is amended by striking '', Kerosene and Aviation Fuel'' and inserting ''and Kerosene''.

(C) Section 4082(d)(2)(B) is amended by striking ''section 6427(l)(5)(B)'' and inserting ''section 6427(l)(6)(B)''.

(D) Section 6427(i)(4)(A) is amended—

(i) by striking ''paragraph (4)(B) or (5)'' both places it appears and inserting ''paragraph (4)(B), (5), or (6)'', and

(ii) by striking ''subsection (b)(4) and subsection (l)(5)'' in the last sentence and inserting ''subsections (b)(4), (l)(5), and (l)(6)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''aviation-grade'' in subparagraph (A),

(ii) by striking ''section 4081(a)(2)(A)(iv)'' and inserting ''section 4081(a)(2)(iii)'',

(iii) by striking ''aviation-grade kerosene'' in subparagraph (B) and inserting ''kerosene used in commercial aviation as described in subparagraph (A)'', and

(iv) by striking ''AVIATION-GRADE KEROSENE'' in the heading thereof and inserting ''KEROSENE USED IN COMMERCIAL AVIATION''.

(F) Section 6427(l)(6)(B), as redesignated by paragraph (2)(B), is amended by striking ''aviation-grade kerosene'' and inserting ''kerosene used in aviation''.

(c) TRANSFERS FROM HIGHWAY TRUST FUND OF TAXES ON FUELS USED IN AVIATION TO AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund) is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM THE TRUST FUND FOR CERTAIN AVIATION FUEL TAXES.—The Secretary shall pay at least monthly from the Highway Trust Fund into the Airport and Airway Trust Fund amounts (as determined by the Secretary) equivalent to the taxes received on or after October 1, 2005, and before October 1, 2011, under section 4081 with respect to so much of the rate of tax as does not exceed—

''(A) 4.3 cents per gallon of kerosene with respect to which a payment has been made by the Secretary under section 6427(l)(4), and

''(B) 21.8 cents per gallon of kerosene with respect to which a payment has been made by the Secretary under section 6427(l)(5).

Transfers under the preceding sentence shall be made on the basis of estimates by the Secretary, and proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 9502(a) is amended by striking ''appropriated or credited to the Airport and Airway Trust Fund as provided in this section or section 9602(b)'' and inserting ''appropriated, credited, or paid into the Airport and Airway Trust Fund as provided in this section, section 9503(c)(7), or section 9602(b)''.

(B) Section 9502(b)(1) is amended—

(i) by striking ''subsections (c) and (e) of section 4041'' in subparagraph (A) and inserting ''section 4041(c)'', and

(ii) by striking ''and aviation-grade kerosene'' in subparagraph (C) and inserting ''and kerosene to the extent attributable to the rate specified in section 4081(a)(2)(C)''.

(C) Section 9503(b) is amended by striking paragraph (3).

(d) CERTAIN REFUNDS NOT TRANSFERRED FROM AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(2) (relating to transfers from Airport and Airway Trust Fund on account of certain refunds) is amended by inserting ''(other than subsections (l)(4) and (l)(5) thereof)'' after ''or 6427 (relating to fuels not used for taxable purposes)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels or liquids removed, entered, or sold after September 30, 2005.

SEC. 1562. REPEAL OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—Subparagraph (A) of section 6427(l)(6) (relating to registered vendors to administer claims for refund of diesel fuel or kerosene sold to farmers and State and local governments), as redesignated by section 1561, is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(b) CONFORMING AMENDMENT.—The heading of paragraph (6) of section 6427(l), as so redesignated, is amended by striking ''FARMERS AND''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after September 30, 2005.

SEC. 1563. REFUNDS OF EXCISE TAXES ON EXEMPT SALES OF FUEL BY CREDIT CARD.

(a) REGISTRATION OF PERSON EXTENDING CREDIT ON CERTAIN EXEMPT SALES OF FUEL.—Section 4101(a) (relating to registration) is amended by adding at the end the following new paragraph:

''(4) REGISTRATION OF PERSONS EXTENDING CREDIT ON CERTAIN EXEMPT SALES OF FUEL.—The Secretary shall require registration by any person which—

''(A) extends credit by credit card to any ultimate purchaser described in subparagraph (C) or (D) of section 6416(b)(2) for the purchase of taxable fuel upon which tax has been imposed under section 4041 or 4081, and

''(B) does not collect the amount of such tax from such ultimate purchaser.''.

(b) REFUNDS OF TAX ON GASOLINE.—

(1) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to condition to allowance) is amended—

(A) by inserting ''except as provided in subparagraph (B),'' after ''For purposes of this subsection,'' in subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) CREDIT CARD ISSUER.—For purposes of this subsection, if the purchase of gasoline described in subparagraph (A) (determined without regard to the registration status of the ultimate vendor) is made by means of a credit card issued to the ultimate purchaser, paragraph (1) shall not apply and the person extending the credit to the ultimate purchaser shall be treated as the person (and the only person) who paid the tax, but only if such person—

''(i) is registered under section 4101(a)(4), and

''(ii) has established, under regulations prescribed by the Secretary, that such person—

''(I) has not collected the amount of the tax from the person who purchased such article, or

''(II) has obtained the written consent from the ultimate purchaser to the allowance of the credit or refund, and

''(iii) has so established that such person—

''(I) has repaid or agreed to repay the amount of the tax to the ultimate vendor,

''(II) has obtained the written consent of the ultimate vendor to the allowance of the credit or refund, or

''(III) has otherwise made arrangements which directly or indirectly assure the ultimate vendor of reimbursement of such tax.

If clause (i), (ii), or (iii) is not met by such person extending the credit to the ultimate purchaser, then such person shall collect an amount equal to the tax from the ultimate purchaser and only such ultimate purchaser may claim such credit or refund.'',

(C) by striking ''subparagraph (A)'' in subparagraph (C), as redesignated by paragraph (2), and inserting ''subparagraph (A) or (B)'',

(D) by inserting ''or credit card issuer'' after ''vendor'' in subparagraph (C), as so redesignated, and

(E) by inserting ''OR CREDIT CARD ISSUER'' after ''VENDOR'' in the heading thereof.

(2) CONFORMING AMENDMENT.—Section 6416(b)(2) is amended by adding at the end the following new sentence: ''Subparagraphs (C) and (D) shall not apply in the case of any tax imposed on gasoline under section 4081 if the requirements of subsection (a)(4) are not met.''

(c) DIESEL FUEL OR KEROSENE.—Paragraph (6) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene), as redesignated by section 1561, is amended—

(1) by striking ''The amount'' in subparagraph (C) and inserting ''Except as provided in subparagraph (D), the amount'', and

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

''(D) CREDIT CARD ISSUER.—For purposes of this paragraph, if the purchase of any fuel described in subparagraph (A) (determined without regard to the registration status of the ultimate vendor) is made by means of a credit card issued to the ultimate purchaser, the Secretary shall pay to the person extending the credit to the ultimate purchaser the amount which would have been paid under paragraph (1) (but for subparagraph (A)), but only if such person meets the requirements of clauses (i), (ii), and (iii) of section 6416(a)(4)(B). If such clause (i), (ii), or (iii) is not met by such person extending the credit to the ultimate purchaser, then such person shall collect an amount equal to the tax from the ultimate purchaser and only such ultimate purchaser may claim such amount.''.

(d) CONFORMING PENALTY AMENDMENTS.—

(1) Section 6206 (relating to special rules applicable to excessive claims under sections 6420, 6421, and 6427) is amended—

(A) by striking ''Any portion'' in the first sentence and inserting ''Any portion of a refund made under section 6416(a)(4) and any portion'',

(B) by striking ''payments under sections 6420'' in the first sentence and inserting ''refunds under section 6416(a)(4) and payments under sections 6420'',

(C) by striking ''section 6420'' in the second sentence and inserting ''section 6416(a)(4), 6420'', and

(D) by striking ''**SECTIONS 6420, 6421, and 6427**'' in the heading thereof and inserting ''**CERTAIN SECTIONS**''.

(2) Section 6675(a) is amended by inserting ''section 6416(a)(4) (relating to certain sales of gasoline),'' after ''made under''.

(3) Section 6675(b)(1) is amended by inserting ''6416(a)(4),'' after ''under section''.

(4) The item relating to section 6206 in the table of sections for subchapter A of chapter 63 is amended by striking ''sections 6420, 6421, and 6427'' and inserting ''certain sections''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1564. ADDITIONAL REQUIREMENT FOR EXEMPT PURCHASES.

(a) STATE AND LOCAL GOVERNMENTS.—

(1) Subparagraph (C) of section 6416(b)(2) (relating to specified uses and resales) is amended to read as follows:

''(C) sold to a State or local government for the exclusive use of a State or local government (as defined in section 4221(d)(4) and certified as such by the State) or sold to a qualified volunteer fire department (as defined in section 150(e)(2) and certified as such by the State) for its exclusive use;''.

(2) Section 4041(g)(2) (relating to other exemptions) is amended by striking ''or the District of Columbia'' and inserting ''the District of Columbia, or a qualified volunteer fire department (as defined in section 150(e)(2)) (and certified as such by the State or the District of Columbia)''.

(b) NONPROFIT EDUCATIONAL ORGANIZATIONS.—

(1) Section 6416(b)(2)(D) is amended by inserting ''(as defined in section 4221(d)(5) and certified to be in good standing by the State in which such organization is providing educational services)'' after ''organization''.

(2) Section 4041(g)(4) is amended—

(A) by inserting ''(certified to be in good standing by the State in which such organization is providing educational services)'' after ''organization'' the first place it appears, and

(B) by striking ''use by a'' and inserting ''use by such a''.

(c) NONAPPLICATION OF CERTIFICATION REQUIREMENTS FOR THE REFUND OF CERTAIN TAXES.—Section 6416(b)(2) is amended by adding at the end the following new sentence: ''With respect to any tax paid under subchapter D of chapter 32, the certification requirements under subparagraphs (C) and (D) shall not apply.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2005.

SEC. 1565. REREGISTRATION IN EVENT OF CHANGE IN OWNERSHIP.

(a) IN GENERAL.—Section 4101(a) (relating to registration) is amended by adding at the end the following new paragraph:

''(4) REREGISTRATION IN EVENT OF CHANGE IN OWNERSHIP.—Under regulations prescribed by the Secretary, a person (other than a corporation the stock of which is regularly traded on an established securities market) shall be required to reregister under this section if after a transaction (or series of related transactions) more than 50 percent of ownership interests in, or assets of, such person are held by persons other than persons (or persons related thereto) who held more than 50 percent of such interests or assets before the transaction (or series of related transactions).''.

(b) CONFORMING AMENDMENTS.—

(1) CIVIL PENALTY.—Section 6719 (relating to failure to register) is amended—

(A) by inserting ''or reregister'' after ''register'' each place it appears,

(B) by inserting ''OR REREGISTER'' after ''REGISTER'' in the heading for subsection (a), and

(C) by inserting ''**OR REREGISTER**'' after ''**REGISTER**'' in the heading thereof.

(2) CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended—

(A) by inserting ''or reregister'' after ''register'',

(B) by inserting ''or reregistration'' after ''registration'', and

(C) by inserting ''**OR REREGISTER**'' after ''**REGISTER**'' in the heading thereof.

(3) ADDITIONAL CIVIL PENALTY.—Section 7272 (relating to penalty for failure to register) is amended—

(A) by inserting ''or reregister'' after ''failure to register'' in subsection (a),

(B) by inserting ''**1OR REREGISTER**'' after ''**REGISTER**'' in the heading thereof.

(3) CLERICAL AMENDMENTS.—The item relating to section 6719 in the table of sections for part I of subchapter B of chapter 68, the item relating to section 7232 in the table of sections for part II of subchapter A of chapter 75, and the item relating to section 7272 in the table of sections for subchapter B of chapter 75 are each amended by inserting ''or reregister'' after ''register''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, or failures to act, after the date of the enactment of this Act.

SEC. 1566. TREATMENT OF DEEP-DRAFT VESSELS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, the Secretary of the Treasury shall require that a vessel described in section 4042(c)(1) of the Internal Revenue Code of 1986 be considered a vessel for purposes of the registration of the operator of such vessel under section 4101 of such Code, unless such operator uses such vessel exclusively for purposes of the entry of taxable fuel.

(b) EXEMPTION FOR DOMESTIC BULK TRANSFERS BY DEEP-DRAFT VESSELS.—

(1) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended to read as follows:

''(B) EXEMPTION FOR BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.—

''(i) IN GENERAL.—The tax imposed by this paragraph shall not apply to any removal or entry of a taxable fuel transferred in bulk by pipeline or vessel to a terminal or refinery if the person removing or entering the taxable fuel, the operator of such pipeline or vessel (except as provided in clause (ii)), and the operator of such terminal or refinery are registered under section 4101.

''(ii) NONAPPLICATION OF REGISTRATION TO VESSEL OPERATORS ENTERING BY DEEP-DRAFT VESSEL.—For purposes of clause (i), a vessel operator is not required to be registered with respect to the entry of a taxable fuel transferred in bulk by a vessel described in section 4042(c)(1).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 1567. RECONCILIATION OF ON-LOADED CARGO TO ENTERED CARGO.

(a) IN GENERAL.—Subsection (a) of section 343 of the Trade Act of 2002 is amended by inserting at the end the following new paragraph:

''(4) TRANSMISSION OF DATA.—Pursuant to paragraph (2), not later than 1 year after the date of enactment of this paragraph, the Secretary of Homeland Security, after consultation with the Secretary of the Treasury, shall establish an electronic data interchange system through which the United States Customs and Border Protection shall transmit to the Internal Revenue Service information pertaining to cargoes of any taxable fuel (as defined in section 4083 of the Internal Revenue Code of 1986) that the United States Customs and Border Protection has obtained electronically under its regulations adopted in accordance with paragraph (1). For this purpose, not later than 1 year after the date of enactment of this paragraph, all filers of required cargo information for such taxable fuels (as so defined) must provide such information to the United States Customs and Border Protection through such electronic data interchange system.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 1568. TAXATION OF GASOLINE BLENDSTOCKS AND KEROSENE.

With respect to fuel entered or removed after September 30, 2005, the Secretary of the Treasury shall, in applying section 4083 of the Internal Revenue Code of 1986—

(1) prohibit the nonbulk entry or removal of any gasoline blend stock without the imposition of tax under section 4081 of such Code, and

(2) shall not exclude mineral spirits from the definition of kerosene.

SEC. 1569. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: ''Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: ''Paragraph (3) shall not apply to the sale of a liquid for delivery into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting ''or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)'' after ''section 4101''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

SEC. 1570. PENALTY WITH RESPECT TO CERTAIN ADULTERATED FUELS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6720A. PENALTY WITH RESPECT TO CERTAIN ADULTERATED FUELS.

''(a) IN GENERAL.—Any person who knowingly transfers for resale, sells for resale, or holds out for resale any liquid for use in a diesel-powered highway vehicle or a diesel-powered train which does not meet applicable EPA regulations (as defined in section 45H(c)(3)), shall pay a penalty of $10,000 for each such transfer, sale, or holding out for resale, in addition to the tax on such liquid (if any).

''(b) PENALTY IN THE CASE OF RETAILERS.—Any person who knowingly holds out for sale (other than for resale) any liquid described in subsection (a), shall pay a penalty of $10,000 for each such holding out for sale, in addition to the tax on such liquid (if any).''.

(b) DEDICATION OF REVENUE.—Paragraph (5) of section 9503(b) (relating to certain penalties) is amended by inserting ''6720A,'' after ''6719,''.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter

68 is amended by adding at the end the following new item:

''Sec. 6720A. Penalty with respect to certain adulterated fuels.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 1571. OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

Section 4611(f) (relating to application of oil spill liability trust fund financing rate) is amended to read as follows:

''(f) APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply on and after April 1, 2007, or if later, the date which is 30 days after the last day of any calendar quarter for which the Secretary estimates that, as of the close of that quarter, the unobligated balance in the Oil Spill Liability Trust Fund is less than $2,000,000,000.

''(2) FUND BALANCE.—The Oil Spill Liability Trust Fund financing rate shall not apply during a calendar quarter if the Secretary estimates that, as of the close of the preceding calendar quarter, the unobligated balance in the Oil Spill Liability Trust Fund exceeds $3,000,000,000.

''(3) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2014.''.

SEC. 1572. EXTENSION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Paragraph (3) of section 4081(d) (relating to Leaking Underground Storage Tank Trust Fund financing rate) is amended by striking ''2005'' and inserting ''2011''.

(b) APPLICATION OF TAX ON DYED FUEL.—

(1) IN GENERAL.—Section 4082(a) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)'' after ''section 4081''.

(2) NO REFUND.—Section 6427(l)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the tax imposed by section 4081 on dyed fuel described in section 4082(a) as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section.''.

(c) CERTAIN REFUNDS AND CREDITS NOT CHARGED TO LUST TRUST FUND.—Subsection (c) of section 9508 (relating to Leaking Underground Storage Tank Trust Fund) is amended to read as follows:

''(c) EXPENDITURES.—Amounts in the Leaking Underground Storage Tank Trust Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out section 9003(h) of the Solid Waste Disposal Act as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2005.

(2) APPLICATION OF TAX ON DYED FUEL.—The amendment made by subsection (b) shall apply to fuel entered, removed, or sold after December 31, 2005.

SA 801. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 800 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XV (relating to energy policy tax incentives) add the following:

SEC. ___. RENEWABLE LIQUID FUELS EXCISE TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6426 the following new section:

''SEC. 6426A. CREDIT FOR RENEWABLE LIQUID FUELS.

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the renewable liquid mixture credit.

''(b) RENEWABLE LIQUID MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the renewable liquid mixture credit is the product of the applicable amount and the number of gallons of renewable liquid used by the taxpayer in producing any renewable liquid mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount is $1.00.

''(3) RENEWABLE LIQUID MIXTURE.—For purposes of this section, the term 'renewable liquid mixture' means a mixture of renewable liquid and taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel or feedstock, or

''(B) is used as a fuel or feedstock by the taxpayer producing such mixture.

For purposes of subparagraph (A), a mixture produced by any person at a refinery prior to a taxable event which includes renewable liquid shall be treated as sold at the time of its removal from the refinery (and only at such time) or sold to another person for use as a fuel or feedstock.

''(c) OTHER DEFINITIONS.—For purposes of this subsection:

''(1) RENEWABLE LIQUID.—The term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, aqua-culture products produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, and as further provided by regulations.

''(2) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

''(3) FEEDSTOCK.—The term 'feedstock' means any precursor material subject to further processing to make a petrochemical, solvent, or other fuel which has the effect of displacing conventional fuels, or products produced from conventional fuels.

''(4) ADDITIONAL DEFINITIONS.—Any term used in this section which is also used in section 40B shall have the meaning given such term by section 40B.

''(d) CERTIFICATION FOR RENEWABLE LIQUID FUEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the renewable liquid fuel, which identifies the product produced.

''(e) MIXTURE NOT USED AS FUEL, ETC.—

''(1) IMPOSITION OF TAX.—If—

''(A) any credit was determined under this section with respect to renewable liquid used in the production of any renewable liquid mixture, and

''(B) any person—

''(i) separates the renewable liquid from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such renewable liquid.

''(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

''(f) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40 (c) shall apply for purposes of this section.

''(g) TERMINATION.—This section shall not apply to any sale, use, or removal for any period after December 31, 2010.''.

(b) REGISTRATION REQUIREMENT.—Section 4101(a)(1) (relating to registration), as amended by this Act, is amended by inserting ''and every person producing or importing renewable liquid as defined in section 6426A(c)(1)'' before ''shall register with the Secretary''.

(c) PAYMENTS.—Section 6427 is amended by inserting after subsection (f) the following new subsection:

''(g) RENEWABLE LIQUID USED TO PRODUCE MIXTURE.—

''(1) USED TO PRODUCE A MIXTURE.—If any person produces a mixture described in section 6426A in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the renewable liquid mixture credit with respect to such mixture.

''(2) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426A.

''(3) TERMINATION.—This subsection shall not apply with respect to any renewable liquid fuel mixture (as defined in section 6426A(b)(3) sold or used after December 31, 2010.''.

(d) CONFORMING AMENDMENT.—The last sentence of section 9503(b)(1) is amended by striking ''section 6426'' and inserting ''sections 6426 and 6426A''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6426 the following new item:

''Sec. 6426A. Credit for renewable liquid fuels.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used on or after January 1, 2005.

(2) REGISTRATION REQUIREMENT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. ___. RENEWABLE LIQUID INCOME TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40A the following new section:

''SEC. 40B. RENEWABLE LIQUID USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the renewable liquid credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the renewable liquid mixture credit, plus

''(2) the renewable liquid credit.

''(b) DEFINITION OF RENEWABLE LIQUID MIXTURE CREDIT AND RENEWABLE LIQUID CREDIT.—For purposes of this section—

''(1) RENEWABLE LIQUID MIXTURE CREDIT.—

''(A) IN GENERAL.—The renewable liquid mixture credit of any taxpayer for any taxable year is $1.00 for each gallon of renewable liquid fuel used by the taxpayer in the production of a qualified renewable liquid fuel mixture.

''(B) QUALIFIED RENEWABLE LIQUID MIXTURE.—The term 'qualified renewable liquid mixture' means a mixture of renewable liquid and taxable fuel (as defined in section 4083(a)(1)), which—

''(i) is sold by the taxpayer producing such a mixture to any person for use as a fuel or feedstock, or

''(ii) is used as a fuel or feedstock by the taxpayer producing such mixture.

''(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Renewable liquid used in the production of a qualified renewable liquid fuel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

''(ii) for the taxable year in which such sale or use occurs.

''(2) RENEWABLE LIQUID CREDIT.—

''(A) IN GENERAL.—The renewable liquid credit of any taxpayer for any taxable year is $1.00 for each gallon of renewable liquid which is not in a mixture with taxable fuel and which during the taxable year—

''(i) is used by the taxpayer as a fuel or feedstock in a trade or business, or

''(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

''(B) USER CREDIT NOT TO APPLY TO RENEWABLE LIQUID SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any renewable liquid which was sold in a retail sale described in subparagraph (A)(ii).

''(c) CERTIFICATION FOR RENEWABLE LIQUID.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the renewable liquid fuel which identifies the product produced and percentage of renewable liquid fuel in the product.

''(d) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any renewable liquid fuel shall be properly reduced to take into account any benefit provided with respect to such renewable liquid fuel solely by reason of the application of section 6426A or 6427(g).

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section, the term 'renewable liquid' means liquid fuels derived from waste and byproduct streams including; agricultural byproducts and wastes, agriculture materials produced from waste streams, food processing plant byproducts, municipal solid and semi-solid waste streams, industrial waste streams, automotive scrap waste streams, as further provided by regulations.

''(f) MIXTURE OR RENEWABLE LIQUID NOT USED AS A FUEL, ETC.—

''(1) MIXTURES.—If—

''(A) any credit was determined under this section with respect to renewable liquid used in the production of any qualified renewable liquid mixture, and

''(B) any person—

''(i) separates the renewable liquid from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such renewable liquid in such mixture.

''(2) RENEWABLE LIQUID.—If—

''(A) any credit was determined under this section with respect to the retail sale of any renewable liquid, and

''(B) any person mixes such renewable liquid or uses such renewable liquid other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such renewable liquid.

''(3) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

''(g) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2010.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (23), by striking the period at the end of paragraph (24), and inserting '', plus'', and by inserting after paragraph (24) the following new paragraph:

''(25) The renewable liquid credit determined under section 40B.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Renewable liquid used as fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold as used, on or after January 1, 2005.

SA 802. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

Beginning on page 245, strike line 7 and all that follows through page 250, line 11, and insert the following:

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(p)(1) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, right-of-way, license, or permit on the outer Continental Shelf for activities not otherwise authorized under this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities support or promote—

''(A) exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

''(B) production, transportation, or transmission of energy from sources other than oil and gas; or

''(C) use, for energy-related or marine-related purposes, of facilities in use on or before the date of enactment of this subsection for activities authorized under this Act.

''(2)(A)(i) Subject to paragraph (3), the Secretary shall establish reasonable forms of payment for any lease, easement, right-of-way, license, or permit under this subsection, including a royalty, fee, rental, bonus, or other payment, as the Secretary determines to be appropriate.

''(ii) The Secretary may establish a form of payment described in clause (i) by rule or by agreement with the holder of the lease, easement, right-of-way, license, or permit.

''(B) In establishing a form of, or schedule relating to, a payment under subparagraph (A), the Secretary shall take into consideration the economic viability of a proposed activity.

''(C) The Secretary may, by rule, provide for relief from or reduction of a payment under subparagraph (A)—

''(i) if, without the relief or reduction, an activity relating to a lease, easement, right-of-way, license, or permit under this subsection would be uneconomical;

''(ii) to encourage a particular activity; or

''(iii) for another reason, as the Secretary determines to be appropriate.

''(D) If the holder of a lease, easement, right-of-way, license, or permit under this subsection fails to make a payment by the date required under a rule or term of the lease, easement, right-of-way, license, or permit, the Secretary may require the holder to pay interest on the payment in accordance with the underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, for the period—

''(i) beginning on the date on which the payment was due; and

''(ii) ending on the date on which the payment is made.

''(E)(i) The Secretary may allow a credit in the amount of any excess payment made by the holder of a lease, easement, right-of-way, license, or permit under this subsection or provide a refund in the amount of the excess payment from the account to or in which the excess payment was paid or deposited.

''(ii) The Secretary shall pay, or allow the holder of a lease, easement, right-of-way, license, or permit under this subsection a credit in the amount of, any interest on an amount refunded or credited under clause (i) in accordance with the overpayment rate established under section 6621(a)(1) of the Internal Revenue Code of 1986, for the period—

''(I) beginning on the date on which the Secretary received the excess payment; and

''(II) ending on the date on which the refund or credit is provided.

''(F)(i) The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, may establish reasonable forms of payment, as determined by the Secretary, for a license issued under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), including a royalty, fee, rental, bonus, or other payment, as the Secretary determines to be appropriate, in addition to the administrative fee under section 102(h) of that Act (42 U.S.C. 9112(h)).

''(ii) A form of payment under clause (i) may be established by rule or by agreement with the holder of the lease, easement, right-of-way, license, or permit.

''(3)(A) Any funds received by the Secretary from a holder of a lease, easement, right-of-way, license, or permit under this subsection shall be distributed in accordance with this paragraph.

''(B)(i) If a lease, easement, right-of-way, license, or permit under this subsection covers a specific tract of, or regards a facility located on, the outer Continental Shelf and is not an easement or right-of-way for transmission or transportation of energy, minerals, or other natural resources, the Secretary shall pay 50 percent of any amount received from the holder of the lease, easement, right-of-way, license, or permit to the State off the shore of which the geographic center of the area covered by the lease, easement, right-of-way, license, permit, or facility is located, in accordance with Federal law determining the seaward lateral boundaries of the coastal States.

''(ii) Not later than the last day of the month after the month during which the

Secretary receives a payment from the holder of a lease, easement, right-of-way, license, or permit described in clause (i), the Secretary shall make payments in accordance with clause (i).

''(C)(i) The Secretary shall deposit 20 percent of the funds described in subparagraph (A) to a special account maintained and administered by the Secretary to provide research and development grants for improving energy technologies.

''(ii) An amount deposited under clause (i) shall remain available until expended, without further appropriation.

''(D) The Secretary shall credit 5 percent of the funds described in subparagraph (A) to the annual operating appropriation of the Minerals Management Service.

''(E) The Secretary shall deposit any funds described in subparagraph (A) that are not deposited or credited under subparagraphs (B) through (D) in the general fund of the Treasury.

''(F) This paragraph does not apply to any amount received by the Secretary under section 9701 of title 31, United States Code, or any other law (including regulations) under which the Secretary may recover the costs of administering this subsection.

''(4) Before carrying out this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate Federal agencies regarding the effect of this subsection on national security and navigational obstruction.

''(5)(A) The Secretary may issue a lease, easement, right-of-way, license, or permit under paragraph (1) on a competitive or noncompetitive basis.

''(B) In determining whether a lease, easement right-of-way, license, or permit shall be granted competitively or noncompetitively, the Secretary shall consider factors including—

''(i) prevention of waste and conservation of natural resources;

''(ii) the economic viability of a project;

''(iii) protection of the environment;

''(iv) the national interest and national security;

''(v) human safety;

''(vi) protection of correlative rights; and

''(vii) the potential return of the lease, easement, right-of-way, license, or permit.

''(6) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, other relevant Federal agencies, and affected States, as the Secretary determines appropriate, shall promulgate any regulation the Secretary determines to be necessary to administer this subsection to achieve the goals of—

''(A) ensuring public safety;

''(B) protecting the environment;

''(C) preventing waste;

''(D) conserving the natural resources of, and protecting correlative rights in, the outer Continental Shelf;

''(E) protecting national security interests;

''(F) auditing and reconciling payments made and owed by each holder of a lease, easement, right-of-way, license, or permit under this subsection to ensure a correct accounting and collection of the payments; and

''(G) requiring each holder of a lease, easement, right-of-way, license, or permit under this subsection to—

''(i) establish such records as the Secretary determines to be necessary;

''(ii) retain all records relating to an activity under a lease, easement, right-of-way, license, or permit under this subsection for such period as the Secretary may prescribe; and

''(iii) produce the records on receipt of a request from the Secretary.

''(7) Section 22 shall apply to any activity relating to a lease, easement, right-of-way, license, or permit under this subsection.

''(8) The Secretary shall require the holder of a lease, easement, right-of-way, license, or permit under this subsection to—

''(A) submit to the Secretary a surety bond or other form of security, as determined by the Secretary; and

''(B) comply with any other requirement the Secretary determines to be necessary to protect the interests of the United States.

''(9) Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

''(10) This subsection does not apply to any area on the outer Continental Shelf designated as a National Marine Sanctuary.''.

(2) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended in the section heading by striking ''**LEASING**'' and all that follows and inserting ''**LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.**''.

(3) SAVINGS PROVISION.—Nothing in the amendment made by paragraph (1) requires any resubmission of documents previously submitted or any reauthorization of actions previously authorized with respect to any project—

(A) for which offshore test facilities have been constructed before the date of enactment of this Act; or

(B) for which a request for proposals has been issued by a public authority.

SA 803. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

SECTION 1. DOMESTIC OFFSHORE ENERGY REINVESTMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. COASTAL IMPACT ASSISTANCE PROGRAM.

''(a) In this section:

''(1) The term 'approved plan' means a secure energy reinvestment plan approved by the Secretary under this section.

''(2) The term 'coastal energy State' means a coastal State off the coastline of which, within the seaward lateral boundary, an outer Continental Shelf bonus bid or royalty is generated.

''(3) The term 'coastal political subdivision' means a county, parish, or other equivalent subdivision of a coastal energy State, all or part of which, on the date of the enactment of this section, lies wthin the boundaries of the coastal zone of the State, as identified in the coastal zone management program of the State approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

''(4) The term 'coastal population' means the population of a coastal political subdivision, as determined by the most recent official data of the Census Bureau.

''(5) The term 'coastline' has the meaning given the term 'coast line' in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

''(6) The term 'Fund' means the Secure Energy Reinvestment Fund established by subsection (b)(1).

''(7) The term 'leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

''(8) The term 'qualified outer Continental Shelf revenues' means all amounts received by the United States on or after October 1, 2005, from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) (or lying within that zone but to which section 8(g) does not apply), including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related interest.

''(9) The term 'Secretary' means the Secretary of the Interior.

''(b)(1)(A) There is established in the Treasury of the United States a separate account to be known as the 'Secure Energy Reinvestment Fund'.

''(B) The Fund shall consist of—

''(i) any amount deposited under paragraph (2); and

''(ii) any other amounts that are appropriated to the Fund.

''(2) For each fiscal year 2006 through 2009, the Secretary of the Treasury shall deposit into the Fund $300,000,000.

''(B) All repayments made under subsection (f).

''(3) For each of fiscal years 2006 through 2020, in addition to the amounts deposited into the Fund under paragraph (2), there are authorized to be appropriated to the Fund an amount equal to 27 percent of the qualified outer Continental Shelf revenues received by the United Stated during the preceding fiscal year.

''(c)(1)(A) The Secretary shall use any amount remaining in the Fund after the application of subsection (h) to pay to each coastal energy State, and any coastal political subdivision of a State, the secure energy reinvestment plan of which is approved by the Secretary under this section, the amount allocated to the State or coastal political subdivision, respectively, under this subsection.

''(B) During December 2006, and each December thereafter, the Secretary shall make any payment under this paragraph from revenues received in the Fund by the United States during the preceding fiscal year.

''(2) The Secretary shall allocate any amount deposited into the Fund for a fiscal year, and any other amount determined by the Secretary to be available, among coastal energy States, and coastal political subdivisions of those States, that have a plan approved by the Secretary under this section as follows:

''(A)(i) Of the amounts made available for each fical year for which amounts are available for allocation under this paragraph, the allocation for each coastal energy State shall be calculated based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between point nearest point on the coastline of such coastal energy State and the geographic center of each such leased tract or portion of a leased tract, as determined by the Secretary.

''(ii) For the purposes of this subparagraph, qualified outer Continental Shelf revenues shall be considered to be generate off the coastline of a coastal energy State if the geographic center of the lease tract from which the revenues are generated is located within the area formed by the extension of the seaward lateral boundaries of the State, calculated using the conventions established to delimit international lateral boundaries under the Law of the Sea.

''(B) 35 percent of the allocable share of each coastal energy State, as determined under subparagraph (A), shall be allocated among and paid directly to the coastal political subdivisions of the State by the Secretary based on the following formula:

''(i) 25 percent shall be allocated based on the ratio that—

''(I) the coastal population of each coastal political subdivision; bears to

''(II) the coastal population of all coastal political subdivisions of the coastal energy State.

''(ii)(I) 25 percent shall be allocated based on the ratio that—

''(aa) the length, in miles, of the coastal of each coastal political subdivision; bears to

''(bb) the length, in miles, of the coastline of all coastal political subdivisions of the State.—

''(II) For purposes of this clause, in the case of a coastal political subdivision in Louisiana without a coastline, the coastline of the political subdivision shall be considered as ⅓ the average length of the coastline of the other coastal political subdivisions of the State.

(III) EXCEPTION FOR THE STATE OF ALASKA.— For the purposes of carrying out subparagraph (c)(2)(B) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

''(iii) 50 percent shall be allocated based on a formula that allocates—

''(I) 75 percent of the funds based on the relative distance of the coastal political subdivision from any leased tract used to calculate the allocation to that State; and

''(II) 25 percent of the funds based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision to the level of outer Continental Shelf oil and gas activities in all coastal political subdivisions in the State, as determined by the Secretary.

''(3) Any amount allocated to a coastal energy State or coastal political subdivision that is not disbursed because of a failure of a Coastal energy State to have an approved plan shall be reallocated by the Secretary among all other coastal energy States in a manner consistent with this subsection, except that the Secretary—

''(A) shall hold the amount in escrow within the Fund until the earlier of—

''(i) the end of the next fiscal year during Which the allocation is made; or

''(ii) the date on which a final resolution of an appeal regarding the disapproval of a plan submitted by the State under this section is filed; and

''(B) shall continue to hold the amount in escrow until the end of the subsequent fiscal year, if the Secretary determines that a State is making a good faith effort to develop and submit, or update, a secure energy reinvestment plan under subsection (d).

''(4) Notwithstanding any other provision of this subsection, the amount allocated under this subsection to each coastal energy State during a fiscal year shall be not less than 5 percent of the total amount available for that fiscal year for allocation under this subsection to coastal energy States.

''(5) If the allocation to 1 or more coastal energy States under paragraph (4) during any fiscal year is greater than the amount that would be allocated to those States under this subsection if paragraph (4) did not apply, the allocations under this subsection to all other coastal energy States shall be—

''(A) paid from the amount remaining after the amounts allocated under paragraph (4) are deducted; and

''(B) reduced on a pro rata basis by the sum of the allocations under paragraph (4) so that not more than 100 percent of the funds available in the Fund for allocation with respect to that fiscal year is allocated.

''(d)(1)(A) The Governor of a State seeking to receive funds under this section shall prepare, and submit to the Secretary, a secure energy reinvestment plan describing planned expenditures of funds received under this section.

''(B) The Governor shall include in the State plan any plan prepared by a coastal political subdivision of the State.

''(C) In the development of the State plan, the Governor and the coastal political subdivision shall—

''(i) solicit local input;

''(ii) provide for public participation; and

''(iii) in describing the planned expenditures, include only uses of funds described in subsection (e).

''(2)(A)(i) The Secretary shall not disburse funds to a State or coastal political subdivision under this section before the date on which the plan of the State is approved under this subsection.

''(ii) The Secretary shall approve a plan submitted by a State under paragraph (1) if the Secretary determines that—

''(I) each expenditures provided for in the plan is an authorized use under subsection (e); and

''(II) the plan contains—

''(aa) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

''(bb) goals including improving the environment and addressing the impacts of oil and gas production from the outer Continental Shelf;

''(cc) a description of how the State and coastal political subdivisions of the State will evaluate the effectiveness of the plan;

''(dd) a certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan;

''(ee) measures for taking into account other relevant Federal resources and programs;

''(ff) assurance that the plan is correlated as much as practicable with other State, regional, and local plans;

''(gg) for any State for which the ratio determined under clause (i) or (ii) of subsection (c)(2)(A), expressed as a percentage, exceeds 25 percent, a plan to spend not less than 30 percent of the total funds provided to that State and appropriate coastal political subdivisions under this section during any fiscal year to address the socioeconomic or environmental impacts identified in the plan that remain significant or progressive after implementation of mitigation measures identified in the most current environmental impact statement as of the date of enactment of this section required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for lease sales under his Act; and

''(hh) a plan to use at least ½ of the funds provided pursuant to subsection (c)(2)(B), and a portion of other funds provided to a State under this section, on programs or projects that are coordinated and conducted by a partnership between the State and a coastal political subdivision.

''(B) Not later than 90 days after a plan of a State is submitted under this subsection, the Secretary shall approve or disapprove the Plan.

''(3) Any amendment to or revision of a plan approved under this section shall be—

''(A) prepared and submitted in accordance with the requirements of this paragraph; and

''(B) approved or disapproved by the Secretary in accordance with paragraph (2)(B).

''(e) A coastal energy State, and a coastal political subdivision, shall use any amount paid under this section (including any amounts deposited into a trust fund administered by the State or coastal political subdivision consistent with this subsection), consistent with Federal and State law and the approved plan of the State—

''(1) to carry out a project or activity for the conservation, protection, or restoration of coastal areas including wetlands;

''(2) to mitigate damage to, or protect, fish, wildlife, or natural resources;

''(3) to implement a federally approved plan or program for—

''(A) marine, coastal, subsidence, or conservation management; or

''(B) protection of resources from natural disasters; and

''(4) to mitigate the effect of an outer Continental Shelf activity by addressing impacts identified in an environmental impact statement as of the date of enactment of this section required under the National Environmental Policy Act of 1969 (42 V.S.C. 432 et seq.) for lease sales under this Act.

''(f) If the Secretary determines that an expenditure made by a coastal energy State or coastal political subdivision is not in accordance with the approved plan of the State (including any plan of a coastal political subdivisionl included in the plan of the State), the Secretary shall not disburse any additional amount under this section to that coastal energy State or coastal political subdivision until—

''(1) the amount of the expenditure is repaid to the Secretary; or

''(2) the Secretary approves an amendment to the plan that authorizes the expenditure.

''(g) The Secretary may require, as a condition of any payment under this section, that a State or coastal political subdivision shall submit to arbitration—

''(1) any dispute between the State or coastal political subdivision and the Secretary regarding implementation of this section and

''(2) any dispute between the State and political subdivision regarding implementation of this section, including any failure to include in the plan submitted by the State under subsection (d) any spending plan of the coastal political subdivision.

''(h) The Secretary may use not more than ½ of 1 percent of the amount in the Fund during a fiscal year to pay the administrative costs of implementing this section.

''(i) A coastal energy State or coastal political subdivision may use funds provided to that State or coastal political subdivision under this section for any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191) to carry out approved plan activities under subsection (e).

''(j)(1) The Governor of a coastal energy State, in coordination with the coastal political subdivisions of that State, shall account for all funds received under this section during the previous fiscal year in a written report to the Secretary.

''(2) The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities that received funds under this section.

''(3) The report may incorporate by reference any other report required to be submitted under another provision of law.

''(k) The Secretary shall require, as a condition of any allocation of funds provided under this section, that a State or coastal political subdivision shall include on any sign installed at a site at or near an entrance or public use area for which funds provided under this section are used a statement that the existence or development of the site is a product of those funds.''.

SA 804. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3___. SEAWARD BOUNDARY EXTENSION.

(a) PURPOSES.—The purposes of this section are—

(1) to provide equity to the States of Louisiana, Mississippi, and Alabama with respect to the seaward boundaries of the States in the Gulf of Mexico by extending the seaward boundaries from 3 geographical miles to 3 marine leagues if the State meets certain conditions not later than 5 years after the date of enactment of this Act;

(2) to convey to the States of Louisiana, Mississippi, and Alabama the interest of the United States in the submerged land of the outer Continental Shelf that is located in the extended seaward boundaries of the States;

(3) to provide that any mineral leases, easements, rights-of-use, and rights-of-way issued by the Secretary of the Interior with respect to the submerged land to be conveyed shall remain in full force and effect; and

(4) in conveying the submerged land, to ensure that the rights of lessees, operators, and holders of easements, rights-of-use, and rights-of-way on the submerged land are protected.

(b) EXTENSION.—Title II of the Submerged Lands Act (43 U.S.C. 1311 et seq.) is amended—

(1) by redesignating section 11 as section 12; and

(2) by inserting after section 10 the following:

''SEC. 11. EXTENSION OF SEAWARD BOUNDARIES OF THE STATES OF LOUISIANA, MISSISSIPPI, AND ALABAMA.

''(a) DEFINITIONS.—In this section:

''(1) EXISTING INTEREST.—The term 'existing interest' means any lease, easement, right-of-use, or right-of-way on, or for any natural resource or minerals underlying, the expanded submerged land that is in existence on the date of the conveyance of the expanded submerged land to the State under subsection (b)(1).

''(2) EXPANDED SEAWARD BOUNDARY.—The term 'expanded seaward boundary' means the seaward boundary of the State that is 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(3) EXPANDED SUBMERGED LAND.—The term 'expanded submerged land' means the area of the outer Continental Shelf that is located between 3 geographical miles and 3 marine leagues seaward of the coast line of the State as of the day before the date of enactment of this section.

''(4) INTEREST OWNER.—The term 'interest owner' means any person that owns or holds an existing interest in the expanded submerged land or portion of an existing interest in the expanded submerged land.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) STATE.—The term 'State' means each of the States of Louisiana, Mississippi, and Alabama.

''(b) CONVEYANCE OF EXPANDED SUBMERGED LAND.—

''(1) IN GENERAL.—Effective beginning on the date that is 10 years after the date of enactment of the Energy Policy Act of 2005, if a State demonstrates to the satisfaction of the Secretary that the conditions described in paragraph (2) will be met, the Secretary shall, subject to valid existing rights and subsection (c), convey to the State the interest of the United States in the expanded submerged land of the State.

''(2) CONDITIONS.—A conveyance under paragraph (1) shall be subject to the condition that—

''(A) on conveyance of the interest of the United States in the expanded submerged land to the State under paragraph (1)—

''(i) the Governor of the State (or a delegate of the Governor) shall exercise the powers and duties of the Secretary under the terms of any existing interest, subject to the requirement that the State and the officers of the State may not exercise the powers to impose any burden or requirement on any interest owner that is more onerous or strict than the burdens or requirements imposed under applicable Federal law (including regulations) on owners or holders of the same type of lease, easement, right-of-use, or right-of-way on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall not impose any administrative or judicial penalty or sanction on any interest owner that is more severe than the penalty or sanction under Federal law (including regulations) applicable to owners or holders of leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged lands for the same act, omission, or violation;

''(B) not later than 10 years after the date of enactment of this section—

''(i) the State shall enact laws or promulgate regulations with respect to the environmental protection, safety, and operations of any platform pipeline in existence on the date of conveyance to the State under paragraph (1) that is affixed to or above the expanded submerged land that impose the same requirements as Federal law (including regulations) applicable to a platform pipeline on the outer Continental Shelf seaward of the expanded submerged land; and

''(ii) the State shall enact laws or promulgate regulations for determining the value of oil, gas, or other mineral production from existing interests for royalty purposes that establish the same requirements as the requirements under Federal law (including regulations) applicable to Federal leases for the same minerals on the outer Continental Shelf seaward of the expanded submerged land; and

''(C) the State laws and regulations enacted or promulgated under subparagraph (B) shall provide that if Federal law (including regulations) applicable to leases, easements, rights-of-use, or rights-of-way on the outer Continental Shelf seaward of the expanded submerged land are modified after the date on which the State laws and regulations are enacted or promulgated, the State laws and regulations applicable to existing interests will be modified to reflect the change in Federal laws (including regulations).

''(c) EXCEPTIONS.—

''(1) MINERAL LEASE OR UNIT DIVIDED.—

''(A) IN GENERAL.—If any existing Federal oil and gas or other mineral lease or unit would be divided by the expanded seaward boundary of a State, the interest of the United States in the leased minerals underlying the portion of the lease or unit that lies within the expanded submerged boundary shall not be considered to be conveyed to the State until the date on which the lease or unit expires or is relinquished by the United States.

''(B) APPLICABILITY FOR OTHER PURPOSES.—Notwithstanding subparagraph (A), the expanded seaward boundary of a State shall be the seaward boundary of the State for all other purposes, including the distribution of revenues under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

''(2) LAWS AND REGULATIONS NOT SUFFICIENT.—If the Secretary determines that any law or regulation enacted or promulgated by a State under subparagraph (B) of subsection (b)(2) does not meet the requirements of that subparagraph, the Secretary shall not convey the expanded submerged land to the State.

''(d) INTEREST ISSUED OR GRANTED BY THE STATE.—This section does not apply to any interest in the expanded submerged land that a State issues or grants after the date of conveyance of the expanded submerged land to the State under subsection (b)(1).

''(e) LIABILITY.—

''(1) IN GENERAL.—By accepting conveyance of the expanded submerged land, the State agrees to indemnify the United States for any liability to any interest owner for the taking of any property interest or breach of contract from—

''(A) the conveyance of the expanded submerged land to the State; or

''(B) the State's administration of any existing interest under subsection (b)(2)(A)(i).

''(2) DEDUCTION FROM OIL AND GAS LEASING REVENUES.—The Secretary may deduct from the amounts otherwise payable to the State under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)) the amount of any final nonappealable judgment for a taking or breach of contract described in paragraph (1).''.

(c) CONFORMING AMENDMENT.—Section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)) is amended by striking ''section 4 hereof'' and inserting ''section 4 or 11''.

SA. 805. Mr. SCHUMER proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately ⅓ of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as ''OPEC'') has refused to adequately increase production to calm global oil markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as ''SPR'') was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration's policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004 by 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(c) RELEASE OF OIL FROM SPR.—

(1) IN GENERAL.—For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day shall be released from the SPR.

(2) ADDITIONAL RELEASE.—If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day shall be released from the Strategic Petroleum Reserve for an additional 30 days.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 767, between lines 21 and 22, insert the following:

(3) PETROLEUM COKE GASIFICATION PROJECTS.—At least 5 petroleum coke gasification projects.

SA 807. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 37, between the matter following line 12 and line 13, insert the following:

SEC. 109. INDUSTRIAL NATURAL GAS EFFICIENCY PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a 2–year pilot program (referred to in this section as the ''program'') to demonstrate the effectiveness of energy efficiency improvements that reduce natural gas usage in the industrial sector.

(b) PROGRAM COORDINATOR.—

(1) IN GENERAL.—The program shall be administered by a program coordinator, to be designated by the Secretary in accordance with paragraph (2).

(2) DESIGNATION.—As soon as practicable after the date of enactment this Act, the Secretary shall designate as program coordinator an energy resource center that is—

(1) located in the midwestern United States;

(2) affiliated with a major land-grant university; and

(3) certified by a State board of higher education.

(c) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall provide, in accordance with the guidelines established under paragraph (2), grants to eligible entities from the industrial sector to pay the Federal share of the costs of eligible projects to reduce natural gas usage by implementing energy efficiency improvements.

(2) REQUIREMENTS.—Grants shall be provided under paragraph (1) on a competitive basis, in accordance with guidelines established by the program coordinator.

(3) ELIGIBLE ENERGY EFFICIENCY IMPROVEMENTS.—A project for which assistance may be provided a grant under this subsection includes a project for—

(A) steam production and distribution;

(B) efficiency upgrades and heat recovery for process heating and cooling project;

(C) compressed air technologies;

(D) combined heat and power applications; and

(E) improvements in motor technologies.

(4) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this subsection shall be not more than 30 percent.

(d) EDUCATION.—In carrying out the program, the Secretary and the program coordinator shall make available to industries information on energy-efficient technologies that reduce industrial natural gas usage to encourage industries to invest in the energy-efficient technologies.

(e) REPORT.—On completion of the program, the program coordinator shall submit to Congress a report that—

(1) describes the results and successes of the program; and

(2) makes recommendations for any appropriate actions that would encourage industrial energy-efficiency investments.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2006 through 2008, of which $8,000,000 shall be made available to carry out subsection (c).

SA 808. Mr. OBAMA (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 346, between lines 9 and 10, insert the following:

SEC. 4____. DEPARTMENT OF ENERGY TRANSPORTATION FUELS FROM ILLINOIS BASIN COAL.

(a) IN GENERAL.—The Secretary shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of Fischer-Tropsch transportation fuels, and other transportation fuels, manufactured from Illinois basin coal, including the capital modification of existing facilities and the construction of testing facilities under subsection (b).

(b) FACILITIES.—For the purpose of evaluating the commercial and technical viability of different processes for producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal, the Secretary shall support the use and capital modification of existing facilities and the construction of new facilities at—

(1) Southern Illinois University Coal Research Center;

(2) University of Kentucky Center for Applied Energy Research; and

(3) Energy Center at Purdue University.

(c) GASIFICATION PRODUCTS TEST CENTER.—In conjunction with the activities described in subsections (a) and (b), the Secretary shall construct a test center to evaluate and confirm liquid and gas products from syngas catalysis in order that the system has an output of at least 500 gallons of Fischer-Tropsch transportation fuel per day in a 24-hour operation.

(d) MILESTONES.—

(1) SELECTION OF PROCESSES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall select processes for evaluating the commercial and technical viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(2) AGREEMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to enter into agreements—

(A) to carry out the activities described in this section, at the facilities described in subsection (b); and

(B) for the capital modifications or construction of the facilities at the locations described in subsection (b).

(3) EVALUATIONS.—Not later than 3 years after the date of enactment of the Act, the Secretary shall begin, at the facilities described in subsection (b), evaluation of the technical and commercial viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(4) CONSTRUCTION OF FACILITIES.—

(A) IN GENERAL.—The Secretary shall construct the facilities described in subsection (b) at the lowest cost practicable.

(B) GRANTS OR AGREEMENTS.—The Secretary may make grants or enter into agreements or contracts with the institutions of higher education described in subsection (b).

(e) COST SHARING.—The cost of making grants under this section shall be shared in accordance with section 1002.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $85,000,000 for the period of fiscal years 2006 through 2010.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 28, 2005 at 3 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the water supply status in the Pacific Northwest and its impact on power production, as well as to receive testimony on S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

UNITED STATES-EUROPEAN UNION SUMMIT

Mr. DOMENICI. On behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 178, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 178) expressing the sense of the Senate regarding the United States-European Union Summit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas over the past 55 years the United States and the European Union have built a strong transatlantic partnership based upon the common values of freedom, democracy, rule of law, human rights, security, and economic development;

Whereas working together to promote these values globally will serve the mutual political, economic, and security interests of the United States and the European Union;

Whereas cooperation between the United States and the European Union on global security issues such as terrorism, the Middle East peace process, the proliferation of weapons of mass destruction, ballistic missile technology, and the nuclear activities of rogue nations is important for promoting international peace and security;

Whereas the common efforts of the United States and the European Union have supported freedom in countries such as Lebanon, Ukraine, Kyrgyzstan, Georgia, Moldova, Belarus, and Uzbekistan;

Whereas through coordination and cooperation during emergencies such as the 2004 Indian Ocean tsunami disaster, the AIDS pandemic in Africa, and the ongoing situation in Darfur, the United States and the European Union have mitigated the effects of humanitarian disasters across the globe;

Whereas economic cooperation such as removing impediments to transatlantic trade and investment, expanding regulatory dialogues and exchanges, integrating capitol markets, and ensuring the safe and secure movement of people and goods across the Atlantic will increase prosperity and strengthen the partnership between the United States and the European Union; and

Whereas although disagreements between the United States and the European Union have existed on a variety of issues, the transatlantic relationship remains strong and continues to improve: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the leadership of the European Union to the 2005 United States-European Union Summit to be held in Washington, DC, on June 20, 2005;

(2) highlights the importance of the United States and the European Union working together to address global challenges;

(3) recommends—

(A) expanded political dialogue between Congress and the European Parliament; and

(B) that the 2005 United States-European Union Summit focus on both short and long-term measures that will allow for vigorous and active expansion of the transatlantic relationship;

(4) encourages—

(A) the adoption of practical measures to expand the United States-European Union economic relationship by reducing obstacles that inhibit economic integration; and

(B) encourages continued strong and expanded cooperation between Congress and the European Parliament on global security issues.

MEASURE READ THE FIRST TIME—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV. I object to my own request.

The PRESIDING OFFICER. The objection is heard.

ORDERS FOR TUESDAY, JUNE 21, 2005

Mr. DOMENICI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided further that the Senate resume consideration of Martinez amendment No. 783 and there be 80 minutes of debate with Senators MARTINEZ, NELSON, CORZINE, LANDRIEU, BINGAMAN, and DOMENICI each in control of 10 minutes, the two leaders or their designees in control of 10 minutes each; provided that following that time, the Senate proceed to a vote in relation to the amendment with no second degrees in order prior to the vote.

I further ask consent that the Senate recess until from 11:30 a.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the Energy bill under the previous order, and there will be up to 80 minutes of debate on the pending Martinez amendment on OCS inventory. Following the debate, the Senate will proceed to a vote in relation to the amendment. Therefore, the first vote of tomorrow's session will occur at 11 a.m.

For the remainder of the day, we will continue working through the remaining amendments to the bill. We have a couple of amendments pending, including the Voinovich diesel emission amendment. It is my hope that we can lock in time agreements on those amendments tomorrow afternoon.

I also remind my colleagues that we will complete action on this bill this week. This is the statement of the leader. In an effort to move this process forward, we may file cloture on the bill tomorrow; therefore, Senators who have amendments should contact the bill managers as soon as possible.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Tuesday, June 21, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 2005:

DEPARTMENT OF JUSTICE

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMES B. COMEY, RESIGNED.

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE THOMAS L. SANSONETI, RESIGNED.

EXTENSIONS OF REMARKS

A TRIBUTE TO RAQUEL SHIVDAT

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor an outstanding leader, Raquel Shivdat.

Ms. Shivdat may not have a very visible personality, but behind the scenes she is one of the biggest influences in the explosion of Caribbean music entertainment in New York City. As Promotion and Marketing manager of the JMC Entertainment Inc. (which includes JMC records, JMC Trevini band and Rum Jungle Bar and Restaurant), Ms. Shivdat's responsibilities range from the promotion of shows to the management of music recordings. After more than twelve years in the entertainment industry, Ms. Shivdat has become a defining force.

Ms. Shivdat rose through the ranks in the family's business, starting as flyer designer at JMC Records and later working at the family's Roti Express diner. Additionally, Ms. Shivdat managed to pursue a degree in Fashion Marketing at Berkeley College in New Jersey, while managing her household as a wife and mother of two boys, Tyler and Shane.

At Rum Jungle, Ms. Shivdat produces at least one concert every month involving artists from the West Indies. The biggest names in Soca and Chutney music are regular performers at the club. Ms. Shivdat also brought the legendary Indian performers Babla and Kanchan to New York.

Ms. Shivdat also makes regular contributions to charitable organizations and committee projects in New York and has done fund raisers at Rum Jungle for the Prime Ministers of Trinidad and Tobago and Guyana.

At 32 years old, Ms. Shivdat has become a key member of the JMC Company and she says that she always draws inspiration from her father Mohan Jaikairan who owns the business.

Mr. Speaker, Ms. Shivdat, a wife, mother and entrepreneur, is both passionate about her chosen field of music and her community. Thus, we proudly recognize her today.

TRIBUTE TO ARMY SPECIALIST LOUIS NIEDERMEIER

HON. C. W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Army Specialist Louis E. Niedermeier of Largo, Florida, who gave the last full measure of service to our nation while serving in Iraq.

Our nation buried Louis with full military honors this afternoon at Arlington National Cemetery following his death by sniper fire in Ar Ramadi, Iraq on June 1st while serving with his Headquarters Battery, 2nd Battalion, 17th Field Artillery Regiment, 2nd Infantry Division. He died just 2 weeks short of his 21st birthday.

Louis was a soldier's soldier. He wanted to enlist in the Army immediately after the events of 9–11, but he was only 17. His day came though as soon as he graduated from Pinellas Park High School in 2003. He followed in his father's footsteps and enlisted in the Army and a year later found himself serving in Iraq.

As a scout, Louis served on the front lines, providing critical targeting information to our air and artillery forces. He served with pride and with courage to bring about freedom in a land far from home. The true testament of Louis' service as a soldier came from the remembrances of three soldiers from his unit who served side-by-side with him in Iraq. The three were wounded in combat and were stateside at the time of Louis' death. They drove 36 hours nonstop from Fort Carson, Colorado to be with Louis and his family this afternoon. They said they did it because if the roles had been reversed Louis would have been there for them.

Louis' parents Edward A. Niedermeier and Denise A. Hoy were proud of their son. They were proud that he chose to serve his Nation in uniform. They were proud that he served with distinction to defend the principles of freedom and democracy. And they were proud that despite the fact that he served halfway around the world, first in Korea and then in Iraq, that he never forgot to remember his family and friends back home.

Both Ed and Denise marveled this afternoon that before they knew it Louis had grown from a boy into a man. They recounted Louis' love of family and country. And they emphasized that if Louis had it to do over again, they are convinced he would not have changed a thing.

Army Sergeant First Class Charles Welsh also attended today's services. He not only had the honor of serving with Louis in Iraq, but he was Louis' uncle. He recalled the day Louis came to him and told him he had enlisted in the Army as one of the proudest moments in this young man's life.

The price of freedom is great and in the case of Louis it was a life cut way too short. It was also the tragic interruption of a life together Louis had planned with his fiancee Sarah Hatley. Sarah and Louis were high school sweethearts who both volunteered to serve their Nation in uniform. Sarah is a Seaman serving aboard the U.S.S. *Fitzgerald,* stationed in Yokosuka, Japan. Her ship was underway off the coast of Australia when she learned of Louis' death.

Mr. Speaker, our Nation said goodbye to Specialist Louis E. Niedermeier today at Arlington National Cemetery. We said goodbye to a brave soldier who proudly wore the uniform in defense of freedom here and throughout the world. We said goodbye to a good son, a good nephew, and a good friend to so many people. And we said goodbye to the love of a young girl's life.

As the day draws to an end, we can take solace in the fact that America sleeps better tonight and every night because of heroes like Louis Niedermeier who sacrificed all for the love of country and the love of freedom.

Mr. Speaker, a grateful Nation said thank you today to a courageous soldier and I join all my colleagues today in expressing our sorrow and our thanks for the life and the service of Louis Niedermeier and to the strong and loving family and friends he leaves behind. His was a life that was all too short in time but full of love and grace.

JUNETEENTH AFRICAN-AMERICAN INDEPENDENCE DAY

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. RANGEL. Mr. Speaker, I rise today to commemorate an African-American day of celebration of freedom and justice. Juneteenth marks the end of slavery for African-American communities around the country. It is a day to embrace our freedom and equality, to reflect on the progress we have made as people, and to ponder our future role in this country.

Despite the signing of the Emancipation Proclamation in January 1963, it took two and a half years—June 1965—for the liberation of all slaves in the United States to occur. For 140 years now, African-Americans have celebrated the final attainment of their freedom on the 19th of June. Tradition has it that it is the date when news of emancipation from slavery was finally delivered to slaves in Texas, the furthest point from Washington where slavery existed. The most accepted explanation is that the delay was caused by the primitive communications of the day, but some historians believe that the news of emancipation was deliberately denied to slaves.

On this Juneteenth, African-Americans across the country will contemplate the importance of their freedom compared to their ancestors. They will reflect on their ability and rights to hold a job, to ride a bus, to own property, to live unencumbered by the government, and to make decisions about their own lives. Some will think about the obstacles that remain in their way of achieving the "American dream." Others will ponder the future of their children and the opportunities ahead of them.

I, for one, would think both about how far we have come as a country and how much further we need to go to erase racism and discrimination from our society. Once the slaves of plantation owners, African-Americans now can freely move about the country, hold jobs and careers of importance, marry their chosen partner, provide for their families, raise their kids, and live in true freedom. African-Americans are graduating from college at increasing rates; receiving medical, professional, and doctoral degrees; working in major corporations and businesses; and making decisions about the future of this country. We have come a long way in our struggle for equality.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nonetheless, we have far to go. Less than half of African-American families own their own homes and they are twice as likely to be denied mortgages as whites. While the unemployment rate for whites is 5 percent, the black unemployment rate is 10 percent. African-Americans are three times more likely to be arrested as whites and on average serve longer sentences than whites. Crime, drugs, and poverty are rampant in many minority communities. Many young African-Americans are disillusioned, frustrated, and feel powerless in their own country.

The challenges African-Americans are facing today are rooted in the system of slavery. After emancipation, segregation, a system of continued oppression, was imposed which maintained the disparities between blacks and whites. It fueled the animosities, resentments, and discrimination that would separate and divide this country. We are still grappling with the effects of slavery, racism, and discrimination. We must do more to undo the wrongs of that evil institution.

On this Juneteenth, let this great country come together to reflect on the role slavery has played in our system today.

A TRIBUTE TO WINSTON P. THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a distinguished and accomplished Brooklynite, Winston P. Thompson. It is an honor to represent Mr. Thompson in the House of Representatives and it behooves us to pay tribute to such an exemplary citizen.

Mr. Speaker, Mr. Thompson worked diligently and attained his undergraduate and graduate degrees from St. Francis College and Pace University. His work experience is impressive—from being employed as an auditing officer for Morgan Guaranty Trust Company, a Wall Street Investment Banking firm, for two years, and a big five international accounting and consulting firm, where he remained for five years.

Over the past 20 years, he has demonstrated deep devotion and civic commitment as a CPA and Financial Planner by offering tax and financial services to the Brooklyn community. In addition, he is the founder, President, and Chief Executive Officer of Thompson & Company, a Certified Public Accounting and Consulting firm based in Downtown Brooklyn, which recently enjoyed its twentieth year in operation.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and service of Mr. Thompson. He continues to offer his talents and services for the betterment of the community through his involvement in several community activities and organizations, particularly as a Member of the Caribbean American Chamber of Commerce, the Brooklyn Chamber of Commerce and the Bedford Stuyvesant Real Estate Board.

Mr. Speaker, may our country continue to benefit from the civic actions of committed and talented individuals such as Winston P. Thompson.

TRIBUTE TO MR. ROBERT L. PANEK

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize and pay tribute to Mr. Robert L. Panek, who retired from the Senior Executive Service, in the Department of the Navy, on June 3rd, 2005. Mr. Panek's long and highly distinguished career spans nearly 34 years of Federal Service and eclipses 27 years of dedicated service in the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller).

A native of Oceanside, New York, Mr. Panek received a Bachelor of Science degree, a Naval Reserve commission, and a Merchant Marine Third Officer's license from the Maritime College of the State University of New York, before entering Federal Service in 1971.

Excelling as a management intern with the Naval Ordnance Systems Command, budget analyst in the Anti-Submarine Warfare Systems Project Office, financial management advisor to the Deputy Chief of Naval Material, and budget analyst/branch head in the Department of the Navy (DoN) Budget Policy and Procedures Directorate, Mr. Panek was appointed to the Senior Executive Service (SES) in July 1986. As a SES officer, his breadth of responsibilities grew to encompass nearly every facet of the DoN budget to include setting policies and procedures for the formulation and execution of the DoN budget; directing DoN budget operations; and overseeing Investment, Research & Development, Construction, and Acquisition accounts. In December 1994, Mr. Panek's exemplary career culminated in his selection as the Associate Director, Office of Budget with responsibility for the formulation, presentation and execution of the DoN budget. In this position he achieved the grade of Senior Executive Service, Level 6 and also served as Special Assistant to the Assistant Secretary of the Navy (Financial Management and Comptroller).

Mr. Panek's devotion to duty, financial acumen, and commitment to the Navy-Marine Corps Team have made our Nation safer and our Navy and Marine Corps Stronger. He has been awarded numerous performance awards and citations throughout his career to include the Department of the Navy Superior Civilian Service Award in December 1988, the Presidential Meritorious Rank Award in 1993, and the Department of the Navy Distinguished Civilian Service Award in 2001. His selflessness, exemplary conduct, and commitment to a cause greater than himself is memorialized in his parting email to his shipmates in the Department of the Navy in which he reminded them—''Finally, please always, always remember that we do this for our Sailors and Marines that go in harm's way.''

It is fitting and altogether appropriate to recognize Mr. Panek's contributions to the DoN at the same time that we consider the Fiscal Year 2006 Defense Appropriations Act. Our Nation and the Department of the Navy have been made better through the talent and dedication of Mr. Robert L. Panek. I know all of my colleagues join me in congratulating Bob, his wife Susan, and their two daughters, on the completion of an outstanding career. While his service to our Nation will be missed, he has left a legacy of high standards and superbly trained professionals in his wake. We wish him fair winds and following seas!

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise in support of the Moran amendment to restrict the exportation of 50 caliber sniper rifles.

This weapon was not built for hobbies or marksmanship, but for military purposes. According to its original patent filing, it was designed to destroy aircraft at long range, beyond security perimeters.

Semi-automatic versions of these guns can fire as many as ten rounds in one minute at a plane, but it only takes one accurate hit to the fuselage, engine or cockpit to cause disaster.

There are even two published books on the market that explain how to use this sniper weapon to attack planes and helicopters.

All this may be why the conservative Rand Corporation, in a 1995 report, found the 50 caliber sniper rifle to be a serious threat to U.S. military air bases.

Today, nine years after that report and three and a half years after 9/11, these terrorist weapons remain under extremely loose regulation.

They are as easy to purchase as a regular rifle and even easier to purchase than a hand gun and yet we know terrorists and criminal organizations have sought them.

According to the Violence Policy Center, Al Qaeda has at least 25, the Church Universal and Triumphants has at least 10, the IRA has 2, and the Militia Training Camp in Canada has 1.

This weapon not only threatens American planes and airports, but also chemical and refinery plants.

The military's top choice of ammunition for the 50 caliber is not only armor-piercing, but also explosive and incendiary—meaning it causes fire.

That type of ammunition could easily cause a huge disaster.

We should protect ourselves and pass the Moran Amendment.

A TRIBUTE TO DECOSTA HEADLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished entrepreneur, DeCosta Headley. It is an honor

to represent Mr. Headley in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Headley obtained a Bachelor of Arts degree in Behavioral Science from Shaw University in Raleigh, North Carolina. He became a successful entrepreneur, serving as the president of Diversified Inch By Inch, Inc., one of the city's leading African-American general contracting firms. In this position, Mr. Headley demonstrated deep commitment to the community through several development projects that his company undertook, including the construction of local medical and dental facilities for Oxford Health Plans, Brookdale Hospital & Medical Center, and Interfaith Medical Center, and new housing, including a multi-level senior citizens apartment complex for Berean Missionary Baptist Church. Mr. Headley launched efforts of urban renewal by assisting in the development of senior citizen housing and youth centers for communities in need across the five boroughs.

Mr. Headley has exhibited the qualities of an exemplary community leader in his service as District Leader for the 40th Assembly District in the East New York section of Kings County. During his term, he remained dedicated to improving the quality of life for his constituents by continuously engaging in initiatives aimed at expanding college scholarships, employment opportunities, affordable housing, public assistance services, and social services, including senior citizen centers that offer hot meals, transportation, and access to basic health care services. In addition, he remained actively involved on various local community and planning boards, founded the community's first Local Development Corporation along with the Federation of Block Associations for East New York, and established the Federation of Addiction Agencies that offers a drug-free treatment program in East New York and Brownsville. Currently, Mr. Headley enormously contributes to the political sector of the community by successfully managing the campaigns of candidates running for positions in the city, state, and federal levels of government.

Mr. Speaker, I believe that it is incumbent on this body to recognize the remarkable achievements and selfless service of Mr. Headley as he continues to benevolently extend his talents and services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the civic actions of committed and laudable community leaders such as Mr. DeCosta Headley.

COMMENDING JACK DILLENBURG FOR EXEMPLARY COMMUNITY SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Jack Dillenburg, a resident of the town of Arkwright in Chautauqua County, upon the occasion of his recognition as the 2005 Chautauqua County Democrat of the Year.

Jack's dedication to public service has been manifest, and his commitment to the residents of Chautauqua County has been outstanding. Jack served as an appointed member of New York State Assemblyman Rolland Kidder's staff from 1976 until 1982.

During that time Jack continued to work very hard for his constituents back home. In 1975 Jack was elected to the Forestville Village Board of Trustees where he served until 1977 when he was elected mayor.

In 1980 Jack began a four-term streak as a member of the Chautauqua County legislature. During his time as a legislator, Jack's leadership and consensus building skills led him to be chosen by his colleagues to be both the majority leader and the minority leader.

The year 1992 ushered in six terms as the Arkwright Town Supervisor where there is no doubt that he did all he could to better the community.

Over 20 years later Jack decided to hang up his hat as an elected official and in 1998 he began a 5-year duty as the clerk of the Chautauqua County legislature; a responsibility he was well suited to fill following his years of experience in the legislature.

In addition to all of these outstanding achievements in public service, Jack still gave his all and served as the town of Arkwright's Democratic Chair for 27 years.

Mr. Dillenburg deserves recognition and congratulations for the vast contributions he has made over the last three decades, not just to the Democratic Party in general, but to the people of his community, his county and to all of western New York. Chautauqua County is a better place because of Jack Dillenburg's commitment to public service, and I am proud, Mr. Speaker, to have an opportunity to honor him today.

TRIBUTE TO COLONEL JOHN PEABODY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize Colonel John Peabody who has served our Nation's Army with distinction for over 25 years. He will shortly be leaving his current post at the Pentagon and transferring to the State of Hawaii.

Colonel Peabody is a graduate of the United States Military Academy at West Point. John continued his education through the Command and General Staff College and the Army War College, where he earned his Master's Degree in Strategic Studies. He also has earned degrees from El Colegio de Mexico and Howard University.

Colonel Peabody has field proven leadership capabilities and an exemplary warrior ethos. He was first assigned to the 193rd Infantry Brigade in Panama where he served as a Sapper Platoon Leader, Company Executive Officer, and Aide-de-Camp. Later, he served as the Logistics Support Command Engineer, Somalia. He also was the Political-Military Division Chief of the J5, US Southern Command in Panama. During Operation Iraqi Freedom he commanded the 3rd Infantry Division's Engineer Brigade totaling over 3,000 engineers with ten attached units. Currently, he is assigned to the Army's Office of the Chief, Legislative Liaison, where he is the Programs Division Chief.

Colonel Peabody is a model soldier and his many awards and commendations stand as testimony to that. His awards and decorations include the Legion of Merit, Purple Heart, Joint Meritorious Service Medal, Army Meritorious Service Medal, Armed Forces Expeditionary Medal, Global War on Terrorism Service and Expeditionary Medals, the Presidential Unit Citation, Master Parachutist Badge, and Ranger Tab.

I know that the members of Congress will join me in honoring Colonel John Peabody and wishing his family and him all the best in the years to come.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

Mr. BLUMENAUER. Mr. Chairman, I continue to be concerned about some of the funding cuts in this bill, but am heartened by the Committee's rejection of the President's proposal to eliminate Community Development Block Grants and the passage of the Sanders amendment that rolls back some of the most egregious components of the PATRIOT Act. While I am troubled by the lack of funding for important programs such as community policing and public broadcasting, the final version of the bill reflected significant improvements from the Bush administration's recommendations. Despite my initial opposition, when it came time to vote, I felt the improvements made to the bill warranted my support.

TRIBUTE TO VINCENT JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished lawyer, Vincent Johnson. It is an honor to represent Mr. Johnson in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Johnson obtained a Bachelor of Arts degree from Brooklyn College and a Juris Doctor degree at St. John's University School of Law. Before completing his undergraduate studies, Mr. Johnson dedicated four years of service to the United States Air Force, where he rose to the rank of Airman first class and was assigned to the Scott Air Force Base in Belleville, Illinois and Tachikawa Air Force Base in Japan.

Mr. Johnson became an associate in the Admiralty Law firm of Fields & Rosen upon graduating from St. John's University School of Law, and was appointed an assistant District Attorney in the Kings County District Attorney's office, where he generously devoted

eight years serving the community. Mr. Johnson is now dedicated to the general practice of law and holds an office at 26 Court Street. He remains particularly active in several organizations, including the Bedford Stuyvesant Lions Club, Brooklyn Bar Association, Phi Alpha Delta Legal Fraternity, 100 Black Men of New York, and Comus Social Club.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and selfless service of Mr. Johnson as he continues to offer his talents and philanthropic services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the civic actions of altruistic community leaders such as Mr. Vincent Johnson.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. ANDREWS. Mr. Speaker, I missed nine votes on June 17th, 2005 because I was attending my daughter's graduation from elementary school. Had I been present I would have voted ''aye'' on rollcall Nos. 274, 275, 276, 277, 278 and 281. I would have voted ''no'' on rollcall Nos. 279, 280 and 282.

RECOGNIZING ADMIRAL VERN CLARK, CHIEF OF NAVAL OPERATIONS, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of Admiral Vern Clark, Chief of Naval Operations, for his loyal service to the United States of America.

Admiral Clark's dedication and loyalty to the advancement of our naval service and the Nation as a whole is to be highly commended.

Admiral Clark's devotion to duty has reflected the highest standards of the military profession through a number of command and staff positions. He served aboard the destroyers USS *John W. Weeks* and the USS *Gearing.* As a Lieutenant, he commanded the USS *Grand Rapids.* He also commanded the USS *McCloy,* USS *Spruance,* the Atlantic Fleet's Anti-Submarine Warfare Training Center, Destroyer Squadron Seventeen, and Destroyer Squadron Five. After being selected for flag rank, he commanded the Carl Vinson Battle Group/Cruiser Destroyer Group Three, the Second Fleet, and the United States Atlantic Fleet. Ashore, he served as Special Assistant to the Director of the Systems Analysis Division in the Office of the Chief of Naval Operations. He later served as the Administrative Assistant to the Deputy Chief of Naval Operations and as the Administrative Assistant to the Deputy Chief on Naval Operations. He then served as the Administrative Aide to the Vice Chief of Naval Operations. He also served as Head of the Cruiser-Destroyer Combat Systems Requirements Section and Force Anti-Submarine Warfare Officer for the Commander, Naval Surface Force, U.S. Atlantic Fleet, and he directed the Joint Staff's Crisis Action Team for Desert Shield and Desert Storm. Admiral Clark's first flag assignment was at the U.S. Transportation Command where he was director of both Plans and Policy and Financial Management and Analysis. While he was commanding the Carl Vinson Battle Group, he deployed to the Arabian Gulf and served as Deputy Commander, Joint Task Force Southwest Asia. He also served as the Deputy Chief of Staff, United States Atlantic Fleet; the Director of Operations and subsequently Director of the Joint Staff. He became the 27th Chief of Naval Operations on July 21, 2000.

Admiral Clark's awards and decorations include the Defense Distinguished Service Medal (three awards), the Distinguished Service Medal (two awards), the Legion of Merit (three awards), the Defense Meritorious Service Medal, the Meritorious Service Medal (four awards), the Navy Commendation Medal, and various service and campaign awards.

Admiral Vern Clark has shown the highest level of commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Admiral Vern Clark, the 27th Chief of Naval Operations, on his retirement from the United States Navy.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes:

Ms. CORRINE BROWN of Florida. Mr. Speaker, I stand in wholehearted opposition to this outrageous Republican bill, which requires the Secretary of State to press for numerous reforms at the United Nations (UN) including budgeting, oversight and accountability, peacekeeping, and human rights. H.R. 2745, which requires the Secretary of State to withhold 50 percent of U.S. assessed contributions to the regular budget of the U.N., if the Secretary is unable to certify that the reforms called for by this bill have been met, is simply unacceptable.

The United Nations, which is based in our country, in New York City, was created in 1947 by the United Nations Participation Act, with a mission of assisting the President and the Department of State in conducting United States policy at the United Nations.

Along with my Democratic colleagues, I wholeheartedly believe in the goals of the United Nations, yet I do believe there is some need for reforming the organization. The idea that our country can just unilaterally withhold 50 percent of what we owe to the U.N. and then veto any new or expanded peacekeeping operations is not good politics, and does not serve our national interest by any means. I do however; strongly believe that the Lantos-Shays substitute, which, if passed, would empower the Secretary of State to withhold funds if the suggested reforms are not met, would allow the United States to work with other nations to achieve true reform.

There are numerous problems with this bill. Perhaps the most ridiculous is the mandating of the withholding of 50 percent of our dues to the U.N. by giving inadequate flexibility to the Secretary of State. The bill, in effect, mandates a withholding of U.S. dues by imposing an unrealistically long list of 38 reforms, a number of which are virtually impossible to achieve in such a short period of time.

In my estimation, given that our country has been, and remains to be, the single largest contributor to the U.N., that we should not attempt to simply strong arm the organization with threats or sanctions merely to achieve the types of reforms we deem necessary. In fact, in 2002, our contributions to the U.N. totaled more than $3.0 billion, a total which included over $5 million in assessed contributions to their regular budget and U.N. affiliated agencies; about $750 million in assessed contributions to U.N. peacekeeping activities; about $50 million for war crimes tribunals; and about $1.7 billion in voluntary contributions to U.N.-affiliated organizations and programs. To reiterate, I simply do not think that unilaterally withholding funds from the United Nations is a good way to achieve real reform of the organization, and if I had been able to be here today, I would have voted ''yes'' on the Lantos-Shays Substitute, and ''no'' on overall passage of the Hyde bill.

IN RECOGNITION OF CHIEF RON ACE FOR HIS 30 YEARS OF SERVICE TO THE CONCORD POLICE DEPARTMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, my colleague, Mrs. TAUSCHER and I, rise to pay tribute to Chief Ron Ace who is retiring from the City of Concord Police Department after 30 years of serving the residents of Concord and the entire region.

Ron Ace began his career in public service even before his work with the Concord Police Department when he served in the U.S. Marine Corps from 1967 to 1971. As a Marine, he served a tour of duty in Viet Nam in 1969, attached to a Huey Gunship helicopter squadron as a door-gunner.

Chief Ace began his distinguished career with the City of Concord Police Department in 1975, having previously served as a Deputy Sheriff with Alameda County. In 1985, Ron Ace was promoted to Police Sergeant. Ten years later he became a Lieutenant, and in 1998, he was promoted to Captain.

In 1999, Ron Ace was promoted to Police Chief for the City of Concord. As Chief, he has been instrumental in helping the Police Department become recognized throughout the country as a model law enforcement agency.

During his tenure, Chief Ace helped to develop and advance the Department's generalist model of community policing. This approach has worked to support collaboration among police officers, residents, and civic leaders to ensure the safety of residents and the individuals who work to protect the City.

Chief Ace's efforts have resulted in an integrated philosophy of community policing that is visible throughout the entire community.

Chief Ace maintains membership in several peace officer associations and he is currently serving his second term as a Commissioner for the Commission on Accreditation for Law Enforcement Agencies.

Chief Ace's work and commitment to Concord has been recognized by the Association of California School Administrators and the Northern California Juvenile Officer's Association. He also received the Warrington Stokes Award for Child Abuse Prevention.

Ron Ace has lived in Concord with his wife Carol and daughter Susan for more than 25 years. As a resident, he has gone far and beyond his professional responsibilities and served as an outstanding member of the Concord community. He has been active in school activities, youth sports and community organizations.

For 30 years, Chief Ron Ace has served the Concord Police Department and surrounding community. His hard work has improved the safety of the City, the community as a whole, and ensured an enduring legacy of public service in Concord. Today, we are proud to commend him for his service to the community, his dedication to duty and his commitment to the people of Concord.

RECOGNIZING THE CONTRIBUTIONS OF ANGELA WILZ OF BISMARCK, ND

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. POMEROY. Mr. Speaker, a constituent of mine, Angela Wilz of Bismarck, North Dakota, has shown tremendous courage during a very challenging year for her family. When her husband—CPT Grant Wilz of North Dakota's 141st Engineer Combat Battalion—was deployed to Iraq in February of 2004, Angela was forced to face the challenges of parenting and managing a household without her partner. Though this is always a difficult task when a spouse is serving overseas, Angela's situation was especially demanding.

Angela took over her husband's responsibilities as administrator of a local retirement home, working overtime to help meet the needs of those charged to her care. On top of these professional duties, Angela continued to provide love and care to the couple's three children—including their oldest child who has special needs.

To make matters more challenging, Angela was diagnosed with thyroid cancer during her husband's tour of duty. After undergoing two surgeries, Angela began to experience complications—including temporary paralysis that resulted in hospitalization. Never one to feel sorry for herself, Angela prayed for her health to return so that she could continue to be there for her children.

Thankfully, Angela is on her way towards a full recovery and Captain Wilz is now back home in North Dakota, safe and sound.

The courage showed by the Wilz family is indicative of the sacrifices made by the husbands and wives of soldiers throughout our country's history. Whether their loved ones manned a battleship in the South Pacific, served in the sweltering jungle of Vietnam, or are currently performing dangerous duties in the sands of Iraq, it has been service members' spouses who provide love and care to anxious children and work long hours to make ends meet. Our nation's deeply felt gratitude goes out to all of our servicemen and women and their families who have endured so much on our behalf.

PAYING TRIBUTE TO KEITH AND RUTH SMILEY AND MOHONK CONSULTATIONS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to honor the memory of my departed friends Keith and Ruth Smiley, on the occasion of the 25th Anniversary of Mohonk Consultations. It is with great pleasure that I honor Keith and Ruth for their outstanding vision and their steadfast dedication to a more equitable and sustainable global community.

Keith Smiley was a good friend, who shared my enthusiasm for protecting and preserving the unique beauty of the Shawangunk Mountains. Keith's life reflected his Quaker upbringing. He treasured the world around him and sought to bring peace and social justice to people by promoting self-determination. He truly believed that all people had the innate right to be involved in the decisions that affected their day-to-day lives. However, the quality that made him special, and that I pay homage to today, was his ardent belief that these decisions, decisions on governing and development, must take into account their impact on the environment.

The idea of ''consultations'' had always been part of the Mohonk Mountain tradition and under Keith Smiley's leadership they were very successful. When the Mohonk Trust was formed in 1963, the Smileys were able to further their stewardship of the land as well as their goals of promoting international understanding and world peace through conferences and the exchange of ideas. After successfully hosting a gathering of environmental and international development groups for the Agency for International Development, Keith moved forward with his own dream for a unique environmental organization. Mohonk Consultations was officially incorporated in 1980. Since that time, the group has brought together the foremost leaders on the environment, the economy and other individuals seeking new, environmentally sound methods of getting things accomplished.

A tribute to Keith and his work would be incomplete without mentioning his wife, Ruth. Trained as a naturalist and horticulturist, she truly appreciated the sublime nature of her surroundings. What Keith brought to the table in discussion, Ruth brought through her photographs. She always had her camera ready to capture the beauty of the Mountains and was an eager participant in the numerous programs and nature walks sponsored at Mohonk. Together, Keith and Ruth had a holistic approach to life, the environment and to the world around them. Their vision lives on today through Mohonk Consultations.

Mr. Speaker, I am delighted to submit these remarks in honor of Keith and Ruth Smiley and in recognition of the 25th anniversary of Mohonk Consultations.

IN HONOR OF THE GROWER-SHIPPER ASSOCIATION OF CENTRAL CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an extraordinary organization based in my Central California district, the Grower-Shipper Association of Central California, on the occasion of its 75th anniversary. Initially formed in 1930 by a handful of growers and shippers to represent one commodity—iceberg lettuce, the GSA now includes over 300 members, spanning four Central Coast counties and representing dozens of commodities—virtually all vegetables, berries, mushrooms, and wine grapes. Through its long record of achievement, the Association has become the premier local representative of agriculture on the Central Coast.

For most of its first 50 years, the Association's work focused on the issue of labor. Today the GSA tackles an extensive workload including food safety and security, pest and plant disease prevention, control and eradication, land use in the agriculture/urban interface, water supply and distribution, market access and trade, agricultural research and education, government, legislative and regulatory affairs, worker safety and training, and labor and employment law.

While managing these increased challenges, the Grower-Shipper Association maintains a commitment to its members and community. Its mission statement declares ''We are the local solution representing our members' agricultural needs.'' The Grower-Shipper Association lives up to this standard through education, representation, and advocacy. In 2003, GSA established the non-profit Grower-Shipper Association Foundation to further its support of the Central Coast agricultural community. Funds from the Foundation will allow the Association to significantly expand its support of educational, training, and other programs of service to the community.

The Grower-Shipper Association has made a substantial contribution to both the agriculture industry and the broader community of the Central Coast. The Association's achievements are a direct result of the leadership of its members, boards, and presidents, past and present. For 75 years the GSA organization has earned a reputation for integrity that honors the culture, companies, and employees of Central Coast agriculture that have made this region the most productive and innovative in the world. Mr. Speaker, it is truly an honor to recognize the Grower-Shipper Association of Central California.

NOAA VESSEL TIME CHARTER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. YOUNG of Alaska. Mr. Speaker, beginning in Fiscal Year 2001 Congress began providing funds for a vessel time charter for the National Oceanic and Atmospheric Administration, NOAA, to use in addressing the critical hydrographic survey backlog. The vessel time charter added a third method of acquiring the data needed to update and improve the hydrographic charts of our nation's waterways. These charts are essential for our national security, defense and economy. NOAA now uses (1) its own hydrographic survey vessels, (2) data—contracts under the Brooks Act, and (3) a long-term, multi-year, vessel lease/charter of a private sector vessel with contract hydrographers.

The long-term vessel lease/charter, is now completing its first year of operation. I rise today to urge NOAA to reprogram funds to extend the current charter through the end of this calendar year. This extension will allow enough data to be gathered to determine whether the continued use of the time charter is cost effective, and competitive with other methods of acquiring hydrographic data. It will also keep the contract going long enough to determine if fiscal year 2006 funds are available for continued long term vessel charters. To emphasize the bipartisan importance of this issue, I ask that the May 31, 2005, letter to the NOAA Administrator that my good friend and colleague, NORM DICKS signed with me, be entered into the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2005.

Vice Admiral CONRAD C. LAUTENBACHER, Jr.,
Undersecretary for Oceans and Atmosphere, National Oceanic and Atmospheric, Administration, Herbert Clark Hoover Building, Washington DC.

DEAR ADMIRAL LAUTENBACHER: As you are aware, the Nation faces a huge backlog of critical hydrographic survey work. To reduce this backlog, the National Oceanic and Atmospheric Administration (NOAA) had developed a three-pronged approach. NOAA is using 1) its own hydrographic survey vessels and personnel; 2) data acquisition contracts; and 3) a leased vessel staffed by contract hydrographers.

In fiscal years 2002 through 2005, Congress provided funding and specific direction to NOAA to enter into a multi-year vessel lease. After a lengthy bid process, the Military Sealift Command entered into a lease on NOAA's behalf that included a base year, and 4 one-year options. The first year of that lease will soon end, and unless it is extended this portion of the hydrographic surveying initiative will end. The bidders, including the winning bidder, based their bids on a 5-year lease period. Therefore, it was very disappointing to learn that NOAA does not intend to exercise even its first annual lease option, especially since NOAA appears to be satisfied with the work that has been done by the leased vessel.

We have requested that the Appropriations Committee include funding to continue the vessel lease program in fiscal year 2006. This will allow NOAA time to acquire and examine cost data on the lease to determine if vessel leasing is a cost effective method of acquiring hydrographic data. While this request is pending, we urge you to extend the vessel lease with the roughly $1.6 million remaining of the amounts already appropriated for that purpose. This will hold open the door to allow NOAA to exercise the first annual contract option if Congress appropriates vessel lease funds in Fiscal Year 2006.

Both Congress and NOAA deliberated long and hard before establishing the longterm vessel lease program as an additional method to reduce the survey backlog. Given the time and effort it has taken to get that program under way, it would be very inefficient for NOAA to kill the program this year, and then go through another multi-year contract bidding process starting next year. Therefore, we urge you to use the remaining funds to extend the vessel contract.

Thank you for your expeditious consideration of this request. We look forward to your prompt response.

Sincerely,

DON YOUNG,
Congressman for All Alaska.
NORMAN D. DICKS,
Member of Congress.

CELEBRATING THE 40TH ANNIVERSARY OF GARY JOB CORPS IN SAN MARCOS, TEXAS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Gary Job Corps for 40 years of successful service to the people of San Marcos, Texas.

Located on a campus of 1,000 acres at the former Gary Army Air Field, Gary Job Corps is the largest of 118 Job Corps campuses nation wide, enrolling nearly 2,000 young men and women. It represents the fulfillment of President Johnson's 1964 promise to develop a national job training program for youth, a promise he made while visiting the former Southwest Texas State University.

For 40 years, Gary Job Corps has been helping young men and women achieve their academic and professional dreams. In addition to providing vocational training for careers in the health occupations, business, computers, cooking, and numerous other industries, it has sent on its alumni to the student bodies of Texas State University, Alamo Community College, and other institutions of higher education.

Gary Job Corps has helped countless young Texans achieve their life goals, and has helped bring economic growth, educational achievement, and the promise of a better future to Central Texas. I am happy to have this opportunity to congratulate Gary Job Corps on the occasion of its 40th anniversary, and I wish all of its staff and students many more years of success.

WORLD REFUGEE DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. PAYNE. Mr. Speaker, I rise today, on World Refugee Day, to pay tribute to the indomitable spirit and courage of the world's refugees and internally displaced persons (IDP's), as well as the brave people who help them rebuild their lives. I recognize the generosity of the United States and its assistance to refugees. However, the next year promises to be a unique opportunity for the return of refugees, and in order to seize this opportunity, we must increase our investment in long-term development to make refugee returns durable. I also urge the Bush Administration government to do more to protect current refugees, resolve the conflicts that produce refugees, and prevent future refugee crises.

Among the most vulnerable groups of people in the world are those who are displaced, whether as a result of conflict, persecution or other human rights violations. Often losing everything but hope, refugees and IDP's are among the great survivors of our time. Initially, the fear that refugees and IDP's must overcome may be the immediate one of trying to escape the horrors of war and persecution, the pain of losing homes and loved ones, and the ordeal of flight. Refugees and IDP's deserve our respect—not just for enduring the dangers and violence of the crises that made them refugees—but also for the courage they show in rebuilding their lives and contributing to society in difficult or, unfamiliar circumstances. Albert Einstein, Victor Hugo, Congressman TOM LANTOS, Thabo Mbeki, Marlene Dietrich, and Paul Rusesabagina (of Hotel Rwanda fame) were all refugees whose phenomenal achievements earned the world's respect. Today's refugees are also heroes and deserve no less than our respect.

But giving our respect to refugees and IDP's—truly honoring their courage—requires much more than flattering rhetoric and pledges of solidarity. It requires us to look back at what the world has done well to assist refugees and IDP's. It also requires us to deepen our understanding of the perils and fears they continue to face. In addition, if we truly want to celebrate their courage, it means we must focus our attention on what still needs to be done to help them.

People have fled persecution from the moment in history when they began forming communities. The tradition of offering asylum began at almost the same time. And when nations began to develop an international conscience in the early 20th century, efforts to help refugees also spread across the globe. In 1921, Fridtjof Nansen was appointed as the first refugee High Commissioner of the League of Nations, the forerunner of the United Nations. The United Nations High Commission for Refugees (UNHCR) began as a small organization, with a three-year mandate to help resettle millions of European refugees who were still homeless in the aftermath of the Second World War. Since that time, the organization has continually expanded to meet the growing needs of refugees and other displaced people. In more than five decades, the agency has helped an estimated 50 million people restart their lives. Today, a staff of more than 6,000 people in more than 100 countries continues to help some 17 million persons in every corner of the world. Today I commend the outstanding, tireless work of the UNHCR. However, as a former high commissioner said, the fact that the world still finds a need for the UNHCR should serve as a sobering reminder of the international community's continuing failure to prevent prejudice, persecution, poverty and other root causes of conflict and displacement.

In our tribute to the world's refugees, it is important not to forget the internally displaced persons, or IDP's. Last week, during his first few days as the 10th U.N. High Commissioner for Refugees, António Guterres reminded the world that millions of internally displaced people are not currently being cared for. The internal displacement problem is one of the biggest neglected humanitarian problems that we face. The abstract term ''internal displacement,'' created to distinguish IDP's from refugees, fails to convey the immense human suffering most internally displaced people are forced to undergo. The act of displacement itself often is accompanied by violence and the most serious human rights violations such as killings, torture, kidnappings and rape. IDP's are a very vulnerable category and most of them receive less assistance than refugees in camps. Whereas refugees have managed to cross borders to escape persecution, the internally displaced, for various reasons, are stuck within the same borders between which forces of violence and persecution continue to hunt them.

The number of people ''of concern'' to UNHCR, including IDP's, grew last year by over 2 million to 19.2 million. The increase was mainly the result of a rise in the numbers of internally displaced people and stateless persons to 7.6 million—up from 5.3 million at the end of 2003. Of the world's approximately 25 million IDP's, 13 million are in Africa. Sudan has the largest IDP population in the word, with between 5 and 6 million displaced persons. Sudan also is the country with the largest number of newly displaced persons in 2004 (about 1 million, mostly in Darfur, where a total of 2 million IDP's survive on a day-today basis). Sudan is followed by the Democratic Republic of the Congo with 2.3 million IDP's. In Colombia, Afro-Colombians continue to be caught in the crossfire between government troops and rebels. Afro-Colombians represent a disproportionate level of the country's IDP population of more than 2 million, which represents the world's third largest IDP population. Iraq and northern Uganda each have around 2 million IDP's.

Despite the scale of the worldwide internal displacement crisis, its destabilizing effects on regional security, and the vulnerabilities of many internally displaced populations, the U.S. and other members of the international community have been slow in addressing the issue. Refugees, usually far more visible, continue to receive a great deal more international attention, although their number is only about half that of IDP's. The IDP problem is a humanitarian challenge, as well as a challenge to peace-building and post-conflict recovery. For example, it will be extremely difficult to rebuild Sudan with millions of persons uprooted and on the move. As we see in the massive displacement crises of Colombia and Somalia, the U.S. and the rest of the international community are far from being capable of effectively responding to or preventing such emergencies. Due to the chronic under-funding of aid agencies by donor governments, the IDP problem will not likely see progress towards a solution any time soon. Unless we change this shameful status quo.

Today, I call on the Bush administration to take three specific steps to help the internally displaced. First, I call on the Bush administration to actively pressure countries that are using the global ''war on terror'' to justify brutal repression and the displacement of millions. In 2004, several governments continued or intensified anti-rebel military campaigns labeled ''counter-terrorist'' operations, which resulted in new internal displacements and prevented return, including in Chechnya (Russian Federation), Aceh (Indonesia), Colombia, northern Uganda and Nepal. Second, I call on the Bush administration to reexamine the effectiveness of U.S. bureaucratic structures that are intended to assist IDP's. Currently, the responsibility for assisting IDP's is shared between the State Department's Bureau of Population, Refugees and Migration and the U.S. Agency for International Development; however, this responsibility is poorly defined, suffers from lack of coherence, and is vulnerable to bureaucratic turf battles. Regarding IDP's, the relationship between PRM and USAID must be better defined in order to facilitate the creation of a more effective system to monitor and assist the internally displaced.

Finally, I call upon the Bush administration to set up a fund specifically intended to assist IDP's. IDP's continue to fall through the cracks in our handling of crises. Establishing such a fund—to be administered by the appropriate government agency—would serve as a first step toward not treating IDP's as an afterthought. It would also serve as a model to the international community that would facilitate an improvement in how we address the sad phenomenon of internal displacement. In summary, let us not neglect IDP's, for their struggle is often just as dangerous as that of refugees, and their courage also merits a tribute today, a tribute that translates to humanitarian action.

Today, the worldwide suffering of uprooted peoples continues. There are currently nearly 20 million refugees and other persons of concern to the UNHCR, the majority of whom are women and children. Afghans remain by far the biggest refugee group in the world at 2.1 million. In Sudan, the increase in refugees in 2004 accounted for the largest increase in the world. Sudan produced 125,000 new refugees, mostly people fleeing genocide in the Darfur region to neighboring Chad. The total number of Sudanese refugees world-wide rose to 731,000 in 2004, from 606,000 in 2003, an increase of 20 percent.

Recent trends give some room for guarded optimism. On June 17, the UNHCR reported that the global number of refugees fell 4 percent in 2004 to 9.2 million, the lowest total in almost a quarter of a century. Repatriations are also up. In 2004, a total of 1.5 million refugees repatriated voluntarily, an increase of some 400,000 over the previous year. The 2004 returns include 940,000 refugees who went back to Afghanistan and 194,000 who returned to Iraq. In addition, over the past few years, successful repatriation operations in Africa and the countries of former Yugoslavia have reduced significantly the number of people of concern to the UNHCR. In Burma, recent developments are providing a basis on which to plan for the eventual return of refugees in Thailand. Across the globe, resettlement continues expanding through the practice of group resettlement. The UNHCR, with support from the U.S., has succeeded in helping several million people begin new lives.

Despite the good news, though, numerous serious challenges remain. In the Democratic Republic of the Congo, the numbers of refugees increased by 2.4 percent, pushing the total number of Congolese refugees up to 462,000. In Northern Uganda the murderous Lord's Resistance Army continues to abduct thousands for use as soldiers and sex slaves. In Burundi, under pressure from Rwanda, the Burundi government recently announced that 10,000 Rwandan asylum seekers who had fled Rwanda since the beginning of April in fear of persecution over the 1994 genocide would not be granted asylum, despite not having been screened to see if they met the definition of a refugee. Already, at least 5,000 of the refugees have been returned to Rwanda, and because the UN was not granted access to the refugees, many fear they were forced to return. In Afghanistan, there is a need for more comprehensive solutions for Afghans still outside their country, and dialogue between the UNHCR and relevant governments and other stakeholders in the Afghanistan situation must continue. In addition, although a peace deal in January officially ended Sudan's north-south conflict, at least 7,500 people had fled into Uganda this year, and refugees and IDP's say that food distribution had stopped in camps inside Sudan.

Because of its long history of displacement, and since Africa Refugee Day corresponds with World Refugee Day in many countries, Africa merits special attention in this examination of refugees and IDP's. Africa hosts approximately 3 million refugees, about 30 percent of the world's total. Africa also hosts 13 million IDP's, or more than half of the world's total IDP population. In Africa today, return and reintegration opportunities abound if we can get the politics of peace right. There are an unprecedented number of repatriation and reintegration operations currently underway—particularly in Burundi, Liberia, Angola, the Democratic Republic of the Congo, Sierra Leone, and Somalia. In 2004, refugees from Liberia (100,000), Burundi (90,000), Angola (64,000), and the Democratic Republic of the Congo (30,000) returned to their countries in large numbers and the UNHCR started a program intended to help an additional 340,000 Liberians repatriate. In March 2004, the UNHCR took an important step to act on the improved prospects for the return home of millions of long-time refugees in Africa. The UNHCR launched its Dialogue on Voluntary Repatriation and Substainable Reintegration in Africa. The Africa Dialogue calls on the international community to seize this unique opportunity for the return of up to 2 million refugees and several million displaced persons across the continent, and it stresses the need to invest in long-term development to make returns durable. Today, the Africa Dialogue continues to make progress; however, considerable challenges still lie ahead. Returns must be matched by post-conflict reconstruction and reintegration in order to break the cycle of violence and make repatriation sustainable. The populations of Burundi, the Democratic Republic of the Congo and Somalia all await the outcome of political negotiations, and the U.S. and the UNHCR must lend their support to these peace efforts while assisting the victims of conflict.

Of great concern, the genocide being perpetuated by the government of Sudan in that country's Darfur region has forced approximately 2 million Darfurians to become internally displaced. In addition, more than 200,000 Sudanese have fled Darfur and are now living in camps in neighboring Chad. For the

UNHCR mission in eastern Chad, where 300 UNHCR staff assist a total of 213,000 refugees in 12 camps, the U.S. has given $18 million in 2005, or half of all donors' contributions. However, the UNHCR still lacks about $40 million to cover the 2005 needs-based budget.

Across the border from the camps in eastern Chad, the situation in Darfur is more dire. In Darfur, the mismatch between humanitarian capacity and human need grows more deadly by the day. The UNHCR Darfur mission has a total of 25 staff. The U.S. has provided no money for UNHCR operations in Darfur in 2005, although half the year has already passed. There is now a disgraceful $30 million shortfall from what the UNHCR needs in Darfur for 2005. The lack of security is still a tremendous problem, partly due to an increase in small arms trafficking. Government-recruited and armed Arab militias, also known as Janjaweed, continue to target civilians, and in April, rape, kidnapping, and banditry increased. Aid workers are still at great risk of being targeted. Due to the conflict and failed harvests, the food situation is serious. More than 3.5 million IDP's are in critical need of food and are running dangerously short of water. The World Food Program does not have what it needs to feed persons of concern past July. Local Sudanese officials are pressuring some IDP's to return to their villages, despite the constant threat of government-supported Janjaweed militias and other armed groups. Although the presence of the AU force in Darfur promises some protection, it will never be sufficient.

A country of concern that is often forgotten is Western Sahara, a swath of land in West Africa that lies along the Atlantic Ocean. In camps in Algeria, about 165,000 refugees from Western Sahara, a country that has been occupied illegally by Morocco since 1975, continue to live in ''deplorable conditions,'' according to a recent report from UN Secretary General Kofi Annan. The government of Morocco has promised the people of Western Sahara, the Sahrawi, a vote to determine their own future. However, more than a decade later, that vote has yet to occur, and Morocco continues to disregard international law. No progress has been made in UN efforts to find a solution to the dispute between Morocco and the Sahrawis. The U.S. must put pressure on Morocco, not only to end the exile and suffering of Sahrawi refugees, but also to allow a free, fair and transparent referendum to determine the country's future and prevent the creation of more refugees.

Another source of concern is Tanzania. A generous host of refugees over the last 30 years, Tanzania continues to host Africa's largest number of refugees. However, recently, a troubling policy shift seems to have emerged, reflecting an increasingly harsh stance towards refugees. Local and national politicians are feeling increasing pressure from their constituencies due to the perception that refugees receive more attention and assistance than local communities and have in some cases publicly blamed them for crime and the spread of disease. In 2004, the government frequently did not provide protection against refoulement, the return of persons to a country where they feared persecution; on a number of occasions, the government refouled refugees and refused persons seeking asylum or refugee status. In addition, the government at times did not cooperate with the UNHCR during 2004. Although repatriations of Burundian refugees living in Tanzania continues, the U.S. and the international community must engage Tanzania regularly to ensure that the country does not turn its back on those in need, and on decades of humanitarian tradition. At the least, we must listen to Tanzania's concerns and explore options to provide more support to what has traditionally been the most hospitable country in Africa for refugees.

The best solution for refugees is voluntary repatriation, or going back to one's original homeland once all the key conditions are in place. However, for some people who fled their homes amid conflict and widespread human rights abuses, returning is still a distant prospect. For this reason, finding creative solutions for meeting the needs of refugees and the local populations that host them is critical. One example is the Zambian Initiative, a government-led ''Development through Local Integration Project'' established in 2002. The Zambian Initiative has promoted a holistic approach in addressing the needs of refugees and Zambians living in refugee hosting areas in the Western Province of Zambia. By facilitating cooperation between the host communities and the refugees, the UNHCR and the Zambian government have enabled the production of food and housing, thus alleviating the effects of a food deficit, poor infrastructure and limited access to services and economic opportunities. The presence of refugees can stretch local resources and infrastructure and exacerbate poverty. However, in Zambia, local development committees involve the local populations and refugees by identifying needs and projects in areas such as health and education. While voluntary repatriation of Angolan refugees continues, the Zambian Initiative has created a sense of ownership while pursuing durable solutions for refugees through local integration. We must commend and encourage this type of innovative approach to refugees and the pressure their presence can place on local populations. Let us use World Refugee Day to call for more such innovation, so that refugees will not be trapped in the same sad status quo.

The donor response to the Indian Ocean tsunami in December 2004 was admirable and generated unprecedented world-record contributions, thanks in part to the dramatic nature of the tsunami, its effects on numerous countries, and its timing, the day after Christmas. However, other humanitarian catastrophes, especially the needs of refugees and IDP's in Africa, remain virtually ignored. As UN Humanitarian Coordinator Jan Egeland has pointed out, in many ways, Africa has a silent tsunami several times each year. If you look at the numbers in Sudan or the Democratic Republic of the Congo, you see that the impact of conflict on refugees and IDP's is equivalent to a tsunami every few months. Today, we have an opportunity to honor the courage of refugees and IDP's by recognizing the magnitude of their suffering, but to do this we must act out of the same compassion that drove us to alleviate the suffering of the tsunami victims.

The UNHCR is working hard to resolve many of the protracted situations around the world. But it is a labor and resource-intensive endeavor, requiring sustained international attention and continuing donor support, including support from the United States. The same is true of UNHCR's advocacy efforts and its work to ensure a smooth transition from repatriation to reintegration, rehabilitation and reconstruction so that refugees can go home and stay home. The results show that an investment in solutions is a good investment indeed.

The U.S. has shown great hospitality and generosity in hosting and assisting refugees and other displaced people. In 2004, the U.S. welcomed 52,000 refugees from Africa, Asia, the Middle East, and Latin America. In absolute terms, the U.S. continues to be the leading donor to UNHCR and for humanitarian assistance to refugees world-wide. However, as a proportion of national wealth, the U.S. contribution to refugees and IDP's lags far behind most western countries. The persistent failure of donor government, including the U.S., to provide funding for relief efforts is the most critical flaw in the humanitarian aid process today. The UN Consolidated Appeal (CAP) is a collaborative assessment of the minimal financial commitment necessary to provide essential emergency assistance in humanitarian crises. Despite the CAP, all assistance programming is under-funded by almost 35 percent every year, leaving tens of millions of men, women, and children around the world to suffer needlessly. The recurring shortfall in financial assistance is not the only thing hindering our response to the refugee and IDP crises of the world. In the last five years, global food aid has dropped by nearly 50 percent, despite an 8 percent increase in the number of chronically hungry people in the world. In addition, funding delays continue to jeopardize the progress of emergency relief for refugees and IDP's. In Somalia in recent years for example, nearly 50 percent of all funds received for emergency assistance arrived in the last quarter of the year. And currently, reportedly due to bureaucratic delay, the U.S. has still not contributed any funds to the UNHCR operation in Darfur, although we are already in the second half of 2005.

The U.S. must act as a leader to address the persistent and damaging delays in funding for refugees and IDP's. If the U.S. wants to reform the UN and render the international donor community more effective, this is a good place to start. Therefore, I call on the Bush administration and other members of the international community to increase financial commitments to humanitarian appeals for refugees and IDP's. At the least, the international community should pledge to provide 75 percent of the aid requested in the CAP pledge in order to ensure that the most critical emergency relief programs remain funded.

Many prosperous countries with strong economies complain about the large number of asylum seekers and refugees, but they offer little to prevent refugee crises. Humanitarian action is of limited value if it does not form part of a wider strategic and political framework aimed at addressing the root causes of conflict. Experience has shown time and time again that humanitarian action alone cannot solve problems which are fundamentally political in nature. Yet all too often, humanitarian organizations like the UNHCR have found themselves isolated and alone in dangerous and difficult situations (such as Darfur), where they have had to operate without adequate financial and political support. Therefore, we must invest in lasting solutions: conflict prevention, return, and reintegration. We must support the UNHCR's efforts to ensure international protection and assistance to refugees

and IDP's through a range of solutions, including improved management of operations. We must not demonstrate a lack of political commitment to solving refugee problems during the post-conflict phase, when the spotlight of the international media has moved away. We must more fully recognize the link between human displacement and international peace and security. History has shown that displacement is not only a consequence of conflicts; it can also cause conflict. Without human security, there can be no peace and stability. The U.S. must recognize the link between refugees and IDP's, on the one hand, and stability and the seeds of democracy on the other.

If we are to honor the courage of refugees and IDP's today, we must come together with the UNHCR, nongovernmental organizations, and other donor governments to actively pursue durable solutions. If we fail to do so, refugees and IDP's will remain in their miserable conditions—surviving on a handful of maize each day, living in immense boredom under windblown tents, and clinging to their hope amid memories of atrocities. On World Refugee Day and every other day, let us show the refugees and IDP's that we are with them. Having endured conflict, rape, abduction, trafficking, chronic hunger, squalor, and other unspeakable suffering, the courage of refugees and IDP's has been tested beyond what we can imagine. However, despite their courage, they remain vulnerable to the loss of hope. If we will allow them to lose hope, we allow them to lose courage. In our tribute to their indomitable courage, we must pledge never to let that happen. We must pledge to help them rebuild their lives today, to commit ourselves to long-term solutions, and to prevent the nightmare from reoccurring tomorrow.

AUTHORIZATION OF PARKINSON'S DISEASE RESEARCH EDUCATION AND CLINICAL CENTERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. EVANS. Mr. Speaker, Parkinson's disease is a serious health problem in the United States. Up to 1.5 million Americans have the disease and approximately 60,000 new cases are diagnosed each year nationwide. By 2010, an estimated 39,000 veterans who are age 85 and older will have this progressive neurological disorder. Treatments exist for Parkinson's, but medical research continues to improve treatments and to find a cure.

The Department of Veterans Affairs (VA) took an important step in 2001 towards eradicating this disease by establishing Parkinson's Disease Research Education and Clinical Centers (PADRECCs). In addition to providing an unparalleled environment for researchers to see their results rapidly and directly applied to better patient care and shared with the medical and scientific community, these centers of excellence are the backbone that now enables the VA to provide excellent care to veterans with Parkinson's disease and to conduct research.

Through the PADRECCs and the National VA Parkinson's Disease Consortium—a network of nationally dispersed VA clinicians with expertise and/or interest in the fields of Parkinson's disease and related movement disorders—the VA is able to treat 42,000 veterans with Parkinson's disease.

Together the PADRECCs and the Consortium serve as a channel for collaboration and development in the areas of clinical care, scientific research and educational outreach. The collaborative efforts of the PADRECCs and Consortium provide veterans nationwide with integrated, expert medical care and access to the full spectrum of state-of-the-art diagnostic and therapeutic services to meet and exceed the standard of care.

In just a brief time since their inception, the six PADRECCs, which are based at the VA medical centers in Houston, West Los Angeles, Philadelphia, Portland-Seattle, Richmond and San Francisco, have made enormous contribution to Parkinson's disease care and research and training of health care professionals. The PADRECCs, including the VA hospitals in Albuquerque, has Vegas, Lorna Linda and Long Beach, Calif., Phoenix, San Diego and Tucson, which are affiliated with the Southwestern PADREEC located at the West Los Angeles VA Medical Center put VA at the forefront of the landmark clinical study to assess the effectiveness of surgical implantation of deep brain stimulators in reducing the symptoms of the disease.

The efforts of the VA PADRECCs are the model of innovation in the delivery of healthcare and research for chronic disease in the veteran population. The efforts of the PADRECCs deserve continued support.

Today, I am proud to introduce H.R. 2959 along with Mr. BAKER of Louisiana, Mr. BOEHLERT of New York, Mr. UDALL of Colorado, Ms. MALONEY of New York, Mr. PICKERING of Mississippi, Ms. HOOLEY of Oregon, Mr. KING of New York, and Mr. BLUMENAUER of Oregon, which would permanently authorize these six PADRECCs. The Disabled American Veterans and Parkinson's Action Network support permanently authorizing the PADRECCs.

I urge my colleagues to support this bi-partisan bill which will benefit tens of thousands of veterans and provide additional hope for all Americans who have Parkinson's disease.

DISABLED AMERICAN VETERANS,
Washington, DC, June 17, 2005.

Hon. LANE EVANS,
Ranking Member, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE EVANS: The Disabled American Veterans supports your draft bill that would authorize the Department of Veterans Affairs (VA) to establish six Parkinson's Disease Research, Education and Clinical Centers. Currently, VA medical centers treat over 40,000 Parkinson's disease patients every year.

These centers would conduct research covering basic biomedicine, rehabilitation, health services delivery, and clinical trials to assess the effectiveness of treatments such as surgical implantation of deep brain stimulators in reducing the symptoms of Parkinson's disease. Furthermore, the establishment of a consortium would allow VA to design a national network of VA clinicians with expertise and interest in the fields of Parkinson's disease and related movement disorders. The collaboration and development in the areas of clinical care, scientific research, and educational outreach would ensure specialized care will be embedded throughout the continuum of care provided by the VA health care system.

Thank you for your efforts to improve VA's specialized medical programs for service connected disabled veterans, and thank you for your continued support of disabled veterans

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

PARKINSON'S ACTION NETWORK,
Washington, DC, June 16, 2005.

House of Representatives, Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.

DEAR MEMBERS OF THE COMMITTEE: On behalf of the Parkinson's Action Network (PAN), I would like to express support for legislation that will be introduced by Rep. Lane Evans shortly that provides for the establishment of the Parkinson's Disease Research Education and Clinical Centers (PADRECCs) in the Veterans Health Administration of the Department of Veterans Affairs.

PAN is the unified education and advocacy voice of the Parkinson's community—more than one million Americans and their families. Through education and interaction with the Parkinson's community, scientists, lawmakers, opinion leaders, and the public, PAN leads the fight to ease the burden and find a cure. PAN increases awareness about Parkinson's disease and seeks federal support for Parkinson's research.

More than one million Americans have Parkinson's disease, with approximately 60,000 more diagnosed each year. As the disease progresses, patients are ultimately robbed of their ability to speak, walk, and perform many of the activities of daily life such as rising from a chair or rolling over in bed.

PADRECCs, as suggested by their name, are charged with conducting clinical and basic science research, administering national outreach and education programs, and providing state-of-the-art clinical care. These services, provided by the existing six PADRECCs, are vital not only to veterans, but to the entire community.

We firmly believe that patients, family members, and the general public should continue to have access to the invaluable services provided by the Parkinson's Disease Research, Education, and Clinical Centers. On this basis, PAN respectfully requests your support of this important legislation.

If you have any questions please feel free to contact me or Mary Richards, PAN Director of Government Relations at (202) 638–4101.

Sincerely,

AMY L. COMSTOCK,
Executive Director.

CONGRATULATING COMMERCE BANK AND PRESIDENT IGNACIO URRABAZO ON THE OPENING OF THEIR NEW HEADQUARTERS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Commerce Bank and President Ignacio Urrabazo on the opening of their new headquarters.

The headquarters will serve as the bank's primary location for the Laredo market. Commerce Bank is dedicated to providing convenient and superior services to its customers, even if that means traveling to a customers' place of business, or working far beyond a banker's traditional hours. Customers are known by their names, not by their account

numbers. This personal attention allows services to be tailored to the specific needs of their clients.

Commerce Bank President and CEO Ignacio Urrabazo sees the expansion as part of a larger commitment to help accommodate the outstanding growth that Laredo is currently experiencing. Mr. Urrabazo supports a community-oriented banking approach, and is active in minority causes. In 1999, he co-founded Minbanc, a nonprofit organization which works to support and promote the continued success of minority-owned banks across America. Mr. Urrabazo also endeavors to encourage minority businesses in the oil and gas industries.

I am honored to recognize the Commerce Bank and its President Ignacio Urrabazo on the opening of their new headquarters in Laredo. The outstanding work put forth by the Commerce Bank and President Urrabazo helps foster Laredo's continued economic growth and success.

WORLD REFUGEE DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am very proud to represent in the U.S. Congress thousands and thousands of refugees who live in St. Paul and the East Metro area. Whether they are originally from East Asia, East Africa, Eastern Europe or Central America, Minnesota is now their home and we call them our neighbors, our co-workers and our friends.

The resettlement of refugees in Minnesota is a success story. We should all celebrate the economic, social and cultural contributions made over the past generation who found peace, hope and opportunity in Minnesota. For the refugees and the communities that welcomed them it has not always been easy, but it has worked and worked to the benefit of our state.

Let me acknowledge the state, county and local government officials as well as the staff and educators from our school districts who work so hard to get families settled and transitioned to life in Minnesota. Let me also thank the resettlement agencies, community based non-profits, the faith community and the many families and volunteers. This collective effort has kept the refugee resettlement experience positive for both new Minnesotans as well as long-time residents.

While today is a celebration of sorts, I do not want anyone here to forget that suffering also continues for the more than 19 million people around the world fleeing persecution. The fact that more than nine million people are refugees and almost eight million more are internally displaced inside their own country due to violence—while millions more are stateless or seeking asylum.

Earlier this year I traveled to Eastern Chad to visit refugees in camps along the border of Sudan's Darfur region. The men, women and children I met had escaped the horrors of mass murder, mass rape, the burning of their villages, the killing of their animals and the poisoning of their wells. These exhausted souls were the survivors a genocide that continues to go on today—at this very moment.

Just as Minnesota has been a refuge—a place of safe, I want to publicly commend the people of Chad, a very, very poor nation with difficult geography, little water and few resources, for providing nearly a million Sudanese survivors of genocide a safe place. In normal times the people of Chad have very little, now they are sharing what they have with the Darfur refugees.

In Darfur, at least 180,000 people have been killed, starved to death or died of disease because of the intentional campaign of cleansing by the militias sponsored by the government of Sudan. Tens of thousand of women and girls have been raped and tortured in this campaign of terror.

Inside Sudan almost 2 million people are displaced—driven from their homes. Let me praise the work that Hugh Parmer and his staff at the American Refugee Committee are doing to keep people alive in Sudan—they are true heroes.

In the camp I visited in Chad the women were exhausted, the children were restless and the men were few—most had been killed. The struggles of daily life were unimaginable—little water, little food, almost no shelter and only very limited health services. The trauma of escaping genocide, surviving rape, watching one's family be murdered is almost too much to comprehend. Yet, these brave souls fight on to care for their children, hope for the future and work together to make the most of every day.

The people of the U.S. are helping—and helping a lot. More than $1 billion in aid and emergency humanitarian relief has been provided to keep people alive. The courageous humanitarian workers who help deliver this relief take big risks and work tirelessly and they deserve both our praise and our prayers.

The crisis in Darfur is man-made, not some natural catastrophe. This is genocide—mass, planned murder of thousands. This is a horror. Ending the genocide in Darfur requires more than humanitarian aid—it requires the political will of nations—especially the United States willing to stand up and say these lives have value—this killing must be stopped. Every diplomatic, political, and if necessary—military tool—must be used to stop the killing.

This brings me to a disturbing and shameful recent episode. For all the good the U.S. has done with humanitarian relief for the victims of Darfur—our government also appears committed to working with the perpetrators of the genocide.

It was recently reported that in April of this year, a U.S. government jet owned by the CIA flew Major General Salah Abdullah Gosh—the head of Sudan's intelligence agency—to Washington for meetings with high level CIA officials. This was a reward for his government's work with the U.S. on the war on terrorism.

The government of Sudan is officially designated a ''state sponsor of terrorism.'' The government of Sudan has participated in the murder and terrorizing of tens of thousands of their own citizens. The women and children I met in the refugee camps were victims of the Sudanese government's terror.

It is beyond my belief that a senior official complicit in this terror, this genocide could be jetted to Washington with our tax dollars to be commended for his ''counter-terrorism'' efforts. This episode is offensive, a slap in the face to every survivor of this horrible ethnic cleansing and is truly a betrayal of the value we share as Americans. A likely perpetrator of genocide should never be the dinner guest of our government.

As a superpower, as a free people, as a people who will generously reach out anywhere in the world to help people in need, we cannot be on the side of the victims and the murders at the same time. The terror the people of Darfur are experiencing every day must be the same War on Terror our Nation is fighting—those people's lives have value and it is wrong for the CIA or anyone else in Washington to sell them out.

Let me say in conclusion, that I respect and admire the courage, the determination and amazing spirit of the refugees I have had the privilege to meet and know—both in Minnesota and in Chad.

The struggle and journey to find peace, security, hope and opportunity is real for refugees and anyone forced to flee their home. This is exactly what all human beings seek in life. It is my hope and it will be my determined commitment to myself, the families I work for in Washington, and the women and children I met from Darfur, that our government work tirelessly to make sure there are fewer refugees, fewer displaced persons and much, much more peace, security, hope and opportunity over the next twenty-five years.

This is truly the world I hope we can build together.

INTRODUCTION OF THE TRUE REINVESTMENT FOR AMTRAK INFRASTRUCTURE IN THE 21ST CENTURY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to be joined by Mr. NADLER and Ms. SCHWARTZ to introduce the True Reinvestment for Amtrak Infrastructure in the 21st Century Act, otherwise known as TRAIN–21, which would provide the true federal commitment to Amtrak that has been missing for too long.

Amtrak is currently under attack by people who don't recognize the tremendous benefits generated by intercity rail in this country. Not the billions of dollars generated in commerce, nor the thousands of businesses along the Northeast Corridor whose employees are dependent on Amtrak, nor the national security value of having an additional mode of transportation, nor the benefits to our environment by taking cars off the road. However, 25 million people did recognize those benefits and rode Amtrak in 2004, which was the 2nd straight year of record ridership.

Amtrak is crucial for more than just the businessmen who ride its trains along the Northeast Corridor. It is just as crucial for commuters who unknowingly are dependent on Amtrak's survival. Were Amtrak to go bankrupt, nearly 100,000 New Jersey commuters would be stranded, because over three-quarters of New Jersey Transit trains ride on track owned and maintained by Amtrak. And Amtrak is just as crucial for the people in rural Montana or Colorado, who depend on the train as their link to the national transportation system.

There is no question that Amtrak has its share of problems. But there are two ways to

address Amtrak's problems. The first is what we've been doing: blame Amtrak, blame labor, and keep cutting until the system becomes profitable. This method has been a failure. Keeping Amtrak on a starvation budget means maintenance can't be performed, the system can't be improved, and service deteriorates. This path leads to certain bankruptcy and the elimination of intercity passenger rail service in this country.

The people who prefer this method of cutting funding and raising expectations seem to forget a few simple truths: First, the reason Amtrak was created in the first place was because the railroads were hemorrhaging money on passenger service and begged the government to take it off their hands. Second, public transportation is not profitable. No public transit system in the country covers its operating expenses with passenger fares, and virtually no intercity passenger rail systems in the world turn a profit, either. The trains that we admire in Europe are supported yearly by large government subsidies. Third, no form of transportation pays for itself, including highways. But we subsidize them because they improve the quality of our lives. And that's what transportation is about. It's not just getting from one place to another. It's about creating jobs, revitalizing neighborhoods, stimulating commerce, redeveloping underutilized land, and making us more secure.

That's why I'm introducing this legislation today that will put us on the other path towards solving Amtrak's problems: Actually giving it the funding it needs to be successful. That means addressing the huge backlog of deferred maintenance on the Northeast Corridor, and establishing new funding mechanisms to improve rail service throughout the country. This idea has been tried recently, with tremendous success. In California, for example, a serious investment into train service by the State since 1998 has resulted in a near tripling of ridership and a doubling of revenues. They accomplished this with a simple formula: run more trains, run them faster, and run them on time.

This legislation would take that model and build on it. It establishes a Federal/State matching program for passenger rail, similar to what we do for highways and transit, and it provides a stable funding source that's not dependent on annual appropriations. It does this by establishing an independent corporation, the Rail Infrastructure Finance Corporation, which will sell bonds and invest the proceeds in a way to provide for a steady stream of income. The Corporation will select rail projects approved for funding by the Secretary of Transportation, and provide 80 percent of the necessary money, with the State, or consortium of States, providing the other 20 percent. And the money will be distributed in the form of contract authority good for 6 years, so States will be able to make firm long-term plans.

The Corporation will be authorized to distribute $500 million in contract authority each year, with the bulk of that going to four corridors that have been identified by Amtrak as being ''ready to go'' for investment: A Southeast Corridor from Washington to Jacksonville; a Midwest Corridor radiating outwards from Chicago to Minneapolis, Detroit, and St. Louis; a Pacific Northwest Corridor from Eugene to Vancouver; and a California Corridor running along the Pacific coast and through the central valley. Contract authority will also be distributed to states with other federally-designated high-speed corridors, states with long-distance Amtrak trains only, and states not served by Amtrak at all.

The goals of this program are simple: run more trains, faster, and on-time. This does not require using exotic technologies, and it does not require massive new investments. This is just a simple shift of philosophy. Instead of trying to pare Amtrak down until it becomes profitable, which would have the inevitable result of leaving us with no trains at all, we will expand it and improve it so that people begin to ride Amtrak in ever increasing numbers.

In addition, the bill reauthorizes Amtrak at a level of $2 billion per year, the same level recently passed by the Transportation and Infrastructure Committee, which will go a long way towards addressing the $5 billion in backlogged maintenance on the Northeast Corridor.

Just as important is what this bill does not do. It does not put the burden of paying for trains onto the already over-burdened States. It does not cannibalize Amtrak into different companies. It does not mandate the elimination of long-distance routes. And it does not harm the essential labor protections that cover rail workers.

I have heard some people say that rail is the past. An obsolete mode of transportation for a bygone time. I strongly disagree. In fact, I believe that rail could be the mode of the future. With rising gas prices and overcrowded highways and airports, we need alternative ways to get around. This legislation firmly establishes a true national commitment to intercity rail, and put Amtrak on a path towards lasting success.

HONORING THE LIFE AND SERVICE OF SERGEANT ROBERTO ARIZOLA, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the life and service of Sergeant Roberto Arizola Jr., who died serving his country as part of Operation Iraqi Freedom.

Sgt. Arizola died on June 8th, 2005 in Baghdad when an improvised explosive device detonated near his vehicle. He was assigned to the Army's 297th Military Intelligence Battalion, 513th Military Intelligence Brigade, of Fort Gordon, Georgia. Roberto was awarded the Army Achievement Medal in 2000 for his extraordinary performance in operations ''Joint Endeavor'' and ''Joint Guard'' in Bosnia-Herzegovina.

A superb soldier, Sgt. Arizola was an even better friend, husband, and father. Roberto was kind and loving, possessing a charismatic personality that brought joy to those lucky enough to share in his company.

Sgt. Arizola died a soldier, defending the lives of those unable to defend themselves. The father of a seven-year-old son, he died so that other families and other children might live. He gave up a safe life in a free country so that others might grow up in safety and freedom.

Sergeant Roberto Arizola gave his life to protect ordinary people from those who would do them harm. He leaves behind him an example of extraordinary service and courage. He died a hero, and he deserves the thanks of a grateful nation.

IN HONOR OF THE 30TH ANNIVERSARY OF IRRELEVANT WEEK

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. COX. Mr. Speaker, I rise today to pay tribute to Andy Stokes, this year's 255th National Football League draft pick. The final pick of the NFL draft is a position of tremendous honor in my hometown of Newport Beach, California. For the past 30 years, the NFL Underdog has been treated to a week-long celebration in his honor. This annual tradition of Irrelevant Week was founded by my friend Paul Salata as an occasion for ''Doing Something Nice For No Reason.'' Irrelevant Week XXX, which commences today, will celebrate ''Mr. Irrelevant'' Andy Stokes, a tight end from William Penn University in Iowa, who was chosen by the New England Patriots as the final pick in the 2005 NFL draft.

Though Andy Stokes may have been the final pick for the Patriots, the St. George, Utah native will be number one in Newport Beach as we use this occasion to celebrate the NFL Underdog and to recognize all former ''Mr. Irrelevants'' from the past three decades. Among the highlighted events for Irrelevant Week XXX are a welcoming party, grand banquet, and activities at various Southern California resorts. The fun and games will include a football game with Mickey and Goofy at Disneyland, a tailgate party at Angel Stadium before the Angels vs. Dodgers baseball game, and a visit to Hollywood Park with other NFL alumni for a day of horse racing action.

This special anniversary Irrelevant Week also serves as an opportunity to pay tribute to its 30 years of service to our community. Though Irrelevant Week is a lighthearted affair, over the years it has helped to raise over one million dollars for charities that help youth in both the academic and athletic arenas. This year, at the behest of Newport Beach Fire Chief Tim Riley, who serves on the Irrelevant Week steering committee, Irrelevant Week will be sending 15 to 20 children to special camps designed to lend emotional support and friendship to child burn survivors. Other beneficiaries of Irrelevant Week XXX include Costa Mesa United and Orangewood Children's Home.

Irrelevant Week has long been recognized by the NFL, ESPN and others in the sports world because it is a celebration of the underdog. Moreover, Irrelevant Week provides an opportunity for sharing community spirit and providing support for children in need. On behalf of the United States House of Representatives, I would like to commend Paul Salata and his family for founding and carrying on the tradition of Irrelevant Week for the past 30 years. I also ask my colleagues to join me today in congratulating Andy Stokes on his selection as ''Mr. Irrelevant'' and wishing him the very best for a long and successful career in the National Football League.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes:

Mr. CROWLEY. Mr. Chairman, I rise today to speak in support of the Lantos Shays substitute and in opposition to the United Nations Reform Bill sponsored by Chairman HYDE.

While I am concerned about the withholding of funding from the United Nations, I believe that reforms are needed within this world body while enhancing not diminishing the U.S.'s moral authority in this august body.

While I agree with many of my colleagues who have spoken on this bill that reform is needed, I am troubled by the way Chairman HYDE has drafted this bill.

I have great respect for the Chairman but I think the bill could have been drafted in a less draconian manner.

This bill makes it almost impossible for the United Nations to complete all the reforms within the time frame that has been set.

I do not believe that the United States should be withholding contributions if reforms are not made at the pace this bill sets them at.

Withholding our contributions from the United Nations until certain programs are shifted to voluntary is something that all of the member states would have to approve and I do not believe that this bill gives a reasonable enough time frame.

The Lantos Shays substitute will arm the United States to promote serious reforms and not just forcing to cut off funds to the United Nations that would be counterproductive to our national interests.

The substitute keeps the reform of the Chairman HYDE's bill as a goal, but does not link it to a mandatory $100 million deduction in U.S. contributions.

Another important difference between the Chairman's bill and the substitute is the inflexibility on the issue of peacekeeping.

The substitute retains the much needed reforms on peace keeping instead of just cutting aid to these missions. The substitute will provide the Secretary of State with a waiver in the event that a new mission is essential to America's national interest.

We all know that the United States has problems and we see one of the most evident ones in its treatment of the state of Israel.

The General Assembly has turned itself into a forum to bash Israel and until recently it had a policy equating Zionism as racism.

The U.N. Commission on Human Rights also routinely castigates Israel and the General Assembly has gone out of its way to pass a one-sided resolution condemning Israel for protecting its citizens from terrorism.

The General Assembly created two committees which focus negatively on Israeli actions and protectively on the Palestinians: the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The United Nation needs to be reformed so it is a body of creating diplomacy and understanding not a forum for hate.

I do believe the United Nations needs to be reformed to remain a strong supporter not just because of its close proximity to my Congressional district or the large amounts of my constituents who work at the United Nations but because I strongly believe in the founding principals of the United Nations.

This multilateral organization has helped the world come together since its creation and brought us out of the horrors of World War II.

If we truly want to work toward reform we must work with our friends and partners to make this happen—not just threaten the loss of contributions.

This will solve none of the reforms that are needed so badly to get the United Nations back on the right tract.

I do not support this bill in its current form and urge all of my colleagues to support the Lantos Shays substitute so we can start to have a real dialogue on the much needed reform of the United Nations.

THE POTENTIAL IMPACT OF ISRAELI DISENGAGEMENT ON U.S. INTERESTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. BURTON of Indiana. Mr. Speaker, the death of PLO Chairman Yasser Arafat, the emergence of a new Palestinian leadership, and the government of Israel's proposed disengagement from Gaza and parts of the West Bank have created a high degree of optimism in the International Community that we are on the cusp of dramatic new openings in the Middle East peace process.

As a senior Member of the House International Relations Committee, I have watched the often turbulent goings on in the Middle East for a few years to say the least, and my experience tells me that our optimism should be tempered by the lessons of the past. In fact, I believe we should take a very cautious view of the current round of Israeli Palestinian peacemaking, particularly with regard to Israel's withdrawal from Gaza and parts of the West Bank.

I have met Israeli Prime Minister Ariel Sharon and I know that he is a fine man. I am sure he firmly believes that this "strategic retreat" from the Gaza Strip and four settlements in the West Bank is the best way to guarantee Israel's long-term security by allowing Israel to conserve and consolidate military and security resources, reducing opportunities for further friction with the Palestinians, and potentially reducing pressure on Israel to negotiate a final peace settlement on unfavorable terms. Personally, I will not second guess the Prime Minister's wisdom; I very much hope that he is right. But again, my experience tells me that if you take steps to appease an enemy you only give him a green light to put more pressure on you. In my opinion, it is imperative and critical to U.S. National Security that we as policymakers understand the consequences should the Israeli disengagement plan fail to live up to expectations.

I was recently presented a copy of an interesting opinion piece by Ambassador Yoram Ettinger—former Minister for Congressional Affairs at Israel's Embassy in Washington, Israeli Consul General in Houston, and Director of Israel's Government Press Office; and currently editor of "Straight from the Jerusalem Cloakroom and Boardroom" newsletters—regarding the potential consequences of ceding Israeli territory to terrorists. I would like to have the text of this Op-Ed placed into the CONGRESSIONAL RECORD following my statement.

[May 26, 2005]

JERUSALEM CLOAKROOM #178: THE IMPACT OF DISENGAGEMENT ON U.S. INTERESTS

(By Yoram Ettinger)

1. Escalated Terrorism. The morally/strategically justifiable demolition of terror regimes in Iraq and Afghanistan is inconsistent with the creation/bolstering of a terror regime in Gaza, Judea and Samaria. The 1994–6 series of disengagement from 85 percent and 40 percent of the territory (and 100 percent and 95 percent of the population) of Gaza and Judea and Samaria have established the largest terrorist base in the world, led/harbored by PLO/PA graduates of terrorist camps in Iraq, Yemen, Sudan, Lebanon, Syria, Libya and Tunisia. Since 1993 the PA has harbored anti-U.S. terrorists. U.S. GIs in Afghanistan and Iraq were encountered by Palestinian terrorists.

2. Higher U.S. Terror Casualties. The July 2000 disengagement from Southern Lebanon propelled Hizbullah from a local, to a regional, profile, haunting U.S. GIs in Iraq and Afghanistan and threatening U.S. homeland security.

3. Contradicting U.S. War on Terrorism. Disengagement is perceived, by the Mideast, as cut and run, appeasement and cave-in, in sharp contrast to U.S. war on terrorism: No negotiation with—and no concession to—terrorists; no ceasefire with—but destruction of—terrorist regimes; no political—but military—solution to terrorism.

4. Setback to Peace. The only peace attainable in the (inter-Arab) Mideast is deterrence-driven peace. Disengagement undermines deterrence; hence it sets the area farther from peace and closer to exacerbated terrorism and an all out war. Every square inch ceded by Israel to the PA, since the 1994 disengagement, has been transformed into a platform of hate-education and homicide bombing.

5. Tailwind to Anti-U.S. Terrorists. While the 1976 Israeli Entebbe Operation constituted a tailwind to the U.S. war on terrorism, the 1993–2005 retreat by the role-model of countering terrorism (Israel) in face of the role-model of terrorism (PLO/PA) has added more fuel to the fire of terrorism. Disengagement has been heralded by the PLO/PA and other Arabs as a crucial victory, frequently compared to the U.S. flight from Beirut (1983) and Somalia (1993). It would nurture Arab hope that neither the U.S. nor Israel possess a marathon-like steadfastness, required for a long-term victory.

6. PA Feeds Anti-U.S. Terrorism. A correlation has existed between the bolstering of PLO stock since Oslo 1993 on one hand, and the exacerbation of anti-U.S. terrorism on the other hand (since the 1993 Twin Towers I, through the 1995 Khobar Towers, the 1998 Kenya and Tanzania U.S. embassies, the 2000 USS Cole and 2001 Twin Towers II); the wider the maneuverability of the PLO/PA, the deeper the inspiration to regional anti-U.S. terrorism, irrespective of (and probably due to) U.S. and Israeli appeasement of—and unprecedented concessions to—the PLO/PA.

7. Undermining the Stability of Pro-U.S. Regimes (e.g. Jordan, Kuwait, Oman, Qatar,

etc.). Disengagement would enhance the profile of the PLO/PA, a lethal threat to the Hashemite regime and a chief ally of radical regimes in the Mideast and beyond. PLO-Hashemite relations have been a classic case of zero-sumgame: The stronger the PLO the weaker the Hashemites. The rise of the PLO/PA has emboldened subversive anti-U.S. terrorists in Jordan and in the Gulf area.

8. Strengthening Anti-U.S. Mideast Regimes. Disengagement would buttress the PLO/PA, which has been a sustained ally of the Saddam and bin Laden forces, of Khomeini and his successors in Iran, of the terror regime in Sudan and other anti-U.S. Mideast regimes. A stronger PA would be a liability—to the U.S.—in the U.N. and in the context of Clash of Civilizations.

9. Invigorating Mideast Profile of U.S. Global Rivals. The strengthening of the PLO/PA would facilitate the road to a re-assertive Russia in the Mideast. It would improve the strategic posture of China and North Korea in the region, at the expense of vital U.S. concerns, including U.S. standard of living.

10. Ignoring Plight of Christians. The 1995 disengagement from Bethlehem and Beit Jallah has accelerated the flight of Christians, caused by PLO/PA oppression and desecration of churches.

11. Setback to Mideast Democratization. Disengagement would promote the most corrupt and repressive Arab regime in the Mideast, rewarding a terrorist regime, thus dealing a blow to moderate Palestinians.

12. Undermining Israel-Egypt Peace. The 1979 peace treaty disengaged Israeli and Egyptian military forces from one another. The Plan of Disengagement would reengage them in a terror-ridden area, thus fueling unintentional and intentional confrontations. It could drag the U.S. unnecessarily into such conflict. Egypt has facilitated/tolerated the smuggling of terror hardware, missiles and mortars into Gaza. It has undermined U.S. interests in Africa, in the Red Sea and in the U.N., and it has spearheaded anti-Jewish Arab/Palestinian hate education (PA hate education employs Egyptian school text books).

13. PLO's Track Record of Inter-Arab Treachery. Abu Mazen Abu Ala', Inc. fled Egypt (late 1950s) for subversive activities. They escaped Syria (1966) for betraying their hosts. They were expelled from Jordan for attempting to topple the Hashemite regimes via terrorism. They exacerbated a series of civil wars in Lebanon since 1975. They spearheaded Saddam's invasion of Kuwait (1990), which hosted them since the 1950s. Their systematic violent violation of the 1993 Oslo Accords have been consistent with their inter-Arab back-stabbing. Disengagement would be viewed—by the PLO/PA as a reward to treachery, which would vindicate the aforementioned track record.

HONORING ARMY PRIVATE FIRST CLASS JOHN HAROLD BERG

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MANZULLO. Mr. Speaker, last month, I had the honor and privilege of attending the annual Memorial Day Vietnam Wall observance, in which one of my constituents and friends, the late Army PFC John Harold Berg of Rockford, Illinois, was honored for his service to our country. John was gravely injured in Vietnam, but he passed up his 100 percent disability status when he returned because he wanted to help others. Despite a host of serious medical issues, John served as a veterans representative for 25 years at the Illinois Department of Employment Security before he died in 2003 from cancer caused by shrapnel lodged in his brain from his Vietnam injury. On Memorial Day, I sat with John's widow, Lynn, and several of John's friends as his name was one of just four this year officially added to the Vietnam Wall. It was a remarkable day for a remarkable man. I have attached a newspaper article written by Judy Emerson of the Rockford Register Star that describes John's contributions and his character perfectly:

ADDING SOLDIERS TO THE WALL

One hundred years from now, someone will read the name ''John H. Berg'' cut into black granite on The Wall in Washington, D.C., and they will assume he died in Vietnam in the spring of 1968. Berg was fatally wounded April 7, 1968, in combat near Khe Sahn, but it took him 37½ years to die. When he did, on Oct. 10, 2003, it was in his rural Rockford home surrounded by family. But the Vietnam War took his life, just as surely as if he had died that spring day long ago as he lay in the dirt with blood streaming from the hole in his skull. Medics postponed his death that day. Military doctors patched him up as well as they could and sent him home to Rockford with a plate covering the hole in his skull and shrapnel still embedded in his brain.

He dragged his left leg, and his left hand was useless. He slurred his words. Back in Rockford, he couldn't find a job. A talented musician, he was bitterly disappointed that he couldn't play piano, organ, violin and guitar, as he once did. But he went to college. He re-learned how to play his instruments with only his right hand and arm. He sought the company of other Vietnam veterans who understood the struggle. He found a job that gave him purpose. For 25 years, he was a veterans representative at the Illinois Department of Employment Security. Over the years, he helped thousands of veterans find jobs and get benefits to which they were entitled. Many were disabled, as he was.

In 2002, doctors found the tumor growing under the plate in Berg's head. His widow, Lynn Berg, said doctors found shrapnel when they tried to carve away the tumor and buy her husband a little more time. Even fighting the relentless growth of a malignant tumor, Berg continued to work. He lived longer than anybody expected.

When he died, his buddies at VietNow, which he'd helped to start, began the process to have his name added to The Wall, the Vietnam Memorial in Washington. The Department of Defense concluded that Berg's fatal wound was incurred in Vietnam in 1968 and that he qualified to have his name listed on the memorial. And so, Berg's name was carved on The Wall earlier this month. A small diamond after the name signifies a confirmed combat death. His name was placed as close as possible to those of other soldiers who suffered their fatal injuries on the same day. The thinking is that they should be together. His father, 86-year-old Harold John Berg, said that the memorial was waiting for his son, despite the 37½-year reprieve from death. ''We saw the wall once,'' the elder Berg said. ''And now we go the rest of the way. He's on it.'' John H. Berg of Rockford was fatally wounded in Vietnam April 7, 1968. He died Oct. 10, 2003. What he did in between is the story.

TALENTED BOY

Harold Berg was a machinist and inspector who retired from Camcar years ago. His health is poor but his memory and spirits are good. His wife, 80-year-old Vergene, has Alzheimer's disease. They spend their days in side-by-side hospital beds in the Cherry Valley home of their daughter Hilary Belcher, who cares for them. Her husband, Nick, and 9-year-old daughter, Chenoa, help.

Young John Berg wanted to be a musician. His mother was a long-time organist for their church, and her firstborn son also played the organ, as well as piano, violin and guitar. A 1965 graduate of East High School, John took some classes at Rock Valley College until he was drafted in the summer of 1967. ''We tried to talk him into going into the Air Force, but he thought he'd get this over with in two years,'' his dad said. By January 1968, 20-year-old John was in Vietnam. His early letters home to his parents, three younger sisters and a brother revealed a diminishing innocence as reality and the futility of the mission sank in. ''I only hope this year goes fast and I come back in one piece,'' he wrote two weeks before his injury.

His wife, Lynn, said John could remember what happened during the firefight on April 7, 1968, up until he was wounded. He was feeding an ammunition belt into a machine gun being fired by another soldier when he turned to dive for cover from incoming mortar. It's still unclear whether he was shot in the head or hit by shrapnel or both. He was unconscious or semiconscious for weeks. The Western Union telegram arrived early one weekday morning as Harold Berg was getting ready for work. ''Deep regret . . . very seriously ill list . . . penetrating fragment wound to the head.'' Vergene couldn't stop crying. Hilary Belcher, who's 15 years younger than John, doesn't remember too much about the time, except that her parents were distraught.

The telegrams kept coming with updates on her brother's condition, and after John was transferred to a hospital in Denver, Colo., the family drove out there to see him. ''I remember walking down a long hallway and doorway after doorway, there were all these men with holes in their heads, just like John,'' Belcher said. ''We took him out for a while. You could hardly understand him when he talked.'' Months later, when he came home, she said, ''I ran out to him saying 'John's home! John's home!' He screamed. He thought I was going to knock him down. ''I used to run to him and he'd throw me up in the air.'' There was plenty of trauma to go around.

''Those first eight years, he was very angry,'' Belcher said. ''When you get a head injury, it changes your whole personality.'' John was bitter that he couldn't play his instruments. His disability was obvious, and nobody would hire him. ''It took him years to find a job. He even applied to a gas station to pump gas, but they told him, 'You only have one hand, '.'' Belcher said. He decided to go back to Rock Valley College. There, he met Reuben Johnson, dean of community services and the producer and founder of Starlight Theatre. Johnson helped Berg learn to play the piano, organ, guitar and violin with one hand.

It was a turning point, as was the job Berg landed in July 1977 as a veterans representative at the Illinois Department of Employment Security. He was good at it, said Jack

Snyder, who also is a disabled Vietnam veteran. The two men worked together at the department for close to 25 years. ''I've never seen a person give so much heart and caring to his job as John did,'' Snyder said. ''We had guys coming in who were basically homeless. He would take them home until they got on their feet. ''I've seen him cry at his desk over some of these situations, over the misuse and abuse the military has given some of these people.''

Berg often referred clients to the Winnebago County Veterans Assistance office in Memorial Hall. Herbert L. Crenshaw, also a Vietnam veteran, works there. He and Berg worked together to get help for thousands of vets over the years, he said. ''He worked with this office to get veterans back on their feet, to get jobs, get assistance,'' Crenshaw said. ''He had walked in their shoes. He had the same difficulties and disabilities they had.''

Berg, like many of his clients, had a full disability designation from the Department of Veterans Affairs. ''He could have sat home and drawn a disability,'' Crenshaw said. ''He chose to work.'' Berg had a network that he could use to get practical assistance for veterans and offer them moral support. He helped found VietNow, a support group for Vietnam veterans that started in Rockford and then became a national organization. It still thrives.

Nick Parnello, one of the original VietNow members and now president of the Vietnam Veterans Honor Society, said John was ''the only guy that always showed up'' at the early meetings. ''Some of the guys felt that we should give up because there were so few of us back then,'' Parnello said. ''But if John could show up in his disabled condition, it was an inspiration to all of us. ''Everybody he came in contact with was changed because of his commitment to them.''

MARRIAGE AND FAMILY

In November 1991, Berg met Lynn Walquist of Rockford. Her daughter and son-in-law, who knew Berg through mutual acquaintances in the veterans circle, fixed them up. ''I've got four kids—two in college—and all these animals,'' recalled Lynn, who's always had a cat and at least one dog. ''What's wrong with him?''

The kids always had rock music blaring when Berg came to pick her up for a date. ''He said, 'Do you ever listen to classical music?' '' she said, she didn't. He taught her to love it as he did. Lynn's scrapbook holds tickets from concerts they attended at the Lyric Opera in Chicago and elsewhere. By then, Berg could make music on the piano and other instruments with one hand. He sang with the Rock Valley Chorale and with a Mendelssohn Club group. They fell in love and were married April 25, 1992. ''It was the best day of our lives,'' Lynn Berg said. ''He told me: 'I'll never say no to you,' and he kept his promise.''

Over the years they attended VietNow conventions and events. She became active as an ''associate,'' which is what veterans'' spouses are called in the group. ''He always said that he felt very fortunate. He was only in Vietnam for three months,'' Lynn Berg said. ''The others who had been there longer were the ones who came back with so many problems.'' His friends became her friends. Her children and grandchildren were his.

He's smiling in every picture his wife has in her numerous photo albums. But it would be a mistake to say Berg's transformation from an angry young man to a person with purpose and a zest for living was easy, said his sister, Hilary Belcher. ''He had to grow into a new personality and lifestyle and everything,'' Belcher said. ''He was gung-ho when he went into the service, and then he lost it and he got angry. ''But he got through it, and his gung ho came back.''

Retired U.S. Army Col. Fremont Piercefield knew Berg well from their mutual work in various organizations, including the VFW, Disabled American Veterans and the Winnebago County Veterans Association. ''He was the gentlest, kindest man,'' the colonel said. ''He was there when you expected him and when you needed him.'' He was the same way on the home front, his wife said. He took care of the house and the cars and the lawn, but he also taught her how to do those things. She needs to know them now that he's gone.

He would see a need and answer it before other people noticed, she said. For instance, he was concerned that one of her daughters was in danger walking from the library back to her dorm at Northern Illinois University after using a computer late at night. He bought her a computer for her room.

There were health issues over the years. Berg took medication to deal with headaches and seizures that came with the head injury. He learned to compensate for the partial paralysis of his left side and minimized the limp. He never regained use of his left hand. It looked just as it did when he was 20 years old, his wife and sister said, as if it had been frozen in time the day he was injured.

THE END OF SOMETHING

In May of 2002, Berg began having excruciating, debilitating headaches and more frequent seizures, his wife said. Brain scans showed bright spots of shrapnel but the brain tumor was not detected for a couple of months. He had surgery, but the tumor was malignant, and doctors indicated it was just a matter of time. Lynn Berg remembers one doctor predicting John had about nine months. He exceeded that by about seven months. VietNow treasurer and good friend Darrell Gilgan visited Berg as he was recuperating from the surgery in a Beloit nursing home.

Berg's radio was missing one day and Gilgan asked him about it. ''He gave it to the guy in the next bed, a B–17 pilot during World War II,'' Gilgan said. ''He was like that.'' Berg continued to work as much as he could, but the tumor was growing again and the pain was awful, his wife said. During his last months, she cared for him at their home, with help from the Northern Illinois Hospice Association. He died Oct. 10, 2003. A few months later, Gilgan began the paperwork necessary to have Berg considered for addition to the Vietnam Memorial. The key element in Berg's favor was that the Department of Veterans Affairs had determined that his death was a result of the combat injury in 1968.

Gilgan sent a letter to U.S. Rep. Don Manzullo, R-Egan, who sent it through the proper military channels. ''I had known John for years,'' said Manzullo, who will sit with Berg's family at a Memorial Day ceremony Monday at The Wall. ''Here is a guy who could have given up, but he refused to accept the fact that people told him he was 100 percent disabled. ''He went to work to serve as a witness and an example to people who are severely disabled.''

Some friends and family have traveled from the Rockford area to join Lynn Berg at the ceremony, which will include a special remembrance for her husband and three other veterans whose names have been added on The Wall. John Berg's parents are not well enough to go. His dad wishes he could, though. ''It's an end to something, I guess,'' Harold Berg said. ''He just got an extension on his death.'' That sad morning when the telegram came so many years ago and the day his son died all those years later occupy the same place of grief in his heart. ''We hoped the day would never come,'' his dad said, ''but then we found out he wasn't going to make it, after all.''

HUMAN RIGHTS IN VIETNAM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. SMITH of New Jersey. Mr. Speaker, today in the Subcommittee on Africa, Global Human Rights and Africa, I chaired a timely and critical hearing that examined the government of Vietnam's respect for human rights and religious freedom.

Our witnesses included Ms. Nina Shea, Vice Chair, U.S. Commission on International Religious Freedom; Ms. Minky Worden, Media Director, Human Rights Watch; Ms. Helen Ngo, Chairwoman Committee for Religious Freedom in Vietnam; Dr. Nguyen Than, Executive Director, Boat People S.O.S.; Mr. Vo Van Ai, President, Vietnam Committee on Human Rights; Mr. Y Khim Nie, Executive Director, Montagnard Human Rights Organization. The excellent testimony these witnesses provided can be found online (http://wwwc.house.gov/international_relations/)

Before I report on the human rights crisis in Vietnam, let me say at the outset, Mr. Speaker, that I remain deeply concerned about obtaining a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2,583 POW/MIAs who were unaccounted for—Vietnam, 1,921; Laos, 569; Cambodia, 83; and China, 10—just under 1,400 remain unaccounted for in Vietnam. While the joint POW/MIA accounting command normally conducts four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

Today's hearing on human rights abuses in Vietnam must be reviewed in the context of the official visit this week to Washington by Vietnamese Prime Minister Phan Van Khai. Designed to mark 10 years of diplomatic relations between the United States and Vietnam, the visit is the highest-level since the end of the Vietnam War. Khai will meet with President Bush and Secretary of Defense Rumsfeld, conclude intelligence agreements on terrorism and transnational crime, as well as begin IMET military cooperation, meet with Microsoft chairman Bill Gates, and ring the bell on the floor of the New York Stock Exchange.

Vietnam hopes to gain U.S. support to join the World Trade Organization this year. Trade with the United States has exploded in the past decade, from $1.5 billion to $6.4 billion in 2004. Vietnamese exports to the United States have also jumped from $800 million in 2001 to $5 billion last year.

An outside observer looking at all of this activity would in all likelihood conclude that Vietnam is a close business and political partner of the United States in Asia. And that observer, if asked, would also likely deduce that in order to cooperate so closely, Vietnam must also share the core values of the United States that make our country great. Values such as the promotion of democracy, respect for human rights, and the protection of religious freedom, free speech, and the rights of minorities.

A quick look at the State Department's annual Human Rights report on Vietnam, however, reveals the opposite. According to the 2004 report released just three months ago:

''Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). . . . The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. . . . The Government continued to hold political and religious prisoners. . . . The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. . . . Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations. . . . The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. The Government did not permit human rights organizations to form or operate.

Moreover, in September 2004, the State Department designated Vietnam as a ''Country of Particular Concern'' or ''CPC'' for its systematic, ongoing, egregious violations of religious freedom.

Congress has also expressed its grave concern about the state of human rights in Vietnam. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. H.R. 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323–45 vote in July of 2004. A similar measure passed by a 410–1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law.

I regret that no one from the State Department was available to participate in today's hearing to explain the incongruity of United States support for the government of Vietnam, as expressed in our close and growing-ever-closer trade and military relations, and U.S. concern for the appalling lack of respect for the basic human rights of its citizens that the Vietnamese government has consistently demonstrated.

The Human Rights Reports, the Report on International Religious Freedom, the Trafficking in Persons Report, the reports of leading international human rights organizations, and countless witnesses, some of whose testimonies were provided today, give evidence to the fact that the government of Vietnam has inflicted and continues to inflict terrible suffering on countless people.

It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran communists in their own homes, and lately in Internet cafes, for speaking out for freedom and against corruption. In fact, the comments I am making right now would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national or Member of Parliament making these comments in Vietnam.

It is a government that crushes thousands of Montagnard protestors, as they did in the Central Highlands during Easter weekend in 2004, killing and beating many peaceful protestors.

The government has forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I would note here that it is inspiring but not unexpected that many of these Christians have steadfastly resisted those pressures and refused to renounce Christ. One pastor estimated that 90 percent have refused to renounce their Christian faith, despite government efforts to compel them to do so.

This is a government that has detained the leadership of the Unified Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic Church.

This is a government that imprisoned a Catholic priest by the name of Father Ly and meted out a 10-year prison sentence. Father Ly was imprisoned in 2001 when he was arrested after submitting testimony to a hearing of the United States Commission on International Religious Freedom. In his testimony, he criticized the communist government of Vietnam for its policies of repressing religious freedom. In fact, I was the author of H. Con. Res. 378, which called for the immediate release of Father Ly and cleared Congress 424–1 on May 12, 2004.

Thankfully Father Ly, along with Dr. Nguyen Dan Que, were released from prison earlier this year, in all likelihood due to the pressure from the United States with its CPC designation.

Their release was part of a process called for in the 1998 International Religious Freedom Act, which I cosponsored, which mandates that the U.S. government engage in dialogue with severe violators of religious freedom to improve conditions or face ''Presidential actions,'' which could include sanctions or withdrawal of non-humanitarian assistance.

The Vietnamese government also took some other positive steps in response to the CPC designation, including a new law streamlining the application process for religious groups registering with the government and prime ministerial directives which prohibit forced renunciations of faith and allow Protestant ''house churches'' in ethnic minority provinces to operate if they renounce connections to certain expatriate groups, particularly the Montagnard Foundation, which is based in the United States.

And in May, the State Department announced it had reached an agreement on religious freedom with Vietnam. Under the agreement, the Vietnamese government committed to:

Fully implement the new legislation on religious freedom and to render previous contradictory regulations obsolete;

Instruct local authorities to strictly and completely adhere to the new legislation and ensure their compliance;

Facilitate the process by which religious congregations are able to open houses of worship; and

Give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties.

Time will tell whether the government will respect this agreement and comply with its provisions, or whether there will be a return to business as usual once the spotlight is removed. But the agreement does shows that the provisions of the International Religious Freedom Act seem to be helping to improve the respect for religious freedom in some of the worst violator countries.

The more important point is that religious freedom is not a matter of compliance with an agreement, but an attitude of respect for citizens who choose to worship and peacefully practice their religious beliefs that extends from the highest government leaders down to local authorities and the village police.

In a recent interview given prior to his visit to the United States, Prime Minister Khai stated, ''we have no prisoners of conscience in Vietnam,'' and declared that ''political reforms and economic reforms should be closely harmonized.''

His statement is typical of the attitude of the government of Vietnam, which has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

The hearing we held today was about the shameful human rights record of a country, more accurately, of a government that abuses the rights of its own people. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights. Vietnam needs to act like the strategic partner of the United States we would like it to be, treating its citizens, even those who disagree with government policies, with respect and dignity.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world.

INTRODUCTION OF THE WEATHER MODIFICATION RESEARCH AND TECHNOLOGY TRANSFER AUTHORIZATION ACT OF 2005

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce the Weather Modification

Research and Technology Transfer Authorization Act. This bill will increase and enhance research and development in weather modification to better understand its effectiveness in addressing drought in our country.

The western part of our country, including my own state of Colorado, has experienced drought conditions in recent years. Efforts have been made to address drought recovery, preparedness and mitigation. However, little fundamental research has been done to better understand weather modification, which some believe can increase the snowpacks that provide water resources for several western states.

The National Academies of Science report Critical Issues in Weather Modification Research, released in 2003, noted that there is no scientific proof that weather modification is effective, however attributes this to a lack of understanding of "critical atmospheric processes" that has caused unpredictable results with weather modification, not a lack of success with such efforts. The report called for a national program for a sustained research effort in weather modification research to enhance the effectiveness and predictability of weather modification.

There is currently no federal investment in weather modification, though there are private funds that are largely going toward unproven techniques. My bill, similar to a bill introduced in the Senate by Senator KAY BAILEY HUTCHISON, establishes a federal research and development effort to improve our understanding of the atmosphere and develop more effective weather modification technologies and techniques.

Specifically, the bill creates a Weather Modification Advisory and Research Board in the Department of Commerce to promote the "theoretical and practical knowledge of weather modification" through the funding of research and development projects. The board will be made up of representatives from the American Meteorological Society, the American Society of Civil Engineers, the National Academy of Sciences, the National Center for Atmospheric Research, the National Oceanic and Atmospheric Administration, a higher education institution and a state which is currently supporting operational weather modification projects.

In Colorado, a large portion of our water source comes from the snowpack run off each year. A better understanding of weather modifications has the potential to enhance our snowpacks, and thus assist in addressing drought concerns.

Mr. Speaker, I ask my colleagues to support the expansion of the research and development of weather modification and urge a swift passage of this bill.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to include this personal explanation in the RECORD.

On June 17, 2005, I was unable to be present for rollcall vote #265 to the Fiscal Year 2006 Science, State, Justice, and Commerce Appropriations Act. I was unavoidably detained by other Congressional duties related to the 29th District of Texas.

I would have voted "no" on the Moran amendment to prohibit Federal funds from being used to license the export of .50 caliber firearms. Federal agencies already have the ability to prohibit exports of certain firearms to certain countries or groups when that is in the national interest. In addition, there are countless sources of firearms in the global marketplace. Unfortunately, this amendment would not have provided any benefits in terms of reducing terrorists' access to firearms.

CONGRATULATIONS TO DR. RICHARD WALLINGFORD, JR.

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MICHAUD. Mr. Speaker, doctors of optometry from around the nation will convene in Dallas, Texas, from June 22–26 for Optometry's Meeting, the American Optometric Association's 108th annual convention. On Saturday, June 25, they will elect Dr. Richard Wallingford, Jr. as the association's 84th president.

Dr. Wallingford is a resident of Rockwood, Maine, on Moosehead Lake. He is a native son who has practiced optometry in our state for 30 years. He is a graduate of the University of Maine at Orono and the College of Optometry at the State University of New York. He currently serves as Director of Clinical Services at Vision Care of Maine in Bangor.

Dr. Wallingford has been a leader in his profession at the state, regional and national levels. He has been a member of the Maine Optometric Association since 1975, and served as president in 1982. He was appointed to the Maine Board of Optometry in 1989, and he served until 1999. He was also a member of the New England Council of Optometrists, and he currently serves on the Board of Trustees of the New England College of Optometry.

At the national level, Dr. Wallingford has been a member of American Optometric Association (AOA) since 1971, and has served in the association's volunteer structure since 1983. He was elected to the AOA Board of Trustees in 1998 and was re-elected in 2001.

Remarkably, Dr. Wallingford has maintained his hectic schedule while battling multiple myeloma, a form of blood cancer. Diagnosed with the disease in 2000, he began an aggressive treatment plan last year which included six rounds of chemotherapy and two stem cell transplants. In January, Dr. Wallingford received good news that the myeloma was in remission.

In his community, Dr. Wallingford was elected to the board of Maine School Administrative District (MSAD) #67, where he served as chairman for two years. He was president of the Lincoln Rotary Club and chairman of the Lincoln Recreation Committee. He also coached youth baseball and basketball.

In addition to his professional responsibilities, Dr. Wallingford is a devoted outdoorsman. He has been a member of the National Ski Patrol since 1989 and serves on the Squaw Mountain Ski Patrol. He is a licensed whitewater guide and has a land and sea rating as a licensed private pilot. Dr. Wallingford also owns and manages the Moosehead Lake Sporting Camps and Mt. Kineo Cabins.

Dr. Wallingford and his wife Elaine have been married for 35 years and they have three children. Richard III is a physician and is completing his residency in psychiatry at Harvard University. Denise holds a Master's Degree from Boston College and is an elementary school teacher. Tiffany is a graduate student at Cal Poly in San Luis Obispo, California.

The American Optometric Association is the professional society for optometrists nationwide and has more than 34,000 members. Dr. Wallingford will lead the association on its mission to improve eye and vision care in the United States.

Dr. Richard Wallingford has built a distinguished record of service and leadership in his profession and in his community. I am confident that he will have a very successful term as president of the American Optometric Association. I join his family, friends and colleagues in congratulating him on this achievement and wishing him good luck and good health.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

Mr. MCDERMOTT. Mr. Speaker, I missed votes on Friday, June 17, 2005 due to a previously scheduled event in my district. Had I been able to, I would have voted:

Against the Royce amendment to H.R. 2745 (rollcall vote No. 274).

Against the Fortenberry amendment to H.R. 2745 (rollcall vote No. 275).

Against the Flake amendment to H.R. 2745 (rollcall vote No. 276).

For the Chabot amendment to H.R. 2745 (rollcall vote No. 277).

Against the Pence amendment to H.R. 2745 (rollcall vote No. 278).

Against the Gohmert amendment to H.R. 2745 (rollcall vote No. 279).

Against the Stearns amendment to H.R. 2745 (rollcall vote No. 280).

For the Lantos amendment to H.R. 2745 (rollcall vote No. 281).

Against Final passage of H.R. 2745 (rollcall vote No. 282).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 21, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

Time to be announced
Foreign Relations
Business meeting to consider the nominations of Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan, Gregory L. Schulte, of Virginia, to be U.S. Representative to the Vienna Office of the United Nations, with the rank of Ambassador, and to be U.S. Representative to the International Atomic Energy Agency, with the rank of Ambassador, Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development in the Bureau of Democracy, Conflict and Humanitarian Assistance, and Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs.
S–116, Capitol

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.
SH–216

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Richard A. Raymond, of Nebraska, to be Under Secretary of Agriculture for Food Safety.
SR–328A
Commerce, Science, and Transportation
To hold hearings to examine telecom mergers.
SR–253
Homeland Security and Governmental Affairs
Business meeting to consider S. 662, to reform the postal laws of the United States, S. 457, to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, S. 611, to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, S. 37, to extend the special postage stamp for breast cancer research for 2 years, and the nominations of Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget, Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals, and several post office naming bills.
SD–562

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Livestock Mandatory Reporting Act of 1999.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine financial stability of airlines.
SR–253
Intelligence
To hold a closed briefing on certain intelligence matters.
SH–219

JUNE 23

9:30 a.m.
Armed Services
To hold hearings to examine United States military strategy and operations in Iraq.
SR–325
Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253
Finance
To hold hearings to examine United States-China economic relations.
SD–215
Foreign Relations
To hold hearings to examine issues relative to developing an HIV/AIDS vaccine.
SD–419
Health, Education, Labor, and Pensions
To meet to discuss the Family Medical Leave Act.
SD–430
Veterans' Affairs
To hold hearings to examine pending veterans benefits related legislation.
SR–418

2 p.m.
Appropriations
Business meeting to mark up H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for fiscal year 2006 for the Legislative Branch.
SD–106
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine the consequences of Roe V. Wade and Doe V. Bolton.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold oversight hearings to examine disparities in federal HIV/AIDS CARE programs, focusing on the effectiveness of CARE Act funding allocations in ensuring that all Americans living with HIV are provided access to core medical services and life-saving AIDS medications.
SD–562
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

4:15 p.m.
Armed Services
Strategic Forces Subcommittee
To hold a closed briefing on the Ballistic Missile Defense Test Program.
SR–222

JUNE 28

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues.
SR–328A
Commerce, Science, and Transportation
Global Climate Change and Impacts Subcommittee
To hold hearings to examine coastal impacts.
SR–253
Indian Affairs
To hold an oversight hearing to examine regulation of Indian gaming.
Room to be announced
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.
SD–366

3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine the water supply status in the Pacific Northwest and its impact on power production, and S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.
SD–366

JUNE 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending committee issues.
SR–485

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine national weather service-severe weather.
SR–253

JUNE 30

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future.
SR–253

2 p.m.
Appropriations
Business meeting to mark up H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.
SD–106

3 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

JUNE 22

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

POSTPONEMENTS

9:30 a.m.
Environment and Public Works
To hold an oversight hearing to examine grants management within the Environmental Protection Agency.
SD–406

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6785–S6869

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1268–1273, and S. Res. 176–178. **Pages S6825–26**

Measures Passed:

United States-European Union Summit: Senate agreed to S. Res. 178, expressing the sense of the Senate regarding the United States-European Union Summit. **Page S6869**

Energy Policy Act: Senate resumed consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, taking action on the following amendments proposed thereto: **Pages S6786–95, S6802–10**

Adopted:

Domenici (for Grassley/Baucus) Amendment No. 800, to amend the Internal Revenue Code of 1986 to provide energy policy tax incentives. **Page S6795**

Pending:

Wyden/Dorgan Amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions. **Pages S6786–90**

Voinovich Amendment No. 799, to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines. **Pages S6790–95, S6802**

Martinez (for Nelson (FL)) Amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources. **Pages S6802–08**

Schumer Amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits. **Pages S6808–10**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:45 a.m., on Tuesday, June 21, 2005; that there be 80 minutes of debate on Martinez (for Nelson (FL)) Amendment No. 783 (listed above), and the Senate then vote on, or in relation to the amendment with no second-degree amendments in order prior to the vote. **Page S6869**

Nomination Considered: Senate resumed consideration of the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations. **Pages S6795–6802**

During consideration of this nomination today, Senate also took the following actions:

Pursuant to the order of June 16, 2005, the motion to proceed to the motion to reconsider the failed cloture vote (taken on May 26, 2005) was agreed to, and the motion to reconsider was then agreed to. **Page S6801**

By 54 yeas to 38 nays (Ex. Vote No. 142), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate, upon reconsideration, rejected the motion to close further debate on the nomination. **Page S6802**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report of the continuation of the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–13) **Pages S6816–17**

Nominations Received: Senate received the following nominations:

Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General.

Sue Ellen Wooldridge, of Virginia, to be an Assistant Attorney General. **Page S6869**

Messages From the House: **Page S6817**

Measures Read First Time: **Page S6817**

Enrolled Bills Presented: **Page S6817**

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Executive Reports of Committees: **Page S6825**

Additional Cosponsors: **Pages S6826–27**

Statements on Introduced Bills/Resolutions: Pages S6828–34

Additional Statements: Pages S6814–16

Amendments Submitted: Pages S6834–68

Notices of Hearings/Meetings: Page S6868

Record Votes: One record vote was taken today. (Total—142) Page S6802

Adjournment: Senate convened at 2 p.m., and adjourned at 7:59 p.m. until 9:45 a.m., on Tuesday, June 21, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6869.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 2986–2995, 3000; 6 private bills, H.R. 2996–2999, 3001–3002; and 4 resolutions, H. Con. Res. 182–183; and H. Res. 332–333 were introduced. Pages H4801–02

Additional Cosponsors: Pages H4802–03

Reports Filed: Reports were filed today as follows:

H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006 (H. Rept. 109–139);

H. Res. 330, providing for consideration of H.J. Res. 10, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (H. Rept. 109–140); and H. Res. 331, providing for consideration of H.R. 2475, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 109–141). Page H4801

Speaker: Read a letter from the Speaker wherein he appointed Representative Fortenberry to act as speaker pro tempore for today. Page H4725

Chaplain: The prayer was offered today by Rev. Stan Scroggins, Associate Pastor, First Baptist Church in Magnolia, Arkansas. Page H4726

Recess: The House recessed at 12:36 p.m. and reconvened at 2 p.m. Page H4726

Board of Visitors to the U.S. Air Force Academy—Appointment: The Chair announced the Speaker's appointment of Representative Kilpatrick to the Board of Visitors to the U.S. Air Force Academy. Page H4726

Department of Defense Appropriations Act for FY 2006: The House passed H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 398 yeas to 19 nays, Roll No. 287. Pages H4727–83

Agreed to:

Kucinich amendment that reduces and then increases by the same amount, funding for Research, Development, Test, and Evaluation for the Army; Pages H4744–45

Inslee amendment that changes language in section 9006, regarding funds for operation and maintenance; Page H4757

Markey amendment that prohibits the use of funds in contravention of laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Pages H4772–73

Hunter amendment that replaces section 9012 regarding Religious Freedom and Tolerance at the U.S. Air Force Academy. Pages H4759–61, H4780

Rejected:

Obey amendment to the Hunter amendment that sought to restore language in the bill as originally reported by the Committee on Appropriations (by a recorded vote of 198 ayes to 210 noes, Roll No. 283); Pages H4761–67, H4779–80

Doggett amendment that sought to prohibit the use of funds for activities in Uzbekistan (by a recorded vote of 84 ayes to 329 noes, Roll No. 284); Pages H4769–71, H4780–81

DeFazio amendment (No. 8 printed in the Congressional Record of June 15) that sought to prohibit the use of funds to initiate military operations except in accordance with Article I, Section 8 of the Constitution (by a recorded vote of 136 ayes to 280 noes, Roll No. 285); and Pages H4771–72, H4781

Velazquez amendment that sought to prohibit the use of funds to carry out sections 701 through 722

of the Small Business Competitiveness Demonstration Program Act of 1988 (by a recorded vote of 180 ayes to 235 noes, Roll No. 286).

Pages H4773–77, H4781–82

Withdrawn:

Jackson-Lee amendment (No. 9 printed in the Congressional Record of June 15) that was offered and subsequently withdrawn that sought to increase funding for military and reserve personnel for all branches of the Armed Forces; **Pages H4737–40**

Spratt amendment that was offered and subsequently withdrawn that sought to increase funding for the Former Soviet Union Threat Reduction Account; and **Pages H4740–44**

Jackson-Lee amendment (No. 13 printed in the Congressional Record of June 13) that was offered and subsequently withdrawn that sought to increase funding for the Iraq Freedom Fund and increases the amount appropriated for operations and maintenance that can be used to train and equip military and security forces in Iraq and Afghanistan and support U.S. military operations in those countries.

Pages H4745–57

Point of Order sustained against:

Kucinich amendment that sought to insert a new section at the end of Title VIII regarding the Space Preservation Act of 2005; **Pages H4757–59**

Pelosi amendment that sought to add a new section at the end of Title IX regarding plans to withdraw U.S. Armed Forces from Iraq; and

Pages H4767–69

Obey amendment that sought to add a new section at the end of the bill regarding Federal deficit levels. **Pages H4777–79**

H. Res. 315, the rule providing for consideration of the bill was agreed to on June 14.

Quorum Calls—Votes: One yea-and-nay vote and four recorded votes developed during the proceedings of today and appear on pages H4779–80, H4780–81, H4781, H4781–82, and H4782–83. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:32 p.m.

Committee Meetings

HUMAN RIGHTS IN VIETNAM

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Human Rights in Vietnam. Testimony was heard from public witnesses.

CONSTITUTIONAL AMENDMENT—PROHIBIT DESECRATION OF THE FLAG

Committee on Rules: The Committee granted, by voice vote, a structured rule providing 2 hours of debate in the House on H.J. Res. 10, Proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the Flag of the United States, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the joint resolution. The rule makes in order the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Watt or his designee, which shall be separately debatable for one hour equally divided between the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner.

INTELLIGENCE AUTHORIZATION ACT FISCAL YEAR 2006

Committee on Rules: The Committee granted, by voice vote, a structured rule providing 1 hour of debate in the House on H.R. 2475, Intelligence Authorization Act for Fiscal Year 2006, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by the amendment printed in Part A of the Rules Committee report accompanying the resolution, shall be considered as adopted and shall be considered as read. The rule makes in order the amendment printed in Part B of the Rules Committee report accompanying the resolution, if offered by Representative Maloney of New York or her designee, which shall be considered as read, and which shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of the report. The rule provides one motion to recommit with or without instructions.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D564)*

H.R. 1760, to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the

"Robert M. La Follette, Sr. Post Office Building". Signed on June 17, 2005. (Public Law 109–15).

COMMITTEE MEETINGS FOR TUESDAY, JUNE 21, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies, business meeting to mark up H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, 2 p.m., S–128, Capitol.

Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting to mark up H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, 3 p.m., SD–192.

Committee on Armed Services: to hold a closed briefing on the nature of the evolving Improvised Explosive Devices (IEDs) threat and the Department of Defense's approach to addressing this threat, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine regulatory relief proposals, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Fisheries and Coast Guard, to hold hearings to examine the Coast Guard's revised deepwater implementation plan, 10 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the United States policy toward Russia, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia, and Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine issues relating to juvenile diabetes, focusing on the personal toll on families, financial costs to the Federal health care system, and research progress toward a cure, 9:15 a.m., SH–216.

Committee on Rules and Administration: to hold hearings to examine the issue of voter verification in the Federal elections process, 10 a.m., SR–301.

House

Committee on Appropriations, to mark up the following: Revised Suballocations of Budget Allocations for Fiscal Year 2006; the Foreign Operations, Export Financing, and Related Programs for Fiscal Year 2006; the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies for Fiscal Year 2006, 10 a.m., 2359 Rayburn.

Subcommittee on The Department of Homeland Security, hearing on U.S. Coast Guard, Deepwater Programs, 2 p.m., 2362–A Rayburn.

Committee on Armed Services, hearing to review Marine Corps force protection, 9 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled "The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee," 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Authorizing the President's Vision: Making Permanent The Faith-Based and Community Initiative—H.R. 1054, Tools for Community Initiatives Act," 2 p.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "The Development Fund for Iraq: U.S. Management of Iraq Oil Proceeds and Compliance with U.N. Security Council Resolution 1483," 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, hearing entitled "Using Open-Source Information Effectively," 10 a.m., 210 Cannon.

Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology, joint hearing entitled "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" 2 p.m., 2118 Rayburn,

Committee on International Relations, Subcommittee on Europe and Emerging Threats, to mark up the following measures: H. Res 326, Calling on free and fair parliamentary elections in the Republic of Azerbaijan; H. Res. 328, Recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the establishment of the Solidarity Trade Union; and H. Con. Res. 155, Urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections, 5 p.m., 2200 Rayburn.

Subcommittee on the Middle East and Central Asia, briefing on Democracy in the Middle East: Toward an Inter-Arab Democratic Charter, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Copyright Office Views on Music Licensing Reform, 10 a.m., and to hold a hearing on H.R. 1229, Federal Consent Decree Fairness Act, 5:15 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing on the Lack of Worksite Enforcement and Employer Sanctions, 2 p.m., 2141 Rayburn.

Committee on Rules, to consider the Legislative Branch Appropriations for Fiscal Year 2006, 5 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing on Veteran's Access to Capital, 2 p.m., 311 Cannon.

Subcommittee on Workforce, Empowerment, and Government Programs, hearing entitled "Union Salting—Organizing Against Small Business," 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Deepwater Implementation, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on The Judiciary's Ability to Pay for Current and Future Space Needs, 1 p.m., 2167 Rayburn.

Committee on Veterans Affairs, Subcommittee on Oversight and Investigations, to mark up the Veterans Medical Care Revenue Enhancement Act of 2005, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 10 a.m., B–318 Rayburn.

Next Meeting of the **SENATE**

9:45 a.m., Tuesday, June 21

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.R. 6, Energy Policy Act, with a period of 80 minutes for debate on Martinez (for Nelson (FL)) Amendment No. 783, and at approximately 11 a.m., vote on, or in relation to the amendment.

(Senate will recess from 11:30 a.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, June 21

House Chamber

Program for Tuesday: Consideration of Suspensions: (1) H. Res. 207, recognizing the 100th anniversary of Farm-House Fraternity, Inc; (2) H. Res. 256, expressing the sense of the House of Representatives in remembrance of the brave servicemen who perished in the disastrous April 24, 1980, rescue attempt of the American hostages in Iran; (3) H.J. Res. 52, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; and (4) H. Con. Res. 160, recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future. Consideration of H.R. 2475, Intelligence Authorization Act for FY 2006 (subject to a rule).

Extensions of Remarks, as inserted in this issue

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