The House met at 9 a.m. and was called to order by the Speaker pro tempore (Miss McMorris).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, June 21, 2005.

I hereby appoint the Honorable Cathy McMorris 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, 2006, 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 2 minutes.

GOING FORWARD TO VICTORY IN IRAQ

Mr. BARRETT of South Carolina. Madam Speaker, we have been talking a lot about Iraq, and a lot of people have different ideas and different thoughts about what we are doing over there. In recent days and weeks, some have suggested we need a specific timeline or date that indicates when our troops will begin to withdraw from Iraq.

I would like to read an e-mail that one of my staffers received at the end of last week from a friend of hers currently serving in Iraq. The soldier says: “I know there are growing doubts, questions and concerns by many regarding our presence here and how long we should stay. For what it is worth, the attachment hopefully tells you why we are trying to make a positive difference in this country’s future.” This is the attachment, Madam Speaker, and a picture truly is worth 1,000 words.

The soldier went on to say in ending his e-mail: “I hope to head home in 80 days with a feeling that I contributed something and made this world a better place for these guys.”

Madam Speaker, any date for withdrawal would be arbitrary. We must allow our plan to go forward and not abandon it halfway through. This is not just about their future, it is about the future of all of us. Let us not talk about an exit strategy; let us talk about victory.

CONTINUING FUNDING OF PUBLIC BROADCASTING

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

Mr. BLUMENAUER. Madam Speaker, as we watch the ebb and flow here in Washington, DC, the controversies, the complexities, there has never been a more important time for the thought-provoking service that is supplied by Public Broadcasting. The educational, cultural and community awareness, together with the politics and policy formats, form the framework for citizens to cope with the myriad of challenges and demands of today’s modern living, much as we are struggling with them here in Washington, DC.

If there has never been a more important time for public broadcasting, there has never been a worse time for Congress to be part of a campaign against public broadcasting. We formed the Public Broadcasting Caucus 5 years ago here on Capitol Hill to help promote the exchange of ideas surrounding public broadcasting, to help equip staff and Members of Congress to deal with the issues that surround that important service.

There are complexities in areas of legitimate disagreement and technical matters, make no mistake about it, and our caucus is a great platform for Congress to explore these items and to be heard by the various public broadcasting constituencies, their boards and staff.

Cutting funding, especially the proposals from the subcommittee, are the worst approach in dealing with public broadcasting. President Bush has requested over $413 million in his budget for fiscal year 2006. The subcommittee has recommended that that be slashed to $300 million, cutting by almost 1⁄3, this year’s funding for the Corporation for Public Broadcasting and eliminating entirely the President’s $23 million request for Ready-To-Learn.

Madam Speaker, these are as Draconian as they are unjustified. Every week, 82 million people demonstrate the worth of public broadcasting by viewing public television and over 30 million people a week listen to NPR.

But the cuts are not only cutting at the fabric of the programming; they will devastate small rural markets that are hard to serve without the extra resources provided by the Federal Government. Larger metropolitan areas will be hurt as well. The area that I represent in Oregon will suffer about a 25 percent cut, but ultimately they will still have some service. In many small rural areas, public broadcasting, which is expensive to provide, is likely to disappear altogether, because the sparsely populated communities are not able to make up the gap.
The good news is that the public outcry is being heard. Already the full committee has voted to reverse its decision to completely eliminate the advanced funding for fiscal year 2008. That reversal is an important step to provide certainty and continuity, giving us the stability for Public Broadcasting and keeping our commitments.

There will be an amendment to reverse the $100 million rescission for fiscal 2006, and I strongly support that effort. In the meantime, I would urge my colleagues to become involved with the public broadcasting issues, to join over 100 other Members of Congress who are members of the Public Broadcasting Caucus and engage in its activities. It is important to show the same bipartisan support for public broadcasting as we have in other controversial matters in recent weeks. The American public deserves no less.

RECOGNIZING THE POSITIVE IMPLICATIONS OF CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Madam Speaker, it is critical for us to recognize the positive, far-reaching implications of CAFTA.

CAFTA is not solely about trade, it is about lives. It is about promoting U.S. national security objectives in our own backyard. By strengthening our allies, our neighboring countries, we are helping to strengthen our own efforts to fight the scourge of terrorism. Free markets and economic development are the best weapons against tyranny, against poverty and against disease.

CAFTA will promote democratic governance, thus advancing stability and consolidating freely-elected governments who are allies in the war against drugs and the War on Terror. Failure to pass CAFTA in Congress will cripple our efforts to freeze out narco-terrorist drug cartels and the War on Terror. Failure to pass CAFTA in Congress will cripple our efforts to freeze out narco-terrorist drug cartels and the War on Terror. Failure to pass CAFTA in Congress will cripple our efforts to freeze out narco-terrorist drug cartels and the War on Terror.

Be present to the Members of the House of Representatives and all who work for this noble institution today. Hold out a strong hand to those who are weak or fainthearted. Be patient with the hesitant. By Your Spirit, enable all to be patient, forgiving, and understanding to one another so they may be ready to receive the same gracious gifts from You in the same measure they have treated others.

You alone are the lasting judge of all, and the full measure of goodness to which no other can be compared, for You are Lord, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the 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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

HONORING THE SERVICE OF OUR TROOPS

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

Mrs. MILLER of Michigan. Madam Speaker, over 9 million innocent human beings were killed in the Nazi death camps. Over 3 million were killed in the Soviet gulags under Joseph Stalin. Over 1.5 million were killed by the Khmer Rouge under Pol Pot in Cambodia.

And how many have been killed at Guantanamo Bay? Zero.

But that has not stopped a Democratic leader, a Democratic Senator, and the Democratic Party from drawing parallels between what is happening in Guantanamo and the horrors of Hitler or Stalin and Pol Pot. That message belies the suffering of the victims of those terrible atrocities. That message discourages our brave men and women in uniform, when national leaders compare their actions to those of the Nazis. That kind of rhetoric incites our enemies and hinders our efforts in the war on terror.

I challenge every Democratic leader to denounce these ridiculous comparisons. Show our enemies that we are united in our action against terror, and show our troops that we honor their service.

CONGRATULATING SECRETARY OF STATE CONDOLEEZA RICE FOR STANDING UP FOR DEMOCRACY

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

Mr. EMANUEL. Madam Speaker, I would like to congratulate Secretary of State Condeleeza Rice for standing up for democratic principle, for finally saying what needed to be said. During a speech in Cairo yesterday, Secretary Rice criticized Middle East leaders for failing to encourage democracy.

My colleagues in this Chamber know well that when I disagree with this administration, I let my opinion be known. I disagree with their proposals for Social Security, their stewardship of the economy, their plan for the Iraq war and occupation, and how they treat critics. Yet, on advocating Mid-East Democracy, I do not disagree. I agree with the Secretary of State and her comments.

Unfortunately, when it comes to our allies in the Middle East, America too often turns a blind eye to their failings of leadership. We rightfully denounce countries with repressive regimes like those in Iran and Syria, but others such as Egypt and Saudi Arabia receive a pass.

Yesterday, Secretary Rice spoke up on behalf of America; she represented the best of American ideals and our steadfast belief in basic human rights and democracy. This will serve America well as we battle for the hearts and minds of the Muslim world.

Madam Speaker, I do not often agree with this administration, but I know a good thing when I see it. When it comes to democracy and all that comes with democracy, no one gets a pass.

LEAVE A GOOD LEGACY: STOP CLONING NOW

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

Mr. PITTS. Madam Speaker, every Member of this body is mindful of his or her legacy, and that is good.

There is an issue facing this Nation that should cause us all to consider that legacy carefully. The issue is human cloning, and it is closer to reality than we think. We learned that from Korean scientists last month, but we also have the ability to stop it here in America before it is too late.

So Members of this body should ask themselves, Do you want your legacy...
to be that we stood by as scientists started cloning human beings in America? Members leaving this body after next year should ask, Do you want to tell your grandkids some day that you had a chance to act to stop cloning but did nothing?

If we do nothing, Madam Speaker, cloning will come, and this Congress will be judged not by job numbers or a national energy plan or highway dollars, but by our failure to stop human cloning. I do not want that on my conscience; no one does, but our lack of action will make us responsible for its arrival.

Let us leave a good legacy, a legacy that guards the uniqueness of life. Let us act to stop human cloning.

UNDERMINING OF AMERICAN VALUES

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

Ms. SCHAKOWSKY. Madam Speaker, the Bush administration and Republican leaders are engaged in a pathetic attempt to make Senator DICK DURBIN’s condemnation of the use of torture at Guantanamo Bay an issue.

As a result of the revelations of conditions at Guantanamo, Abu Ghraib, the Bagram Prison in Afghanistan, the Republicans owe the American people, our soldiers, and veterans an apology for undermining American values such as the rule of law, for putting our troops at greater risk around the world, and for cutting veterans health benefits when they come home, and falling to provide our troops the equipment they need to protect themselves on the battlefield.

Clearly the Republicans are reading the polls and watching their approval as well as the approval for the misguided war plummet. So in a desperate attempt to shift the blame, they want to shoot the messenger.

Everyone knows what Senator DURBIN meant, and he was right. The United States of America stands for the rule of law, not for torture. It is this administration and the Republican leaders, certainly not our soldiers and not Senator DURBIN, who has tarnished the image of our great country.

THE REAL GUANTANAMO BAY

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

Ms. FOXX. Madam Speaker, I rise today in response to the ill-timed and ill-conceived remarks by the Democratic Senator. The Senator’s deplorable comparison of American service men and women at Guantanamo Bay to Nazi Soviet gulags and to Pol Pot are injurious to our military and provide a propaganda victory to our enemy.

Sad to say, the Administration, the United States Senator now serve to give aid and comfort to Islamic terrorists. The senior Senator from Illinois seems to have taken poetic license with whatever document he has failed to produce as evidence of his allegations.

The brave men and women of America’s military put their lives on the line each day to meet the demands of Gitmo’s prisoners. These al Qaeda and Taliban prisoners are being treated and a military necessity.

Intelligence gained at Gitmo has and will continue to prevent terrorist attacks and help save American lives. I am hopeful that certain Democratic Senators will quit being a part of the problem and start being part of the solution.

Because of Gitmo, the U.S. is learning organizational structure of terrorist groups, the extent of terrorist presence in the world, Al Qaeda’s pursuit of WMDs, methods of recruitment and location of centers, terrorist skill sets, and enemy financing and fund terrorist operations.

GUANTANAMO BAY

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

Mr. PRICE of Georgia. Madam Speaker, recent comments alleging mistreatment of prisoners at Guantanamo Bay are not only insulting, they are wrong.

The 545 prisoners being interrogated at Guantanamo are properly housed and fed, they receive medical care, and have their religious needs met.

A U.S. Senator made statements last week that were clearly imprudent and unwise, comparing treatment of detainees at Guantanamo to the treatment of prisoners at Gitmo. It is not Pol Pot at Guantanamo, it is pot roast. To purport that there is a moral equivalency between the acts of dictatorial madmen of the 20th century and the treatment of detainees at Guantanamo does a disservice to history, to our national honor, and to each member of our military who risk their lives every day preserving the privileges we enjoy.

I call on the Senator to talk to the guards at Guantanamo and get the facts straight. Then he should apologize to them, to the rest of our soldiers, and to the American people.

REPUBLICANS ATTEMPT TO DIVERT ATTENTION AWAY FROM WAR IN IRAQ

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

Mr. BUTTERFIELD. Madam Speaker, these attacks against the gentlewoman from California (Leader PELOSI) and Senator DURBIN are nothing more than an attempt by the congressional Republicans to divert attention away from the war in Iraq to comments made by two of our Democratic colleagues.

Republicans know that the war in Iraq is not going well right now. They have an administration that is clearly not leveling with the American people. Earlier this month, Vice President CHENEY told a national audience that the insurgency in Iraq was in its last throes. Well, we all know that is not the case.

I think Washington columnist Richard Cohen got it right this morning when he wrote that these partisan attacks are the latest in a series of attacks by Washington Republicans to silence the opposing views. Cohen wrote, ‘The attempt to make Senator DICK DURBIN lose his cool has failed to produce any document he has failed to produce. Cohen wrote, ‘The attempt to make Senator DICK DURBIN lose his cool has failed to produce any document he has failed to produce.

Democrats will not be silenced.

ONE WEEK LATER AND STILL NO APOLOGY

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

Mr. WILSON of South Carolina. Madam Speaker, the people of Illinois and the United States are rightfully concerned about the recent smear and slander made by Democrat Whip Senator DICK DURBIN.

After Democrat Whip DURBIN likened U.S. troops to murderers, Democrat, columnist Kass of the Chicago Tribune called on Senator DURBIN to apologize to the Nation for his irresponsible and dangerous comments. Kass wrote, ‘Hitler, Stalin and Pol Pot murdered roughly 50 million people. At Guantanamo, suspected terrorists have been made uncomfortable, including a minion of Osama bin Laden’s, but I haven’t heard of anyone being killed there. We’re at war, Senator.’

The people of Illinois deserve a Senator who accurately represents their strong appreciation for the men and women who bravely serve our country at home and abroad. Democrat Whip DURBIN made his reckless comments almost a week ago and he has still not apologized for his comments. As the second ranking Democrat in the U.S. Senate, DURBIN should take responsibility for his comments and immediately apologize to the U.S. troops and American families. I am grateful my son served in Iraq.

In conclusion, God bless our troops, and we will never forget September 11.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that remarks in debate may not engage in personalities towards Senators.

NOW IS THE TIME TO ENACT HUMAN CLONING BAN

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

Mr. PENCE. Madam Speaker, human cloning is coming. Despite ominous developments in South Korea and in laboratories across the land, last week, the House Committee on Appropriations rejected, by a narrow margin, a thoughtful amendment authored by the gentleman from Florida (Mr. WELDON). The Weldon cloning amendment would essentially prohibit any entity, institution, private or public, from receiving NIH funds if that entity engages in human cloning for research or reproductive purposes.

While that amendment failed, human cloning continues to advance, and the breakthrough in this unethical and morally questionable science is around the corner.

Now is the time for Congress to act. On two separate occasions, Congress has enacted the Weldon-Stupak cloning ban by a 60 percent-plus bipartisan majority. And the time is now, after last week’s disappointing vote in the Committee on Appropriations, with the Labor-HHS bill headed to the floor, now is the time, this summer, to once again bring a human cloning ban to the floor and enacted into law.

LET US SEE FOR OURSELVES AT GUANTANAMO BAY

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

Mr. POE. Madam Speaker, I was a former judge. I saw jails, I saw prisons. I saw numerous prisons and jails. Now we hear about this torture chamber down in Guantanamo Bay. Some people call it Gitmo. Well, I think we ought to call it Gitmo. And let us GITMO information about his place and let us go down and check it out firsthand before more comments are made.

Meanwhile,Gitmo information needs to be made to American troops overseas.

GITMO

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

Mrs. BLACKBURN. Madam Speaker, over the past weekend, the Americans are watching as those across the aisle, led by Minority Leader G E O R G E M I L L E R of California, and me, and other members of Congress, raised serious concerns about Gitmo, as it is sometimes called. Reports indicate the Gitmo detention center down in Gitmo Bay is uninhabitable. The critics say they hate Gitmo. Do we want to run Guantanamo Bay? No. But you know what, we have to remember, there are people who would like to murder Americans by the thousands. Have we forgotten September 11?

We cannot have hamlets because they do not operate as part of a national military. Thus we are forced to run Guantanamo Bay. Americans get captured by the terrorists and they are slaughtered, they are beheaded; and we have seen the photos. That is not what we do to the enemy combatants at Guantanamo, and the idea that the two can be compared is reprehensible.

SENATOR DURBIN’S COMMENTS

(Mr. G E O R G E M I L L E R of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. G E O R G E M I L L E R of California. Madam Speaker, Senator D U R B I N spoke for millions of Americans who are horrified and shocked about the treatment, the mistreatment of prisoners who have not been given the right to be notified of where they are, prisoners who were hung by their arms, who reported homicides, the scandals and the cover-ups.

Yes, these are dangerous people that are in these prisons. Many of them may be guilty of very serious crimes. But the fact of the matter is America cannot be a beacon for freedom and justice and liberty when it is doing it by abusing prisoners.

As Senator D U R B I N said, if you have read these without knowing the country, you would be horrified because these are the practices that are associated with dictatorships and countries without the rule of law and countries of repression. The fact of the matter is this administration should have an independent investigation of the treatment of prisoners in Afghanistan and Guantanamo Bay. They should do it immediately so that we do not continue to have these incidents be magnets for the recruitment of the insurgents.

If somebody is worried about our troops, maybe the Republicans and the President could apologize for sending them into battle without body armor, for sending them into battle without sufficient numbers to protect them, to send them in battle without properly armed Humvees, because that is what causes parents to grieve for the loss of their lives.

RECOGNIZING THE 100TH ANNIVERSARY OF FARMHOUSE FRATERNITY, INC.

Miss McMORRIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 207) recognizing the 100th anniversary of FarmHouse Fraternity, Inc.

The Clerk read as follows:

H. RES. 207

Whereas FarmHouse Fraternity, Inc. was founded on April 15, 1905, by 7 students from the College of Agriculture at the University of Missouri-Columbia; Whereas FarmHouse Fraternity, Inc. is widely known and respected on college campuses throughout the United States and Canada as a fraternity that encourages values-based leadership, has a strong academic focus, and is dedicated to service; Whereas FarmHouse Fraternity, Inc. focuses on building the whole man—intellectually, spiritually, socially, morally, and physically; Whereas more than 24,000 men have been members of FarmHouse Fraternity, Inc., including governors, congressmen, top scientists, innovators in agriculture, university presidents, Nobel Prize winners, Pulitzer Prize winners, doctors, lawyers, and Hall of Fame athletes; Whereas FarmHouse Fraternity, Inc. members volunteer countless hours of service each year to help improve the communities they serve; and Whereas hundreds of FarmHouse Fraternity alumni and student members will gather in Columbia, Missouri, from April 14 to April 17, 2005, for the celebration of the
100th anniversary of the fraternity: Now, therefore, be it
Resolved, That the House of Representatives recognizes the 100th anniversary of FarmHouse Fraternity, Inc. and commends the fraternity and its members for a century of service.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Miss McMorris) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Miss McMorris).

Miss McMorris. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution currently under consideration.

The SPEAKER pro tempore. There is no objection.

Miss McMorris. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 207 offered by my colleague, the gentleman from Missouri (Mr. Hulshof).

House Resolution 207 honors the FarmHouse Fraternity on the occasion of its 100th anniversary. The FarmHouse Fraternity was founded on April 15, 1905, by seven men from the College of Agriculture at the University of Missouri, Columbia, who acknowledged a need for recognition of a small, specialized group in the area of higher education.

Originally formed as an agricultural club, the FarmHouse Fraternity has become widely known and respected on college campuses throughout the United States and Canada as a fraternity that emphasizes value-based leadership, has strong academic focus, and is dedicated to service.

FarmHouse promotes the moral and intellectual welfare of its members and encourages social growth; loyalty among its members to their country, their community, their university, and their fraternity; and the well-rounded personality of members.

The FarmHouse Fraternity helps transform the young men of today into the leaders of tomorrow’s world. More than 24,000 men have been members of the FarmHouse Fraternity, including Governors, Congressmen, top scientists, innovators in agriculture, university presidents, Noble Peace Prize winners, Pulitzer Prize winner. doctors, lawyers, and Hall of Fame athletes.

In addition, members of the FarmHouse Fraternity volunteer countless hours of service each year to help improve the communities they serve.

Madam Speaker, it is my pleasure to recognize the FarmHouse Fraternity for the celebration of its 100th anniversary and commend the fraternity and its members for a century of service and achievement. I urge my colleagues to help support House Resolution 207.

Madam Speaker, I reserve the balance of my time.

Mr. Scott of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I stand in support of House Resolution 207, which recognizes the 100th anniversary of FarmHouse Fraternity, Incorporated. The organization was founded by seven students from the College of Agriculture at the University of Missouri, Columbia. Currently, FarmHouse Fraternity has 24,000 members; and it continues to increase its membership on college campuses throughout the United States and Canada, notwithstanding the fact that today there are fewer farm families and fewer young men with the traditional agricultural background.

Farming issues today are much more complex than a century ago. In addition to concerns about the impact of drought and disease on crop production, farmers today must concern themselves with agricultural trade policies, competition from foreign farmers, consumers and agroterrorism.

While farming issues may have changed, the fraternity’s objectives have remained constant. Today, just as in 1905, the fraternity still aims to promote and encourage study, and build character and integrity amongst its members.

I congratulate each of the members of FarmHouse Fraternity on their 100th anniversary and wish them continued success in the future.

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

Miss McMorris. Madam Speaker, I yield as much time as he may consume to the gentleman from Missouri (Mr. Hulshof).

Mr. Hulshof. Madam Speaker, I rise and ask my colleagues in the House to support this resolution. In addition to the kind words that already have been mentioned, FarmHouse had a unique, but a humble, beginning in my home town of Columbia, Missouri.

Like many social organizations at the University of Missouri campus, there were few students back in 1905 to draw from for its members. Its purpose, that may sound odd back then was really not clearly defined or understood. And so it attracted little attention. It was not the result of any sort of a crisis among ag students, but was rather the result of a need for recognition of a small and subordinate and specialized group in the area of higher education.

The University of Missouri College of Agriculture was established back in 1870 as part of the land grant system. A lot of my colleagues here still to this day defend mightily the land grant system. It was a small division of the ag school back in 1905 within the University of Missouri. There were less than 100 students. It was not really held in the same high regard or high esteem as the school of law or the school of medicine, and most of those students were all farm-reared boys.

But a rather close relationship developed among this group of 33, a lot of them attended the same class, everybody knew each other and there developed among them this sense of camaraderie. So as an outgrowth of this fellowship and the friendships that were formed, there were three men, D. Howard Doane, Henry P. Rusk and Earl Doane, who conceived the idea of forming an agricultural club in order to perpetuate this congenial association.

In fact, as history has it, at least as we tell it, they began to have this discussion on a Sunday afternoon at a YMCA Bible meeting. So it was desirable that they were going to make this group, and they proposed to rent a house and live together, and this was in the spring of 1905.

And from the diary of Mr. Doane comes the following record: “At the close of my freshman year, there was organized a club of students originally from the freshman class, to run a club-house to be known as the FarmHouse. When school opened in September, only seven of the group returned.”

I mentioned Mr. Doane and the two brothers Rusk, and the others that joined them were Robert F. Howard, Claude B. Hutchinson, Henry H. Krusekopf, and Melvin E. Sherwin.

Back now to Mr. Doane’s diary: “They took the house on their hands and turned it into a regular rooming and boarding house. Those seven fellows were the best bunch that ever got together. During the whole year they managed the house without one single disagreeable incident.”

I am tempted to go into a parenthetical aside regarding this body, but I choose not to do that. And then finally from Mr. Doane’s diary: “Many a night this dear old bunch assembled with gravest doubts assailing them and wondering if it was all worth while.”

Well, Mr. Doane, in the humble opinion of this FarmHouse alum, it was indeed worthwhile. Thirty chapters across the country, including Canada, with a list of notable alumni, including just a smattering of those: former Kansas Governor, John Carlin; George Beadle, who received a Nobel Prize in medicine and genetics back in 1958; Pulitzer Prize winner Ezra George Thieme; and Hall of Fame athletes Ed Widseth from Minnesota and legendary Missouri Coach Don Faurot; 49 past national FFA officers; one former U.S. Secretary of Agriculture; and entertainers Leroy Van Dyke, Michael Martin Murphey, and Pat Green.

More than 24,000 men have become members of FarmHouse Fraternity. And while the others do not necessarily hold a title, each has made his own mark within the lives of the family in which they live, putting into action the FarmHouse motto: “Builder of Men.”
I was honored to be invited to speak to an event back in Columbia, Missouri, over 530 participants, back in April of this year. And I would ask that this body, that the House of Representatives today recognize the 100th anniversary of FarmHouse Fraternity and commend the fraternity and its members for a century of service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Miss MCMORRIS) that the House suspend the rules and agree to the resolution, H. Res. 207.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE IN REMEMBRANCE OF BRAVE SERVICEMEN WHO PERISHED IN AMERICAN HOSTAGES IN IRAN

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the resolution (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, as amended.

The Clerk read as follows:

H. Res. 256

Whereas on November 4, 1979, Islamic extremist occupied the United States Embassy in Tehran, Iran, and took 66 American hostages, of whom 13 were released in a matter of days, on November 19 and 20, 1979;

Whereas after months of unsuccessful diplomatic negotiations for the release of the remaining 53 hostages and after extensive planning and intergovernmental deliberation, a complex rescue mission designated as “Operation Eagle Claw” was approved by President Carter on April 16, 1980;

Whereas on April 24, 1980, a task force comprised of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots succeeded in moving thousands of miles undetected until reaching a remote location in the Iranian desert 200 miles from Tehran designated by the code name “Desert One”;

Whereas at Desert One, a combination of helicopters and MC-130/EC-130 gunships rendezvoused with the intention of rescuing the hostages 200 miles away in Tehran the following evening;

Whereas the bravery, dedication, and level of operational expertise of the men who participated in the mission were evident from the onset and tested by the mechanical and weather problems suffered en route to the rendezvous point;

Whereas due to mechanical failures and weather problems only six out of eight helicopters successfully arrived at the Desert One rendezvous;

Whereas six helicopters was the minimum number of helicopters that could successfully complete Operation Eagle Claw;

Whereas once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system and was unable to be fully loaded for the final assault on Tehran;

Whereas as the various aircraft began moving into position to return to their respective launching points, one of the helicopters collided with a C-130 aircraft on the ground;

Whereas flames engulfed the helicopter and the C-130 and resulted in the death of 5 airmen and 3 Marines;

Whereas other members of the task force were burned but survived, while their comrades acted bravely in restoring order and managed to extricate personnel and salvagable equipment back to friendly territory;

Whereas Members of Congress were dismayed with the poor equipment, lack of funding, and inattention that had been given to special operations forces up to that time that came to light because of the aborted rescue mission;

Whereas in response, legislation was enacted in 1986 to establish a new unified command for special operations forces that is designated as United States Special Operations Command (USSOCOM);

Whereas the United States Special Operations Command continues to prove its immeasurable value as witnessed by the performance of special operations forces in Afghanistan, in Iraq, and in many other countries of the world; and

Whereas the Nation owes a great debt of gratitude to special operations forces personnel and their families: Now, therefore, be it Resolved, That the House of Representatives—

(1) recognizes the bravery, sacrifice, and patriotism of the soldiers, sailors, airmen, and Marines who participated in Operation Eagle Claw in April 1980 in the attempt to rescue American hostages in Iran and particularly remembers the sacrifice of those who died in that attempt; and

(2) commends all special operations forces personnel currently in service.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, to begin, let me extend my sincere gratitude and appreciation to the gentleman from California (Mr. HUNTER) for his assistance in bringing this resolution to the floor.

The men and women of our Armed Forces are fortunate to have such a dedicated person serving as chairman of the Committee on Armed Services and I am deeply honored to serve with him.

Madam Speaker, on November 4, 1979, Americans were shocked by the news that terrorists had stormed our embassy in Tehran and taken as their fellow citizens hostage. This deplorable act of barbarism caught our Nation off guard and, frankly, ill-prepared to fully realize the growing threat in the region.

These days became weeks and weeks became months, back-channel diplomacy was failing. The American people were becoming impatient and a wide array of individuals were demanding action. As a Nation, the United States was being held hostage by a regime that had no intention of negotiating.

Finally, President Carter made the decision that enough was enough; it was time to bring our people home. On April 16, 1980 a plan called “Operation Eagle Claw” was approved, and our Nation’s Special Operations Forces were prepared to answer the call.

Madam Speaker, 8 days later on April 24, a task force of highly trained personnel from the Army, Navy, Marine Corps, and Air Force was formed. The task force was comprised of highly trained individuals and intensely dedicated people, probably the most dedicated ever assembled to set forth on a mission that would end abruptly in disaster.

The plan called for 8 helicopters, 12 airplanes and a lethal combination of United States Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and United States Navy, Marine, and Air Force pilots to work without a unified command structure deep inside hostile territory, a daunting task.

The mission’s first objective called for the task force to rendezvous at a location named Desert One. Once there, U.S. Special Operations Forces personnel and translators were to be offloaded from Air Force airplanes, C-130s, and reloaded onto Navy helicopters which would take them to the outskirts of Tehran, in preparation for the final rescue.

Before the rendezvous could even take place, weather problems and mechanical failures plagued the mission. Eight helicopters took off from the USS Nimitz, but only 6, the bare minimum required to complete the mission successfully, successfully arrived at Desert One.

Once the birds were on the ground, Operation Eagle Claw received its final blow when one of the remaining helicopter’s hydraulic system malfunctioned and therefore rendered the bird useless for the final assault on Tehran. At that point, despite the desired and sheer ability of the Special Operations Forces on the ground, the order to abort the mission was given.

As the helicopters and airplanes maneuvered to return to their respective launching points, another disaster struck. One of the helicopters collided
with a parked C-130 and both aircraft erupted in flames. In the chaos that followed, the soldiers on the ground acted courageously, with absolutely no regard for their personal safety, and managed to save many of their colleagues.

But despite this uncanny display of bravery, 8 of America’s finest young men lost their lives: Captain Harold L. Lewis, Jr., Captain Lyn D. McIntosh, Captain Richard L. Baake, Captain Charlie McMillan, Master Sergeant Joel C. Mayo, Staff Sergeant Dewey Johnson, Sergeant John D. Harvey, and Corporal George N. Holmes. They deserve our admiration and appreciation for the supreme sacrifice made on behalf of our country.

This morning, Madam Speaker, when I looked at my e-mail, I had received an e-mail from someone who read an op-ed which was published, which I wrote for the Washington Times, which was published yesterday. I would like to read it in part.

He says: I will never forget the day, as a young second lieutenant serving in the 82nd Air Force Division, across Fort Bragg from Special Forces Headquarters, we knew very little about the Special Forces at that time. But I did know the leader’s daughter. So in addition to recognizing that these were America’s finest warriors with all the physical strength, hooah, and military skills one can imagine, I also appreciate the families who loved them dearly and who suffered anguish, fear, and loss in Eagle Claw. So that is what I recall from my 25 years ago and what I recall every day when I open the newspaper and read of the tremendous sacrifice our forces make, each of them with families who love them.

Madam Speaker, although the results of the mission were tragic, Operation Eagle Claw’s contribution to the American military was invaluable. One of the conclusions made by the investigative commission called upon the military commanders and policy makers to look at ways to bring together various Special Operations Forces of each branch of the military. This crucial observation led to the creation of the United States Special Operations Command, SOCOM, a model of jointness that serves as an example of the transformed 21st century military which we are seeking to help create.

Top officers and soldiers and others who are serving our Nation serve under one command structure, and they are leading the war on terror. As chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, I have the distinct honor of working with the members of SOCOM. It is clear that our Nation’s Special Operations Forces are the most unified, well equipped and fiercest fighting force in the world. In the post-911 world that we live in, their contribution to our national security is more important than ever.

Madam Speaker, we stand here today in remembrance of the lives that were lost in Operation Eagle Claw. We are also thankful for the men who have followed in their footsteps. As the warriors of SOCOM continue to lead the fight in the war on terror, I join my colleagues in applauding their efforts and success, truly thanking them for their dedication to duty.

The meaning of Operation Eagle Claw will be remembered in different ways by different people, but it will always be remembered.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong support of the chairman’s resolution which commemorates the bravery of soldiers, sailors, airmen and Marines who took part in Operation Eagle Claw 25 years ago. I want to thank my friend, the chairman from New Jersey, for his extraordinary leadership on this issue.

Madam Speaker, the resolution also commends our Special Operations Forces who are risking their lives for our country today. On April 24, 1980, 8 patriots lost their lives in an effort to rescue hostages from the U.S. Embassy in Tehran. The classified mission was noble in its purpose, yet difficult and risky.

On November 4, 1979, terrorists stormed the U.S. Embassy in Tehran and took 66 American hostages. President Carter sought the hostages’ release through diplomatic means but his efforts were to no avail. Ultimately he approved a hostage rescue mission known as Operation Eagle Claw.

On April 24, 1980 a task force of Army Special Operations Forces, Army Rangers, Air Force Special Operations Wing personnel, and U.S. Navy, Marine and Air Force pilots launched Operation Eagle Claw. They landed in a remote desert in Iran, 200 miles away from Tehran, and planned to execute the hostage rescue the following day. However, Madam Speaker, a series of mishaps forced Operation Eagle Claw to be aborted and led to the deaths of 5 brave airmen and 3 Marines.

On January 20, 1981, after 444 days, the U.S. hostages were freed. Nevertheless, it was clear from the tragic deaths of those brave servicemembers during Operation Eagle Claw that our Special Operations Forces needed and deserved more and better resources to do their job.

Congress created the U.S. Special Operations Command, or SOCOM, so that their needs would be met. Today SOCOM consists of more than 50,000 uniformed personnel, jointly into the Air Force, the Navy, and the Air Force and the Marine Corps, all striving to support our Nation’s national security interests.

Operation Eagle Claw represented the best equipment and personnel available. However, SOCOM has elevated crew-on-crew familiarity, team proficiency, and equipment interconnectivity to a new level of excellence.

Madam Speaker, our Nation owes a debt of gratitude to the members of the Special Operations community, particularly those who have given their lives, such as those 8 service members who died during our Operation Eagle Claw. Our Special Operations Forces are truly the quiet professionals committed to the concept of selfless service.

So as we face the challenges of terrorists and weapons of mass destruction, Special Operations Forces provide the tool to defeat it. The resolution brought before us today recognizes this contribution. And I again want to thank the gentleman from New Jersey (Mr. SAXTON) for offering this resolution. I urge all of my colleagues to support its adoption.

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

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from western Florida (Mr. MILLER) whose district is the home of the Air Force component of the Special Operations Command, AFSOC.

Mr. MILLER of Florida. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, “They tried and that was important,” said Colonel Thomas Schaefer, the U.S. Embassy defense attaché and one of hostages. “It is tragic 8 men died, but it is important America had the courage to attempt the rescue.”

It was 90 young men who volunteered to go to the desert, and 9 of them never made it home. The oldest, 35; the youngest, 21. Between them, they left 13 children. Captain Harold Lewis has 2 children, Dr. Jim Lewis, now on the medical staff at the Moffitt Cancer Center in Tampa, and Kimberly Lewis, who joined the Air Force. Captain Lynn McIntosh has 3 children, Scott, Stewart and Mark, who is currently enrolled in Lincoln Memorial University, Tennessee. Sergeant John Harvey has 2 children, Lauren and John. Tech Sergeant Joel Mayo has 4 children, Douglas, Joel Jr., Brett, and Kurt, who also served in the Air Force and was honorably discharged in 1998. Finally, Staff Sergeant Dewey Johnson has 2 children, Wesley and Lee Ann.

One of those who died was Air Force Tech Sergeant Joel C Mayo. He was 34. He was from Bonifay, Florida in my district near Hurlburt Field.

Sergeant Mayo, the flight engineer on EC-130, performed his fire control duties so others might escape, until it was too late for him to save his own life. He died while trying to rescue his pilot, Captain Lewis.

One of his comrades and good friends, retired Master Sergeant Taco Sanchez, had this to say about his friend Sergeant Mayo: “I talked to him that night. It is important people understand he was going to give his life that night. But if you told him that he was going to die, he still would’ve gone.”
Not only did he die a true hero, but his death gave life to what we now know today as Special Operations Command and the Air Force Special Operations Command.

The Air Force personnel who died were members of the 8th Special Operations Squadron, based at Hurlburt Field. At Desert One the 8th SOS was given its motto: “The Guts to Try.” The patch of the 15th SOS has 5 burning fires, representing the 5 Air Force personnel who lost their lives. The men who gave their lives have not and never will be forgotten.

To all the families we say this: If your loved ones had not died that fateful day, the enormity of the task of integrating the military at the time might not have been realized. The urgency of the situation might not have been fully understood and the creation of the truly Joint Special Operations Command could have been delayed for a number of years, resulting in who knows how many further U.S. causalities.

Of course, this does not bring them back to us, and nothing can replace the emptiness where they once were. Hopefully, time has done all that it can in that regard, but you should know that every citizen of this country owes a special debt of gratitude to your husbands, sons, fathers, cousins, and comrades who died on that day.

Can you imagine if we had not had the capabilities of Special Operations Command after September 11? We would have still pursued and destroyed the enemy, but we would know how many more American lives would have been lost if we had only had conventional forces to rely on.

Callin Mayo is one of Joel’s grand-children. She is old enough now to understand our grandfather’s sacrifice. It is to her and all the other grand-children of those eight men that I say this: do not ever forget the sacrifices of your grandfathers. Know that they are all with God and that they will forever look down upon and continue to protect each of you.

Retired Master Sergeant Sanchez’s words about his friend Joel Mayo capture the essence of every man on this mission. They were a brave, courageous group of men attempting the impossible for a reason and a worthy cause. They were Marines and airmen, but they came together for one purpose, and that was to rescue Americans, and as Americans, they died together in the desert. They had the guts to try.

God bless them, their families and these United States.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. KLINGE), a veteran of the United States Marine Corps.

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

Madam Speaker, I rise today to recognize the heroic efforts of the service men who participated, and even more so, those who perished in the unsuccessful rescue attempt of American hostages in Iran, now over 25 years ago.

Madam Speaker, during my 25 years in the Marine Corps, I had the good fortune to know personally many of the veterans of that fateful day, and counted some among my closest friends. These brave men were asked, and cheerfully volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Many of the all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job.

In the end, woefully inadequate equipment, tremendous sand storms, and extraordinary logistical challenges contributed to the death of five U.S. Air Force men and three Marines, serious injuries to five additional service men and the loss of eight aircraft. But these difficulties did not diminish the skill and the bravery of the men who took on this hazardous mission against all odds.

The challenge of Operation Eagle Claw began with the isolated location of Tehran. Looking at a map after this unfolded and being astonished at the distances involved. Surrounded by more than 700 miles of desert and mountains, the city was essentially cut off, cut off from ready attack by U.S. forces. We simply did not have anything in the inventory. In addition, the embassy staff and the embassy itself were located in the heart of the city, congested by more than 4 million people.

Even more taxing was the primitive state of the technology and helicopters and equipment with which these men were asked to complete their mission and the secrecy demanded for the planning, training, and execution of the mission.

Madam Speaker, I knew many of the Marines that became the pilots of the Navy CH-53s that were used. In fact, one of my closest friends in the squadron that I was serving with at the time was pulled off for an assignment. He went out with the others and trained in the desert for weeks. We had no idea of the mission. I did not find out about the mission until the rest of America saw it on the news that April.

It was the Navy Air Force and Army Rangers that were the backbone under which these men worked. The equipment by today’s standard is incredible. My son is a pilot in the 101st Airborne, and he has got the latest technology and night vision goggles, lightweight devices that clip to his helmet and flip down, allowing him a full view of the cockpit of the Blackhawk helicopter which he flies.

These men did not have that. They had equipment night vision goggles taken from ground crews. They had no visibility outside the narrow tunnel that they were viewing; and yet they took this equipment that, by today’s standards, would not be allowed near an aircraft, and trained in harsh conditions for a mission that they knew was going to be extremely, extremely difficult.

Madam Speaker, a fitting tribute to the men of Operation Eagle Claw is to honor them from their experience and apply these lessons to the challenges facing our men and women in uniform today.

Some of those have been discussed by my colleagues here on the floor: the creation of the United States Special Operations Command, the joint effort, the technology that was developed and employed and tested sometimes in battle today.

We must bear in mind the importance of continuing to provide our troops with the resources they need to succeed in a mission and not launch them out with equipment simply unsuited for the job.

To those who perished in Operation Eagle Claw, I offer my gratitude, my deep appreciation, my great respect. To their families and friends, I offer my prayers and my condolences. It is hard to imagine greater heroes taking on a tougher challenge and making such a sacrifice.

Mr. MCINTYRE. Madam Speaker, I rise today in strong support of H. Res. 256, an important measure that recognizes the brave servicemen who perished during Operation Eagle Claw, the unfortunate April 24, 1980 attempt to rescue American hostages in Iran.

The resolution also recognizes the sacrifice of the Special Operations Forces of the U.S. Army, Navy, and Air Force currently in service. Operation Eagle Claw is truly a moment in our military’s history that must be remembered, and I urge my colleagues to come together out of compassion, cooperation and commitment to recognize the valiant soldiers, sailors, airmen and Marines who participated in this difficult mission.

First, we must demonstrate compassion for the servicemen who participated in Operation Eagle Claw and those that made the ultimate sacrifice by giving them the recognition they-deserved. On that tragic day, members of the U.S. Army Special Operations Forces, U.S. Air Force Special Operations, the U.S. Navy, Marines and Air Force all joined together to conduct their mission. Because of their valiant efforts to conduct the mission while dealing with poor equipment and a lack of funding, the U.S. Congress subsequently formed the Special Operations Command (USSOCOM). Today, USSOCOM continues to prove its immense value to our national defense, and it is important that we come together today and properly honor their courage by cooperating here in Congress to support these fine men and women in every way possible.

And, finally, we must uphold our commitment to ensure that our Special Operations
Forces and our military have all the resources they need to continue to protect our country in the days to come. During my tenure in Congress, I have had the honor to represent or share representation of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of USSOCOM. I will continue to work with my colleagues on the House Armed Services Committee to ensure that we do our part to meet the needs of our special operators and the officers who are charged with leading them into the battlefield. In fact, I have spearheaded the Special Operations Forces Caucus, along with four of my colleagues, Representatives ROBIN HAYES (NC), JEFF MILLER (FL) and JIM DAVIS (FL) to ensure that the needs of our special operators are met.

Each and every day, our Special Operations Forces, along with our other servicemen and women in all the branches of our military, put themselves in harm's way to fight for our nation's freedoms here at home and abroad. Now is the time that we come together with compassion and commitment to remember those that served during Operation Eagle Claw and ensure that they are properly recognized and honored. They are our heroes, and I am pleased to support H. Res. 256, which takes the necessary step to honor not only those who perished on that tragic day, but also those courageous individuals who make up our Special Operations Forces. May God bless all of them and their families.

Mr. SAXTON. Madam Speaker, we have no more speakers on our side, and I urge all my colleagues to support the resolution offered by the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, my friend, and the gentleman from Florida (Mr. SHAW) for their consistent support of human rights work.

Madam Speaker, in this day and age, nothing is in shorter supply than men and women of moral authority and courage. Burmese democracy leader and Nobel Laureate Aung San Suu Kyi is among the giants of our age. She is right there with Nelson Mandela of South Africa and Vaclav Havel of the Czech Republic, both of whom were prepared to sacrifice years of their lives so that their people could live in a free and open and democratic society.

Madam Speaker, this past weekend, this great lady and champion of democracy celebrated her 60th birthday; but instead of being surrounded by family and friends on this happy day, Aung San Suu Kyi remained imprisoned in Burma, cut off from her supporters, both her family and the people of Burma.

Last Friday, I attempted to deliver 6,000 birthday cards from Americans from across this Nation to Aung San Suu Kyi to the Burmese embassy in Washington. The gate was locked. No Burmese diplomat was willing to accept the birthday greetings to Burma's greatest citizen; but Madam Speaker, I have been dealing with dictatorial regimes all my life, and I do not expect a warm reception from any of them.

I do want Aung San Suu Kyi to know that the entire Congress of the United States and the American people wish her a very happy birthday and the moral fortitude and physical stamina to continue her struggle for the Burmese people and, indeed, for democracy globally.

Madam Speaker, I can think of no better birthday present for Aung San Suu Kyi than the legislation we are discussing at this moment. The only hope for promoting far-reaching political change is by practicing Burma's ruling thugs pay an economic price for running the Burmese nation and their economy into the ground. By renewing import sanctions for an additional year, fewer dollars will flow into the Swiss bank accounts of the Burmese thugs who run that country.

The tough approach maintained by our country towards Burma, including import sanctions, is encouraging other nations to reconsider their more short-sighted and lenient views on the Rangoon regime.

Some members of the Association of Southeast Asian Nations for the first time have begun to criticize Burma for its human rights abuses.

Last November, the European Union itself strengthened its Burma policy in response to ongoing human rights violations. In both cases, it was the strong stance that the entire Congress of the United States and I have taken that stiffened backbones and increased the prospects that a multilateral sanctions regime against Burma is possible.
Madam Speaker, Congress must act decisively to renew import sanctions against Burma. We must send a strong signal of support for the restoration of democracy and human rights in that impoverished and subdued Nation.

Today, Aung San Suu Kyi, before long will occupy her rightful position as the democratically elected leader of the people of Burma, and I look forward to being there in Rangoon as she is sworn in as the leader of a free and democratic country. The Burma Action Committee and I have long supported the Burmese Freedom and Democracy Act in its accession.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH) who himself has gained a great reputation in this Congress as being a champion of human freedoms.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for offering this legislation which would renew the Freedom and Democracy Act of 2003 for Burma and the import restrictions that are contained in that important legislation.

As my colleagues know, Burma today remains one of the most repressive military dictatorships in the world, where human rights are routinely and systematically repressed and violated. So it is fitting and necessary that Congress today is moving to renew this important legislation.

The Burmese dictatorship today incarcerates 1,400 political prisoners and continues to harass and repress one of the bravest leaders of our time, Nobel Peace Prize winner Aung San Suu Kyi, who, by the way, turned 60 this past weekend. I, like many other Members in this body, have tried to get into Burma to press for human rights; and my visa, like others, has been turned down, denying Member of Congress the opportunity to even meet with the military junta that continues to repress its citizens.

Madam Speaker, up to 70,000 child soldiers are deployed in Burma, more than any other country in the world. Up to 2 million people have been forced to flee the country as refugees and immigrants. Burning of villages continues in eastern Burma, especially in Karen and Karenni states. And Aung San Suu Kyi continues to be persecuted and harassed by this brutal dictatorship.

Sanctions do work, I say to my colleagues. But they often take time. Other countries, I’m happy to say, are beginning to follow the lead of the United States. In a major and important move, the European Union in October 2004 followed the lead of the United States and significantly strengthened its sanctions in Burma, including a ban on investments in enterprises of the ruling regime and a strengthened visa ban. The EU also pledged to join the United States in opposing loans to Burma’s regime from the International Monetary Fund and the World Bank. Surely, the United Nations is growing as well. Burma was one of the few countries on the resolution’s list that passed at the United Nations Commission on Human Rights. I was there in Geneva working that resolution on Cuba, Sudan, and Belarus, and it was as one of the few that made it through.

After the United States Senate and the House passed resolutions in October 2004 calling on the Security Council to address the situation in Burma, the Parliament of Australia followed suit. Their motion called on the government to support the Burmese National League for Democracy’s call for the U.N. Security Council to convene a special session to address the situation in Burma as a matter of urgency. Additionally, 289 members of our friends in the British Parliament tabled a motion calling on the U.N. Security Council to address the situation in Burma.

There has even been unprecedented action within the ASEAN countries. Whereas in the past they refused to even comment on what they deemed to be Burma’s internal affairs, many members of that organization are now publicly pressing Burma to step aside as the chair of the association in 2006. There has been even unprecedented pressure from the EU, the U.N., and ASEAN countries. All in all, and I point to these above-mentioned instances, the strong stand of the United States, and I commend President Bush and former President Clinton because both have been united in their belief that Burma needs to be sanctioned and isolated in a way that hopefully leads to reform and change. Moreover, our resolution to promote freedom and democracy in Burma has stiffened the backbones of many countries around the world.

Today the EU, the U.N., and ASEAN countries are moving in the right direction to take a strong stand against Burma’s dictatorship.

And to Aung San Suu Kyi: Your courage and goodness and persistence are beyond extraordinary. Our prayers are with you.

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

Madam Speaker, as the gentleman from California (Mr. LANTOS) has pointed out, June 19 marked the 60th birthday of Aung San Suu Kyi, who has dedicated her life to bringing about democracy in Burma and was awarded the Nobel Peace Prize in 1991.

Her party, the National League of Democracy, won a landslide victory in the country’s 1990 elections; but the results were not recognized by the ruling Burmese military junta. Unfortunately, Ms. Aung San Suu Kyi, who has spent most of the last 18 years in confinement, could not celebrate her birthday with her friends and supporters. Instead, she remains under house arrest.

The plight of Aung San Suu Kyi is a signal of support for the restoration of democracy and human rights in that impoverished and subdued Nation.

...
Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include for the RECORD an article that appeared in the International Herald Tribune this past Sunday, written by Seth Mydans. The article is by Seth Mydans whom we have heard so much about during this debate, really a true heroine in our time.

[From the International Herald Tribune, June 19, 2005]

Test of Will: The Burmese Captive Who Won

(by Seth Mydans)

BANGKOK.—Seventeen years ago, as the people of Myanmar filled the streets in mass protests against their military dictatorship, I striking, self-possessed woman rose to address a rally at the great golden Shwedagon Pagoda. At the time, nobody realized the price she would pay for her outspokenness.

Aung San Suu Kyi was visiting from her home in England to tend to her sick mother when pro-democracy protesters swarmed into the country in August 1988 despite a brutal response by the military that took thousands of lives.

In the months that followed she emerged, through a combination of wits, saumness and persistence, to lead what has so far been a futile opposition to the country’s military leaders.

On Sunday,Mrs. Aung San Suu Kyi will turn 60. She is under house arrest, where she has spent most of the intervening years, in an increasingly dilapidated house, more cut off than ever from contacts outside her weed-filled compound.

Her birthday has become an occasion for new international protests against a military junta that holds the country in its grip, as well as biennial tests of whether the country’s economy and waging war against its ethnic minorities.

From one of the region’s most refined and richly endowed nations, Myanmar has become one of the most desperate and reviled. As the daughter of the country’s founding hero, U Aung San, she held a nearly mystical appeal for people desperate to regain their freedoms and self-respect. With her dignity, self-sacrifice and perseverance, she has created a legend in Myanmar, and the world.

She was awarded the Nobel Peace Prize in 1991 and has joined the company of Nelson Mandela and the Dalai Lama of Tibet as international icons of a struggle for freedom.

But in a context between brute force and principle, between repression and the clearly expressed will of the people of Myanmar, it is the men with the guns who have managed so far to prevail, and the country’s moral symbol who is their prisoner.

Calls for the release of Mrs. Aung San Suu Kyi have come from the world in recent days, including statements from Washington and from Secretary General Kofi Annan of the United Nations.

In Norway, Chairman of the Nobel Committee, Ole D. Mjoess, issued a rare statement about a past laureate, saying: “We ask that she be set free immediately. We look forward to the day that democracy again rules her country.”

But the generals have released her twice already, most recently under house arrest in 2002 only to have her sent to prison for some infractions.

One year after her last release, her convoy was attacked by an organized mob in what some analysts believe was an attempt to kill her, and she was returned to house arrest after a period of 12 months in prison.

“She has become the only leader that the Burmese people have acknowledged since the death of her father in 1947,” said Josef Silverstein, an expert on Myanmar at Rutgers University. “I would add that she has in every way possible emulated what her father was about which was standing up for the right of the people to govern themselves and have a free and democratic country.”

Shortly after her address at the Screen Actors Guild, some experts assumed her father’s mantle, saying she would dedicate her life to the people of her country as he had done.

She made that clear in 1999 when she chose not to visit her husband, Michael Aris, in England, when he was dying of cancer, because she feared that the government would be deprived of her presence. The Myanmar authorities had refused to allow him to visit her.

The United States, the European Union and other nations have responded to repression in Myanmar with economic penalties that have done little to affect its leadership. Myanmar’s giant neighbors, China and India, with several other Asian nations, offer it an economic lifeline.

But opposition from the West is putting pressure on the junta now as it prepares to take over the rotating presidency of the regional 10-member political and economic grouping, the Association of Southeast Asian Nations, next year.

The United States and some other nations have hinted strongly in recent weeks that they will boycott an annual meeting to which they are invited in November in Myanmar. Its regional neighbors, facing potential embarrassment, are beginning to press the junta to skip its turn as regional leader if it does not release Mrs. Aung San Suu Kyi and improve its record on human rights.

At the same time, there has been an erosion of international support for ruling generals, though like most things in Myanmar its details and its causes are unclear.

In October, Prime Minister Khin Nyunt, who was the head of military intelligence and one of the country’s most powerful leaders, was fired and placed under house arrest.

His trial on expected corruption charges has either begun or is about to begin, according to conflicting reports.

Over the years, as repression has continued in Myanmar, some of its allies abroad have complained about what they call her stubbornness and intransigence. But it is the military leaders who have kept several times in recent years her and viliifying her, opening and closing dialogues, freeing and arresting her.

She has also been criticized for demanding that the government recognize the results of a parliamentary election in 1990 that was won overwhelmingly by her party, the National League for Democracy.

Norwegian officials have repeatedly said that a democratic election was a characteristic misjudgment by the junta, which had apparently expected to win. When Mrs. Aung San Suu Kyi’s party won more than 80 percent of the seats, the generals refused to recognize the results and cling to power.

Many who won seats were arrested. But by the time the junta has whittled away at their party. Today its leaders are aging—Mrs. Aung San Suu Kyi is the youngest—and its youth wing has atrophied.

More and more, the democratic opposition to military rule in Myanmar is personified by one isolated and determined woman. “Her strength is her weakness,” Mr. Silverstein said. “This is entering, not bad, and will not break.”

Mr. CROWLEY. Mr. Speaker, in recognition of the Burmese State Peace and Development
Council’s (SPDC) failure to comply with the conditions described in H.R. 2330, “Burmese Freedom and Democracy Act of 2003.” I commend my colleague and the ranking Member of the Committee on International Relations, Rep. TOM LANTOS for his strong stand on restoring democracy in Burma and holding the military accountable.

Seventeen years ago the people of Myanmar rose up in mass protest against the SPDC, which had established power through a military coup. Daw Aung San Suu Kyi, daughter of the country’s founding hero, U Aung San, has persisted as a result of her pro-democracy stance during these protests. Following in her father’s footsteps, she devotes her life to the people of Burma and freedom. As a leader of the National League for Democracy, NLD, she was seen as a threat to the SPDC power basis and unjustly imprisoned.

In 1990 Parliamentary elections were held, in which an eighty percent majority voted in support of the NLD. In 1991, Mrs. Kyi was awarded the Nobel peace prize in recognition for her instrumental role in Burma’s struggle for freedom.

Since the SPDC has taken power, it has continued to dismiss and neglect any meaningful dialogue with the United Nations in addressing their continuing persecution of opposition members. The SPDC continues to fail to address their past and present human rights violations and fails to cooperate with U.S. efforts to stop the exporting of heroin and methamphetamines; while providing safety and harbor for persons involved with narcotics trafficking.

The SPDC supports the integration of the military into all facets of the economy, thus destroying all notions of a free economy; while using currency generated from the Burmese people to purchase and sponsor an institution of terror and repression.

The SPDC has done everything in its power to repress democracy and the will of the people of Burma.

It is clear further sanctions must be taken in order for this struggle to come to an end. Despite sanctions taken by the U.S., the European Union and many other nations, economic relief is still available for the SPDC.

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The military junta in Burma continues to persecute minority groups. The Burmese military continues to burn villages, destroy crops, and eliminate opponents no matter how peaceful their opposition efforts are.

When the Burmese Freedom and Democracy Act was passed, few other countries paid more than scant attention to the tragedy unfolding in Burma. More interested in regional comity or economic gain, many of the same countries we call allies were content to turn a blind eye to Burma’s abuses and despicable cruelty.

Since 2003, the veil has been lifted somewhat. Calls for the release of Aung San Suu Kyi and other political prisoners and the establishment of democratic movement have grown louder, and the junta has been forced to respond to previously silent quarters. Once mute ASEAN nations, particularly Singapore, the Philippines, and Malaysia, have gradually increased pressure on Burma to change.

Support for this bill will make it clear to Burma’s despots that their military dictatorship, which maintains power through force and terror, is unacceptable. Support for continued sanctions will demonstrate to the world that the United States is serious about bringing change to Burma. It is my hope that our efforts embodied in the Burmese Freedom and Democracy Act of 2003 will cause more of her compatriots, countries, organizations, and individuals to work for freedom, democracy, and a prosperous Burma.

I urge a “yes” vote on H.J. Res. 52. Mr. THOMAS. Mr. Speaker, as a cosponsor of this bill, I support extending sanctions on Burma for a third year within the framework enacted into law under the Burmese Freedom and Democracy Act of 2003. I generally don’t believe in unilateral trade sanctions. By preventing trade with Burma, we isolate Burmese citizens from the world and deny them the economic opportunity and better working conditions that trade can create. As a result, sanctions often have the unintended consequence of ultimately harming the people we are seeking to help. In fact, the State Department, for the second time, notes that one effect of the Burma import restrictions has been to cause the closure of more than 100 garment factories and the loss of tens of thousands of Burmese textile jobs. I don’t see how those people are better off today than when they were a year or two ago.

At the same time, the actions of the ruling junta in Burma continue to be unacceptable. One of the requirements of the law passed in 2003 is for the administration to issue a report on whether the sanctions have been effective in improving conditions in Burma and in furthering U.S. objectives. The State Department, in its second report, observes that Burma’s already poor human rights record has worsened over the past year. Moreover, the junta’s exactions of pro-democracy groups from the National Convention assembled to draft a new constitution suggests that Burma is not on the road to true democratic reform. Given the current situation, I believe action by the United States is warranted and sanctions are appropriate if they are limited, targeted, and effective.

At the same time, the State Department also acknowledges that some opposition politicians in Burma question whether U.S. sanctions have any chance of success and whether they are worth the pain caused to Burmese workers. I share this skepticism. No other country has implemented the same set of economic sanctions as the United States. If we are to successfully influence the government of Burma, sanctions must be truly multilateral and international like those used bringing an end to apartheid rule in South Africa. While I support the extension of the sanctions for another year, this effort to build multilateral pressure is key to my continued support for sanctions against Burma.

Mr. KIRK. Mr. Speaker, I would like to express my support of House Joint Resolution 52, supporting the renewal of the import restrictions contained in the Burmese Freedom and Democracy Act of 2003. As an original cosponsor of this Resolution, I urge my colleagues to join me in supporting this resolution. Today we must send a strong message to the ruthless military dictators in Rangoon that their repressive rule over what Secretary Rice deemed an “outpost of tyranny,” is antithetical to the fundamental American value of freedom and democracy.

On May 30, 2003, Congress passed the Burmese Freedom and Democracy Act in response to the junta’s merciless crackdown on democratic reformers. The National League for Democracy’s popular elected leader, Aung San Suu Kyi, was placed under house arrest and dozens of her colleagues were murdered. This important bill banned imports from Burma, mainly affecting the textile and garment industries, until the junta made major
Mr. SHAW. Mr. Speaker, I ask unanimous consent that the House suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 160

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln’s Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, 1865, as the day emancipation was finally achieved; and

Whereas the Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of race, gender, religion, or class: Now, therefore, be it

(1) Congress recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) Congress supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation;

(3) the President is urged to issue a proclamation calling on the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(4) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and distinctive part of the history and heritage of the United States.

The SPEAKER pro tempore (Mr. ISSA). Pursuant to the rule, the gentleman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. 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 resolution under consideration.

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

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 160 that recognizes the historical significance of Juneteenth Independence Day.

This resolution, offered by my distinguished colleague the gentleman from Illinois (Mr. DAVIS), is a meaningful reminder of the monumental day that marks the end of slavery in the United States. Originally an African-American celebration, Juneteenth is certainly now a day for all Americans to observe the end of slavery in the United States which was, with little question, the most dreadful period in our Nation’s history.

Mr. Speaker, as the Civil War raged in late 1862, President Abraham Lincoln issued the Emancipation Proclamation, which would become effective on January 1, 1863. The proclamation declared all slaves in the Southern Confederacy States free from New Year’s Day 1863 forward.

Juneteenth is a celebration of June 19, 1865, on which date news of the Emancipation Proclamation finally reached Texas, which was the last secessionist State to emancipate its slaves, nearly 2 years after the Emancipation Proclamation was issued. The delay was a result of there being nearly no Union presence in Texas to implement President Lincoln’s decree.

Not until Union General Gordon Granger arrived in Galveston, Texas, on the gulf coast and read the proclamation from the docks on the original June 19th did the slaves learn they were freed. The news quickly spread throughout Texas, and celebrations and unimaginable jubilation followed.

After the war ended, Congress ratified the 13th amendment to the Constitution in December 1865 which outlawed all nonpunitive slavery and involuntary servitude in any part of the
United States. It is a wonderful event. Juneteenth Independence Day remains primarily a somber date. It is a day to honor and show consideration for those who lived and suffered through the tortures of more than 2½ centuries of slavery in America. It is a day to remember that slavery was not suddenly abolished. During reconstruction, law usually dictated that Juneteenth celebrations must be held in the outskirts of towns. Finally, June 19th became a Texas State holiday in 1979. Today, people find all backgrounds across the Nation observe Juneteenth Independence Day through a variety of activities.

Mr. Speaker, I thank the gentleman from Illinois for authoring House Concurrent Resolution 160. This past Sunday marked the 140th anniversary of Juneteenth Independence Day, and I am pleased that this body has chosen to consider this resolution in such a timely fashion. I strongly support the purpose of this resolution.

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

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

I am pleased to join with the gentlewoman from Florida in consideration of this resolution and appreciate very much her remarks. I also want to commend Chairman Tom Davis and Ranking Member Henry Waxman of the Committee on Government Reform and the Speaker for the expeditious way in which they moved this matter to the floor.

Mr. Speaker, June 19, Juneteenth as it is called, is a unique people's holiday. It is the oldest known celebration of the end of slavery in the United States. It marks the day that Union soldiers arrived in Galveston, Texas, in 1865 with news that the war had ended and that all slaves were now free. Unfortunately, it was 2½ years after the Emancipation Proclamation had been issued. We do not know why it took so long for the news to get to Texas, but we do know that the military general order which was posted that day read in part, "The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free."

The news spread like wildfire, and spontaneous celebrations sprang up throughout the State and were repeated each June 19 of each following year. We continue to celebrate Juneteenth because of the importance of slavery in American history and because the lingering effects of slavery remain a part of the legacy of our country. The legacy of slavery continues to play a role in our daily lives and politics. The vast racial disparities in employment, income, home ownership, education, voter registration and participation, health status and mortality rates exist. That historian John Hope Franklin wrote, "Much history occurs of which some historians decide to take no notice."

Juneteenth is the people's answer to the obscuring and distortion of much of the history and experience of African Americans in this country. It is an enduring statement that the truth cannot be suppressed forever, and that the struggle for justice and equality will and must continue. Juneteenth is a great time, not only to celebrate but to remember and renew our hope that tomorrow will be different than yesterday.

I thank all of those who were co-signers onto this resolution and urge that all my colleagues support it.

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

Ms. GINNY BROWN-WAITE of Florida, Mr. Speaker, I yield such time as he may consume to my distinguished colleague the gentlewoman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Florida, the gentleman from Texas, and all who have joined together to bring this proclamation to the floor, House Concurrent Resolution 160.

Let me turn to the third page of the bill. I think it is important, because some people do ask the question why do we want to come out and repeat history or review history, and I think this section of the bill speaks volumes of the purpose of this resolution. It states, History should be regarded as a means for understanding the past and shaping the challenges of days to come and to shape the future. It also suggests that this celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Often in the early morning hours, I find myself jogging down the Mall. I end there at, or at least my halfway point is the Lincoln Memorial, Abraham Lincoln's shrine, if you will, to what I believe is one of the most noble and great acts of any American President. I mean, popular opinion at the time, took the battle to those who would enslave and harbor our brothers and sisters in slavery. An evil part of our history unfolded in that decade and that century. To free these people from this wretched, wretched behavior of our past.

So today it is about obviously looking backwards in time to try and paint a portrait for young people today to understand, to learn, to appreciate how we got here, how we have been at this for a while. It should have happened some time ago. Efforts were actually made.

Can you imagine the feeling that went on there in the Southwest when the general rode in and said, "I've got a message. Well, it's 2 years old, but you're free."

Mr. BOSWELL. Mr. Speaker, I am very very proud of my African American heritage. You know, when we talk about this over time and we came to the gentleman from Illinois (Mr. DAVIS), we were really in concert that this needed to be done.

If I may, I would like to share a couple of names here: Minnie Mallard, Reverend Keith Ratliff, Reverend Elder Day, Linda Carter-Lewis, Ako Abdul-Samad who is on our school board, Kim Baxter, Jonathan Narcisse, Mary Ann Spencer who is very active in many activities with the African American community, Odell McGhee, Willie Glanton, France Hawthorne, Cheryl Bolden, State Representative Wayne

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

Mr. BOSWELL. Mr. Speaker, this is a very special day. I congratulate and I thank the gentlewoman from Florida (Ms. Brown-Waite), my dear friend from Chicago, Illinois (Mr. DAVIS). Perhaps this is one of those times where everything has been said but maybe all of us have not said it yet, but I think it needs repetition. We have been at this for a while. It should have happened some time ago. Efforts were actually made.

Can you imagine the feeling that went on there in the Southwest when the general rode in and said, "I've got a message. Well, it's 2 years old, but you're free."

I cannot imagine how they must have felt. It celebrates ideals that all Americans share. The desire for freedom and self-determination are at the very soul of the American dream. I think we all understand that throughout the history of the United States, we have grown as a Nation and a people. Learning from our past, as has been said, learning that freedom and liberty are ideals we must work for and there is yet work to do. The freedom that was celebrated in Galveston, this remembrance has grown into a regional, national and global celebration of freedom. In my own State of Iowa, the seventh State to recognize this independence day, the tenth day in 1865, the ancient State of Iowa, the seventh State to free soil with free people and that we must continue. Juneteenth is a struggle for justice and equality will and must continue.

In the early morning hours, I find myself jogging down the Mall. I end there at, or at least my halfway point is the Lincoln Memorial, Abraham Lincoln's shrine, if you will, to what I believe is one of the most noble and great acts of any American President who, despite popular opinion at the time, took the battle to those who would enslave and harbor our brothers and sisters in slavery. An evil part of our history unfolded in that decade and that century. To free these people from this wretched behavior.

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Can you imagine the feeling that went on there in the Southwest when the general rode in and said, "I've got a message. Well, it's 2 years old, but you're free."

I am very, very proud of the efforts that he made to come all the way from Alabama, a man who has given his life work to try to make life better for those that are waiting to climb the ladder of success.

I am very proud of my African American constituency in my home State of Iowa. Gary Lawson, chairman of the Juneteenth committee, has stayed focused and stayed on this, and so when we talked about this over time and we came to the gentleman from Illinois (Mr. DAVIS), we were really in concert that this needed to be done.

If I may, I would like to share a couple of names here: Minnie Mallard, Reverend Keith Ratliff, Reverend Elder Day, Linda Carter-Lewis, Ako Abdul-Samad who is on our school board, Kim Baxter, Jonathan Narcisse, Mary Ann Spencer who is very active in many activities with the African American community, Odell McGhee, Willie Glanton, France Hawthorne, Cheryl Bolden, State Representative Wayne

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Ford, Amelia Morris, Rudy Simms, Floyd Jones, Dr. Mary Chapman, Odell Jenkins, Barbara Oliver-Hall. Of course, I have mentioned Reverend Ronald Myers. I am sure I have left some out and I probably should not have gone there. But I am very proud to have left my hometown where I was born with the distinguished gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on House Concurrent Resolution 160 recognizing Juneteenth.

History must be regarded as a means of understanding the past and solving the future. It is my hope that we will pass this resolution today. Each one of us should speak to our two Senators and press them to have quick action in the Senate and get this over to the President for his signature. This is the right thing to do, long overdue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. Poe).

Mr. Speaker, I rise in support of H. Con. Res. 160, recognizing the historical significance of Juneteenth. Juneteenth is the oldest known African American holiday commemorating the ending of slavery in the United States. This holiday actually started because of events back in my home State of Texas. On June 19, 1865, Union General Gordon Granger led Northern soldiers into Galveston, Texas, first to announce the end of the War Between the States and to order the release of the last remaining slaves.

President Lincoln had actually issued the Emancipation Proclamation 2 years earlier freeing the slaves. He did so on January 1, 1863, in the midst of the War between the States. This was called the peculiar institution of slavery in the United States, and it continued until this historic day, June 19, 1865, in Texas.

So on that day, June 19, 1865, Major General Granger dramatically declared when he landed in Galveston, Texas, "The people of Texas are informed that in accordance with the proclamation from the Executive of the United States, all slaves are free. This involves absolute equality of rights and rights of property between former masters and slaves." Thus the phrase "Juneteenth" originated.

It is interesting to note that the Emancipation Proclamation only freed the slaves in the South, not the border States. It took the 13th amendment to the Constitution to free all remaining slaves in the United States.

In any event, Juneteenth has not only become a Texas holiday but a national event. This past Sunday, thousands of Americans across the Nation celebrated Juneteenth through cultural displays and various educational activities. There have been numerous African American freedom fighters throughout countless generations, and they paid a precious price to deliver equality and freedom. We have made significant strides in assuring that this country fulfills the words of our national anthem: "The land of free and the home of the brave." But we must remain ever vigilant, and these events such as Juneteenth can help us remember that the Declaration of Independence must be a true reality for all peoples.

As that Declaration of Independence says, written by Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the 'absolute pursuit of Happiness.'"

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

I will simply close. Abraham Lincoln once made the statement that our Nation could not survive half slave and half free. If we reflect on ourselves today, we might say that our Nation will never become all that it has the possibility of being as long as we continue to experience the great disparities, disparities in health care, disparities in the under slavery and celebrates the leg- disparities in educational opportunities, disparities in housing, disparities in hope that one can experience the fulfillment of their dreams.

So as we support this resolution, we reflect upon the need for equal justice and continuing the pursuit for equal opportunity to every man his chance, his golden opportunity, to become all that he or she would have the potential of being, all that their hard work, integrity, the essence of their strength, all that their history and culture will combine to make them. That is, indeed, as Thomas Wolf would say, the promise of America. So Juneteenth is a day of hope and a day of promise that America will indeed become the land of the free, home of the brave.

I thank all of those who have come to the floor to speak on this concurrent resolution, all of the co-sponsors who co-sponsored and brought it to us today. I urge all of my colleagues to agree to it so that America does become the America that has never been, but the America that we all know can be.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to extend my support for House Concurrent Resolution 160, a resolution that honors the national significance of June 19, 1865 when slaves in Texas were finally freed. I would like to thank Congressman Davis for his leadership and all of the supporters of this important piece of legislation.

On June 19, 1865, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belat- edly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation. The June 19th anniversary was first celebrated in the Texas state capital in 1867 under the di- rection of the Freedmen’s Bureau. Today, Juneteenth remains the oldest known celebra- tion of slavery’s demise. It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great Nation the more conscious and accepting country that it has become.

Not until 1979 when my friend State Representative Al Edwards introduced the bill did Juneteenth become a Texas state holiday. It was first celebrated as such in 1980. Now 25 years later the United States House of Represen- tatives will pass House Concurrent Res- olution 160 as our Nation celebrates Juneteenth. As the Representative of the 9th Congressional District of Texas, I am pleased to join my colleagues in acknowledging the historical significance of Juneteenth as we re- main ever-vigilant in recognizing that "history should be regarded as a means for understand- ing the past and solving the challenges of the future." Civil rights pioneer Martin Luther King Jr. once said, “Freedom is never free,” and Afri- can American labor leader A. Phillip Randolph often said “Freedom is never given. It is won.” We must all recognize the iron- on of those statements and we should pause to remember the enormous price paid by all Americans in our country’s quest to real- ize its promise. Juneteenth honors the end of the 400 years of suffering African Americans endured under slavery and celebrates the leg- acy of perseverance that has become the hall- mark of the African American community and its struggle for equality.

As we celebrate the 140th anniversary of Juneteenth, I ask that all of my colleagues join me in reflecting upon its significance. Because it was only after that day in 1865 when Gen- eral Granger rode into Galveston, Texas, on the heels of the most devastating conflict in our country’s history, in the aftermath of a civil war that pitted brother against brother, neigh- bor against neighbor and threatened to tear the fabric of our union apart forever that Amer- ica truly became the land of the free and the home of the brave.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 160, a resolution recognizing the importance of the Juneteenth anniversary celebrations held nationwide on June 19. On that date 140 years ago, Union forces arrived at Galveston, Texas, bringing news of the Confederate surrender and en- forcing, finally, President Abraham Lincoln’s two-and-a-half-year-old emancipation of the slaves. The ensuing celebration quickly be- came an annual event, spreading west to Se- attle, north to Minneapolis, and east to Port- land, Maine. In my own state of New Jersey, Juneteenth is celebrated at churches, commu- nity centers, and family picnics across the state.

I strongly support H. Con. Res. 160, which recognizes the significance of the Juneteenth anniversary and proclaims the sense of Con- gress that history should be regarded as a means for understanding the past and solving the challenges of the future. I rise to honor the celebration, and to honor the myriad contribu- tions that African-Americans have made to American society in the years before and since. As inventors, teachers, firemen, sol- diers, doctors, and statesmen, African Amer- icans have honored us with their service and dedication. The longevity of the Juneteenth celebration is an enduring testa- ment to the virtue of celebrating diversity.
Unfortunately, Mr. Speaker, I must also rise today to recognize the struggle that still faces us. Juneteenth evokes in all of us thoughts of a dark chapter in our Nation’s history, and reinforces that which we already know: the struggle for equality is far from over. The joyous celebration of the emancipation of the slaves of Galveston, Texas, serves to remind us all of the need to remain committed to the justice and freedom.

Today, Juneteenth is the longest-running celebration of the end of slavery in the United States. Its durability alone illustrates its significance. For that reason, Mr. Speaker, and for all those reasons above, I hope that my colleagues will join me in supporting H. Con. Res. 160.

Mr. SHAYS. Mr. Speaker, I rise in strong support of Juneteenth Independence Day, which recognizes the historic significance of Juneteenth Independence Day and encourages its continued celebration so all Americans can learn more about our country’s past. The resolution also rightly expresses the sense of Congress that knowing our history helps us solve challenges we face in the future, and that the celebration of the end of slavery is part of the story and heritage of the United States.

Mr. Speaker, Juneteenth has long been recognized as the day to celebrate the end of slavery in the United States. Juneteenth marks the traditional celebration of the day on which the last slaves in America learned they had been freed. Although slavery was abolished officially in 1863, it took over 2 years for news of freedom to spread to slaves. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State of Texas and the Federal Government had suspended slavery in Texas. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas, and announced that the State of Texas and the Federal Government had suspended slavery in Texas. The former slaves coined the name Juneteenth, a blend of the words June and 19th. This holiday originated in the Southwest, but today it is celebrated throughout the nation.

H. Con. Res. 160 underscores that the observance of Juneteenth Independence Day is an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our great nation. I urge my colleagues to support this important resolution.

Mr. BOEHLERT. Mr. Speaker, I am pleased to support H. Con. Res. 160, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when Union Soldiers, including those in Galveston, Texas, learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country, not just in American soil. I am particularly worthy of recognition since there are few more blatant violations of America’s founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly proud to be a co-sponsor of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution, to which I am proud to be a co-sponsor. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Con. Res. 160.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 160, and I yield back the balance of my time.

The Speaker pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 160.

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

Mr. DAVIS of Illinois. Mr. Speaker, I stand on the floor of the United States House of Representatives, to demand an end to the evil of slavery.

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new “Everyone Goes Home” campaign to make firefighter safety a national priority, and to support the goals of the “stand down” called by fire organizations.

The Clerk read as follows:

H. CON. RES. 160

Whereas for over 200 years our Nation’s firefighters have dedicated their lives to ensuring the safety of their fellow citizens and communities;

Whereas throughout our Nation’s history too many firefighters have died in the line of duty, leaving behind family members and friends to grieve their tragic losses;

Whereas volunteer and career firefighters served with pride and died with honor;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation’s fallen firefighters and assist their survivors through a variety of programs;

Whereas the National Fallen Firefighters Foundation is dedicated to preventing future firefighter deaths and injuries;

Whereas the National Fallen Firefighters Foundation convened the first ever Firefighter Life Safety Summit in March 2004 to support the United States Fire Administration’s goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years through a commitment of energy and resources;

Whereas the Life Safety Summit developed 16 initiatives to significantly reduce firefighter fatalities and injuries, including the need to:

(1) define and advocate the need for a cultural change within the fire service relating to safety, including training, equipment, supervision, accountability, and personal responsibility;

(2) enhance the personal and organizational accountability for health and safety throughout the fire service;

(3) focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities;

(4) empower all fire fighters, fights, and non-fighters, on unsafe practices;

(5) develop and implement national standards for training, qualifications, and certification (including regular recertification) that are equally applicable to all firefighters based on the duties they are expected to perform;

(6) develop and implement national media and public relations strategies that are equally applicable to all firefighters, based on the duties they are expected to perform;

(7) develop and implement national strategies that will encourage fire departments to use a national data analysis and data collection system that relates to the initiatives;

(8) utilize available technology wherever it can produce higher levels of health and safety;

(9) thoroughly investigate all firefighter fatalities, injuries, and near misses;

(10) ensure that grant programs support the implementation of safe practices and mandate safe practices as an eligibility requirement;

(11) develop and champion national standards and emergency response policies and procedures;

(12) develop and champion national protocols and response to victims that are equally applicable to all firefighters, based on the duties they are expected to perform;

(13) provide firefighters and their families access to counseling and psychological support;

(14) provide public education and resources and champion it as a critical fire and life safety program;

(15) strengthen advocacy for the enforcement of code and the installation of home fire sprinklers; and

Whereas the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, and the Congressional Fire Services Institute have partnered with a number of other fire service organizations to call on all fire departments across the Nation to conduct a “stand down” for firefighter safety because Tuesday, June 21, 2005, during which fire departments are urged to suspend all nonemergency activity and instead focus entirely on firefighter safety in order to reduce the level of risk firefighters face in all aspects of their jobs, including fire safety and call attention to the unacceptable number of line-of-duty deaths and injuries; Now, therefore, be it

Resolved by the House of Representatives (the Senate concouring), That Congress—

(1) supports initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries;

(2) encourages implementation of the new “Everyone Goes Home” campaign to make firefighter safety a national priority; and

(3) supports the goals of the national “stand down” called by fire organizations beginning on June 21, 2005, and encourages all career, volunteer and combination fire departments across the country to participate in this important and life saving effort.

The SPEAKER pro tempore. Pursuant to the rule, the time for general debate has expired. The Chair recognizes the gentlewoman from Oregon (Ms. HOOLEY).

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members
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may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 180.

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

There was no objection.

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

Mr. Speaker, in the early 1970s, a report by the President’s National Commission on Fire Prevention and Control, entitled “America Burning,” presented a dismal assessment of fire safety in the United States. The report found that the U.S. had one of the worst, if not the worst, fire safety records in the industrialized world with nearly 12,000 citizens and 250 firefighters lost to fires annually.

In the years that followed, that seminal report, the U.S. Fire Administration was created. Fire prevention and fire safety initiatives programs were made a priority in communities across the country. And by 1980, deaths suffered from both citizens and firefighters had been significantly reduced. These improvements steadily continued into the 1980s and by the end of the decade, firefighter deaths had been reduced to an average of about 100 annually. A dramatic drop; still too many.

Unfortunately, after 3 decades of great progress, firefighter deaths are disturbingly on the rise. In 2003, 112 firefighters lost their lives in the line of duty. Last year 117 died. And so far this year, there have been 58 deaths, on pace for about 130, which is about a 30 percent increase over the average of the previous decade. That, Mr. Speaker, is totally unacceptable.

These troubling statistics have triggered an unprecedented effort by the leadership of America’s fire service to address this problem, and the concurrent resolution before us today recognizes and supports those efforts.

Specifically, the concurrent resolution supports three important efforts, which I will briefly describe. First, the resolution supports the 16 fire safety initiatives developed at a recent Firefighter Life Safety Summit convened by the National Fallen Firefighters Foundation. The initiatives were developed to support the U.S. Fire Administration’s goal, developed under the strong leadership of Administrator David Paulison, of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years. We are talking about life.

The initiatives range from broad ideas on the campaign call to change within the fire service related to safety to specific goals such as the development of national standards for training, certification, and physical fitness.

The second effort recognized by this concurrent resolution is the “Everyone Goes on a Stand Down” campaign to push firefighter safety a national priority. The campaign, led by the National Fallen Firefighters Foundation, intends to raise fire safety awareness and bring fire prevention to the forefront, using the 16 fire safety initiatives as a blueprint for change.

And the third effort recognized by this concurrent resolution is a national “stand down” for firefighter safety. Today, all across the country, fire departments are being urged to suspend all nonemergency activity and instead focus entirely on firefighter safety, calling attention to the unacceptable line-of-duty deaths and injuries. During the stand down, fire departments will talk about the causes of line-of-duty deaths, check apparatus and equipment, discuss health and safety regulations, review fire ground safety issues, and take stock of training needs and fitness goals. The International Association of Fire Chiefs has also requested that all volunteer departments conduct a special safety meeting the evening of June 21, today, or as near to this date as is possible.

I am pleased that we have the opportunity to bring attention to the firefighter safety problem that the fire service is facing today and recognize the importance of these efforts. But this problem of course, cannot be addressed with one day of recognition. It will take years of steadfast commitment and cooperation by those in the fire service as well as the general public to achieve the fire safety goals set forth by the U.S. Fire Administration.

But I am confident that if we work together, we will be successful; and I am hopeful that today’s stand down marks an important turning point in our struggle to reduce line-of-duty deaths by firefighters.

And let me just add parenthetically that I am proud to be a Member of this great institution, the Congress of the United States, which has been responsible for the Public Safety Grant Award program, the SAFER program, providing resources. They get enough words from us on Capitol Hill about how supportive we are of the fire services. They want deeds, and we on a bipartisan basis have followed through by providing literally hundreds of millions of dollars to firefighters across the country to get the necessary lifesaving equipment they need to do the job we expect of them: protecting us in our homes and our neighborhoods, our communities.

So we all should take a brief moment to pat ourselves on the back for what we have done responsibly to respond to the problem. But that is not enough, and the fight continues, and I am proud to be a warrior in that fight. None of us had to be drafted. We enlisted.

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

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

Mr. Speaker. I rise in support of House Concurrent Resolution 180, which supports initiatives by the National Fire Service to reduce firefighter fatalities and injuries.

I want to congratulate the gentleman from Maryland (Mr. HOYER) for introducing this important measure. The gentleman from Maryland (Mr. HOYER) is co-chair of the Fire Caucus and is a leading supporter of fire services in Congress and would be here now speaking except that he is in a markup on another legislation.

This concurrent resolution calls attention to the need to take action to reduce firefighter deaths and injury. It explicitly endorses a call from the major fire service organizations for a stand down to promote fire safety. The stand down would apply to every volunteer and career fire department in the Nation.

It would require that each department suspend all nonemergency activities in order to concentrate on measures to raise awareness of safety issues and to institute steps to improve safety.

A growing perception of the need to take corrective action to improve safety was the motivation for a major summit meeting of the fire service community in March 2004. The summit developed 16 firefighter life safety initiatives which are listed in the House resolution.

Unfortunately, despite widespread dissemination and discussion of the initiatives, corrective action has been slow to develop, and the trend in loss in life in the fire service has not improved. The stand down constitutes an action to try to change the culture, which is widely believed to be a key factor in bringing about constructive change.

The fire services perform a critical public safety role, and all Americans respect the high level of devotion to duty and sacrifice that characterize the service personnel. I applaud this resolution that seeks to reduce the loss of life and serious injury that too often occur to firefighters during the performance of their hazardous duties.

Mr. Speaker, I commend this resolution to my colleagues and ask for their support in its passage by the House. Our firefighters have done an incredible job of fire prevention and rescue, saving millions of lives. It is our turn to make sure that we help them by reducing loss of life and serious injury through this resolution.

If I may, I would just like to take a moment to read the names of those that have died in Oregon since 1997. There are 23 names: Randall E. Carpenter, Coos Bay Fire and Rescue; Jeffrey E. Common, Coos Bay Fire and Rescue; Jeff Hennings, Coos Bay Fire and Rescue; Paul E. Gibson, First Strike Environmental, Roseburg, Oregon; David Kitchen, First Strike Environmental, Roseburg, Oregon; Jeffrey D. Hingel, First Strike Environmental, Roseburg, Oregon; Jesse James, First Strike Environmental, Roseburg; "Richie" Foy, First Strike Environmental, Roseburg; Leland Price, First Strike Environmental, Roseburg, Oregon Department of Forestry Contractor; Mark
Mr. Speaker, the balance of my time.

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

In wrapping up, I just want to recall a story about when I was a freshman Member of this great body 23 years ago. I sat on the Committee on Science, and we have jurisdiction over firefighter programs. One of the questions that is being asked if there was a distinction between the professional and volunteer firefighters, and one of my senior colleagues at the time quickly demanded recognition from the chair; and he said to that Member asking the question: There are no amateurs in this business; they are all professionals. Some are paid, some are volunteer, but they are all professionals.

The recognition of that has prompted all of us to initiate the fire safety Grant program, to initiate the SAFER program. We expect so much of our firefighters. They need the resources to do the job that we demand that they do every single day.

All of us in this consciousness have a new appreciation for what the firefighters of America do as a result of 9/11 when 343 firefighters lost their lives. They gave their all for this Nation. But this institution, on a bipartisan basis, has responded to the needs of the fire service.

Today’s resolution is about words and concepts and ideas, but more meaningful is the action, the deeds that we do by appropriating money, by following through to make certain that money is used for its intended purpose and used wisely, and it is. So this, in a sense, is an affirmation of our great appreciation for the firefighters, the men and women all across America on a very professional basis who daily are providing some measure of security for us in our homes and in our communities, and in our Nation.

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

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

I am very much pleased with the list of those in Oregon, but that list could go on and on and on, depending on the State. I am hoping that through this resolution, although I am not foolish enough to believe that there will be no names, but I do like to see that reduced to as few as possible. They have done an incredible service to our country, to our communities, and I wish that for every profession we could look at a little bit later on and say, you have done this amazing job of prevention. Mr. Speaker, they are the ones that really make sure that every home, every business had a fire detector, and they think of the number of lives they have saved just by making sure we had that prevention piece. They have done it over and over and over again.

Mr. Speaker, the gentleman from New York (Mr. BOEHLERT) is right, they were volunteers, but they were professional. They were there training, they were there every night of the week and they did it all day.

Yet when a fire called, they came from wherever they were to make sure that they helped put out that fire and saved and rescued lives. I represent a district that has many rural communities and, again, many volunteer fire departments, but they are professional. I hope my colleagues would support this measure.

Mr. HOYER. Mr. Speaker, I am pleased the House is considering this important resolution, which I have introduced with fire caucus co-chairmen CURT WELDON, SHERRY BOEHLERT and ROB ANDREWS. I would like to express my sincere gratitude not only for their hard work and support on this measure, but for their years of dedication and leadership and importance to the men and women serving our communities, and our Nation, in the fire service.

I would also like to also recognize the contributions of Hal Bruno and Ron Siarnicki at the National Fallen Firefighters Foundation, as well as the United States Fire Administrator David Paulison, for having convened the Firefighter Life Safety Summit that resulted in the recommendations upon which this resolution is based.

Finally, Bill Webb at the Congressional Fire Services Caucus has worked with the National Fire Service organizations to identify and address some of the major challenges facing career and volunteer fire departments across the Country.

Among the results of these efforts has been the establishment and funding of such critical federal programs as the Fire Grants and SAFER.

These programs have resulted in billions of dollars being appropriated to help meet the equipment, training and staffing needs of fire departments in large cities, small towns and rural communities across the Country.

And there is no doubt the dollars provided by these programs have helped save the lives of firefighters and the citizens they protect.

But there is also no escaping the reality that despite the amount of money spent, and the impact of these programs on improving the effectiveness and efficiency of fire departments, we still lose more than 100 firefighters every year to line of duty deaths, so many of which are preventable.

The NFFF and USFA recognized this, and convened the firefighter life safety summit last year, with a goal of reducing firefighter fatalities by 25 percent within 5 years and 50 percent within 10 years.

These are ambitious goals that will only be attained if every member of the Nation’s fire service, from the presidents of national organizations to individual firefighters, is committed to implementing the 16 initiatives recommended at the summit, and supported by this resolution.

These recommendations range from developing medical and physical fitness standards for all firefighters to empowering all firefighters to stop unsafe practices.

To highlight the need to adopt these common sense changes, the International Association of Fire Chiefs is leading a national stand down this week, whereby all fire departments are urged to suspend all non-emergency activity and focus on firefighter safety.

This resolution supports this effort, and encourages every fire department to participate in this national stand down in order to raise awareness among our firefighters about the need to take responsibility for their health and safety.

Mr. Speaker, the job of fighting fires is one of the most dangerous and physically demanding activities one can undertake.

The real tragedy is that we have allowed unsafe practices and unhealthy habits to make the job even more hazardous than it already is.

Congress has, and will, continue to accept our responsibility to provide funding for the equipment, training and staffing needs of our departments, but we must insist that our firefighters accept responsibility for making themselves safer on the job.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. ANDREWS. Mr. Speaker, House Concurrent Resolution 180 speaks to the heart of how we as a nation value the lives of each and every one of our firefighters. This resolution is a wake-up call to make firefighter safety a national priority. It is a wake-up call to recognize that we need to prevent and reduce firefighter fatalities and injuries. It begins today, where fire departments across the country are participating in “stand down.”

Today, at participating departments, all non-emergency activities are suspended and firefighters instead will focus only on firefighter safety. Firefighters are so used to putting their lives at risk to save others that their health and well-being is often neglected. Today we hope to begin a new trend where firefighter safety becomes a top priority for every firefighter, whether volunteer or paid, rural or urban, young or old.

The safety and health of firefighters has never been a more important issue. Firefighters now have more responsibilities with
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the increased focus on homeland security and hazard response. We rely on them to protect us from harm while we are at home, at work, and everywhere in between. Regrettably, more than 58 firefighters have died this year, a number that far exceeds the annual pace. This is especially disturbing because most, if not all, of these deaths are preventable. There are measures to be taken to reduce the number of fatalities—measures that are described in this resolution. These firefighters don’t have to die. The number of deaths can be reduced, but we have to do more. Not only can we ill-afford to lose over 100 firefighters a year, but we cannot afford to lose any. I fully support the goals of the National Fallen Firefighters Foundation and the United States Fire Administration with respect to firefighter safety. I truly believe that at the end of the day, every firefighter must go home.

Ms. HOOLEY. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New York (Mr. Boehlert) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 180.

The question was taken.

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

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

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. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 330

Resolved, That upon the adoption of this resolution in order without intervention of any point of order in the House 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, with the subsequent consideration of the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, all time yielded is for the purpose of debate only.

The vote on the motion to recommit is expected to be taken.

Mr. Speaker, I call upon Representative Watt of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Size. 2. During consideration of H.J. Res. 10 pursuant to this resolution, 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 SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 330 is a structure rule, and it provides 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the amendment. It makes in order the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered, by the gentleman from North Carolina (Mr. WATTS) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

The rule waives all points of order against the amendment printed in the report, provides that notwithstanding the ordering of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker, and it allows one motion to recommit, with or without instructions.

Mr. Speaker, in 1989, the United States Supreme Court in Texas v. Johnson decision nullified the laws of 48 States banning flag desecration. Today, all 50 States have passed resolutions requesting Congress to approve a constitutional amendment for ratification that would ban flag burning.

The House of Representatives has passed the same, if not similar, legislation for five consecutive Congresses. In the 104th Congress, the House of Representatives passed a proposed amendment with the necessary two-thirds majority by a vote of 312 to 120; while the 105th House passed it 310 to 114; the 106th House passed it 305 to 124, the 107th House passed it 298 to 125, and in the last Congress, the 108th, the House passed it by a vote of 300 to 125.

Our flag, with 50 stars and 13 stripes, represents the history, culture, and ideology of democracy for the world. Millions of Americans throughout our Nation’s history died defending our flag and the values it represents. To burn a flag is to disrespect America and disrespect democracy. For our enemies, those who embrace terrorism, communism, and totalitarianism, burning the American flag is a sign of defiance, because freedom threatens the existence of tyranny. For our soldiers fighting in Afghanistan and Iraq, our flag is motivation to keep fighting, to move ahead, and reason to liberate a people from fear of oppression, as it has been in every conflict in which our Nation has fought.

For our veterans, the desecration of the flag is a slight for everything they fought for. And it serves to dishonor their friends and fellow soldiers who gave their lives for our country. To the parts of Europe occupied by the allied powers during World War II, the sight of our flag brought tears of joy because it symbolizes an end to atrocity and oppression and the return of freedom.

A constitutional amendment to ban flag desecration is not the end of our first amendment liberties. The Constitution was drafted as a living document that is capable of changing when called for by the overwhelming desire of the American people.

The debate to end flag desecration is an important issue that carries the overwhelming public support needed to pass an amendment to our Constitution. The Constitution is the foundation of our government, and modifying it should not be taken lightly. However, the American citizens have consistently spoken in favor of this amendment for more than 10 years, and it is an issue that is more than 3 decades old.

Our laws provide an opportunity for every citizen to express their opinions freely. If someone does not like the policies of our Nation, the party in power, our military, or even a specific law, they have the ability to protest, to voice concerns, write letters to their Congressmen without the consequences of death or imprisonment.

This freedom is not found in all nations. The desecration of the American flag, however, is not a form of free speech. It is a challenge to the institution that defends liberty. Although some may disagree, the United States is not the root of the world’s problems; rather, we have provided relief from subjugation and freedom to many nations.

For those liberated by America and those who cherish freedom, our flag represents more than a Nation, government, or people. It is an emblem of liberty and justice. Our flag deserves to be respected and protected because it is more than just star-studded fabric; it is the symbol of democracy.

With that in mind, I request unanimous approval of this rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Georgia (Mr. GINGREY), for yielding me time, and I yield myself such time as I may contest.
I would like to ask my colleague from Georgia a question, if he does not mind, and engage in just a brief colloquy.

Does the gentleman know or has his staff related to him, when the last time occurred, in America that a flag was burned and that is what occurs, let us say, in the last year or 2?

Mr. GINGREY. Well, if the gentleman will yield, since the Supreme Court decision, in response to my good friend the gentleman from Florida (Mr. HASTINGS), since 1994 it is my understanding that there have been at least 119 reports of incidents involving flag desecration.

The Supreme Court ruling, that 5 to 4 decision that allowed flag desecration, flag burning as part of free speech, that was 1989. Since 1994, to the gentleman from Florida (Mr. HASTINGS), my understanding is 119 incidents.

Mr. HASTINGS of Florida. And reclaiming my time, does the gentleman distinguish between flag burning and other forms of desecration when he cites the 119? I have no memory of a flag burning in recent times. And I am curious to know whether or not you do.

Plane crash that this Congress constitutional amendment is about.

Mr. GINGREY. In response to the gentleman, no, I do not know.

Mr. HASTINGS of Florida. That is my point, reclaiming my time, among other things, it is something that happens frequently.

We begin this debate today as patriotic Americans, you and I, Dr. GINGREY, and the other 433 Members, voting Members of the House of Representatives, and the five delegates to this House.

We began this day with one of our celebrated ideals. It was in 1777 that the Founding Fathers of this Nation determined that there should be a flag as a symbol. Symbol, that is what it is. All of us abhor desecration of the flag. Desecrating the flag is disrespectful and downright disgusting.

But I am curious, because I asked two people in my district, knowing that I would be handling this rule, to observe on their way to work on June 14 the number of people that flew their flags. It is astounding, all of this talk about the flag, and how few people on June 14, that is just recently, on Flag Day, they flew their flags.

I am curious, I wonder how many Members did that as well. We begin this debate today with an unresolved war in Afghanistan and Iraq. We begin this debate today with Americans dying in Iraq and Afghanistan and families crying as a result thereof.

We begin this day with the President of the United States saying that we have a Social Security crisis, and one would argue not against the notion that Social Security needs to be reformed in an appropriate manner by the body.

We began this day with a serious Medicaid crisis in this country which we are not addressing. We began this day with an equally serious Medicare crisis which we are not addressing.

We began this day with AIDS raging throughout this country, and sexually transmitted diseases are ripe in our society; and we are not doing as much as we can about it. But yet we come to debate embedding the flag in our precious Constitution in as far as its desecration is concerned.

We began this debate with millions of Americans without jobs. Some unemployed, some underemployed, and some never to be employed again as a result of the laws of industry in this country from a manufacturing point of view. This debate begins with oil magnates and their companies receiving their highest profit ever in the history of this country, and American drivers paying the highest prices ever for gasoline; and yet we do not have an energy policy, and of our great heritage. When I think of my assigned topic at that graduation loquy.

Mr. GINGREY, you and I and all of our colleagues hate it when someone burns a flag. I remember the very last time that I saw one burned sitting in my living room with my mom.

And almost without hesitation, both of us referred to those people as fools. And we used choice words in front of the world fools. Throughout this debate, Mr. Speaker, I am sure that some of our colleagues are going to say to paint some of us Democratic as unpatriotic. They will tell the American people that because we support the protection of our civil liberties and the constitutional right for an American to burn her flag, we are therefore not loyal citizens. They will demagogue us, and some may even accuse the judiciary, a separate and equal branch of government established under article 3 of the Constitution, of being a body filled with activist judges because the highest court in our land has already said that the act of burning an American flag is permissible under the first amendment of the Constitution.

To those who intend to levy such artificial claims, I say shame on you. You see, Mr. Speaker, this Congress and the Bush administration loves draping itself in the flag when talking about troops and terrorism. And there is absolutely nothing wrong with that, if they so choose to do that.

Yet this is the same administration that, while standing, you see, Mr. Speaker, the gentleman from Georgia (Mr. GINGREY) did just a moment ago, in his comments talking about our troops who are dying for us to have the right to be here, and you and I and all of our colleagues are proud of the fact that we can serve in this United States Congress, and there are people as we speak, and certainly more than 1,700 Americans have died in Iraq, and some substantial number in Afghanistan, and, yet, when they come home to Dover, Delaware, with flag-draped caskets, those who are so proud of the flag and all of you who would support its being made a part of a Constitution, refuses to let
the public see the pictures of those persons with those flag-draped coffins, and I might add, punishes the media for trying to access them.

The hypocrisy is so thick, that you can choke on it.

[45x58]proving our schools, creating incentives to increase military pay. We could be providing health care benefits. We could be in- 
serting our constitutionally protected rights. This body could be doing today instead of focusing on the issue, nor will we be debating the most important to the American people.

In 2003, the United States Supreme Court upheld a Virginia law banning cross burning in Virginia. The court ruled the burning of a cross by a terrorist organization such as the Ku Klux Klan or by white supremacists can be protected by the Constitution because of the maliciousness and intent to intimidate behind the action.

Justice Sandra O’Connor wrote in the majority’s opinion, “While a burning cross is not inevitably convey a message of intimidation, often the cross burner intends that the recipients of the message fear for their lives. And when a cross burning is used to intimidate, few if any messages are more powerful.”

Mr. Speaker, as I began my discussion with my good friend, the gentleman from Georgia (Mr. GINGREY), I asked, When was the last time we saw a flag burn? I have not seen a flag burning in America. And I might add, when it burns, it offends me just as much as when it burns in this country, but I have not seen one of those desecrations in quite some time. But cross burnings continue to plague the South and are used by hate groups to intimidate, and, in some instances, harm and murder. Despite this real epidemic, Congress has always been silent on the issue.

Had my amendment been made in order, and it was not considered to be made in order, the Committee on Rules, the House would have been able to debate this important issue for the first time. The House will not be debating that issue, nor will we be debating the myriad of other issues of critical importance to the American people. There are so many other things that this body could be doing today instead of drawing up another way to impede our constitutionally protected rights.

We could be expanding veterans health care benefits. We could be increasing military pay. We could be providing our soldiers with adequate body armor and protection. We could be improving our schools, creating incentives for affordable housing, ensuring our seniors have long-term health care. We could be completing a transportation reauthorization bill and new school construction. These are just a few of the things, in addition to others that I have mentioned, that we could be doing.

Mr. Speaker, are we so insecure in our own patriotism that seeing someone else burning a flag will lead us to question our commitment to this great Nation? Let us ask ourselves the question, What is America? We know that its symbol stands tall no matter the circumstances.

I love this country and everything our flag stands for; even the things with which I do not agree, and they are numerous; for better or for worse, that is the cost we pay for democracy. I ask you to please consider, when you are talking about putting something in the United States Constitution, that you give serious thought to how you would like us to be held accountable if you understand the serious dynamics that are involved when we are talking about asking two-thirds of the States in this country and two-thirds of this body and the other body to pass something that will allow us to become more insecure.

I tell you, when I see somebody burn the flag, it makes me mad; it does not make me insecure. And that is what it ought cause us to be reaching across to each other, because it is at that one point in time when somebody desecrates the flag that the gentleman from Georgia (Mr. GINGREY) and I have the exact same view, and that is everybody that is here. Therefore, it is a uniting thing, not a dividing thing between the first amendment rights of people.

Civil liberties are important. I do not like the fools who burn the flag, but I will stand up and protect their right to do so because to take their right means one day somebody might try to take mine.

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

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume in response to a number of the points that my good friend, the gentleman from Florida (Mr. HASTINGS), just made so eloquently.

He asked me a little while ago about the incidences that had occurred, the 119 since 1994, and how many of those were burnings in contrast to how many were threats. If my memory serves me well, the gentleman has not had that information for him at the moment, but I do know, and I want to share that with him; 75 of those actually were burnings.

I want to anecdotally mention one of those 75. In April 18, 2005, this occurred in Topeka, Kansas, this burning. Fire and police investigators looked into a case of arson in which flags were burned at the Topeka and Shawnee County Public Library. Someone came into the library grounds between 12:21 a.m. and 1:15 a.m. They lowered the library’s flags and they burned them near the building.

Now, it was not illegal then and now to burn your own flag. It was illegal to burn someone else’s. But that is the point that I wanted to make; that in fact 75 of 119 were burnings. Furthermore, I want to also mention that the desecration amendment resolution was selected because of its broad nature in encompassing many actions against the flag.

Such broad terms are commonly used in constitutional amendments. For example, free exercise in the first amendment; unreasonable searches and seizures, probable cause, in the fourth amendment; due process and equal protection in the 14th. Thus, it is essential that we continue the bipartisan terms in constitutional amendments such as the word “desecration” in order to give Congress discretion when it moves to enact implementing legislation. Debate and discussion as to what forms of desecration should be outlawed, such as burning, will come at a later date in Congress.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

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

Mr. Speaker, I for one would like to let my friend, the gentleman from Florida (Mr. HASTINGS), know that I am not so weak in my faith that burning of a cross would somehow destroy my faith. And yet I still believe that when somebody burns the cross, that the effect on our society, the chances of a riot, the chances that it will lead to violence are so high that it is necessary to pass a constitutional amendment to prohibit cross burnings, since statutes prohibiting cross burnings with the intent to harm are currently enforceable.

In contrast, the Supreme Court has concluded in Texas v. Johnson in 1989 that, 5 to 4 decision, that flag desecration is protected by the first amendment, leaving a constitutional amendment as the only remaining option to protect the flag. If we are going to do that, it is really unnecessary to pass a constitutional amendment to prohibit cross burnings, since statutes prohibiting cross burnings with the intent to harm are currently enforceable.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. Speaker, I for one would like to let my friend, the gentleman from Florida (Mr. HASTINGS), know that I am not so weak in my faith that burning of a cross would somehow destroy my faith. And yet I still believe that when somebody burns the cross, that the effect on our society, the chances of a riot, the chances that it will lead to violence are so high that it is necessary to pass a constitutional amendment to prohibit it from the inevitable outcome of that kind of action. Furthermore, I do not believe we are acting as a body in order to tell the American people what to do.

I believe we reflect on a bipartisan basis, an overwhelming bipartisan basis, which reflects the will of the people, their desire to see this protection. That is why 50 States have all passed resolutions. Some of these States are very much Democrat States, some very much Republican. This is not about patriotism or party. This is about the will of the people. We
must respond to the will of the people. I believe in the Constitution as a not easily changeable document, and I respect the idea that we should not change it lightly. But just as this Constitution began without Indians, African Americans, women, or even people below the age of 21 being able to vote, and we have revised and revised and revised to get a more perfect democracy, we too must respond to this generation’s request.

This generation’s request of us is, in fact, to establish a special respect level, not an overly high one, but a special respect level for the flag. Not because America will somehow be destroyed if one or one million flags are burned, but because the American people have called on this body to offer them an opportunity to amend the Constitution, and we do so here today. We attempt to give the American people that opportunity to revise the Constitution.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from California (Mr. Issa) before he leaves the floor, that every time that we have amended the Constitution it has been to expand liberties and rights, not to restrict them. If this amendment passes, this would be the first time in the history of this country that we would pass an amendment that would restrict rights and liberties.

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

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. Issa. I might remind the gentleman from Florida (Mr. HASTINGS), my friend, that we limited the terms of how many times someone could run for President as a constitutional amendment. That is fluid document. It may add or subtract. It may reflect the will of the people in our lifetime to limit the amount of terms that a President could serve, no differently than the question of whether or not you can incite a riot by burning a flag.

Mr. HASTINGS of Florida. Reclaiming my time, I cannot believe my colleagues would even try to make such a specious argument, but the fact of the matter is there have only been 15 incidents in a country of 300 million people between the years of 2000 and 2005. There are substantial laws on the books that will prosecute fools who desecrate the flag.

Mr. Speaker. I yield 5 minutes to the gentleman from New York (Mr. ACKERMAN), my very good friend on the House Committee on International Relations.

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

Mr. ACKERMAN. Mr. Speaker, I love our flag and that is why I fight it. It stands for a Nation founded by people fleeing from oppressors. It stands for freedoms, not the least of which is the freedom of opinion and the unimpeded expression thereof, including the freedom to protest. This was a Nation founded by protestors.

When our Founding Fathers sought to guarantee these freedoms, they created not a flag, but a Constitution, debating the meaning of each and every word, each and every one of which, the Bill of Rights, each and every one of which gives people rights. They did not debate a flag. The flag would become a symbol of these rights.

What is the threat to the Republic today that would drive us to dilute the Bill of Rights? Well, someone burned the flag once this year. Whatever happened to fighting to the death for somebody’s right to disagree?

We now choose instead to react by taking away a form of protest. Most people abhor flag burners; but even a despicable, low-life malcontent has a right to disagree in an obnoxious fashion. That is the true test of freedom of expression.

Flag burners are rare, but vile, acts of desecration that have been cited by those who would propose changing our founding documents. These acts do not harm anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk. We are offended. To change our First Rights because someone offends us is, in itself, unconscionable.

Who bans flag burning? Hitler did. Mussolini did. Saddam Hussein did. Dictators fear flag burners. The reason our flag is different is because it stands for the symbolic language. What they really died for are American principles. The Constitution gives us our rights. The Constitution guarantees our liberties. The Constitution embodies our freedoms. It is our substance. The flag is the symbol for which it stands.

True patriots choose substance over symbolism. Diminish the Constitution by removing but one right and the flag shall forever stand for less. Do not pass this amendment. Do not diminish the Constitution. Do not cheapen our flag. Mr. GREIBY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, let me just say to the gentleman from New York in his last presentation, for over 2 centuries the first amendment was already understood to permit flag protection. In fact, before the 1989 case, what he is talking about was not even germane because 48 States had already in place a statute to lawful protected. Only Wyoming and Alaska did not have it; and now all 50 States, contrary to what the gentleman is talking about, want this amendment. H.J. Res. 10, to pass so that we have protections for our flag.

So he is acting like there has not been historically, little protection for this flag, but historically, for 2 centuries, the first amendment was in place and the flag was protected. H.J. Res. 10 will not amend the first amendment.

Let us not forget that we are not talking about amending the first amendment or limiting the rights guaranteed under those rights. So let us make that perfectly clear.

As I pointed out, for 200 years in this country, the first amendment was understood to permit simple flag protection. That conduct has always and continues to be regulated by the United States Government. That is our job. Both State and Federal criminal codes prohibit conduct that could conceivably be protected by the first amendment; yet their constitutionality is not questioned.

Let me give my colleagues an example. Defacing currency, urinating in the public, pushing over a tombstone, public nudity are all actions which can be utilized to express a particular political or social message, but are unquestionably, unquestionably illegal. Flag desecration was once included in that list as a form of conduct our society chose not to condemn. However, the Supreme Court’s decision in 1989 in Johnson and Eichman usurped the people’s will in this respect.

So after 1989, then we had this problem. H.J. Res. 10 will simply return to where we were 200 years ago, overturn that erroneous decision. That is all we are doing here, restoring the original meaning to the first amendment that had persisted for over 200 years.

As we stand here today, we have a flag behind us here in the House. That flag was put on our desks on 9/11. Who can forget the iconic photo taken on the terrible day of September 11, 2001, of three New York City
firefighters raising our flag from the rubble of the World Trade Center? What did that do? That symbolizes America’s mourning, but also it symbolized a determination by the American people to pursue justice. How sad it would be to this point where we would allow this flag that projects the symbolism of American mourning and the symbolism of a determination to pursue justice, that we would allow it to be burned.

So let us here to move forward on this amendment. I urge my colleagues to support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would ask the gentleman from Florida (Mr. STEARNS), my friend, does the gentleman know of any time that we have amended the Bill of Rights in the United States of America?

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

Mr. HASTINGS of Florida, I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I think I would ask my colleague why he is against 200 years in this country, when we protected our flag, why is he standing up and saying that we are not respecting the tradition of this country for 200 years and realizing that all 50 States want us to enact this legislation?

Mr. HASTINGS of Florida, Mr. Speaker, reclaiming my time, because I believe that that was the first thing done in the United States Constitution; and I believe that in 1777, when the Founders of this Nation established the flag as our symbol that they were correct then and they are correct now.

I do not know whether my colleague was on the floor when I said to him, and I rather suspect he was not, that I resent flag burning, but I respect rights, and I will respect the rights of individuals within the framework of the Declaration of Independence and the Bill of Rights for as long as I am here.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ACKERMAN), my colleague.

Mr. ACKERMAN. Mr. Speaker, I would appreciate it if the gentleman from Florida (Mr. STEARNS) does not leave the floor for a moment.

I appreciate very much his lecture about the flag that I raised in New York. I am a New Yorker. I am a New York Representative. I was born in New York, and let me tell the gentleman how proud we are of those firemen. Let me tell the gentleman how proud we are of this act that they did in raising that flag and how proud each and every one of us is of that flag.

But let me also tell the gentleman this: we are proud of that flag because it represents a set of values that are different from al Qaeda’s values, from oppressors’ values. That flag represents our Constitution, and that Constitution is what makes the difference between us and others.

It is not a flag because it is a different shape or has different colors. It is what it represents, and for the gentleman to stand up and cite why we are against doing this and citing history, we have laws against, as the gentleman from Florida said, public urination or mutilating our flag. But could the gentleman tell me where there is a constitutional amendment to ban that? There is none. We take care of that with other laws.

In the history which the gentleman is so fond of citing in this country, never has there been a case where we amended the Founding Fathers’ Bill of Rights. We have never amended the Constitution’s Bill of Rights. We have never once taken away rights of Americans.

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

Mr. ACKERMAN. No. That is not true. That is absolutely not true.

What my colleagues are doing is amending the Constitution which, for the first time since Prohibition, takes away the right; and there was such a hue and cry in “prohibition” and that was because more people happened to drink than burn the flag, appropriately so, I might say.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I understand the gentleman is kind to give me this time. It is the gentleman’s time, but the point is this is a constitutional amendment. It is not changing the first amendment.

Mr. ACKERMAN. Reclaiming my time, of course it takes away a recognized form of protest and freedom of expression. If a person burns the flag, if they burn someone else’s flag, that is a crime. If they urinate in public, as the gentleman’s side is so apt to talk about, on the flag, which is a despicable thing to do, there are laws that protect against those things occurring in public.

Mr. STEARNS. Mr. Speaker, if the gentleman would further yield, I have a personal interest in the gentleman. If I remember correctly, what went to the New York City firefighters who raised our flag on the rubble of the World Trade Center and I said to them, do you want to protect this flag from desecration and burning, what does my colleague think their answer would be?

Mr. ACKERMAN. Mr. Speaker, reclaiming my time, they were there to protect lives and protect Americans. They raised the flag in an act of patriotism, to show why this great country is different from those that attacked us, and that is because we have a Constitution.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSIELLA). The gentleman from Florida (Mr. HASTINGS) has 1¼ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 15½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my colleague from Georgia, if he is interested in this colloquy continuing, perhaps it is that he would yield some time to the gentleman from Florida (Mr. STEARNS), who may in turn yield time to the gentleman from New York (Mr. ACKERMAN) and myself and the gentleman from New York (Mr. NADLER).

Mr. GINGREY. Mr. Speaker, I have no other speakers at this time. I plan to reserve the balance of my time, but I will be happy to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS) in the interest of continuation of this colloquy.

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Well, we have been through this debate, and in all respect to the gentleman from New York, he has come down here and he pulls a box out and he has the American flag on his tie. I respect him for doing that because he is really saying that the American flag comes in many forms and people use it to adorn, maybe even upholstered, but that is a little different than the American flag which is a despicable thing to do, taking the flag and burning it.

The fact that when this country was founded and we have all the States up until 1898 supporting the idea of protection of the flag, I mean, that tradition alone, by saying to the American people we are going to forget all that tradition, so have we been wrong?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I—

Mr. STEARNS. Mr. Speaker, I think I have had the time.

Mr. HASTINGS of Florida. No, the gentleman does not.

The SPEAKER pro tempore. Did the gentleman from Georgia (Mr. GINGREY) allocate time to the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

Mr. GINGREY. Mr. Speaker, I yield 2 additional minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, what the gentleman is saying may be true, but when we think about it, my good colleague from Florida and New York, were the people in this country wrong for 200 years to protect the flag from desecration?

Mr. HASTINGS of Florida. No.

Mr. STEARNS. Mr. Speaker, if the gentleman, as a Congressman in this 21st century, is saying they were all wrong, the judge in the Johnson and Eichman case was absolutely right? He was not respecting the 200 years we had and now suddenly out of thin air he has decided to change our tradition?

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I do not want to create a constitutional morass,
but I had the time and yielded to the gentleman from Florida (Mr. STEARNS), and I tried to reclaim my time. The Chair then permitted the gentleman from Florida (Mr. GINGREY) to yield time to the gentleman from Florida (Mr. STEARNS). The Chair did not come after the time that I have utilized.

Mr. STEARNS. Mr. Speaker, I think we need a clarification who has the time. I understood that my side had given me 2 minutes.

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) was speaking of just a moment ago.

Mr. GINGREY. Mr. Speaker, that was my mistake. I intended to yield that time to the gentleman from Florida (Mr. GINGREY) rather than the gentleman from Florida (Mr. STEARNS). I apologize for that mistake.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Florida (Mr. STEARNS) has 1⅔ minutes remaining after this time has expired. However, the question to the gentleman from Georgia is, who initially did the gentleman allocate time to, the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

Mr. GINGREY. Mr. Speaker, may I inquire as to how much time our side has remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. GINGREY) has 11⅓ minutes remaining after this time has expired. However, the question to the gentleman from Georgia is, who initially did the gentleman allocate time to, the gentleman from Florida (Mr. HASTINGS) or the gentleman from Florida (Mr. STEARNS)?

Mr. STEARNS. Mr. Speaker, he has been very generous with my time. I do not want to take his time away because he is on the rule.

The SPEAKER pro tempore. The Chair is asking the gentleman from Georgia (Mr. GINGREY) who he initially allocated time to.

Mr. GINGREY. Mr. Speaker, I may want to yield time to the gentleman from Florida (Mr. HASTINGS) for a parliamentary inquiry.

Mr. STEARNS. Mr. Speaker, the gentleman from Florida (Mr. STEARNS) has remaining.

The SPEAKER pro tempore. Does the gentleman from Florida yield to the gentleman from New York (Mr. ACKERMAN) for a parliamentary inquiry?

Mr. STEARNS. I do.

Mr. ACKERMAN. Is what counts in the rules of procedure of the House what the gentleman’s intent was or what the gentleman did?

The SPEAKER pro tempore. It is the gentleman from Florida (Mr. STEARNS) who is speaking of just a moment ago.

Mr. STEARNS. Mr. Speaker, I am going to wrap up here. I did not intend to get into this kind of debate.

Mr. Speaker, only to make my point, as a conservative, when we look at the issue and say there are 200 years of tradition here of protecting the flag, I think we should not throw that tradition out and remember it is only this judge in Johnson v. Eichman in 1989 that made that change, and now again we have 50 States that are asking for us as Members of Congress to vote to support H.J. Res. 10.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just comment, in the Johnson case, it was Justice Scalia that was the fifth vote that made the ruling that the government from Florida (Mr. STEARNS) was speaking of just a moment ago. I would hope that he would know that.

The sum fact of the matter is none of us are in favor of anybody burning a flag. But the simple fact of the matter is all of us ought to be about the business of protecting the rights and the liberties of United States citizens.

What I have said I repeat, and that is I am not so insecure that when I see a fool burn a flag that it makes me anything more than incensed. It does not cause me to lose any respect for my country at all, but the rights of that individual are the things that we must be here to protect.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. NADLER).
enemies of America and the enemies of freedom by protecting the symbol and values of our Nation. With that said, Mr. Speaker, I urge my colleagues to pass this rule, to oppose the Watt substitution, and pass the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 331 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 331 Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House 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. The bill shall be considered as read. 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 report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by a Representative of the House of New York or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore, The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, H. Res. 331 is a structured rule that provides for consideration of H.R. 2475, authorizing 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. I am pleased to bring this resolution to the floor for its consideration. The rule provides for 1 hour of general debate, 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.

It provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence modified by the amendment printed in part A of the Committee on Rules report accompanying the resolution shall be considered as adopted and shall be considered as read. It makes in order an amendment offered by the gentleman from New York (Mrs. MALONEY) or her designee which shall be considered as read and shall be debatable for 30 minutes equally divided and controlled by the proponent and opponent, and all points of order against the amendment are waived.

The rule provides for a motion to recommit with or without instructions.

Mr. Speaker, I am proud to present for consideration the rule for the Intelligence Authorization Act for fiscal year 2006. I want to commend the gentlemen from Michigan (Mr. HOEKSTRA) and his hard-working ranking member, the gentleman from California (Ms. HARMAN), for their excellent work on this legislation. More than any other committee in the Congress, we rely on the Permanent Select Committee on Intelligence to do work that we have confidence in and that is accurate and honest. The committee is the eyes and ears of this Congress in the intelligence community. We depend on them to be aware of what the rest of the world and our own community is up to. We put our faith in them to practice oversight and to produce a legislative product that addresses the needs of our intelligence community, and therefore our Nation.

The committee does an outstanding job of working on a bipartisan basis to provide for our men and women who are fighting the war on terror on a variety of fronts.

I want to take a moment to salute those men and women who are working around the globe in a variety of capacities doing so much in a quiet, discreet way for our security and liberty. Linguists, analysts, case officers, mathematicians, and engineers, some of the brightest minds that our Nation produces, work in the intelligence community and our technical infrastructure. No differently than those uniformed members, the men and women in our intelligence community throughout the world are forming a huge public sector for which we can never show enough gratitude and appreciation.

The Intelligence Committee has reported out a bill that continues the House’s commitment to the global war on terrorism and to ensuring that intelligence resources are directed in a manner that calls men and women into our national security. This legislation authorizes more than last year’s appropriated amount and more than the President’s request to continue to fight the war on terror.

The bill does an effective job of balancing our intelligence resources and strengthening human intelligence gathering by increasing the number of case officers and training and support infrastructure. A long-term counterterrorism program is established to reduce the dependence on supplemental appropriations. Additionally, it authorizes the full amount of funds expected for heightened operations for counterterrorism operations and the war in Iraq.

H.R. 2475 enhances the analytic workforce by providing additional linguists and analysts as well as improved training and tools. Furthermore, the bill continues to invest in technical programs, funding systems end to end, investing in R&D and increased use of signature intelligence, and reflects the results of a comprehensive survey to review and rationalize technical collection programs.

For the first time, the Intelligence Authorization Act funds the new Office of the Director of National Intelligence and allows for increased positions. The National Counterterrorism Center is enhanced through improved information sharing activities and collaboration provisions. The bill improves physical and technical infrastructure of intelligence agencies with new facilities.

This authorization bill is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. Again, I thank Chairman HOEKSTRA, Ranking Member HARMAN, and the members of the committee for their admirable work. I urge Members to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First, let me thank the gentleman from Florida (Mr. PUTNAM) for yielding me the time.
Mr. Speaker, I rise in support of this rule providing for the consideration of the Intelligence Authorization Act for fiscal year 2006.

First, Mr. Speaker, let me remind my colleagues that Members who wish to do so may ask the Intelligence Authorization Committee or the Committee on Rules to conduct one of the most salient issues of the intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation, and I am pleased that it has been brought to the floor before the July 4 recess.

Now, Mr. Speaker, while I generally support this bill, it is not closed to improvements. As the Democrats noted in our additional views, this bill is the first authorization bill to be considered since the Intelligence Reform and Terrorism Prevention Act of 2004 became law last December. The reforms undertaken last year, in the aftermath of two intelligence failures, created a Director of National Intelligence and dramatically reshaped the intelligence community. This authorization bill will therefore help define the authorities, priorities, and direction of the Director of National Intelligence and the entire intelligence community.

Mr. Speaker, I am pleased that the committee rejected the President's paltry request for counterterrorism funding and, instead, fully funded the intelligence community's needs. Fully funding counterterrorism represents bipartisanship and good public policy. Of course, this does not seem to be the first time that this administration does not heed the advice of its own intelligence community.

Let me speak also briefly about the fact that this bill and the report accompanying it are pretty much silent on one of the most salient issues of the day, our military prison at Guantanamo Bay, Cuba. The allegations of severe human rights abuses at Guantanamo Bay are at best extremely disturbing and at worst unforgivable sins of our Nation, which has always led the fight for human rights. I do not work there, so I cannot speak to the veracity of every allegation. But we know that Guantanamo Bay is a stealth prison, an unrecognizable blip on the radar screen of domestic and international law. Surrounded by a world of laws, treaties, norms and practices, Guantanamo is an unrecognizable entity, a small space where the law simply does not penetrate.

The prisoners are in judicial limbo, with no lawyers and no legal recourse to profess their guilt or innocence or to protect themselves from abuse. In fact, many of them have now been jailed for more than 3 years without even having been charged with a crime. It sounds a bit Kafkaesque to me, yet we as outside observers to examine the condition of the prisoners have been rebuffed time and again. The Bush administration seems to trust in only itself to determine whether the prisoners are deserving of legal protections.

I am disheartened by the intelligence authorization bill's silence on this matter. The Members of this body should be greatly concerned with the utter lack of respect for the law or ad- hesions that characterize Guantanamo Bay. Former Supreme Court Justice Louis Brandeis once said, 'If the government becomes a lawbreaker, it breeds contempt for law.'

Congress has a responsibility to prevent Guantanamo Bay from becoming the personal prison of convenience for the Bush administration to stash people it does not want to suffer legal rights to. This body would be greatly remiss if we were to shoulder this responsibility in favor of turning a blind eye to what very well might be the biggest terrorism recruitment tool since the attacks on September 11.

Mr. Speaker, as I have said, this bill provides authorities and appropriations for some of the most important national security programs in this country. With the adoption of the manager's amendment, which we will hear about in much greater detail presently, I look forward to supporting the bill's ultimate passage.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. McGovern), my colleague with whom I serve on the Rules Committee.

Mr. McGovern. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, on June 8, the gentleman from California (Mr. Waxman), the ranking member on the Committee on Government Reform, came before the Committee on Rules asking that two amendments be made in order. One amendment calls for a select committee to be established in Congress to investigate abuses of detainees held under U.S. military custody. The other amendment establishes an independent commission for the same purpose.

Mr. Speaker, these are matters that merit the attention of this House and deserve to be debated and voted upon by the Members of this body. But the majority party on the Rules Committee feels otherwise. The Republican leadership believes it is better to sweep these matters under the rug, hide them, forget about them, but certainly not investigate them. It makes no difference whether such an inquiry takes place inside the Congress or outside the Congress, any form of independent investigation is out of the question. Questions about the abuse and torture of detainees simply will not go away, whether it is Guantanamo or Abu Ghraib or the countless other prisons, jails and detention facilities under U.S. control in Afghanistan and Iraq. Every week brings new revelations of abuse.

Mr. Speaker, I do not blame our soldiers for these abuses. It is their leaders who have failed. It is the leaders up and down the chain of command whose incompetence and arrogance have led to a systemic breakdown of standards and codes of conduct that our military has lived by since its creation.

Mr. Speaker, I would like to read a few lines from the June 13 edition of Newsweek. The article is entitled 'Good Intentions Gone Bad.' In it, Rod Nordland, Newsweek's Baghdad bureau chief, who is departing after 2 years in Iraq, shares a few final thoughts. He writes:

'Two years ago I went to Iraq as an unashamed believer in toppling Saddam Hussein. I knew his regime well from previous visits. WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal. Since April 2004, the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn't work. There is no evidence that all the mistreatment and humiliation saved a single American life or led to the capture of any major terrorist, despite claims by the military that the prison produced actionable intelligence. The most shocking thing about Abu Ghraib was not the behavior of U.S. troops but the incompetence of their leaders.'

Mr. Speaker, this is why we should be debating the Waxman amendments. We cannot run and hide from this abuse. It haunts us. Mr. Speaker, it haunts us. If ever a matter needed the light of day, it is this one.

Oppose this rule. Support debate on the Waxman amendments. Restore America's credibility on human rights and military conduct.

Mr. Speaker, I submit for the RECORD articles from Newsweek and from the Baltimore Sun.

[From Newsweek, Jun. 13, 2005]

GOOD INTENTIONS GONE BAD

(By Rod Nordland)

'Two years ago I went to Iraq as an unashamed believer in toppling Saddam Hussein. I knew his regime well from previous visits; WMDs or no, ridding the world of Saddam would surely be for the best, and America's good intentions would carry the day. What went wrong? A lot, but the biggest turning point was the Abu Ghraib scandal.'
Since April 2004 the liberation of Iraq has become a desperate exercise in damage control. The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. On top of that, it didn’t work. There is no evidence that the mistreatment and humiliation of prisoners has won the hearts and minds of the people or the war against terrorism. The story has been told of a young MP who reported the abuse. A few soldiers always do bad things. That’s why we need competent, well-trained officers, who know what to do when their subordinates are capable of—and make sure it doesn’t happen.

Living and working in Iraq, it’s hard not to succumb to despair. At last count America has pumped at least $7 billion into reconstruction projects, with little to show for it but the hostility of ordinary Iraqis, who still have an 18 percent unemployment rate. Most of the cash goes to U.S. contractors who spend much of it on personal security. Basic services like electricity, water and sewage still aren’t up to prewar levels. Electricity is especially vital in a country where summer temperatures commonly reach 125 degrees Fahrenheit. Iraqis are 15 percent likely to have reliable electrical service. In the capital, where it counts most, it’s only 4 percent.

The most powerful army in human history can’t even protect a two-mile stretch of road. The Airport Highway connects both the international airport and Baghdad’s main American military compound, Camp Victory, to the city center. At night U.S. troops secure the road for the use of dignitaries; they close it to traffic and shoot at any unauthorized vehicles. More troops and more helicopters could help make the whole country safe. Instead the Pentagon has been drawing down the number of helicopters. And America never deployed nearly enough soldiers. They couldn’t stop the orgy of looting that followed Saddam’s fall. Now their primary mission is self-defense at any cost—which only deepens the despair.

The four-square-mile Green Zone, the one place in Baghdad where foreigners are reasonably safe, could be a showcase of American values. Instead the American exclave is a trash-strewn wasteland of Mad Max-style fortifications. The traffic lights don’t work because no one has bothered to fix them. The garbage rarely gets collected. Some of the worst ambassadors in U.S. history are the GIs at the Green Zone’s checkpoints. They’ve repeatedly punched Iraqi soldiers, accidentally shot at visiting dignitaries and behave (even on good days) with all the courtesy of nightclub bouncers.

When will America pull out? It’s hard to say. Iraqis are so many ways for things to get even worse. I’m not one of those who think America should pull out immediately. There’s no real choice but to stay, probably for many years to come. The question isn’t “When will America pull out?” It’s “How bad a mess will we’ve created”?

For many around the world, the detention facility at the U.S. Naval Base at Guantanamo Bay, Cuba, has become one of the most prominent symbols of America’s departure from the rule of law since 9/11. Camp Delta, as the prison on Guantanamo is called, holds more than 200 men from about 40 countries. Many of these people have been detained there for more than three years; none has been given any indication of when, or even if, he will be released. The U.S. government has classified all of the detainees as “enemy combatants.”

While the term is not recognized in international human rights or humanitarian law, it has provided the U.S. government with a rationale for denying detainees any rights whatsoever, either under the Geneva Conventions or national law. This situation has prompted some Bush administration officials to dub Guantanamo “the legal equivalent of outer space.” This label would certainly fit war on terrorism courts that confine secret U.S. detention sites in Iraq, Afghanistan, Pakistan and Jordan and aboard ships at sea.

But just as Guantanamo has become a powerful negative symbol, it has the potential to be a positive one if the United States can will to take steps to recognize the possibility. One step, and it is a bold one, would be to move all of the Guantanamo prison—to close its doors and, in doing so, open a public debate among members of Congress, military officers and intelligence and law enforcement leaders on interrogation and detention practices around the world.

Shuttering Guantanamo not only would allow the United States to broadcast to the world its commitment to the rule of law—by moving all security detainees into an established legal process—it also would serve America’s security interests. Those around the Pentagon and White House believe that it is impossible to reform Guantanamo to fuel anti-American sentiments would lose one of their most potent rallying cries. And automatic governments no longer would lose one of their most potent rallying cries. And autocratic governments no longer would lose one of their most potent rallying cries. And autocratic governments no longer would lose one of their most potent rallying cries. And autocratic governments no longer would lose one of their most potent rallying cries.

The closure of Guantanamo would, by its very nature, require an evaluation of all the locations where the United States is holding security prisoners because Guantanamo deserves much of its infamy from what it has wrought: Guantanamo was the testing ground for coercive interrogation techniques. Torture was exported to other facilities from there.

In the spring of 2003, Defense Secretary Donald H. Rumsfeld explicitly approved 24 interrogation techniques for Guantanamo, including “dietary manipulation,” “environmental manipulation,” “sleep adjustment” and “isolation,” all of which has been previously prohibited by U.S. law and explicit military policy. He did so despite strenuous objections from senior military lawyers, the FBI and others in the government. This policy is still in effect.

By mid-2003, the military extended the Guantanamo rules to Iraq. In fact, in August 2003, the Pentagon sent the Guantanamo rules to a military lawyer at Abu Ghraib prison, reportedly with the instruction to “Gitmo-ize” the Iraqi prisons.

The revelation of pictures from Abu Ghraib last spring tells part of that story. But the story is much bigger—and more troubling—than what those photos depict.

Congress should authorize the creation of an independent bipartisan commission to conduct a thorough investigation of U.S. detention and interrogation policies worldwide. This would allow the United States to assess what went wrong and why and to recommend corrective action.

Until Congress does this, Guantanamo and the other U.S. detention centers will continue to serve as the symbol of America’s tarnished reputation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased and privileged to yield 4 minutes to the gentlewoman from California (Ms. HARMAN), the distinguished ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN asked and was given permission to revise and extend her remarks.

Ms. HARMAN. Mr. Speaker, I commend the gentleman for yielding me the time and for allowing me to speak on the Rules Committee and on the Intelligence Committee, and I thank the gentleman from Florida (Mr. PUTNAM) as well for his comments earlier in this debate.

Mr. Speaker, I urge my colleagues to oppose the previous question so that we can have a debate on the Waxman amendment. Yesterday, we had an open rule for the Defense Appropriations Act which funds the intelligence community. I fail to see why we cannot have an open rule for the authorization bill for those same intelligence programs. I also think it is sad that the leadership scheduled consideration of this authoriza-

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that were offered. Only 10 amendments were submitted to the Rules Committee. Of those, nine were offered by Democrats, and of those nine, only one was made in order. Each amendment was responsible. Each deserves full consideration on the House floor. Members on both sides of the aisle should have an opportunity to debate the important issues raised by these amendments, but as a result of this unnecessarily restrictive rule, neither Republicans nor Democrats will have that opportunity.

Mr. Speaker, I want to highlight one amendment that the Rules Committee will not let us debate, the Waxman amendment to establish an independent commission on detainee issues. Detentions and interrogations are vital tools. We need those tools. But they must take place according to our laws and our values. To do anything less puts our own troops in harm’s way and erodes our moral credibility in the world.

Today, our intelligence professionals operate in what I call a “fog of law,” a confusing patchwork of laws, treaties, memos and policies. The Intelligence Committee’s oversight subcommittee is conducting a somber, bipartisan investigation into the practice of renditions and interrogations under the able leadership of the gentleman from Texas (Mr. THORNBERY) and the gentleman from Alabama (Mr. CRAMER). But this investigation is largely classified. We need a public, unclassified investigation so that the public can have confidence that our Constitution and our laws are respected. A public bipartisan investigation will help us learn precisely what happened, who should be accountable at senior as well as operational levels, and how to fix the problems.

Mr. Speaker, I will enter into the RECORD an op-ed from the June 7 Washington Post by civil rights attorney Floyd Abrams, former Representative Bob Barr, and Ambassador Tom Pickering, which called for the creation of an independent commission. They wrote: “Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.”

I agree. Shutting off the lights at Guantanamo will not solve the problem. Only Congress can solve the problem by addressing the policies underlying Guantanamo. Article I, section 8 of the Constitution states that it is Congress’s responsibility to make rules concerning captures on land and sea, and that is why, in addition to calling for this independent commission, I believe we need bipartisan legislation. The safety of our troops and our moral credibility in the world are on the line.

I urge my colleagues to oppose this restrictive rule and the previous question.

The material previously referred to is as follows:

(From the Washington Post, June 7, 2005)

JUSTICE BEFORE POLITICS

(By Floyd Abrams, Bob Barr and Thomas Pickering)

After the attacks of Sept. 11, 2001, came widespread shock and horror—and some tough questions. Did the United States have prevented this catastrophe? What corrective action might we take to protect ourselves from other terrorist attacks?

After political struggles and initial resistance by many political leaders, Congress and the president created the Sept. 11 commission in 2002. This bipartisan group of 10 citizens was charged with conducting an independent and complete investigation of the terrorist attacks of Sept. 11 and with providing recommendations for preventing such disasters. In July 2004 the commission released its report, and in December Congress passed legislation to implement many of its recommendations.

In the spring of 2004, the scandal involving the abuse of prisoners at Abu Ghraib became public. Additional allegations of abuse surfaced in connection with prisoners detained at Guantanamo Bay, Cuba, and elsewhere. Many Americans asked themselves the same painful questions about these allegations: How could such terrible actions have been taken? Who was responsible? What reforms might we implement to prevent such problems? Once again, a year later, these questions remain unanswered.

In my view, Congress must ensure that the public de-serves answers. We are members of the bipartisan Liberty and Security Initiative of the Georgetown University’s Public Policy Institute and with other members of the initiative—Republicans and Democrats, liberals and conservatives—to call for the establishment of a bipartisan commission to investigate the issue of abuse of terrorist suspects. We urge Congress and the president to immediately create such a commission and to use the Sept. 11 commission as a model.

No investigation completed to date has included recommendations on how mistreatment at detention facilities might be avoided. Even the Pentagon’s much-heralded report by Vice Adm. Albert T. Church, commissioned in March, concluded only that there were “missed opportunities” and that the opportunity to be “considered in the development of future interrogation policies.”

Establishing a bipartisan commission would also be beneficial for U.S. relationships abroad. The abuse of terrorist suspects in U.S. custody has undermined the United States’ position in the world. This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, we undertook a thorough and credible investigation has created severe resentment of the United States. An independent bipartisan investigation can generate wide acceptance and support for its findings. Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.

We must move beyond the partisan battles of our highly charged political climate. To provide a credible investigation and a plan for corrective action, we must show the world that the United States takes seriously its obligations to uphold the rule of law, we urge Congress and the president to establish a commission to investigate abuse of terrorist suspects.

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

Mr. Speaker, I appreciate the words of the gentlewoman from California (Ms. HARMAN) and the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Florida (Mr. HASTINGS) as it relates to these issues. It reflects a legitimate disagreement over the direction that the investigation should take, whether it should be based in the legislative branch or based in the executive branch or some combination, which has been the history.

In fact, here in our own Congress, the Senate has had eight hearings on detainee abuse, and three on Abu Ghraib specifically. General Myers, the chairman of the Joint Chiefs; the Chief of Staff of the Army; the Secretary of Defense; and the Acting Secretary of the Army have all conducted independent reviews. There are 12 other Department of Defense reviews that have occurred, and the House Committee on Armed Services in this body has held three hearings and numerous briefings.

This legislative disagreement is dili-gent in their oversight responsibility. And I appreciate that there are differences on this, but I particularly appreciate the way that my colleagues on the other side of the aisle have handled this. Unlike in the Senate where the detainee abuse was equated with the regime of Pol Pot and Hitler and Stalin, there is a measured approach to disagreement in this Chamber, and I think that that is the responsible approach, unlike the direction that the Senate has gone.

Additional efforts to reach out to Muslims and to ask them to work with us in the war against terrorism, instead, we undertook a thorough and credible investigation has created severe resentment of the United States. An independent bipartisan investigation can generate wide acceptance and support for its findings. Only with such a commission are we likely to enact the reforms needed to restore our credibility among the nations of the world.

Before yielding to the gentleman from California (Mr. WAXMAN), I would
just say to my friend from Florida that this judicial review that he talks about evidently is going to take place forever.

It is not about food, Mr. Speaker. The detainees are properly fed. But they cannot see their relatives. Most of them cannot see a lawyer, and most of them have not been told what they are charged with. When I say it is Kafka-esque, Franz Kafka wrote the book “The Trial” that said how horrible it was to be in a situation where one does not know their accusers, they do not know what they are charged with, and they are convicted of something sit- ting there. We cannot do that in this country. It is not about food. It is about rights. It is about human rights and dignity.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reformation.

Mr. WAXMAN. Mr. Speaker, it has been over a year since we saw the hor- rific photographs of the torture of the prisoners in Abu Ghraib prison in Iraq. Yet in Congress, we have ignored our fundamental responsibility to in- vestigate. And it is not just Abu Ghraib, but other prison camps as well where we are hearing more and more reports of instances of disrespect of the Koran and denial of human rights to detainees.

Under our system of checks and bal- ances, the House of Representatives has a constitutional duty to ensure proper oversight of the executive branch, and for this reason I submitted an amendment to this bill to create ei- ther a select committee of the House of Representatives to examine the matter or an independent commission to con- duct such an investigation. But the Re- publican leadership blocked both amendments. They do not want an in- vestigation inside the House or outside by an independent group. The inde- pendent commission, I believe, would have filled this huge oversight vacuum. It was denied, and that is why I am in opposition to the previous question on the rule and the rule itself.

The reports of detainee abuse are un- dermining one of our Nation’s most valuable assets, our reputation and re- spect for human rights. And they are endangering our Armed Forces and in- citing hatred against the United States. As Senator EDEN said, Guanta- namo is the “greatest propaganda tool of our relationships to the world.”

Some of the allegations that have been replayed over and over again around the world may not be true. President Bush calls them “absurd.” But we will not know what is true and what is not true unless we investigate. And when we refuse to conduct thor- ough, independent investigations, the rest of the world thinks we have something to hide. When we ignore our con- stitutional obligations, we are not doing the administration any favor. A lack of oversight leads to a lack of ac- countability, and no accountability breeds arrogance and abuse of power. Over the past year, more and more instances of detainee abuse from a growing number of locations around the world have come to light. In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay; the in- volvement of Navy Seals in beating de- tainees in Iraq; and the gruesome, ulti- mately fatal torture of Afghans at the U.S. detention facility in Abu- base in Afghanistan. It is time for this House to put aside political calcula- tions and fulfill our constitutional oversight responsibilities.

Let me just point out to my col- leagues that we have not had an investi- gation since Abu Ghraib. The House held only 5 hours of public hearings in the Committee on Armed Services to investigate the abuses. In contrast, the House spent 140 hours taking witness testimony. Whether President Clinton mishandled his Christmas card list. What is more important for the use of oversight and investigative powers of the House?

While the Senate review has been more extensive, it has not involved comprehensive public review of all rel- evant agencies and personnel, nor has it produced comprehensive conclusions regarding individual accountability and necessary corrective actions.

We must do our job. We need to ex- amine these allegations and take our oversight responsibilities seriously. I urge a “no” vote on the rule.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume. Unquestionably, Congress’s responsi- bility to properly oversee the activities of the entire Federal Government is preeminent, and that is why I am proud that, under the leadership of the gentleman from California (Chairman HOEKSTRA), the House Permanent Select Committee on Intel- ligence also has an oversight sub- committee devoted to investigating all of these issues.

Mr. Speaker, to elaborate on that, I yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distin- guished chairman of that committee.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule. And before I move on to address some of the discussion that has been on the floor today, let me talk about some of the issues in the rule; and I think later on we will have an opportunity to talk about what may be unusual in this bill.

But as my colleagues on the other side today may try to destroy, we have developed a bill that will set a direc- tion for the intelligence community, and we have done it in a bipartisan way. We have checked the issues as to whether the bill is sufficient in terms of the resources to have an effective in- telligence community. We have made important decisions as to the relative balance between HUMINT and our technical capabilities. We have made important decisions about the direc- tion of counterterrorism. And we have done it on a bipartisan basis.

This bill came out of committee with a voice vote. It shows the continued commitment of the House to support the global war on terror. Our troops deployed abroad. We attempted this year to keep ancillary issues out of the bill, to focus the full attention of the committee on careful oversight and review of our Nation’s intelligence pro- grams. Our goal was to properly align the resources of those programs to counter the threats facing our Nation. I appreciate the efforts of the Com- mittee on Rules to keep floor debate similarly focused on the programs that are authorized in the bill and related issues.

Again, we are setting a strategic di- rection for where we think the intel- ligence community needs to go. There will be some changes that were made as a result of the rulings early this week. And as a result of the rule that we will vote on in the next few minutes, and these again were an attempt to make sure that there was not confusion about what direction we wanted to go in, what we wanted to get done, and make sure that the underlying direction for the reform of the intelligence commu- nity was the bill that was signed into law by the President last December.

I will say that I agree with my colleagues on the other side. My ranking member said it is the responsi- bility of Congress to do its work. Con- gress will do its work. We have been doing our work. We have had a bipar- tisan, constructive effort, led by the gentleman from Texas (Mr. THORN- BERRY) and the gentleman from Alaba- ma (Mr. CRAMER), to take a look at the allegations that are out there. We have been investigating these issues.

My colleague here says we have not been doing any work. My colleague has not done any work. My colleague has not done the basics. He maybe could have asked, has the Permanent Select Committee on Intelligence on the House side done anything to take a look at the alleged allegations or the abuses at Guantanamo, the intel- ligence community’s relationships to Abu Ghraib? I think my ranking member on the other side has said that we have had a constructive, bipartisan ef- fort to take a look at the allegations, to take a look at the role of the intel- ligence community, and to take a look at how we move forward on these types of things. But sometimes people do not even want to raise the basic questions and get the basic information that they need.

These are serious issues. The infor- mation that the folks may have in Guantanamo may save American lives. It will make our war on terror more ef- fective.

Should these allegations be inves- tigated? Absolutely. Are they being in- vestigated? Absolutely. And members
on the Permanent Select Committee on Intelligence know that that work has been going on, and it has been going on in a very constructive and a very effective method.

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I look forward to passing this bill today. I look forward to this committee continuing the work that Congress has asked it to do, and we are going back and amending it in an effective way, to make sure that we will have an effective intelligence community. It is time to stop bashing our troops and our intelligence community. These people put their lives on the line every day. It is time to show them some support. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, at this time I am pleased to yield 2 minutes to my friend and classmate, the gentleman from New York (Mr. NADLER).

Mr. Speaker, I rise to oppose this restrictive rule for not making in order the Waxman amendment to provide for an investigation by a bipartisan, independent commission of the detainee abuses alleged at Abu Ghraib, Guantanamo Bay, and other sites.

Let me say at the outset that the men and women in our armed services ought to be praised for their selfless sacrifices. They deserve not to have their names and their good works associated with the torture and abuse that has been alleged in newspapers and other reports. That is why it is so important to have a complete and full investigation and to receive assurances that torture and abuse are not standard operating procedure in our armed forces, even if torture was authorized by Secretary Rumsfeld and Attorney General Gonzales. It is not authorized by Congress or by the American people who ultimately get to have the final say.

It also bothers me that these detainees do not have any way of asserting their innocence. The President says they are all terrorists, but what if some of them were cases of mistaken identity? What if some of them had nothing to do with terrorism? What if they have a similar name or a similar appearance, but are indeed factually innocent of all charges?

It also bothers me to me that if the government is so sure that everyone we are holding is a terrorist, there should be no trouble convincing a court, a judge, or a military court. That would be preferable to having the government assert that all of these people are terrorists, just trust us. We cannot allow that type of abuse of power to continue in our name.

This assertion of the right to hold people forever, with no specific evidence and no due process, has not been asserted in English-speaking democracy since before Magna Carta, 800 years ago, until this President had the nerve to besmirch the good name of the United States by making such an assertion. This is not how America became the Shining City on a Hill so admired by people the world over.

No executive should be permitted the power to lock people up forever without having to prove their guilt. That is a power that I would trust to no man, no king, no dictator, and no President.

Let me say one other thing. Torture and abuse of prisoners is not just a shame against our own rights; it does not work. People under torture will say anything. Intelligence professionals know better than to believe or to rely on information extracted under torture. Torture and abuse of detainees is wrong for so many reasons. It is a horrendous practice, it produces nothing but shame and more enemies for the United States, and anger from the rest of the world.

We need to aggressively investigate these abuses and put safeguards and policies into place to prevent them from ever happening again.

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

Perhaps we should remind the gentleman of the 545 people who are being detained in Guantanamo; 545, by the way, is fewer people than are in my county’s jail on a Saturday night.

But of those 545 people who killed innocent women and children, they included a detainee named Katani who was stopped before he could board one of the planes used to strike the World Trade Center and the Pentagon, or taking care of Osama bin Laden’s body guards, other members of al Qaeda and other terrorist networks and members of the Taliban. These are not your average, run-of-the-mill pick-pockets and thieves. They are hardened terrorists who have pledged everything to destroy American service men and women, to come into our homeland and destroy our institutions and cause death and destruction within these borders of the United States of America. They are being monitored. They are under ongoing judicial review. The eyes of the world, as this debate has evidenced, are on Guantanamo.

These are individuals who represent the very worst in our global society who would do anything to bring us harm. Yet we seem to lose all of that perspective. In this very dramatic, theatrical debate that began in the Senate when there was an equation of Guantnamo with the regimes of Stalin and Hitler and Pol Pot which resulted in the torture and mutilation and death of millions of human beings. And for this similar equation to be made on the House floor that we, in our activities in Guantanamo, are even remotely close to those regimes is out of bounds.

There have been numerous Department of Defense investigations into detainee abuse. The bipartisan Committee on Armed Services hearings on detainee abuse, Senate committee hearings on detainee abuse, and ongoing Intelligence subcommittee reviews of what is going on there.

It is important that we step back and understand that this is an intelligence authorization bill that gives our men and women the tools they need to fight people around the world that would not mind coming over for dinner, people who would do everything in their power to bring down our society, our form of government, our cloak of safety. Let us keep those things in mind when we go forward with this debate about Guantnamo and Abu Ghraib.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Just one thing for my friend from Florida: Charge it and prove it. That is all.

This is a great Nation. We can charge those folks with a crime, and we can prove that they did what the gentleman said.

Mr. Speaker, I am pleased at this point to yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. Speaker, I rise in opposition to this rule.

We have been led to believe that the use of torture in Iraq, Afghanistan, and Guantanamo Bay, Cuba were isolated incidents; that murder, sexual assault, and physical abuse were the work of a few low-ranking guards who are now being brought to justice.

The new evidence indicates we have been misled.

Recent news accounts have detailed the deaths of two detainees in 2002 at the Bagram Collection Point in Afghanistan during interrogation by military intelligence. One man was hung by his arms in his jail cell for days and beaten so severely in the legs that he died, even though, as the newspapers reported, soldiers involved in the detention believed that the man was innocent.

Despite being ruled homicide by the coroners, the deaths were described by a military spokesman as resulting from natural causes. In the meantime, the officer was promoted and placed in charge of interrogations in Iraq’s Abu Ghraib Prison.

Peter Millar is not about low-ranking soldiers who independently ran afoul of the system; it is not a matter of a few bad apples. It is one tale in what is emerging to be a pattern of systematic abuse carried out with the knowledge and approval of senior military and civilian officials.

How do we know that the Defense Department and senior military commandes knew what was going on? Because their own documents say so.

Their own documents show that the general in charge of our troops in Afghanistan knew that unapproved techniques were being used in those interrogatories. So what did he do? He made
a list of these techniques and sent them to the Joint Chiefs of Staff, who were looking for ways to alter interrogations in Guantanamo Bay.

In fact, the only time the general in charge of U.S. forces in Afghanistan seems to have had any written policy is when he recommended that the Geneva Convention techniques be removed for everyone, regardless of whether or not they were tied to al Qaeda or the Taliban.

So much for the supposed U.S. military guards had beaten false accusations throughout the Middle East. Then, there were allegations from prisoners smuggled out of Abu Ghraib prison a year later. The Associated Press has obtained 1,000 pages of U.S. government tribunal transcripts under a Freedom of Information Act lawsuit that offers chilling, first-hand accounts of alleged prisoner abuse. In one case, a Guantanamo Bay prisoner told a military panel that American soldiers had beaten him so badly, he now wets his pants. "The report's authors insist that the prisoners are "peddling lies" and that the Guantanamo detainees have been "well-treated, treated humanely and decently." But President Bush's amnesty report Tuesday, calling it "absurd.""

Yet, it is quite unsettling that prisoners in Guantanamo, Afghanistan and Iraq have told strikingly similar stories of torture. Bush administration officials' unapologetic defense of military conduct at Guantanamo and other U.S. military prisons—in the face of mounting evidence of serious problems—is symptomatic of its increasingly familiar refusal to acknowledge mistakes and take responsibility. This arrogant stonewalling may not be allowed, especially when so much is at stake.

The well-publicized mistreatment of Muslim detainees at U.S.-run military prisons has neither dented the United States' reputation abroad. It is the height of hypocrisy to talk of spreading democracy while our government tramples all over individual civil liberties. In the United States, a person is innocent until proven guilty, yet Muslim detainees are essentially guilty until proven innocent. Nearly 600 people have been held without charges or trials—an illegal detention that is absurd as well as un-American.

It is high time that President Bush and Congress appoint a bipartisan panel to investigate the allegations of abuse of terrorist suspects. People on both sides of the ideological spectrum have called for such a commission, ranging from conservative former U.S. Rep. Bob Barr, R-Ga., to the Center for American Progress on the left.

If, as Rumsfeld claims, released detainees are a bunch of liars, the administration has nothing to hide. Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Perhaps the gentleman, out of his sense of concern about torture, would cover those bad apples, those bad actors, and the actions that are being taken against them.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida.

Mr. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to any further investigation of either what is taking place at Guantanamo Bay with our detainees or further investigation of Abu Ghraib.

I want to speak about Guantanamo first, because I heard some of the reports when we first brought detainees there, and I went down and visited, and walked among the prisoners, I saw the housing, I saw how they were treated, I was asked what I thought when I saw the whole thing, and I want to use my quote here on the floor. I said, "I thought it was too good for the bastards." I stand here today appalled at my colleagues who, in fact, are concerned about the rights of mass murderers. And that is exactly what we have here. We have international mass murderers, enemy combatants. They had no conscription, no conscription. The al Qaeda regime and Osama bin Laden, who slaughtered thousands of people on our soil, and many of whom were both Americans and internationals.

What right did they respect of Barbara Olson, who was on our Committee on Government Reform, whose plane crashed into the Pentagon that morning? And I remember Barbara. What right did they respect of Neal Levin, who I met with at the World Trade Centers, who was trapped, along with everyone who helped me and our Subcommittee on Aviation, who were all murdered on the morning of September 11 when they were in the Windows on the World restaurant? What right did they defend of those people?

How quickly we forget September 11. I am reading the book "102 Minutes." I wish everyone would read it, about the thousands of people who were left trapped in the World Trade Center. What rights did these people who supported that activity exercise?

Abu Ghraib, if I hear one more thing about that and the actions of our military folks; someone described "horrific torture." I saw worse things at fraternity houses in college than what our troops were involved in. And to continue the harassment.

The gentleman from Florida (Ms. ROS-LEHTINEN) brought into the Committee on International Relations two prisoners; one, I recall, was from Abu Ghraib. I did not see anyone from the other side there, I did not see anyone from the press there when they described their treatment under Saddam Hussein. Do my colleagues know how he dealt with overcrowding? He took those numbers and multiplied them, and I did not see anyone from the other side concerned about the rights of those prisoners.
One gentleman told us how he was taken from Abu Ghraib Prison; well, he described not only the beheadings, but the limb amputations, the pulling out of tongues, the electrical shocks. How dare anyone from the House or the other body compare the treatment our troops suffered at the hands of the scum of the earth? What about an investigation of the 300,000 mass graves that our troops have uncovered and the treatment that those people received.

Finally, again, that one prisoner, and no one was bothered on the other side to even attend the meeting with the prisoners to hear how Saddam Hussein treated them. He described how he was taken out, he and others, and they were all shot, and the bulldozer pushed over dirt on them; he was shot five times, and only managed to crawl away and somehow survive to tell how the other side truly tortured.

Mr. HASTINGS of Florida. I am convinced of some things: some of my colleagues just do not get it when it comes to human rights.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise to oppose the rule with a very simple question: What is the House Republican leadership afraid of? We say we want to promote democracy around the world. We say we want to set a good example to others, and yet the House leadership seeks to block a vote today. That is what this agreement is about, a vote today on the Waxman amendment, which would simply create an independent, bipartisan commission to investigate abuses at Abu Ghraib, Guantanamo Bay, and other places around the world.

Unfortunately, the only example we seem to be setting these days is the example of the ostrich, to bury our heads in the sand, to ignore the facts, to ignore the truth.

The Bush administration and my colleagues on the other side of the aisle say that the reports of human rights abuses at these facilities have been greatly exaggerated. Then what are they afraid of? The chairman of the Intelligence Committee just says these are serious issues. They are serious issues.

We do not want quarter-truths; we do not want half-truths. Let us get at the full truth, the good, the bad and the ugly. People around the world look to the United States, not just for the statements we make, but for the actions we take. And Americans have been shocked at the reports of abuses because they know these actions do not reflect our values, and that is what this is about, our values. And they do not represent us as a people.

America has been a great beacon of human rights. And very sadly, that beacon has been dimmed by the abuses that have been taking place. And the best way to reclaim our credibility on this issue is to squarely face the facts and those abuses.

We must lead by our example. We must provide a truth even when it is unpleasant. Only by confronting the truth can we learn from our mistakes. Only by examining our own conduct can we credibly talk about the misconduct of others. Let us show the world that a strong, competent Nation does not run from or hide from the truth. Let us once again lead by example.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. THORNBERGER), the seeker of that truth, the chairman of the oversight subcommittee tasked with looking into alleged abuse.

Mr. THORNBERGER. Mr. Speaker, I thank the gentleman from Florida for yielding me the balance. And we will pursue the investigation of this rule, but also in helping us put this whole issue into greater context.

Because, Mr. Speaker, I think it is important for us to remind ourselves that this is not just a number of things which try to help defend the country, try to help keep us all safer, try to prevent gross inhumane acts of slaughter by the terrorists, which we know they are intent upon committing.

And so I think it is important as we focus down on some of these specific issues, and we should talk about them, to keep the larger context in mind. The gentleman from Florida has helped to do that. In a little bit, I want to talk in greater length about the oversight subcommittee, because I think it is important to say that the chairman of the Intelligence Committee and the ranking member of the Intelligence Committee, at the beginning of this Congress, decided to create a special oversight subcommittee of the House Intelligence Committee.

And our charge is to focus at greater depth and with greater persistency on some of the key intelligence issues which we face. And we take that job very seriously. And I think we can do the job very seriously, in part because we usually do not do our job in front of the cameras. We do not do our job for partisan purposes.

We do not come out on the floor, in press conferences or in other places, and try to bash the administration or to protect the administration. We try to be tough, but fair. And that is the way that real oversight, particularly in the area of national security, ought to be done, rather than posturing and other things that we have seen from time to time. The problem is the work you do in the Intelligence Committee cannot be talked about openly. And so there is very little one can say about the specifics.

But just because we cannot come and detail all of our activities and some of what we found and what more we have to do, one should never take that to mean that there is not serious oversight and investigation ongoing, because there is.

And, in fact, Mr. Speaker, I believe that the world tests a number of challenges, because there is.

And, in fact, Mr. Speaker, I believe that the world is watching us. And what we say we want our American values, and at the same time try to prevent acts of terrorism.

Our problem is, when we just focus on one element of that equation, when we forget that the purpose here is to prevent acts of terrorism, then I think we become unbalanced, our rhetoric becomes more sensational, and unfortunately I think the American people do not benefit from such talk.

I can only say that with my partner, the gentleman from Alabama (Mr. CRAMER), and other members of the subcommittee, with our bipartisan staff, we take our job very seriously. And we will pursue the investigation very seriously. And we will try to make sure that American values are maintained, and at the same time our troops, our homeland security folks, our policemen and others, have the information they need to protect us.

We will keep both goals in mind.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his leadership and for yielding me this time.

Mr. Speaker, I rise to engage today in a colloquy with the gentlewoman from California (Ms. HARMAN), our ranking member of the Permanent Select Committee on Intelligence. And let me first thank the gentlewoman for her consistent leadership on so many national security issues.

Let me just say briefly that I appreciate this opportunity to discuss an issue very briefly that is of critical importance, that is, making sure that the United States Government is not involved in violating the will of any people anywhere in the world which duly elects a government through democratic means.

In 1982, Congress passed the Boland amendment, which prohibited the Federal Government from using taxpayer dollars for the purpose of overthrowing the Government of Nicaragua. I offered an amendment to this intelligence authorization bill that broadens this concept to ensure that our Federal Intelligence dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments. Unfortunately it was not made in order.

In an ideal world, we would not specifically stipulate this, but events in Haiti and more recently in Venezuela have led me to wonder whether we need to codify this straightforward, non-partisan position. So I think that we must do all we can not only to support
the spirit of democracy throughout the world, but also to ensure that it is allowed to flourish and to grow.

I would like to ask the gentlewoman from California (Ms. HARMAN) if she has any thought about how we need to move forward, basically because I believe that, as I said earlier, that such actions fly in the face of our own democratic principles.

Ms. HARMAN. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. Mr. Speaker, I thank the gentlewoman for yielding.

I thank the gentlewoman for raising this issue, I want to assure her that I understand and support the general principle she has raised, and I believe that we should be mindful of that issue.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her comments and her attention to this issue. I look forward to working with her.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, one of the previous speakers said we just do not get it. To him I would say, and to others, yes, we do get it.

I came back to this body after 9/11 precisely because of the attack on Americans and the loss of three people that I knew personally. I came back here with the idea that we needed to fight for America and defend ourselves and not tear up the Constitution in the process.

The suggestion made by some that we are engaged in wide-scale torture, that we are somehow morally equivalent with others is absolutely absurd. The proper way for us to respond to allegations is to do what the Congress is supposed to do, and what the gentleman from Texas (Mr. THORNBERRY) said we are about, which is the proper congressional oversight, not mock hearings like we had last week, not setting up independent commissions, not politicizing this, but doing it in the way the Constitution requires us to do it.

If there is any problem, it is with the Congress not doing proper oversight. We have the commitment from the committees and the subcommittees to do it. Let us rise above partisanship. Let us do the right thing, and let us get rid of this nonsense of a moral equivalence between the United States and some of those terrible regimes around the world. It is not worthy of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. WAXMAN) offered a reasonable amendment, which was rejected by the Rules Committee, that would have put the House on record in support of a bipartisan, independent investigation into detainee abuse at Abu Ghraib prison in Iraq and the facility at Guantanamo Bay.

Because there are known cases of abuse, and there are more questions than answers about the extent of abuse on people held by or for the United States, we need to shine a bright light on detainee treatment. Only when we know the full scale of the problem will we be able to stop, prevent, and correct any wrongs that have been done in our country's name.

And if it is true, as Vice President CHEENEY says, that the prisoners are peddling lies, then let us investigate prisoner treatment so that we have evidence and not just assertions. The United States should be the standard bearer of democracy, freedom and human rights throughout the world.

However, it has been over a year since the story broke about prisoner abuse at Abu Ghraib, and we have yet to conduct a through independent investigation.

Opening the door to an independent investigation would be a major step toward returning our country's standing as a moral leader. And to those who would try to justify what we do by saying, well, it is not as bad as those unpalatable beheadings or other things, well, I should certainly hope not, because we are not like them. We are better than them. We are the United States of America.

And now, those who call on our country to uphold the rule of law and who reject becoming debased ourselves by conducting torture, they become the object of relentless criticism. Those patriots who want to stand up to our values and our belief in the rule of law, we are a proud and a great Nation blessed with immense freedom and with military superiority who proudly defend us. We should not fear the truth; we should demand it with an independent investigation.

Mr. PUTNAM. Mr. Speaker, the gentleman from California (Mr. DANIEL E. LUNGREN) asked a question about the Geneva Convention.

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

Mr. HAYWORTH. Mr. Speaker, I have listened to this debate with interest. And I rise in support of the rule and in support of a realistic foreign policy that some in this Chamber apparently misunderstand.

The actions of September 11, 2001, were not criminal acts; they were acts of war against this Nation.

One of the fundamental problems when you separate all the venom and vitriol that we have heard in this debate and certainly from someone in the other body who compared American fighting men and women to the Soviets with their gulags and the Third Reich and Pol Pot's regime in Cambodia, one of the fundamental problems is to be the willingness of many to equate this with some sort of law enforcement problem. It is not.

And to those who are expending such efforts and such rhetoric on behalf of those who need to be ashamed, I say to you, let me remind you that the Constitution's three first words are "We the people," not "they the terrorists," or "they the insurgents," or "they the accused.

In wartime the Constitution is a mechanism for the survival of the Republic. And as Mr. Justice Jackson pointed out years ago, the Constitution is not a suicide pact. This need not be a partisan controversy. One look only at the History Channel's documentary by columnist Thomas Sowell pointed out 2 weeks ago. Do you know what happened at World War II to unfortunate combatants; that is, those without representing a nation state or wearing the uniform or insignia of a military nation or state during World War II?

When those unlawful combatants were apprehended, they were lined up and shot. The Commander in Chief at that time was Franklin Delano Roosevelt. That was in adherance with the Geneva Convention.

We are in a war where people behead Americans. It would be nice to see one of the passion on behalf of American citizens that we see for the terrorists and their alleged rights. Vote in favor of the rule.

Mr. PUTNAM. Mr. Speaker, how much time remains?

Mr. NORWOOD. Mr. Speaker, I want to take a second to speak to my friend from Florida (Mr. HASTINGS), and he is my friend, but I think he is wrong when he says human rights issues are something that we just do not get, that is wrong. I think he is wrong to do it. I think it is fairly clear to the Members of this body, it is fairly clear to the people of this country, that many of you Democrats are very interested in human rights of the prisoners down in Guantanamo Bay, people who would kill your children, who would kill your families and destroy your homes. And we are interested in getting information in a reasonable manner from prisoners or terrorists in order to save the lives of American people, to save the lives of our military.

So it is a simple matter. It comes down to whose side are you really on?
Are you on the side of the terrorists so you can be against President Bush, or are you on the side of the American people and the American families?

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I answer the gentleman from Georgia (Mr. NORWOOD). I am on the side of the American people and I am on the side of the rights that I believe are principles inherent in our United States Constitution and throughout the United States Constitution.

I do not have time to yield to the gentleman, otherwise I would.

Make no mistake about it, most of us feel as strongly as most of you do, and I do not think that anybody here ought question our patriotism.

This Nation is the greatest Nation on this Earth, and we do not have to have anything to fear. We do not have to have any worry about trying people who harm this Nation.

Mr. Speaker, I will be asking Members to oppose the previous question. If the previous question is defeated, I will modify this rule so we can consider the amendment by the gentleman from Florida (Mr. N ORWOOD) that was rejected in the Committee on Rules last night.

Mr. Speaker, I ask unanimous consent to insert the text of this amendment immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Waxman amendment has been explained. It would establish an independent commission, similar to the 9/11 Commission, to conduct an extensive, bipartisan, and thorough investigation into the multiple accounts of prisoner abuse that have occurred in Iraq, Afghanistan, and Guantanamo.

Mr. Speaker, it has been well over a year since the shocking and humiliating photographs of prisoner abuse at Abu Ghraib first became public. I doubt there is any Member of this Chamber who was not appalled at that disgraceful act. Yet, in spite of these events, the House has done very little of substance.

Mr. Speaker, if you allow me to conclude my statement, a "no" vote will allow Members to vote on the Waxman amendment, so we can take immediate steps to fully investigate these very disturbing incidents of prisoner mistreatment.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a vibrant, robust debate and a good solid beginning of the undeniable debate that will follow on the underlying bill.

In case you missed it from the debate over the rule, there is a lot more to this rule than just Abu Ghraib and Guantanamo. This is an important rule that allows us to consider the intelligence authorization bill that gives our men and women around the world the tools and skill and support they need to win the war against terrorism on our behalf, important new assets in terms of technical capabilities, and a tremendous investment in the most important piece that we have in intelligence, which is those hardworking men and women who were called to public service.

This is a fair rule. It allows for a great deal more consideration of these issues. I really began to discuss in terms of detainees and the role of American intelligence in our society and the tools that they need around the world. I encourage everyone to support it and to support the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 331—RULE FOR H.R. 2475 INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

"In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Section 2 of this resolution, offered by Mr. Waxman of California (a) the extent of the abuses. (b) the role of the United States government, in particular the Office of the President, in the occurrence of the abuses. (c) the extent to which the United States government, in particular the Office of the President, breached its obligations under international law in connection with the occurrences. (d) the extent to which the United States government, in particular the Office of the President, was aware of the occurrence of the abuses. (e) the extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (f) the extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (g) the extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (h) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (i) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (j) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (k) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (l) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (m) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (n) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (o) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (p) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (q) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (r) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (s) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (t) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (u) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (v) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (w) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (x) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (y) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses. (z) The extent to which the United States government, in particular the Office of the President, may have been complicit in the occurrence of the abuses."

Waxman referred to in Section 1 is as follows:

AMENDMENT TO H.R. 2475, AS REPORTED OFFERED BY MR. WAXMAN OF CALIFORNIA At the end, add the following new title:

TITLE V—ESTABLISHMENT OF INDEPENDENT COMMISSION TO INVESTIGATE DETAINEE ABUSES

SEC. 501. ESTABLISHMENT OF COMMISSION.

There is hereby established an independent commission on the Investigation of Detainee Abuses (in this title referred to as the "Commission").

SEC. 502. DUTIES.

(a) INVESTIGATION.—The Commission shall conduct a full and complete investigation of the abuses of detainees in connection with intelligence and intelligence-related activities of Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, including but not limited to the following:

(1) the extent of the abuses. (2) Why the abuses occurred. (3) Who is responsible for the abuses. (4) Whether the following Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses. (5) What policies, procedures, or mechanisms failed to prevent the abuses. (6) What legislative or executive actions should be taken to prevent such abuses from occurring in the future. (7) The extent, if any, to which Guantanamo Detainee Centers policies influence the abuses at the Abu Ghraib prison and other detention centers in and outside Iraq. (8) ASSESSMENT, ANALYSIS, AND EVALUATION.—During the investigation made under subsection (a), the Commission shall assess, analyze, and evaluate relevant persons, policies, procedures, reports, and events, including but not limited to the following:

(1) The Military Chain of Command. (2) The National Security Council. (3) The Department of Justice. (4) The Department of State. (5) The Office of the White House Counsel. (6) The Defense Department and the Central Intelligence Agency. (7) The approval process for interrogation techniques used at detention facilities in Iraq, Cuba, and Afghanistan. (8) The integration of military police and military intelligence operations to coordinate detainee interrogation. (9) The roles and actions of private civilian contractors in the abuses and whether they violated the Military Extraterritorial Jurisdiction Act or any other United States statutes and international treaties. (10) The role of nongovernmental organizations' warnings to United States officials about the abuses. (11) The role of Congress and whether it was fully informed throughout the process that uncovered these abuses. (12) The extent to which the United States cooperated with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

SEC. 503. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom:

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission; (2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission; (3) 2 members shall be appointed by the majority leader of the Senate; (4) 2 members shall be appointed by the Speaker of the House of Representatives; (5) 2 members shall be appointed by the minority leader of the Senate; and (6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NO GOVERNMENTAL APPOINTMENTS.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, human rights policy, and foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall submit a
The Commission may, by majority vote, certify a majority of the Commission, or any member designated by a majority of the Commission.

(ii) PERSONNEL AS FEDERAL EMPLOYEES.—

(a) IN GENERAL.—The staff director and such other personnel as the chairman, in consultation with the vice chairman, may appoint and fix the compensation of, and provide administrative support services for, employees of the Commission.

(b) CONTRACTING.—The Commission may contract directly with any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, for information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, such documents or proceedings, and such testimony as are necessary to enable the Commission to carry out its duties under this Act.

(c) INFORMATION FROM STATE AND LOCAL GOVERNMENTS.—The Commission shall have the right to obtain, to the extent appropriate, all information, documents, and testimony of any witness or other information, including testimony and documents, relating to the purposes of this Act. Any department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics to the Commission, or any member designated by a majority of the Commission, or any member thereof or member thereof, for the purpose of carrying out this title.

(d) INTERIM REPORTS.—The Commission shall submit to Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as may be necessary to enable the Commission to carry out its duties under this Act.

(e) DETAILED.—Any Federal Government employee shall be entitled to serve without reimbursement from the Commission, and such detailed personnel shall retain the rights, status, and privileges of his or her regular employment without interruption.

(f) CONSULTANT SERVICES.—The Commission is authorized to employ consultants as such or to otherwise engage their services with the approval of the Select Committee on Intelligence of the Senate, section 8 of title 5, United States Code, but at rates not to exceed the daily rate paid to a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) OTHER DEPARTMENTS AND AGENCIES.—The Commission may, by majority vote, certify a majority of the Commission, or any member designated by a majority of the Commission.

(h) GIFT OF SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Nothing in this Act, the Commission shall make a report to the Senate and the House of Representatives and the Committee on Intelligence of the Senate, section 8 of title 5, United States Code, that contains in classified form, but may contain a classified annex.

(j) SUMMARY OF REPORT.—The Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as may be necessary to enable the Commission to carry out its duties under this Act.

(k) TEACHING CONTRACT.—The Commission may, by majority vote, certify a majority of the Commission, or any member designated by a majority of the Commission.

(l) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(m) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(n) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(o) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(p) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(q) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(r) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(s) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(t) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(u) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(v) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

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(x) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(y) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

(z) POSTAL SERVICES.—The Commission may contract directly with any executive department, for the performance of services for the Commission.

**CONGRESSIONAL RECORD**

**H4839**

**June 21, 2005**

**CONGRESSIONAL RECORD—HOUSE**

**SEC. 507. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily rate payable to a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5753(b) of title 5, United States Code.

**SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

(a) IN GENERAL.—Subsection (b) of section 508(c) of title 5, United States Code, shall allow the following exemptions to the extent appropriate for executive departments, agencies, and instrumentalties:

(i) IN GENERAL.—Each member of the Commission may be compensated at a rate not to exceed the daily rate payable to a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(ii) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5753(b) of title 5, United States Code.

**SEC. 509. REPORTS OF COMMISSION; TERMINATION OF PROVISIONS.**

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as may be necessary to enable the Commission to carry out its duties under this Act.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as may be necessary to enable the Commission to carry out its duties under this Act.

(c) COMMISSION FUND USE.—The Commission shall provide to the public, the Congress, and the President a final report containing such findings, conclusions, and recommendations for corrective measures as may be necessary to enable the Commission to carry out its duties under this Act.

(d) TECHNICAL ANDrogenic Anabolic Steroids.

(e) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(f) combat the threat posed by androgenic anabolic steroids.

(g) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(h) combat the threat posed by androgenic anabolic steroids.

(i) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(j) combat the threat posed by androgenic anabolic steroids.

(k) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(l) combat the threat posed by androgenic anabolic steroids.

(m) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(n) combat the threat posed by androgenic anabolic steroids.

(o) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

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(q) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(r) combat the threat posed by androgenic anabolic steroids.

(s) Commission may carry out its functions, or any member thereof, for the purpose of carrying out this title.

(t) combat the threat posed by androgenic anabolic steroids.
(In this section, the term “congressional intelligence committees” means—
(A) the Permanent Select Committee on Intelligence of the House of Representatives; and
(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION. 
(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 506(b), except that:
(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING. 

Mr. GENE GREEN of Texas changed his vote from “yea” to “nay.” Mr. GILL MOR and Mr. ISTOOK changed their vote from “nay” to “yea.” So the previous question was ordered. The result of the vote was announced as above recorded. The SPEAKER pro tempore (Mr. HAYES). The question is on the resolution. The resolution was agreed to. A motion to reconsider was laid on the table.

ANNOUNCEMENT OF MEMBERS TO ATTEND FUNERAL OF THE HON. “JAKE” PICKLE 

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006 

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 31, I call up the bill (H.R. 2735) 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 and ask for its immediate consideration. The SPEAKER pro tempore. Pursuant to House Resolution 331, the bill is considered read for amendment.

The text of H.R. 2475 is as follows:

H. R. 2475

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

SECTION 101. AUTHORIZATION OF APPROPRIATIONS. Funds are hereby authorized to be appropriated for fiscal year 2006 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(a) The Office of the Director of National Intelligence.
(b) The Central Intelligence Agency.
(c) The Department of Defense.
(d) The Defense Intelligence Agency.
(e) The National Security Agency.
(f) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(g) The Department of State.
(h) The Department of Energy.
(i) The National Reconnaissance Office.
(j) The National Geospatial-Intelligence Agency.
(k) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS. (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS. (a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify promptly the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.
be appropriated under section 101, and the au-
thorized personnel ceilings as of September 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such Schedule shall remain available untilSep-
tember 30, 2006, for the conduct of the intelligence and intelligence-related activities of the elements listed in such Schedule and to the President. The Presi-
dent shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, for purposes of the exercise of the Delegated Authority for the Director of National Intelligence. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, for purposes of the exercise of the Delegated Authority for the Director of National Intelligence. The Director of National Intelligence shall notify promptly the Select Committee on Intel-
ligence of the Senate and the Permanent Select
Committee on Intelligence of the House of Rep-
resentatives of the inclusion of any new person-
elnel in the Schedule of Authorizations prepared to ac-
company the bill H.R. 2475 of the One Hundred
Ninth Congress.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the
approval of the Director of the Office of Man-
agement and Budget, the Director of National Intel-
ligence may authorize employment of civil-
ian personnel in excess of the number author-
ized for fiscal year 2006 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notif-
y promptly the Select Committee on Intel-
ligence of the Senate and the Permanent Select
Committee on Intelligence of the House of Rep-
resentatives of the inclusion of any new person-
elnel in the Schedule of Authorizations prepared to ac-
company the bill H.R. 2475 of the One Hundred
Ninth Congress.

SEC. 104. INTELLIGENCE COMMUNITY MANAGE-
MENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2006 the sum of $466,141,000. Within such amount, funds identified in the classified Schedule of
Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) AUTHORIZED PERSONNEL LEVELS.—The ele-
ments within the Intelligence Community Man-
agement Account of the Director of National In-
teligence are authorized 817 full-time personnel as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Ac-
count or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addi-
tion to amounts authorized to be appro-
priated for the Intelligence Community Manage-
ment Account by subsection (a), there are also authorizations classified for the Inte-
ligence Community Management Account for fiscal year 2006 such additional amounts as are specified in the classified Schedule of
Authorizations referred to in section 102(a). Such addi-
tional amounts for advanced research and de-
velopment shall remain available until Sept-
ember 30, 2006.

(2) AUTHORIZATION OF PERSONNEL.—In addi-
tion to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account of September 30, 2006, there are also authorized such additional per-
sontal for such elements as of that date as are specified in the classified Schedule of Author-
izations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 401a(6)), during fiscal year 2006 any of-
er or employee of the United States shall be

TITLe Ii—Central intelligence agen-
cy retirement and disability sys-
tem

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Dis-
ability Fund for fiscal year 2006 the sum of $244,000,000.

TITLe III—General proviSions

SEC. 301. INCREASE IN EMPLOYEE COMPENSA-
TION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for sal-
ary, pay, retirement, and other benefits for Fed-
eral civilian employees of the Intelligence Com-
unity shall remain available until the amounts authorized to be appro-
priated for the Intelligence Community Manage-
ment Account as of September 30, 2006. Personnel serving in such elements may be permanent employees of the Intelligence Community Manage-
ment Account or personnel detailed from other elements of the United States Government.

SEC. 302. RESEARCH ON CONDUCT OF INTEL-
LIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Con-
stitution or the laws of the United States.

SEC. 304. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Paragraph (5)(B) of section 102(a) of the Na-
tional Security Act of 1947 (50 U.S.C. 403-1), as added by section 101(a) of the National Se-
curity Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643), is amended by striking “or the President” in the second sentence and inserting “or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”. Chief intelligence officer (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(6)))]

SEC. 308. SENSE OF CONGRESS ON BUDGET EXECU-
TION AND BENEFITS AUTHORITY PROCEDURES.

It is the sense of Congress that the Director of National Intelligence should expeditiously establish the necessary budgetary procedures with the heads of departments and agencies or organizations within the intelligence community, and the heads of such agencies and organizations, in order to—

(1) implement the budget execution authorities provided under, and submit the reports to Con-
gress required by, subsection (c) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-3e), as added by section 101(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643); and

(2) carry out the duties and authorities of the Director of National Intelligence with respect to the transfer and reprogramming of funds under the National Intelligence Program under subsection (d) of such section, as so amended.

SEC. 309. SENSE OF CONGRESS WITH RESPECT TO MULTI-LEVEL SECURITY CLEAR-
ANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system for the National Intelligence Community to leverage the cultural and lin-
guistic skills of subject matter experts and indi-
viduals proficient in foreign languages critical to national security.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the fur-
ther amendment printed in the report, if offered by the gentleman from New York (Mrs. MALONEY), or her des-
ginee, which shall be in order without regard to the time, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from California (Ms. HARMAN) each will con-
trol 30 minutes of debate on the bill.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker. I rise in strong support of H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006. This is a very good bill, a bill we can very
proud of, and a bill that every Member of the House can and should support.

Before I talk about some of the details in the bill, I would like to recognize the gentleman from California (Ms. HARMAN). We have worked hard on the Permanent Select Committee on Intelligence to keep this committee focused on the job that needs to be done and to do so on a bipartisan basis, and I thank the gentleman for working with us in that process and being able to maintain that spirit as we bring this bill to the floor. I believe this is a bipartisan bill that every Member of this Congress will be proud of, and a bill that every Member of this Congress will support.

Mr. Speaker, 3 years ago when he was chairman of the Permanent Select Committee on Intelligence, Porter Goss, now director of the Central Intelligence Agency, asked me to take a strategic look at the technical capabilities within the United States intelligence community. He wanted me to see how all our technical intelligence collection systems all work together, evaluate their individual contributions to national security, and see if there were redundancies to understand the affordability of the many systems and, most importantly, understand the impact on the rest of the intelligence community.

What Mr. Goss really asked us to do was to go back, and we have expanded that in the committee over the past 8 or 9 months, to take a look at the strategic framework that we face in the world today and how we should respond to the threats. So we spent a considerable amount of time looking at the threats that America faces: What is the threat environment that is out there today; what do we expect it to be in 3, 5 and 7 years, so we can shape the proper intelligence community to give our policymakers and our military the right information to make good decisions and keep our soldiers safe.

We then took that to take a look at the feedback we have gotten from the 9/11 Commission, the feedback we have gotten from the WMD Commission as to the particular strengths within the intelligence community and also some of the particular weaknesses.

So as we put this bill together, we really focused on making sure that we had a good balance between our human capabilities, the investment we were making in our human capabilities for the long term, and the investment we were making in our technical capabilities. This bill does that by investing more in our human capabilities.

On the technical capabilities, it takes a very, very hard look at the different programs that we have in place there. It makes sure that what we do is put in place programs that will complement each other, give us the information that we need, and hopefully put us on a framework and on a pathway to balance our human capabilities with our technical capabilities.

Also in that area, this bill moves forward and holds some of our contractors accountable for their performance. This is an area where tactically we may disagree on some of the points on how to make that happen, but we are very much in sync on a bipartisan basis that we need a strategic plan and we need to have our contractors perform. It will take some work for a discussion we will have throughout this year about how to make sure that in a time where we have limited budgets and limited programs underway, that we maintain the industrial base here in the United States.

So there are a lot of things that we do in this bill to make sure that we have got the balance and are moving in the right direction on our technical capabilities.

Another key element of this bill is we have heard consistently from our field personnel and others within the intelligence community, especially those involved in the counterterrorism effort, that we cannot fund counterterrorism budgets and what we did in this bill is we have authorized the majority of the dollars that we believe will be needed to build our intelligence capability and to fund the war on terrorism.

We think it is important to send to the intelligence community a clear signal of how much money they are going to have so they can do the appropriate planning and the ramping up of resources in the waging of this global war on terror.

As I said at the beginning of my statement, we have done this on a bipartisan basis. We have taken a strategic look at what the intelligence community, where it needs to be and where it needs to go. We are going to continue working in that effort. I think as Members see through the debate, we have made a lot of progress and there is more work to do.

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

Ms. HARMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2475, the strongest intelligence authorization bill to emerge from the Permanent Select Committee on Intelligence in recent memory. Without the funding authorized in this bill, the brave men and women of the intelligence community would not be able to do their jobs which are so vital to the defense of our country. A number of members of the committee have visited these intelligence professionals in some of the most austere places of the world, and they deserve our gratitude and support.

I appreciate the comments of the gentleman from Michigan (Mr. HOEVENSTRA) and thank him and all of the members and staff of our hardworking committee for their bipartisanship and patriotism. As one of our members, the gentleman from Maryland (Mr. RUPPERSBERGER) often says, we put America first.

Our members have made a difference. In April 2004, all nine Democrats on the Intelligence Committee introduced legislation that became the basis for the 9/11 Commission’s Report and the intelligence reform legislation passed by Congress last fall. That reform dramatically reshaped our intelligence community, unifying 15 agencies under the leadership of a director of National Intelligence.

This year’s intelligence authorization bill authorizes funds for that new office. The DNI must succeed in his job and he deserves our support. He is responsible for ensuring that intelligence is timely, accurate and actionable. To do this, he needs authority to build and execute budgets and move personnel. So I am pleased that we removed a provision in this bill that would have severely eroded the DNI’s authority to move personnel around the intelligence community.

Mr. Speaker, in the fight against terrorists, intelligence is the tip of the spear. Some see this fight as a traditional war, requiring wartime emergency budgets and wartime authorities for the President. That may have been the right approach immediately after 9/11. We fought a war in Afghanistan and achieved an impressive victory.

But the terrorist threat has changed. Today we no longer face a centralized top-down terrorist organization operating out of one country. We face a network of loosely affiliated terrorist groups which operate as franchises around the world, and that is why I believe we are living in an era of terror.

This legislation could in good things to help us achieve victory in an era of terror.

First, it ends our reliance on emergency supplemental budgets for counterterrorism. The budget the President sent to Congress this year funded less than 40 percent of the intelligence community counterterrorism requirements, leaving the rest for emergency supplements. This bill changes that on a bipartisan basis, and we fund 100 percent of GT requirements.

Second, this legislation incorporates a resolution introduced by all nine Democrats, urging the new DNI to establish a multi-tiered security clearance system to allow patriotic Americans with relatives in foreign countries to obtain security clearances and serve our Nation. It is high time we do this. This will help with field officers who can speak the languages and blend in with terrorist groups, penetrate proliferation networks, and recruit spies against the toughest targets.

Victory in an era of terror will not be achieved by military might alone. Mr. Speaker, victory will require America to win the argument for the hearts and minds of the next generation in the Arab and Muslim world. I fear that we are presently losing that argument.

The ongoing revelations about abuses at Guantanamo and elsewhere undermine our ability to maintain the moral high ground and be seen as a beacon of democracy and human rights.
rights. I am encouraged that our committee’s new oversight subcommittee is investigating abuses that have occurred in our interrogation and detention programs within the intelligence community. This is a serious bipartisan investigation. But I also support a broader public bipartisan inquiry into detention policies across the government so that our efforts to fight the terrorists do not become a moral black eye for America that undermines our security.

One area where this legislation can be improved, Mr. Speaker, is in its approach to technical systems. The details of these systems are classified and cannot be discussed openly. But I am concerned that we have made sudden, drastic cuts to certain programs that may lead to a gap in our intelligence capabilities and erode the industrial base needed to develop critical capabilities in the future. I am pleased that the committee has worked on strengthening this problem with me as the bill moves to conference.

Overall, Mr. Speaker, this is strong legislation that puts us on the right track. It is a victory in an era of war on terror. There is more, much more, we must do and will do. The brave men and women of the intelligence community deserve nothing less.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a member of the committee.

Mr. RENZI. Mr. Speaker, I rise in support of H.R. 2475. As a member of the Permanent Select Committee on Intelligence from Arizona, securing our borders has become one of our top priorities. Intelligence and border security go hand in hand as America strengthens and secures its borders, particularly in the Southwest. This bill funds activities necessary to keep America safe and, under the gentleman from Michigan’s leadership, for the first time this bill helps to provide our Nation with actionable intelligence when it comes to border security.

This legislation addresses the critical need for enhanced counter narcotics and counterterrorism collection and analysis throughout Mexico and Central and South America. It provides full funding to the director of National Intelligence to develop and implement a comprehensive intelligence collection strategy, including the illegal flow of drugs, contraband and special interest aliens. In addition, this bill authorizes the necessary funds to provide the intelligence community the resources required to fulfill the intelligence operations performed by other presidential intelligence missions around the globe. The bill increases the funding over last year that provides additional personnel billets for linguists, analysts and human collection, invests in new facilities and training opportunities, and develops innovative technical tools.

In line with the President’s priorities, this legislation significantly enhances our global human intelligence collection capabilities. Human intelligence requires boots on the ground across the globe and those boots need linguistic skills, deep cultural and trade craft training, technical tools and equipment. H.R. 2475 provides for these and the people and the infrastructure to expand and improve U.S. human intelligence collection in regions around the world. Experts estimate that almost 100 foreign antiterrorist, Iraqi and nonstate actors actively engaged in espionage against the United States. H.R. 2475 significantly reduces these threats and improves our counterintelligence activities. Intelligence is our first line of defense. Actionable intelligence saves lives and determines battlefield victory. I ask my colleagues to support this bipartisan bill and help reduce the threat and make America more secure.

Mr. HARMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who is ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, a mouthful that we call HACI. (Mr. BOSWELL was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I do rise in support of H.R. 2475. It may not be a perfect bill, but there are many, many things in this bill that I would have liked to see include a provision that would have undermined the authorities of Ambassador Negroponte, the newly appointed director of National Intelligence. My colleagues and I put a lot of effort into passing an intelligence reform bill last year. That should remove impediments for making this a bipartisan bill and working together. I think a lot of credit also goes to our very capable staff who have worked very hard and very professionally to pull together a very good piece of work.

The technical and tactical subcommittee has been very active over the last 5 months looking at our intelligence systems as they relate to the military and also the high-cost technical collection that our Nation relies on. The members of that committee have given their personal time and traveled in many instances across the country, and I wanted to thank the members of the subcommittee and particularly the gentlewoman from California (Ms. ESHOO) for working very hard in this area. We have tried to understand what works, what is not working, do a detailed review of some of these very expensive programs, looking at our collection and making sure that the authority to transfer people to new intelligence centers if and as needed.

To tie Ambassador Negroponte’s hands before his organization has been stood up, it did not seem like a smart thing to do. I would not have supported this bill had the provision limiting the DNI’s personnel transfer authorities not been taken out of the bill.

I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) for their efforts to remove this provision and I thank 9/11 Commission chairmen, Governor Tom Kean and Congressman Lee Hamilton, for clearly stating their opposition to it. I look forward to us addressing the other recommendations by the Commission. It is also my belief that the DNI has to control the money to be able to fulfill his charge of responsibility.

I am pleased that this year’s authorization bill also fixes the number one issue my colleagues and I raised last year, full funding for counterterrorism operations. H.R. 2475 authorizes full funding for the intelligence community’s counterterrorism operations this year. That should remove impediments to the intelligence community’s ability to plan their operations. Maybe this will be the year we are able to hunt and destroy Osama bin Laden. I certainly hope so and I know my colleagues feel that way. The world will be better off once he is taken care of.

Again, I thank the gentleman from Michigan and the gentlewoman from California for leading the Intelligence Committee in a bipartisan fashion. National security must be a bipartisan issue and that is the direction the committee is returning to.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the chairwoman of the Subcommittee on Technical and Tactical Intelligence.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the gentleman for bringing forward this bill and I want to thank the ranking member for making this a bipartisan bill and working together. I think a lot of credit also goes to our very capable staff who have worked very hard and very professionally to pull together a very good piece of work.

This bill strengthens human intelligence. It strengthens our analytical
capability. It strengthens translation and language capability. And we insist that systems have to include plans to task sensors, exploit the bits and bytes that come out of sensors, and disseminate information to people who need it. If you do not have that, what you really have is a bunch of intelligence capability. In short, we have come forward with an integrated strategic approach to the purchase of high-cost technologies.

We have much work yet to do to win the war on terrorism. When we win it, it will be because of two things: the bravery of our soldiers and the superiority of American intelligence. I thank the gentleman for bringing this bill forward. I look forward to voting for it.

Mr. HARMAN. Mr. Speaker, the new news on our committee is that we have stood up an oversight subcommittee. Much discussion has been made about this already today.

It is my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAZMER) who is ranking member of the intelligence oversight subcommittee.

Mr. CRAZMER. Mr. Speaker, I thank the ranking member. I thank the chairman and the staff of both sides of the aisle. I stand in enthusiastic and strong support of H.R. 2475. This bill addresses several issues of great concern to the members of the committee and, in fact, to all Americans. These issues are raised, and detailed by several blue ribbon commissions that reviewed the performance of the intelligence community after 9/11 and by the Congress in the intelligence reform bill that was passed last year.

This bill involves an analytical initiative that draws on expertise resident at three centers: the Missile and Space Intelligence Center in Huntsville, Alabama; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Huntsville, Virginia. These centers will collaboratively assess the vulnerabilities of aircraft to foreign missiles and other airborne threats and will develop countermeasures to protect commercial aircraft at home and protect military aircraft for our troops in Iraq and Afghanistan. The bill provides for much needed upgrades to information networks in these centers, allowing them to eliminate possible information gaps and to integrate information. As recommended by the WMD Commission, this will ensure that analysts and operators have the information they need when they need it.

Last year’s intelligence legislation significantly reformed the intelligence community. Real reform, however, requires accountability and oversight. I want to thank the chairman and the ranking member. This year, we have set up, and the gentleman from Texas (Mr. THORNBERY) is here and I assume is going to give a few minutes. Well, this oversight subcommittee. This oversight subcommittee has been working just as it should work. I am encouraged by our efforts to date to provide meaningful congressional oversight of the entire intelligence community. We have initiated in-depth reviews of intelligence community interrogation and detention operations, and we are actively pursuing answers to tough questions. We are also monitoring the standup of the new DNI, ensuring that the intelligence community implements the changes specified in the legislation.

Again, I thank the chairman. I thank the ranking member. We are off to a fine start and this is an excellent bill. The Members should support it.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERY), the chairman of the Subcommittee on Oversight who has been working very effectively with the gentleman from Alabama (Mr. CRAZMER) to do the work that an oversight subcommittee is expected to do.

Mr. THORNBERY. Mr. Speaker, I thank the chairman for shielding me this time, and I rise in support of this bill. I also rise in appreciation for the work that the chairman and the ranking member have done in this bill and in fulfilling Congress’ role vis-a-vis the intelligence agencies in general. Further, I appreciate my partner on the oversight subcommittee, the gentleman from Alabama (Mr. CRAZMER), and all that he means to this joint effort.

Mr. Speaker, the members of this committee are serious, hardworking, knowledgeable, committed members. So much of what we do on the Intelligence Committee is done behind closed doors. That can be an advantage and a disadvantage. It is an advantage, in a sense, not to do work in front of the television cameras and without press releases and without all the partisanship that sometimes attends some of what we do in Congress. It can be a disadvantage because we cannot talk with our constituents or even many of our colleagues about what we do. The only reason to be on this committee is to contribute to the national security of the country, and I believe that all members on both sides of the aisle in fact do that.

At the beginning of this Congress, the chairman and the ranking member decided to create an oversight subcommittee. It became clear from the report of the 9/11 Commission, from the Rob Silverman Commission on Weapons of Mass Destruction, in fact, a host of other studies and reports, some even before the attacks of September 11, 2001, that Congress has to do its job.

It is not enough just to say that the executive branch needs to change the way it does its work in the post-Cold War world. We have to do our job as well, and we should expect more of ourselves.

One of the things we have done differently is to create this oversight subcommittee to, as I mentioned a few moments ago, have greater depth but also greater persistence in our oversight of key intelligence issues. The rules of the full Permanent Select Committee on Intelligence give us our mandate this year, which include oversight of the intelligence reform bill and the congressionally directed actions.

That is our mandate and it is a full plate, but members on both sides of the aisle are going about that agenda working in not just a bipartisan but really nonpartisan way.

And, in addition, I think Members on both sides agree with the Robb-Silberman panel when they suggest that we should have these oversight subcommittees, but we should not just hop around following newspaper articles and doing our efforts, that we ought to have strategic oversight. In fact, they say on page 338 of their commission report, ‘‘we suggest that the oversight committees limit their activities to ‘strategic oversight.’’’

That is exactly what the gentleman from Alabama (Mr. CRAZMER) and I are attempting to do: to be tough but fair, to not be apologists for the administration but not to be bashers of the administration, to try to pursue the national security interests of the country as it relates to intelligence oversight. That is the way serious oversight is done, and I look forward to continuing to work from that perspective.

Ms. HARMAN. Madam Speaker, my home State of California produces many of the platforms and systems that give us the technological intelligence, and I yield 2½ minutes to the gentleman from California (Ms. ESCHOO), my California friend, ranking member of the Technical and Tactical Intelligence Subcommittee of the Permanent Select Committee on Intelligence.

Ms. ESCHOO. Madam Speaker, first I would like to thank the gentleman from California (Ms. HARMAN), our distinguished ranking member, for her exceptional leadership on the committee; certainly to the gentleman from Michigan (Chairman Hoekstra) for the tone that he has brought to the committee. I think it is much improved, and I think it is a result of the bipartisan-ship that we have enjoyed since the chairman has arrived that we see it in this piece of legislation which I am proud to support.

I am especially pleased to see the multilevel security clearance legislation introduced in March by committee Democrats, my colleagues that I am so
Mr. HOEKSTRA. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), a new member of the committee, a very valuable member, and also a member of the House Committee on Armed Services. Mr. MCHUGH, Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of this legislation, H.R. 2475. As the distinguished chairman so graciously recognized, I am one of the newer members of this committee; and I must say in that respect, I am enormously impressed by the bipartisan attitude that all the members bring to this very important issue, that of national security and its interface with our intelligence communities. That is a tribute to all of the members, Democrat and Republican alike, but I think it is a particular tribute to the distinguished gentleman from Michigan (Chairman HOEKSTRA) and also the gentlewoman from California (Ms. HARMAN), ranking member, who have worked so well and provided that leadership of bipartisanship.

The chairman noted, Madam Speaker, that I am a member of the House Committee on Armed Services, and in that capacity I have the honor of serving as a member of the Personnel Subcommittee; and as such, I have been particularly interested in programs that aid the warfighter, those brave men and women who are putting their lives on the line each and every day for our freedoms and for our interests. And I am pleased to report that this legislation contains very important increases in funding for military intelligence programs.

In particular, H.R. 2475 includes significant increases in funding for operations in Iraq, Afghanistan, for the global war on terrorism, and thereby decreases the reliance on supplemental budgeting. Budgeting by supplemental, at least in my opinion, Madam Speaker, is inefficient, and decreases the effective planning of our intelligence operations. And this bill very importantly takes a major step away from reliance on those supplementals and seeks to provide full funding to fight terrorism and for intelligence operations in Iraq.

There is also increased funding for critical initiatives such as foreign language training for our troops in the field and for greater numbers of defense intelligence personnel in government. Authorization bill builds upon actions already taken by the House Committee on Armed Services dictating a career path for military linguists, and we should be very proud of this initiative in these words.

The net result, Madam Speaker, is that our intelligence personnel and our military will be better trained and equipped to perform their invaluable missions. These are important steps, and they have been taken with the necessary cooperation with the Committee on Armed Services. And I am happy to report that the Permanent Select Committee on Intelligence has worked very closely with the gentleman from California (Chairman HUNTER), with the gentleman from Missouri (Mr. SKELTON), distinguished ranking member, with respect to our authorizations. And I would certainly argue that they complement each other very closely. To the extent that there are differences, and I think differences are and will continue to be inevitable, I know all of us on both sides of the aisle and in both committees will work to constructively breach those differences and come to agreements on remaining issues as the authorization process continues.

So I urge unanimous support of this very fine piece of legislation.

Ms. HARMAN. Madam Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), ranking member on the Intelligence Policy Subcommittee.

Mr. HOLT. Madam Speaker, I thank the gentlewoman from California for yielding me this time, and I also thank the chairman and the staff for putting together in a congenial atmosphere a good bill.

There are some good features to the bill, and I am pleased that it gives the new Director of National Intelligence the authority and resources necessary for him to succeed, and I am also satisfied that the bill gives the intelligence community 100 percent of the funds that it needs for counterterrorism programs. I am encouraged by the bill’s emphasis on human intelligence and the recommendation to create a multi-level security clearance system that will allow the intelligence community to harness the power of America’s diversity.

More must be done, however, to encourage the use of open source, or public, information. Last year we gave the intelligence community an urging to increase its collection, analysis, and use of open-source information. And I look forward to working with the DNI to move these efforts forward.

I am also pleased that the bill advances our foreign language training efforts within the intelligence community, and I will continue to work with my colleagues to strengthen our language capabilities throughout the Federal Government.

I do want to express serious concern about a couple of matters. First, the administration’s recommendations to close or realign military bases has the potential to disrupt vital intelligence expertise. Bases like Fort Monmouth, in my home State of New Jersey, play critical intelligence roles that have not been taken fully into account in the process. I would like to thank the chairman and ranking member for urging the Director of National Intelligence to evaluate the effect of base realignments on intelligence capabilities, and I will include their letter at this point in the RECORD.
Madam Speaker, I also express my deep disappointment with the decision of the Committee on Rules to disallow a moderate and reasonable amendment by the gentleman from California (Mr. Waxman) that would have mandated the creation of a 9/11-style commission to investigate how the executive branch has handled detainees. We need that investigation, and we can do some of it. This Committee has to do need a public 9/11-style commission.

Madam Speaker, I support this bill, and I urge my colleagues to support it as well.

Mr. HOEKSTRA. Madam Speaker, I respectfully suggest the balance of my time.

Ms. HARMAN. Madam Speaker, I served for 6 years on the Committee on Armed Services and came to admire greatly our next speaker.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. Skelton), ranking member.

Mr. SKELTON. Madam Speaker, I certainly thank the gentleman for yielding me this time. She is doing such a superb job on the Permanent Select Committee on Intelligence. We thank her for her efforts, along with the chairman as well.

Let me say I rise in support of this intelligence authorization bill. In doing so, I want to make a few observations about the state of our national intelligence capabilities, as well as some comments about the bill.

Within the span of 2 years, the United States had two very obvious and public intelligence failures: the September 11, 2001, terrorist attacks; and the completely incorrect conclusions reached about Iraq’s weapons of mass destruction programs. These and other failures have been recognized by both the 9/11 Commission and the Robb-Silberman Commission on Weapons of Mass Destruction.

Last year’s intelligence reform bill was an important first step in rectifying weaknesses in our intelligence capabilities. I believe intelligence is the tip of the spear. It is the tip of the spear in helping our warfighters. The new Director of National Intelligence represents an important benchmark in the creation of a Goldwater-Nichols-like structure for our intelligence community.

The Goldwater-Nichols law, as we all know, altered command relationships among our military services in such a way that has fostered joint operations and enabled the USAF to become the very best in the world.

I am optimistic that the new director of Intelligence will be able to unify the group of disparate intelligence organizations that comprise the intelligence community to produce better capability, communication, and interoperability than has been the case in the past. I am also optimistic that the gentleman from California (Chairman Hunter) and the gentleman from Michigan (Chairman Hoekstra) have been able to resolve their differences over the transfer of personnel who perform intelligence functions.

While the establishment of the director of National Intelligence is an important step, I believe much more remains to be done if we are to really improve our intelligence capability. First, I think Congress needs to do a better job of overseeing our intelligence operations than it has in the past. My own view is that some of our intelligence failures could have been avoided with vigorous congressional oversight.

Second, we need to aggressively follow up on the 9/11 Commission’s recommendations.

We need to expand our efforts to secure international stores of nuclear materials, particularly in the nation of the former Soviet Union. Governor Kean, co-chair of the 9/11 Commission, recently said there is no greater danger to our country than a terrorist group acquiring these materials. I want to echo his concern that we must be sensitive to the fact that intelligence activities can sometimes intrude upon the lives of Americans. In a free society, we must have checks and balances.

I think we need to appoint a Federal civil liberties board to prevent and redress constitutional abuses by intelligence and law enforcement agencies. Although the administration has created a civil liberties board, the administration has yet to name any members to the board, something that is long overdue.

Madam Speaker, this is a good bill I believe members should support. I commend the gentleman from Michigan, Chairman Hoekstra, and the gentlewoman from California, Ranking Member Harman, for a job well done.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. Hunter), the chairman of the House Committee on Armed Services, and our partner in making sure that we have a solid and strong intelligence community as well as the best fighting forces, the best military in the world.

Mr. HUNTER. Madam Speaker, I want to thank the chairman for his kind words. It is appropriate that I follow the ranking member of the Committee on Armed Services, the distinguished gentleman from Missouri and his colleagues, because I, along with Goldwater-Nichols, and Goldwater-Nichols did drive jointness in the military.

Another thing that Goldwater-Nichols did, and it was primarily a result of the muscle in London with the marines, is to drive what was known as the chain of command rule, meaning that when you had a combatant commander, formerly known as a CINC, that combatant commander was in charge of everything in that warfighting theater, whether it was a rivet joint aircraft or a soldier or a marine, special operator, or a tactical intelligence gatherer in that area. That was a major issue that we had to work out. We had to build protection for the chain of command, and, at the same time, afford to the national intelligence gatherers the resources and the opportunity to carry out their mission.

I think that the bill, the 9/11 bill did a pretty good job of that, and I want to commend the gentleman from Michigan (Chairman Hoekstra) and the gentlewoman from California (Ranking Member Harman) for their participation.

Mr. SKELTON. Madam Speaker, I really look forward to Mr. Negroponte getting off to the right start. He is a guy with a lot of good judgment, great experience in very difficult and inconvenient and dangerous missions, in my estimation, and I think that is probably a requisite for this job.

I want to thank the gentlewoman from Michigan (Mr. Hoekstra) also, because they wrote a couple of provisions in this bill that we thought had a chain of command problem, and he looked at those and worked on them and took them out in the rule, and I want to let
him know I appreciate that. That was important to us. We are working togeth-er, and we both want to see this new apparatus, this intelligence apparatus that has to work so well with the defense apparatus moving off to a good new start in this fight against terror.

So much credit to the chairman and thanks to the ranking member. We have a lot of work to do, but we have a good bill here, and I hope every Mem-ber supports it.

Ms. HARMAN. Madam Speaker, I yield myself 15 seconds to say to the last speaker that I applaud his comments about the need for this new legis-lation to succeed. It is critical, in my view, to move from a 1947 business model, which is the one we were oper-ating under, to this one.

I also would point out to our col-leagues, as the last speaker knows, that battlefield intelligence is not included in the DNI construct that we built.

Madam Speaker, it is now my pleasure to yield 2 minutes to the gentle-man from Maryland (Mr. RUPPERSBERGER), a recent addition to our committee, who is a very active member of our new Subcommittee on Oversight.

Mr. RUPPERSBERGER. Madam Speaker, as my colleagues have point-ed out, a lot of good, hard, work has been put into this bill, which places our committee and the intelligence community on the path of success for achieving the goals set forth in the recom-mendations of the 9/11 Commission and the WMD Commissions. The turf battles are ending and we now have a director of National Intelligence to oversee and coordinate efforts, but we still need to do a considerable amount of work there concerning how those committees will be formulated and what budgetary appropriation aspect will be within what body. We need re-newed oversight, and the Sub-committee on Oversight that has been formed and mentioned earlier is an im-provement.

Unfortunately, and quite wrongly, it is the rare but overlooked publicized failures that they are credited with. I stand here today and say thank you to these tremendous people. They deserve our support, and that is what we are doing with this bill today.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I as-sociate myself totally with the com-ments that our chairman just made.

Madam Speaker, it is now my pleasure to yield 2 ¼ minutes to the gentle-man from Massachusetts (Mr. TIERNEY), our rookie on our side.

Mr. TIERNEY. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise to discuss H.R. 2475. It is a bill that, as people have said, takes a num-ber of steps to strengthen our intel-ligence capabilities and, for those rea-sons, is supportive. Nevertheless, like most bills, it has parts that need to be moved on and worked on still.

As was mentioned, I am new to this committee, so first I want to recognize the efforts of all of my colleagues on the committee and the staff who did incredible work on this. I also want to acknowledge the fact that my minority colleagues have been outspoken during the past couple of years on a number of issues, and I want to thank them and my majority colleagues for incor-porating those issues in this bill and, of course, the majority adding their own approval.

On the plus side, as has been men-tioned, 100 percent funding for counter-terror in the base budget is a huge step forward. We need to make sure we build on that. The White House pro-posal to fund 60 percent of that in a supplemental budget would have under-mined our plans and no 100 percent is a big step in the right direc-tion. The bipartisan willingness to keenly scrutinize architectural pro-grams for the quality, for the program management, for the budget responsi-bility, for cost is also important. It is helpful to allow for investments in human intelligence, and it can bring more public confidence to the work we do in this area.

I think it would be well-placed to put that kind of scrutiny on the whole budget, but as was mentioned, we should con-sider making more of the Select Committee on Intelligence budget process public, to the extent possible, including at least the aggregate amount of money being spent so that the public will be able to focus on that and have more confidence.

The best intelligence oversight be-gins with looking at the 9/11 Commis-sion’s recommendations for reform of Congress’s intelligence committees. We should do that, but at the same time, it is important to build on our current legislative efforts, to make sure aggressive intelligence work is done.

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taken. It is my belief, and we have seen it today, that we may be harshly criticized by some for being too bold or aggressive with some of our actions. Indeed, we have already been told that we were not incremental enough. I want to say to the gentlemen who take such positions that

There is no question that what is being proposed today is bold and sweeping in some areas. Without getting into the classified specifics, based on our strategic review, we are cutting back dramatically, in some cases, on some technical programs that have had poor performance or could be modified for better utility for the Nation's intelligence efforts. We are terminating some programs that we do not believe fit in the overall architecture for the intelligence community. We have analyzed these programs extensively, asked the tough questions, and focused on the resulting intelligence output. To paraphrase from a Hollywood movie line, these programs have been weeded, they have been measured, and they have been found wanting.

We are then taking the resulting savings and applying that to historically underfunded areas in the human intelligence and human capital areas. Specifically, we are focusing needed emphasis on adding human intelligence specialists, improving the training of analysts, improving the training of case officers, and making more robust the infrastructure necessary to gain their expertise, and then better employ that expertise.

We have quite simply in the past paid too much lip service to those basic needs, while continuing to fund expensive technical programs that, although important, do not make up for the lack of analysts, lack of worldwide coverage, lack of training, and lack of basic infrastructure. In sum, we are doing the heavy lifting that should have been done long ago. We are acting boldly and positively on the task our former chairman gave us.

Madam Speaker, I reserve the balance of my time.

Ms. HARMAN. Madam Speaker, I yield myself 1 minute to comment on the remarks the chairman just made.

Madam Speaker, it is not a zero-sum game, it is not a trade-off between what we call HUMINT, that is, human intelligence, and technical programs that have had poor performance or could be modified for better utility for the Nation's intelligence efforts. We are terminating some programs that we do not believe fit in the overall architecture for the intelligence community. We have analyzed these programs extensively, asked the tough questions, and focused on the resulting intelligence output. To paraphrase from a Hollywood movie line, these programs have been weeded, they have been measured, and they have been found wanting.

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Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, we have no additional speakers at this time either, so I believe I have the right to close. The gentlewoman from California will close on her side, and we will have no additional speakers. I will close on our side.

Ms. HARMAN. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, the last 4 years have witnessed two of the worst intelligence failures in our Nation's history. Congress passed intelligence reform and created the DNI position to give the brave women and men of the intelligence community the tools they need to collect and analyze accurate and timely intelligence.

We cannot have any more catastrophic failures where we fail to connect the dots or believe too fervently in the claims of bogus sources. This legislation, the authorization bill we are considering today, is the first funding bill under our new intelligence organization.

This bill reflects the new world we live in, a dangerous world that has gotten more dangerous since September 11; and we need to be involved, and more heavily involved, to protect all Americans, no matter where they are on this planet and the bill does that.

Representing one of the most diverse congressional districts in the U.S., I interact with a number of immigrants and their families who are from every corner of the globe. And the one thing that unifies them all is their love of this great country. And they can and will be helpful in helping this country infiltrate terror networks that threaten our country.

This bill will help them do that.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I want to just first compliment the chairman and ranking member for their excellent work on this legislation, their excellent work in general, and frankly the work that they have done in helping to create such a strong structure for intelligence.

The Cold War is over. The world is a more dangerous place. We need to be able to not contain and react to an event; we need to be able to detect and prevent it. It means that we need very good intelligence, both intelligence directed with technology and intelligence that occurs from very good human capital.

I think the gentleman from Michigan (Mr. HOEKSTRA) and our incredible ranking member, the gentlewoman from California (Ms. HARMAN), have done an excellent job in drafting this legislation. My compliments to both of them. They give credit to the full Congress and the work that they have done.

Ms. HARMAN. Madam Speaker, I thank the last speaker for his generous words and ask how much time remains on each side.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentlewoman from California (Ms. HARMAN) has 8 minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 8½ minutes remaining.

Ms. HARMAN. Madam Speaker, we at the moment have no other speakers on the floor. And I reserve the right to close for our side.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, we have no additional speakers at this time either, so I believe I have the right to close. The gentlewoman from California will close on her side, and we will have no additional speakers. I will close on our side.

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This bill reflects the new world we live in, a dangerous world that has gotten more dangerous since September 11; and we need to be involved, and more heavily involved, to protect all Americans, no matter where they are on this planet and the bill does that.
Ms. HARMAN. I thank the chairman for yielding to me. Charlie Allen is as close as you can come to a legend in the intelligence community. Before the intelligence reform bill passed last year, he was one of the few senior intelligence officers who could get 15 disparate agencies in the community. He did that mainly through sheer force of personality.

Our Nation collects intelligence through a variety of means, from spies on the ground to satellites overhead, and everything in between. In his capacity as the assistant director for collection, Charlie got the collectors to understand that they were most effective when they worked together as a team against the hardest targets.

He got them to understand that integrated collection strategies yielded the best outcomes. Under Charlie’s leadership, the collectors in the intelligence community have scored some truly impressive victories, and it is unfortunate that these cannot be recounted in public.

I will just tell you that Charlie’s service to the Nation was made clear to me the day he told the committee that he had been with the CIA for nearly 50 years. That is an astounding record, and it is certainly appropriate as we close debate on what I think is one of the best authorization bills ever, that we recognize Charlie’s service to our Nation.

Mr. HOEKSTRA. Madam Speaker, in closing, again I would like to thank my colleagues on the other side of the aisle, the staff on both sides of the aisle who have worked to put together a very, very good bill, my colleagues on my side of the aisle.

We have put together, I think, a very, very strong bill. I think it deserves broad bipartisan support. It sets us in the right direction. As my colleague has indicated, there is more we want to do. We do not look at the technical programs. These are critical to the long-term success of our intelligence community, to make sure that public policymakers have the information that we need to make the right decisions.

I appreciate the gentlewoman from California’s (Ms. HARMAN) support as we have gone through this process and recognizing that there are issues and concerns about the performance of some of these programs and so that we have the agreement on that.

Where we are disagreeing and having some discussions right now is what is the most effective way to respond to those problems and issues. We want accountability. We want performance. We want to spend the taxpayer dollars wisely. And I am sure that as we continue to go through this process, work with our colleagues on the other side of this building, and work with the administration, we will come to a conclusion, hopefully, that we can all agree to.

I applaud the committee and our work in taking some of these steps.
that I think we all recognize needed to be taken and that we are committed to addressing those problems.

With that, Madam Speaker, I would encourage my colleagues to support this bill.

Ms. PELOSI. Madam Speaker, the pre-amble to the Constitution tells us that one of the first responsibilities of the Federal government is to “provide for the common defense.”

My 10 years on the House Intelligence Committee have given me an appreciation for the vital role the men and women in our intelligence agencies play in doing just that.

Many of them take extraordinary risks on a daily basis in an effort to gather the information policy makers and military commanders need to make sound decisions. They are deeply dedicated to preserving our country’s security, and each of us is grateful for their hard work and sacrifice.

They need an intelligence system that is as strong, smart, and competent as they are, and hard work and sacrifice.

The Committee concluded that more centralized management of the intelligence community was needed, and that the manager had to have considerable power over people and money. The first Director of National Intelligence HARMAN and the other Democratic Members, chose to welcome in an effort to restrict his powers. What a terribly negative message that provision sent about the commitment of the major- ity to intelligence reform. This bill is much improved with that provision removed, as the rule has done.

The impetus for this ill-advised action reportedly came from officials in the Department of Defense. We created the position of DNI to help address the interagency squabbling that leads to intelligence failures. This is simply no place for power grabs or bureaucratic self-pro- tection and preservation on the part of the Pentagon.

Just as it was an intelligence authorization bill that created the 9/11 commission, I had hoped that this intelligence authorization would include Mr. WJC in a commission to investigate the prisoner abuses in Afghanistan, at Abu Ghrabi, and at Guanta- namo.

That will not occur as a result of actions taken by the Republican majority on the Rules Committee. For our international standing, our sense of fairness and decency, and to establish- more effective means of intelligence gath- ering, these abuses must be examined.

As former Ambassador Thomas Pickering, attorney Floyd Abrams, and our former colleague Bob Barr wrote in The Washington Post on June 7: “This is a time when we should be making extra efforts to reach out to Muslims and to ask them to work with us in the war against terrorism. Instead, our failure to undertake a thorough and credible investi- gation has caused severe resentment of the United States.”

Some of those who opposed most strongly an independent investigation of the 9/11 at- tacks also oppose an independent investiga- tion of the prisoner abuse scandal. That is un- acceptable.

But just as the American people would not accept the initial refusal to establish a 9/11 Commission, so too will demands continue for an independent commission to investigate the prisoner abuses in Iraq, Guantanamo Bay, and elsewhere.

Our country’s standing in the eyes of the world depends on getting to the bottom of the facts. Furthermore, the major abuse will ultimately force the majority of this House to stop placing obstacles in the path of a full and independent inquiry.

Unfortunately this is not the only initiative this Congress has failed to act on. Despite the unanimity with which they were adopted and the near universal acclaim they have pro- duced, some critical recommendations made by the 9/11 Commission have gone unfulfilled. For example, Chairman Kean pointed earlier this month to the failure to allocate more of the broadcast spectrum to first responder communications.

Congresswoman HARMAN has been a leader in try- ing to resolve this problem and I congratulate her for her efforts.

Chairman Kean also emphasized what has long been known to Members of the Inte- lligence Committee: the greatest danger facing the United States is a terrorist attack involving weapons of mass destruction, and the best way to address that is to safeguard or destroy WMD components, especially nuclear mate- rial, at its source.

Intelligence plays a huge role in efforts to combat proliferation of nuclear material and technology, but money is needed to better protect or acquire these materials in the coun- tries where they were developed. We are simply not providing enough resources to this ef- fort.

Finally, the 9/11 Commissioners have been clear in their assessment that, unless Con- gress overhauls the procedures by which it oversees the work of the intelligence agen- cies, intelligence reform will not be successful.

The House has not undertaken the kind of comprehensive review of the oversight proc- ess that the Commission believes to be nec- essary. I have let the Speaker know, repeat- edly, that Democrats are prepared to work co- operatively on this issue. As we begin this task soon—we have already waited far too long.

This bill enjoys broad bipartisan support from members of the Committee, and I intend to support it. In doing so, however, I urge that the Republican majority dedicate itself to finishing the job begun last fall with the adoption of the 9/11 in- telligence reform bill and address completely all of the recommendations of the 9/11 Com- mission.

Mr. EVERETT. Madam Speaker, I rise today in strong support of H.R. 2475, the Intelligence Authorization Bill for fiscal year 2006.

As one of several “cross-over” Intelligence Members who serve on both the Intelligence and Armed Services Committees, this legislation strikes a reasonable balance between our national intel- ligence needs, and the needs of our warfighters. As we know from our work on the Intelligence Reform Act last fall, this is not an easy task.

Madam Speaker, it would be disingenuous to state that all is well within the Intelligence Community. For a number of years, the Select Committee on Intelligence has been systemat- ically identifying major shortfalls in providing for our foreign intelligence needs. These in- clude: funding shortfalls, major limitations in human intelligence, limited capabilities in for- eign language specialists, aging information technology systems, and the lack of strategic planning with regard to the Intelligence Community’s overall intelligence collection pro- grams.

Madam Speaker, this bill represents a major step forward in correcting many of these prob- lems by funding programs, operations, and personnel that are vital to the security of the United States. The policies and programs in this bill will enable us to strengthen our intel- ligence capabilities to ensure that we are pro- viding the best foreign intelligence efforts pos- sible.

In particular, this bill begins to balance the resources applied to technical collection pro- grams with those applied to human source collection. In years past, funding cuts greatly reduced the Intelligence Community’s ability to provide global collection and analytic cov- erage. The global war on terrorism has led to increased funding, but there is still only limited capability to focus on other issues around the
world. This bill reinvigorates capabilities that have long been ignored.

I have a personal concern about the Intelligence Community’s capabilities against foreign missile systems. Therefore, at my direction the bill includes specific funding increases to allow for expanded modernization of foreign sensors, of foreign intelligence collection of foreign missile systems, and all-source missile event analysis.

Madam Speaker, this bill puts a great deal of emphasis on getting the Intelligence Community to do both. In short, this bill continues to correct the systemic problems that left us underprepared for warning against terrorist attacks on America, and begins the process of returning human intelligence collection to a worldwide endeavor.

I feel that this is a good bill that balances the increased investment against critical priorities with procedures for effectively monitoring the wise investment of the taxpayers’ money. Madam Speaker, I urge my colleagues to support H.R. 2475.

Mr. HOKKAIDO MALONEY. Madam Speaker, I rise in support of H.R. 2475, “The Intelligence Authorization Act for Fiscal Year 2006”. I thank my friend and colleague from Michigan for yielding me this time.

For almost 4 years, the U.S. Intelligence Community has been at the forefront of the Global War on Terror. Working long hours under often primitive conditions, the men and women of the Intelligence Community have performed spectacularly under the most stressing of operational temps. The legislation before us today authorizes the funding necessary to support the men and women of the Intelligence Community and to keep our country safe. However, a sufficient balance must be maintained between fighting terror and maintaining global awareness of emerging threats. Therefore, the legislation before us lays the budgetary and programmatic groundwork that will ensure that the U.S. Intelligence Community is prepared and able to face the challenges and national security threats of the future.

First and foremost, this legislation provides the appropriate balance between technical, human and open source collection.

This bill provides sufficient funds to ensure that the U.S. retains its technical collection edge for the next 20 years. It also increases the resources necessary to provide a strong, global human and open source intelligence collection capability. Achieving this balance required some hard choices on several highly regarded technical collection systems, however, the Committee was able to reach bipartisan consensus on the need to eliminate some redundant or outdated systems.

Second, this legislation strengthens innovation across the Intelligence Community.

The legislation includes a significant increase in the resources devoted to advanced research and technology development including increased funding for new sensors and platforms to support the men and women of the Intelligence Community. To ensure that these resources are used wisely, this legislation also strengthens the authorities and responsibilities of the Intelligence Community’s Chief Scientist.

Third, this legislation revitalizes our intelligence analysis and production capabilities.

Our intelligence community analysts are frequently asked to turn fragmentary and seemingly random puzzle pieces into a coherent picture. To help bring the picture into focus, this legislation provides for improved training opportunities (particularly for languages), new analytic tools, increased personnel and better tools to enable information sharing.

Fourth and finally, this bill continues the efforts begun in the Intelligence Reform and Terrorism Prevention Act of 2004 to strengthen and define the authorities and responsibilities of the Director of National Intelligence.

The Intelligence Community is our first-line of defense against an elusive and unstructured threat that has shown willingness to harm America. It is vital that this community has the resources and authorities necessary to effectively target both the terrorist threats today as well as new threats of tomorrow. H.R. 2475 provides those resources.

I strongly urge my colleagues to support this legislation in the bipartisan manner that our national security efforts demand.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise in strong support of H.R. 2475, the Intelligence Authorization Act of 2006. I congratulate Chairman HOKKAIDO MALONEY for presenting a strong bill that addresses our major intelligence requirements.

I am the Chairman of the Intelligence Policy Subcommittee, I have been tasked to look at the vast range of threats faced by the United States, and work to ensure that the intelligence services devote the necessary resources to respond to those threats.

As we consider this bill, we are in the midst of a war with a vicious enemy—a war on terrorism that must be won. Our troops are also engaged in a bloody effort to stabilize Iraq.

Our war-fighters must have timely, accurate information about both the enemy and the bill makes every effort to guarantee that intelligence is provided. Thus, there is an essential force protection component to this authorization.

But we cannot focus solely on the collection of near-term, tactical battlefield intelligence. We must also ensure that our political leaders have good information about big picture threats to U.S. interests globally.

The Intelligence Community must focus its resources on the most pressing programs in Iran, North Korea, and other major proliferators of weapons of mass destruction.

We must fully understand the ongoing military modernization of China, and know how Beijing intends to use its emerging capabilities. Russia remains a nuclear superpower with thousands of nuclear warheads, and prudence dictates we have good intelligence regarding Russia’s intentions.

The behavior of these important nations can have a deep impact on our national security, and the United States must not become the victim of a “strategic surprise.”

To protect our people and inform our political leaders, we must have the capability to collect good, accurate information. It is increasingly difficult to predict where the next crisis might occur for us. Our leaders must have the ability to anticipate significant events. H.R. 2475 places much needed emphasis on our collection and analysis capabilities. I am pleased that this bill increases the investment in human intelligence and the capabilities they provide.

It provides additional resources for professional training and language education for intelligence officers being deployed overseas.

The legislation also authorizes powerful new tools that will assist our intelligence analysts to sort through and properly understand the information that has been gathered.

At a time when the threats to our security are so great, H.R. 2475 supports the President to provide our leaders with focused, timely intelligence. I congratulate my colleagues to support this legislation and once again, I congratulate my chairman on his outstanding effort.

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

The SPEAKER pro tempore. The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Madam Speaker, I offer an amendment.

The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore.
has many challenges before him, chief among which is to get this center fully staffed and operational.

The Bush administration manages by goals and reports. A fully operational and staffed NCTC is a goal that must be attained as quickly as possible.

The National Counterterrorism Center was a cornerstone of the Intelligence Reform and Terrorism Prevention Act of 2004. The center must be the central organization for analyzing and integrating all foreign and domestic Intelligence and Terrorism.

It also is to conduct strategic operational planning for counterterrorism operations at home and abroad, integrating all elements of national power. In short, the NCTC was created to bring all of the pieces together to prevent a future attack. The Congress and the President established June 17, last Friday, as the deadline for the NCTC.

Unfortunately, we cannot stand here today and say that it is fully operational and fully implemented. This is the only deadline in this important bill to be missed. I have a chart that I requested from the Congressional Research Service. It is an 8-page chart of deadlines.

I am that CRS found is no fewer than 22 deadlines have been missed in the first 6 months of this bill becoming law. And many other important deadlines are looming. Some of the deadlines we have missed include: developing a national transportation strategy, integrating strategic plans, and streamlining the security clearance process.

We must keep the implementation of this bill on track; hence the need for this amendment. This is not to say that there has not been substantial progress. Prior to the NCTC being created in law, President Bush created the NCTC last August by executive order. This center has operated for months under the direction of an interim director. As towards the end of implementation took place on June 10 when retired Vice Admiral John Redd was nominated to be the permanent director of the NCTC.

I would like to note that when we originally submitted this amendment to the Committee on Rules on June 2, no NCTC director had been nominated. Upon confirmation, the new director and Ambassador Negroponte will be faced with a number of issues before full implementation. Chief among these issues is working out the inconsistencies between the statute and the executive order creating the center. The inconsistency pertains to the technicality as to what “fully operational” means, and those types of things that we expect from the oversight subcommittee is to vigorously and aggressively track the implementation of the intelligence reform bill.

I agree in the time that the gentleman and I have been in Congress together until we pass Federal prison industries reform, this will be one of the most significant pieces of legislation that we will have worked on together. I see some of the points on the technicality as what “fully operational” means, and those types of things; and whether it is fully operational now and whether it could have been fully operational before June 17. It is clear that when the law came into effect, we fully understand and appreciate the concern that the gentleman has in bringing this amendment forward, that we on the committee and that Congress and the American people be fully informed as to the progress we have made in implementing the Intelligence reform bill.

We are committed to doing that. We are committed to staying informed on
the committee, riding herd over the director of National Intelligence to make sure that this bill is implemented to the full intent of Congress when we passed it. So it is in light of the spirit of that approach that we accept this amendment.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Madam Speaker, I thank the gentlewoman for yielding me time. I want to commend her and the gentleman from Connecticut (Mr. SIAYTS) for the enormous work they did outside the intelligence committee. As we were considering the intelligence reform legislation last year, the faces that I saw on a constant basis were theirs and the families. And I often have said that the families were the wind in our sails. We would add a couple of Members of Congress to that, too, and I thank them for all they did.

I am very pleased that the majority is accepting the amendment. It is a good idea for us to make absolutely clear that the NCTC, the National Counter Terrorism Center, is a vital piece of the reform we enacted last year and that it needs to be fully operational ASAP.

To explain further, one of the big mistakes we made leading up to 9/11 is everyone now knows our failure to connect the dots. Obviously, having a fusion center designed for this purpose is a very good way to make sure we do not fail to connect the dots the next time.

So it took, I would say, the introduction of this amendment to cause the President to nominate a very able Federal Intelligence Reform and Terrorism Prevention Act of 2005 (P.L. 108–458)—the families of the victims of 9/11 as well as the entire international community still look to us for responsible action in the area of intelligence.

I also applaud the Committee’s inclusion of provisions for the recruitment and cleaning of personnel who are adept in languages that are necessary to truly aid our intelligence-gathering and processing initiative.

However, I join my colleagues in disagreeing with Section 305 of the bill as reported out of Committee. This section gives congressional committees a “pocket veto” of the personnel transfers that the new Director of National Intelligence might recommend. Absent passage of the Manager’s Amendment offered by Mr. HOEKSTRA, this provision will contravene much of the authority conferred in the Intelligence Reform and Terrorism Prevention Act that was signed into law by the President last year. Public Law 108–458 contains provisions that I offered that deal with commercial alien smuggling such as penalty enhancement as well as an outreach section that would require publication of the enhancements by DHS to act as a determent.

The amendment that will be offered by my colleague from New York, Mrs. MALONEY, that would require a report to Congress until the Director of the National Counterterrorism Center has been confirmed and until the Center is fully functional.

Madam Speaker, for the reasons above stated, I support the legislation with reservations.

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

The SPEAKER pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York (Mrs. MALONEY).

The amendment, as modified, was 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.
TIGER VERSIONS OF REPORTS. —Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

SEC. 505. PUBLIC HEARINGS. —(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS. —The Commission shall—

The Clerk reads as follows:

The SPEAKER pro tempore. The Clerk will report the motion to recomit, with the following amendment:

The establishment of the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the “Commission”).

There is established in the legislative branch the Independent Commission on the Investigation of Detainee Abuses (in this title referred to as the “Commission”).

SEC. 502. DUTIES.

(a) INVESTIGATION.—The Commission shall conduct an independent, impartial investigation of intelligence and intelligence-related activities carried out in Operation Iraqi Freedom, Operation Enduring Freedom, Operation Northern Watch, Operation Iraqi Freedom, Operation Alamo, or by a foreign military force, including:

The role of Congress and whether it was fully informed throughout the process that uncovered these abuses.

The extent to which the United States complied with the applicable provisions of the Geneva Conventions of 1949, and the extent to which the United States may have violated international law by restricting the access of the International Committee of the Red Cross to detainees.

The extent to which the United States complied with the applicable provisions of other human rights treaties, including the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The extent to which the abuses occurred.

What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

The extent, if any, to which Guantánamo Detention Center policies influenced occurring in the future.

Whether any particular Department of Defense, Office of the Secretary of Defense, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abus.

What policies, procedures, or mechanisms failed to prevent the abuses.

What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

The extent, if any, to which Guantánamo Detention Center policies facilitated the occurrence of such abuses, including but not limited to the following:

(A) The extent of the abuses.

(B) Why the abuses occurred.

(C) Who is responsible for the abuses.

(D) Any particular Department of Defense, Office of the Secretary of Defense, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the occurrence of such abuses.

(E) What policies, procedures, or mechanisms failed to prevent the abuses.

(F) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

(G) The extent, if any, to which Guantánamo Detention Center policies influenced occurring in the future.

(H) Whether any particular Department of Defense, Office of the Secretary of Defense, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the occurrence of such abuses, including but not limited to the following:

(I) The extent of the abuses.

(J) Why the abuses occurred.

(K) Who is responsible for the abuses.

(L) Any particular Department of Defense, Office of the Secretary of Defense, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the occurrence of such abuses.

(M) What policies, procedures, or mechanisms failed to prevent the abuses.

(N) What legislative or executive actions should be taken to prevent such abuses from occurring in the future.

Any Federal Government entity or any Member of Congress may provide such services, funds, facilities, staff, and other support services as may determine advisable and as may be authorized by law.

SEC. 504. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, a subcommittee or any member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—(A) A subpoena may be issued under this subsection only—

(i) by the agreement of the chairman and the vice chairman; or

(ii) by the affirmative vote of 6 members of the Commission.

(B) SIGNATURE.—Subject to subparagraph (A), subpoenas issued under this subsection shall be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or any member designated by a majority of the Commission.

(3) SCOPE.—In carrying out its duties under this Act, the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

(b) CONTRACTING.—The Commission—

(1) may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) INFORMATION FROM FEDERAL AGENCIES. —(1) IN GENERAL.—The Commission may secure directly from any executive department or agency, or from any office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee, or any member designated by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—Departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as may determine advisable and as may be authorized by law.

SEC. 506. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The chairman and the vice chairman jointly, in addition to such other personnel as may be specified by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILS.—Any Federal Government employee may be detailed to the Commission.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants.
SEC. 507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a reasonable rate for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their home or place of business on official business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

SEC. 508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

(a) In General.—Subject to subsection (b), the appropriate official agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(b) EXCEPTION.—No person shall be provided with access to classified information under this title without the appropriate required security clearance access.

SEC. 509. REPORTS OF COMMISSION TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

(d) RECOMMENDATION TO MAKE PUBLIC CERTAIN CLASSIFIED INFORMATION.—If the Commission determines that it is in the public interest that some or all of the information contained in a classified annex of a report made available to the public under this section be made available to the Commission, the Commission shall make a recommendation to the congressional intelligence committees to make such information publicly available. The congressional intelligence committees shall consider the recommendation pursuant to the procedures under subsection (e).

(e) PROCEDURE FOR DECLASSIFYING INFORMATION.—

(1) The procedures referred to in subsection (d) are the procedures described in—

(A) with respect to the Permanent Select Committee on Intelligence of the House of Representatives, clause 11(g) of Rule X of the Rules of the House of Representatives, One Hundred Ninth Congress; and

(B) with respect to the Select Committee on Intelligence of the Senate, section 8 of Senate Resolution 400, Ninety-Fourth Congress.

(2) In this section, the term ‘‘congressional intelligence committees’’ means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

SEC. 510. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 509(b).

(b) ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 511. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DETERMINATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Mr. WAXMAN (during the reading).—Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore (Mrs. MILLER of Michigan).—Pursuant to the rule, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes in support of his motion.

Mr. WAXMAN. Madam Speaker, this motion to recommit would amend the bill to add language establishing an independent commission to examine detainee abuses.

In the year since the horrific photographs of prisoner abuse at Abu Ghraib surfaced, more and more instances of detainee abuse from a growing number of localities around the world have come to light.

The reports of detainee abuse are undermining one of our Nation’s most valuable assets: our reputation for respect for human rights.

The Pentagon’s internal investigations of the abuse allegations have resulted in conflicting conclusions. Some of these reports have been little more than whitewashes.

Congress has failed to conduct a comprehensive public investigation of detainee abuse allegations at Guantánamo, Abu Ghraib, Bagram and other facilities. We have abdicated our constitutional duty to conduct responsible oversight.

My motion to recommit would fill the huge oversight gap. A lack of oversight leads to a lack of accountability, and no accountability breeds arrogance and abuse of power.

It is time for this House to take our oversight responsibility seriously, and I urge a ‘‘yes’’ vote on the motion to recommit.

Mr. Speaker, I yield to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence, my colleagues and I urge a ‘‘yes’’ vote on the motion to recommit.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding to me and commend him for sponsoring this notion of an independent commission to look at detainee abuses.

Mr. Speaker, though I am a strong supporter of this legislation, I think it would be even better if it included language to establish this commission, and so I support the motion to recommit the bill for the purpose of adding the gentleman from California’s (Mr. WAXMAN) amendment.

Military historians often talk about the ‘‘fog of war.’’ I believe our intelligence professionals operate in a fog of law, a confusing patchwork of treaties, laws, norms and policies.

Article I, section 8 of the Constitution says that it is Congress’ responsibility to establish rules concerning captures on land and water. I hope that we will seize this responsibility.

But as Congress studies the policy options going forward, it is vital that we have the facts. Only a bipartisan, independent commission can get to the bottom of what happened among administration policymakers within the military chain of command and out in the field.

The steady stream of revelations about Guantanamo and other facilities around the world erode our moral credibility, just as we are trying to win the hearts and minds of the Arab and Muslim world.

It is vital to our national security, Mr. Speaker, that we fix this problem so that our detention and interrogation policies get us actionable intelligence without creating a whole new generation of terrorist recruits. Pretending that there is no problem is not a strategy for success.

So in conclusion, Mr. Speaker, our committee on a bipartisan basis, is looking into these issues through our Subcommittee on Oversight. I commend our progress; but in addition, I think the public will have more confidence in what we are doing if we also have an outside, independent commission.

In that spirit, I support the Waxman motion to recommit.

Mr. WAXMAN. Mr. Speaker, the failure to have an investigation of detainee abuse is eroding our moral standing in the world. It is also endangering our Armed Forces and inciting hatred against the United States. As Senator BIDEN said about Guantanamo, it is the greatest propaganda tool for the recruitment of terrorists worldwide.

Some of the allegations that have been repeated over and over again may not be true. In fact, I hope they are not true. President Bush calls them absurd, but we do not know what is true and what is not unless we investigate; and when we refuse to conduct a thorough, independent, credible investigation, the rest of the world thinks we have something to hide.

The independent commission established by this proposal would establish a 10-member bipartisan commission modeled on the successful 9/11 commission. I think we need this. I think we need it badly.

If the Congress had done its job of oversight, we might well say the job is done and we do not need to do anything further; but Congress has done relatively little on this whole matter. The reports that have been issued by the
various investigative agencies have been in conflict. This is why I ask my colleagues to support this motion to recommit. Vote “aye.”

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) is recognized.

Mr. HOEKSTRA. Mr. Speaker, I am a little confused, as I listened to those on the other side as to whether we have or have not done oversight. The author of the amendment says there has been no oversight. My ranking member aplauds the work that the committee has done in its role of doing oversight on a bipartisan basis.

Mr. Speaker, we are at a time of war that was not begun by the making of the United States. We are at war against an international terrorist movement that has engaged our country in a clash of values driven by those who fundamentally oppose American democracy and freedom.

The 9/11 Commission emphasized the importance of engaging the terrorists in the “struggle of ideas,” not only that many revered in the Muslim world of the United States are “at best uninformed about the United States and, at worst, informed by cartoonish stereotypes among intellectuals who caricature U.S. values and policies. Local newspapers and the few influential satellite broadcasters, like Al Jazeera, often reinforce the jihadist theme that portrays the United States as anti-Islam.”

Mr. Speaker, comments that significantly exaggerate and overstate the situation in Guantanamo Bay do nothing but reinforce the false perceptions of America that have encouraged our enemies.

There is aggressive oversight under way by the executive branch and by Congress into our detention procedures. It is only because of this aggressive oversight and the freedoms provided by American democracy that we are having this discussion in the first place. The system is working properly, and we should continue to let it work; and for those who do not know about the work that is going on, perhaps they could ask.

So when senior Members of Congress, including a member of the minority leadership in the Senate, exaggerate and distort these issues, including by comparing American soldiers to Nazis, those comments do nothing but reinforce the false prejudices abroad that have led us to war.

As an example, I note that the Al Jazeera network gave prominent coverage to the remarks of a Member of the Senate comparing the actions of U.S. soldiers to Nazis, Soviet gulags, and a mad regime like Pol Pot’s Khmer Rouge in Cambodia.

A columnist in the Chicago Sun Times said of those remarks: “He should at least be made a little uncom-
Mrs. KELLY, Mr. BUYER, and Mr. PETRI). The question is on the passage of the above-mentioned resolution. It is noted that after the vote, the 11th District of Texas. Please let the House know that had I been here, I would have voted yes.

The SPEAKER pro tempore (Mr. PETRI). The question is on the passage of the bill. The question was taken; and the SPEAKER pro tempore announced that the yeas appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 16, not voting 8, as follows: (Roll No. 290) YEAS—409

NAYS—16

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2475, the Clerk be authorized to make such technical and confirming changes as necessary to reflect the actions of the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the remaining votes will be 5-minute votes.

There was no objection.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 52. The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and
pass the joint resolution, H.J. Res. 52, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic de
vice, and there were—yeas 425, nays 0, not voting 8, as follows:

**[Roll No. 292]**

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So (two thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY**

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 100. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic de
vice, and there were—yeas 425, nays 0, not voting 8, as follows:

**[Roll No. 292]**

<table>
<thead>
<tr>
<th>Yeas</th>
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**[6/21/2005]**

**CONGRESSIONAL RECORD—HOUSE**

\[page\]

**H4859**

**[IPW]**

**[H]**

**[I]**

**[L]**

**[CONGRESSIONAL RECORD—HOUSE FOR 6/21/2005]**

**[IPW]**

**[H]**

**[I]**

**[L]**
Mr. Speaker, the National Instant Criminal Background Check System, or NICS, is not effective enough to warrant such a quick turn-around time on gun purchase records. NICS is a database to check potential firearm buyers for any criminal record or history of mental illness.

Mr. Speaker, however, the NICS system is only as good as the information States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system.

In these States, many felons will not be listed on the NICS system and would be able to purchase guns with no questions asked. In 17 States, civilian violence restraining orders are not accessible through the NICS system. Common sense would dictate that you do not sell a gun to someone who has been recently served with a restraining order.

Thirty-three States have not automated or do not share mental health records that would disqualify certain individuals from purchasing a gun under existing law. Also felony convictions in some States will not show up under existing law. Also felony convictions in some States will not show up under existing law.

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So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on June 21, 2005, I was unavoidably detained on official business in the Congressional District. During rollcall vote No. 288, if present, I would have voted “yea.” On rollcall vote No. 289, I would have voted “no.” On final passage of H.R. 2475, authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities, rollcall vote 290, I would have voted “yea.” On passage of H.R. 3010, the House, the following Members will be recognized for 5 minutes each.

**H4860 CONGRESSIONAL RECORD—HOUSE June 21, 2005**
close the legal loopholes that make it so easy for criminals to buy guns and so difficult for law enforcement agencies to keep us safe.

Mr. Speaker, this is a bill that can work. This is a bill that has bipartisan support. This is a bill that can save lives, especially those of our police officers.

**BRING DOWN AMERICA’S DRUG PRICES**

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

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about prescription drugs, and more importantly about what Americans pay for prescription drugs compared to consumers in other industrialized countries.

I have and I know that on television it is a little hard for the Members who are watching their offices to see these numbers, but if you go to my Web site at gil.house.gov, you can see this chart and other comparisons that we have, not only with the United States and Germany, as this chart is, but with other countries, because we now have pharmacists literally around the world who regularly share with us what their prices are for prescription drugs.

What you will see there are 10 of the most commonly prescribed drugs in the United States. You can buy those drugs in Frankfurt, Germany for $455.57. Those same 10 drugs here in the United States are $1,400.44. Americans pay 128 percent more for the same drugs made in the same plants under the same FDA approval.

Let me give you one example we have talked about before: Zocor, an excellent drug. Many heart patients take Zocor. As a matter of fact, some of our colleagues here in Congress take Zocor. And depending on what Federal program you are under, you can be paying a copay of $30 for that drug. Federal Members of Congress may be paying $30 when consumers in Germany can walk into the Metropolitan Pharmacy in Frankfurt, Germany, and they can buy that drug for $23.80.

The copay here in the United States, in many cases, is $30. The regular price in Rochester, for that drug, $85.39. And again, these are the same drugs, made in the same plants with the same FDA approval. What is wrong with this picture?

Well, what is wrong with this picture is that American consumers are held hostage in countries like Germany, they have what is called parallel trade. So a pharmacist in Frankfurt, for example, if they want to buy that Zocor, if they can buy that Zocor in Sweden cheaper than they can buy it from the distributors in Germany, they are allowed to do that.

That creates a competitive marketplace. That is what we are trying to encourage with the Pharmaceutical Market Access Act. Now, our Founders understood that the Federal Government is created by the States and not the other way around.

But the States in many cases have beeneroxere in the States, not the other way around. The interesting thing is State governments, and more importantly the Governors of those States, are not standing by idly.

What they are doing is they are creating their own programs. In Illinois, in Kansas, in Minnesota, Minnesotans now have access to buying drugs from Canada, and they recently added Great Britain.

The I-SaveRx program, now in Illinois, includes Canada, the United Kingdom, and Ireland. Now, many of the people here in Washington, our own FDA says that is not safe. Well, some of these States have now over a year of experience and they have demonstrated that this can be done safely.

The list goes on. Missouri, Nevada, I think was just signed into law either yesterday or today, the law takes effect July 1st, so that people in Nevada will have access to drugs from foreign countries at much more competitive prices. North Dakota has joined the list. We now have 11 States, and we do not know how many cities have joined this list.

But it really is time for us at the Federal level to do our job to make sure that Americans have access to world-class drugs at world-market prices. Mr. Speaker, this is not a mystery. It can be done. What we know is that the Europeans are not intrinsically smarter than we are.

If they figured out how to do this parallel trade, we can do it as well. Mr. Speaker, it is time for Americans to have access to these drugs at 128 percent cheaper than they can buy them in the United States.

**BEST GOVERNMENT MONEY CAN BUY**

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

Mr. EMANUEL. Mr. Speaker, we often hear that the American people have a negative opinion of the job we do here in Congress. In fact, recent polls indicate that percent of the country disapproves of the way Congress handles its job.

In a recent CNN poll, 71 percent of the American people said Congress fails to share their priorities and values. Some around here may wonder why that is. Could it be because while American families struggle to pay their education bills, their medical bills, save for their retirement, this Congress has come to be handing out special favors, and that is all they see of this Congress?

Could it be because ours has become a government of the special interests, for the special interests? Mr. Speaker, when your gavel comes down, it is to open the people’s House, not to auction the house. What have the American people seen of late?

They have seen that when we had a tax bill problem of $4 billion on the economic side, we were trying to fix a $4 billion problem, it ended up costing the taxpayers $150 billion in special interest favors. Only in this Congress, only in this country could you stick the taxpayers with a $150 billion bill to bail out corporate interests, when you were trying to fix only a $4 billion problem.

And rather than creating jobs as the bill was intended, it is creatively named the Jobs Creation Bill, it was nothing more than a multi-billion dollar giveaway to special interests. Or consider last year’s prescription drug bill for Medicare.

It is about an $800 billion handout to the prescription drug industry after having been one of the largest beneficiaries to the campaign committee, both for Democrats and Republicans; and it actually ended up with producing an additional $153 billion in profits for the pharmaceutical industry.

While we were working on that legislation, Mr. Speaker, a Gentleman from Minnesota was actually negotiating a job to go to work for that industry and represent it. Or now that we are talking about the energy bill, we are talking about a $14 billion taxpayer giveaway to the energy industry. The oil is now being charged at $59 a barrel. If it is not profitable at $59 a barrel, what more do we have to give them? Neither does it ever reduce our dependence on foreign oil. And the pundits here in Washington wonder why the American people out in the country do not like their Congress?

But it is not just the administration and their congressional allies that have worked to craft legislation benefiting a single industry. In the special interests actually sit at the table drafting the legislation that impacts them.

For instance, recently we were all shocked to learn that Philip Cooney, the former chief of staff for the White House counsel on environmental quality and a former lobbyist at the American Petroleum Institute, consistently changed government reports on global warming.

And rather than creating jobs as the bill was intended, it is creatively named the Jobs Creation Bill, it was nothing more than a multi-billion dollar giveaway to special interests. Only in this Congress, only in this country could you stick the taxpayers with a $150 billion bill to bail out corporate interests, when you were trying to fix only a $4 billion problem.
has become clear that the associate attorney general, Robert McCalum, a former employee at a firm representing tobacco executives and industry, forced the government to reduce its own penalties to pennies on the dollar. But if Americans are not turned off by those corporate goodies dished out by Congress, and if industry execs crafting the policies that benefit their own companies do not get them worked up, maybe it is the revolving door between the public and private sector. And as mentioned, a colleague of ours went off to represent the prescription drug industry known as Big Pharma, after having passed an $800 billion prescription drug bill.

And, by the way, the chairman of the health subcommittee dealing with the very same bill is now employed by other drug companies. Mr. Speaker, the American people are concerned that Congress does not reflect their priorities or their values. Sadly, they are right.

We have a government that has become beholden to the special interests; and their voices, the voices of the American people have been quieted by the voices of the special interests.

And if government special interests are concerned, this is the best government money can buy. Mr. Speaker, the gavel marks the opening of the people’s HOUSE, not the auction house. This election is about returning the gavel to its rightful owners, the American people.

The President and his advisors tout the fact that they do not pay attention to polling data. Well, maybe, it is time they did, because the message is loud and clear, the American people want their House back.

GUANTANAMO BAY AND THE KORAN

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

Mr. BURTON of Indiana. Mr. Speaker, over the past week or 10 days, we have heard a lot of haranguing about what is going on down at the Guantanamo detention facility regarding the prisoners who were involved in terrorist activities and opposed our troops over in Iraq and elsewhere in the world.

And now people in Congress have equated what is going on down there with Hitler, Stalin, Pol Pot, and what happened in World War II and the concentration camps. And it is reprehensible that that comparison is even being thought about, let alone being expressed by one of my colleagues.

So I wanted to come tonight and give the American people who may be paying attention back in their offices some facts about Guantanamo and what is going on down there.

Forgive me for reading this to you, but I think it is extremely important. I want to put everything in context.

Our men and women down there are serving with honor and dignity. Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and in Iraq. Some 800 suspected members of Al Qaeda or the Taliban have been sent to GTMO, no one under 18 years of age. Approximately 520 remain.

Approximately 235 have been released, transferred to countries, and 61 are awaiting release or transfer right now. GTMO houses some of the most dangerous individuals linked to the most dangerous organizations in the world, all wishing harm to the United States of America and our citizens: terrorist trainers and financiers, would-be suicide bombers, bomb makers and Osama bin Laden’s own personal body guard. One such terrorist currently being detained at GTMO is Mohammed Al-Khatani, believed to be Ali Abul-Ghazi, a body guard who attacked the World Trade Center, the Pentagon, and other areas back on 9/11.

Al-Khatani and his fellow murderers and criminals have provided valuable information including organizational structure of al Qaeda and other terrorist groups; the extent of terrorist presence in Europe, the U.S. and the Middle East; al Qaeda’s pursuit of weapons of mass destruction; terrorist skill sets; general and specialized operative training; and how to legitimize financial activities that are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has prevented terrorist attacks and saved possibly thousands, maybe hundreds of thousands, of American lives. U.S. misconduct versus detainee misconduct: there has been a lot of misinformation about that. After the much publicized and now retracted May 2005 Newsweek article alleging Koran abuse by the U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

Brigadier General Hood’s investigation determined some interesting findings which run contrary to the claims we are hearing about today. For instance, U.S. soldiers used latex gloves and clean towels while even handling the Koran. U.S. soldiers routinely must search detainees Korans when they refuse to allow them for security reasons. U.S. soldiers inspect for weapons by touching the Koran through surgical masks. Surgical masks are used to hang detainees’ Korans during security searches. And when a guard accidentally knocked one of them off, it was fully investigated and deemed an accident.

An outside contractor stepped on a Koran during an interrogation. After an investigation was completed, the contractor apologized and was terminated because he accidentally stepped on the Koran.

On the contrary, Mr. Speaker, Brigadier General Hood’s investigation found the detainees themselves regularly displayed less regard for the Koran. For instance, on May 14, 2003, a guard observed a detainee ripping up his Koran in small pieces. July 5, 2003, a guard observed two detainees accuse a third of not being a man. In response, the three tore their Korans. January 19, 2005, four guards witnessed a detainee tear up his Koran and flush it down the toilet. January 23, 2005, four guards witnessed a detainee rip pages out of his Koran and throw them down the GTMO toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation. The U.S. discovered a captured Al Qaeda training manual, the terrorist training manual, the Manchester document, that instructs members to allege abuse and mistreatment and torture if they are captured.

Mr. Speaker, it is also important to note that detainees are only sent to GTMO after a screening process that identifies individuals who pose a threat to the United States of America or who have valuable intelligence information.

Combattant status review tribunals. All detainees have been reviewed by a tribunal. There is an administrative review board which reviews each case at least once annually for possible release based on the threat. More than 130 boards have been completed to date. Military commissions, trials with full and vigorous representation for those suspected of committing war crimes, awaiting resolution of various U.S. Federal court rulings and reviews.

Mr. Speaker, I am sorry I am out of time. There is more information that needs to be given to my colleagues and the American people. But we have treated those terrorists down there so well compared to the way they treat our people, beheading and everything that has gone on in Iraq and elsewhere in the world. Our true concern is the humane main thing in accordance with the humanity of their fellow man, and they are treating those terrorists so much better than is being publicized in the press, and the American people have a right to know about it.

So let’s talk about what is really going on at GTMO, where I want to stress, that the vast majority of our brave service men and women are serving with honor and dignity.

Since September 11, 2001, more than 70,000 detainees have been captured in the global war on terror in Afghanistan and Iraq. Some 800 suspected members of Al Qaeda or the Taliban have been sent to GTMO (no one under 18 years old). Approximately 520 remain; approximately 235 have been released/transferred to other countries; and, 61 are awaiting release or transfer.

GTMO houses some of the most dangerous individuals, linked to the most dangerous organizations in the world, all wishing harm to the United States including:

Terrorist trainers and financiers; would-be suicide bombers; bomb makers; and, Osama bin Laden’s own bodyguards.
One such terrorist currently being detained at GTMO is Mohammed Al-Khatani, believed to be the intended 20th 9/11 hijacker.

Al-Khatani and his fellow murderers and criminals have provided valuable information, including:

Organization structure of Al-Qaeda and other terrorist groups: extent of terrorist presence in Europe, the U.S., and the middle east; Al-Qaeda's pursuit of WMD; terrorist skill sets: general and specialized operative training; and, how legitimate financial activities are used to hide terrorist operations.

Mr. Speaker, intelligence gained at Guantanamo has literally prevented terrorist attacks and, how legitimate financial activities are used to hide terrorist operations.

After the much publicized—and now retracted—May 2005 Newsweek article alleging Koran abuse by U.S. military officials, Brigadier General Jay Hood conducted an exhaustive investigation.

Brig. Gen. Hood’s investigation determined some interesting findings, which run contrary to the claims we are hearing today. For instance:

- U.S. soldiers routinely searched detainee’s Korans when they refused to show them for security searches.
- U.S. soldiers used latex gloves and clean towels while handling the Koran—U.S. soldiers must search detainee’s Korans during security searches. When a guard accidentally knocked one off it was fully inspected, run and deemed an accident.
- An outside contractor stepped on a Koran during a security search; after an investigation was completed, the contractor apologized and was terminated.

On the contrary Mr. Speaker, Brig. Gen. Hood’s investigation found that detainees themselves regularly displayed far less regard for their Koran, for instance:

May 14, 2003—A guard observed a detainee rip his Koran into small pieces.

June 5, 2003—A guard observed two detainees accuse a third of not being a man. In response, the detainee urinated on one of their hands.

January 19, 2005—Four guards witnessed a detainee tear up his Koran and try to flush it down the toilet.

January 23, 2005—Four guards witnessed a detainee rip pages out of his Koran and throw them down the toilet. The detainee stated he did so because he wanted to be moved to another camp.

These detainees are trained to resist interrogation.

The U.S. discovered a “captured al Qaeda training manual”—the Manchester Document—that instructs members to abuse & torture if captured.

Mr. Speaker, it is also important to note that detainees are only sent to GTMO after a thorough screening process that identifies individuals who pose a threat to the U.S. or have valuable intelligence.

Combatant status review tribunals—All detainees have been reviewed by a tribunal.

Administrative review boards—Review each case at least once annually for possible release based on threat. More than 130 boards completed to date.

Military Commissions—Trials with full and vigorous representation for those suspected of committing war crimes. *Awaiting resolution of various U.S. Federal Court rulings and reviews.

The GTMO detention facility is transparent and has been fully scrutinized. To set the record straight Mr. Speaker, the U.S. Government has released more than 16,000 pages of documents regarding detainee operation, including classified interrogation techniques.

Since 2002, GTMO has provided granted access to the following:

- International Red Cross—Had 247 access to the facility at its discretion and a premier facility presence; Media—400 visits by 1,000 national and international journalists; 11 Senators, 77 Representatives, and 99 Congressional staff members; and, lawyers for detainees.

RENEGOTIATE CAFTA

The SPEAKER pro tempore (Mr. McCaul of Texas). Under a previous order of the House, the gentleman from Ohio (Mr. Brown) is recognized for 5 minutes.

Mr. Brown of Ohio. Mr. Speaker, 13 months ago the President of the United States signed the Central American Free Trade Agreement. The trade agreement is an agreement between the United States and five Central American countries, five in Central America and the Dominican Republic. It has been 13 months, as I said, since the President signed this agreement.

The majority leader, the gentleman from Texas, has the most powerful Republican in the House, promised a vote in 2004. He promised a vote by Memorial Day. Now he promised a vote, I think he means it this time, by July 4.

It is simple, the reason we have not voted on the Central American Free Trade Agreement, and that is because of the broad opposition in this House and among the American people. Republicans and Democrats by the dozens in this House oppose the Central American Free Trade Agreement. Business organizations, labor unions, both in the United States and in the six Latin American countries, oppose the Central American Free Trade Agreement. The Latin American Council of Churches, as do many religious leaders and churches and organizations in the United States, oppose the Central American Free Trade Agreement. Environmentalists, active environmentalists, food safety advocates, all kinds of very broad-based organizations oppose the Central American Free Trade Agreement.

Today, Mr. Speaker, the gentleman from North Carolina (Mr. Jones) and I did a news conference at the Capitol with 23 business leaders speaking out, business leaders representing 23 businesses speaking out against the Central American Free Trade Agreement. The reason is simply that our policy is not working. Our trade policy in this country has failed us for 12 years. Just ironical. Since 1992, the year I was elected to Congress, the trade deficit, number of dollars’ worth of exports versus imports, our trade deficit internationally was $38 billion. Today after NAFTA, PNTR, TPA, all these trade agreements, our trade deficit last year was $618 billion. From $38 billion to $618 billion.

Now, maybe those are just numbers, but those numbers translate into something much more than economistic data. These numbers translate into manufacturing job losses. The States in red have lost 20 percent of their manufacturing in the last 5 years. The States in blue have lost 15 to 20 percent. Ohio, one of the fortunate States, lost: Michigan 210,000; Illinois 224,000. These are just manufacturing job losses. People who make a decent wage, a middle-class wage, who have health benefits, who have earned pensions, thousands, hundreds of thousands of them, have lost their jobs; 225,000 in North Carolina; 130,000 in Mississippi and Alabama; 353,000 in California; 201,000 in the State of Texas; 200,000 in the State of Pennsylvania; 72,000 in the State of Florida. In State after State after State, we are losing hundreds of thousands of manufacturing jobs.

Our the trade policy is not working. CAFTA is a dysfunctional cousin of the North American Free Trade Agreement. It was an agreement that was negotiated by the select few, benefiting the select few.

Now, supporters of CAFTA tell us, as they always do in trade agreements, that as a result of this agreement U.S. companies will export more products to the developing world. Unfortunately, Mr. Speaker, if you look at this chart, that is simply not the case.

The U.S. typical average wage is $38,000. The average wage in El Salvador is 4,800; Honduras 2,600; Nicaragua 2,300. To say that people in those countries are going to buy products made in this country simply does not pass the credibility test. Hondurans are not going to be able to buy cars made in Ohio. Nicaraguans making $2,300 a year are not going to be able to buy prime beef raised in Nebraska. Guatemalans making $4,100 a year are not going to be able to buy steel from Pennsylvania or apparel from North and South Carolina, or be able to buy software from Seattle.

Mr. Speaker, those 23 business organizations that spoke out against CAFTA today, labor unions in all seven countries, environmentalists, food safety advocates, small businesses, farmers and ranchers in all seven countries, in Latin America and in this country, are simply saying renegotiate CAFTA, come up with a different Central American Free Trade Agreement that will help all of us.

If we are going to protect prescription drugs, we should protect workers. If we are going to protect Hollywood CAFTA does not protect the environment and food safety.

Mr. Speaker, we should pass a trade agreement that works for all of us in this country, not just a select few.
HUMANE TREATMENT FOR GITMO PRISONERS

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, it is about supper time here in the United States. I wonder what is being served in Guantanamo Bay prison on any given night. Mr. Speaker, we have a purpose in Guantánamo Bay. It is to house outlaws, criminals, radical terrorists; they are locked up there.

These detainees are people that have killed Americans and want to keep killing Americans. These are people picking up off the battlefield. They are not wearing uniforms. They were not state sponsored, but there were there for a reason, and that was to execute innocent people on the battlefield.

The Geneva Convention. Mr. Speaker, people who are at war, who have a chain of command. They wear uniforms. They do not have concealed weapons and they do not kill the innocents. Mr. Speaker, terrorists do just the opposite. They kill innocents. They have concealed weapons. They do not wear uniforms, and there is no chain of command. They are not protected, Mr. Speaker, by the Geneva Convention.

International law allows any nation the right to detain any combatants for a conflict’s duration. The Geneva Convention says that detained people are entitled to information that could prevent further attacks.

Some of them have been released. And at least 12 of them have been re-captured on the battlefield trying to kill Americans.

Ann Coulter describes the tactics at Guantánamo Bay in her latest article. She said, Interrogators there cannot yell at detainees. They cannot serve the detainees cold meals except in certain circumstances. Cannot poke the detainees in the chest or engage in any type of pushing without some type of monitor. And we cannot subject the detainees to temperatures changes, of all things.

Once a suspected terrorist gets to Guantánamo, they are not treated like the Nazis treated the Poles and the Jews in World War II. Those that participate in the Nazi concentration camps to Guantánamo offer an apology to those people and those families that died in those concentration camps, and they owe an apology to the American troops.

My dad served in World War II. He helped liberate those concentration camps, and 50 years later I went to Da-chau and saw what it was like. And Guantánamo Bay, to be compared to a Nazi concentration camp, it is a sham and it is shameful conduct.

We even know that some of the prisoners at Guantánamo Bay have actually gained weight while they have been there. Mr. Speaker, before I became a Member of Congress, I dealt with criminals all my life. First, as a prosecutor, and then as a criminal court judge for 22 years. I saw murderers, thieves and street terrorists. And they came through my court. And we sent them to jail. We sent them to Texas jails and Texas prisons. And, Mr. Speaker, those are jails, those are prisons where no one wants to go. That is what prison and jail is about.

So I invite those that criticize the activities in Guantánamo Bay to go there, go with me and see firsthand, before other outrageous statements are made about there.

So tomorrow night at Guantánamo Bay, orange glazed chicken, fresh fruit crepes, steamed peas, and mushrooms and rice pilaf. It does not sound like bread and water to me.

And do you think our troops and in Afghanistan and Iraq are getting crepes tonight? Probably not. They are eating C-rations out of cans as they stand there in the desert and the heat, protecting the world for democracy.

That dog just will not hunt. This is not humane torture there in Guantánamo, let me say this: That dog just will not hunt.

We need to be more concerned about Americans being killed by terrorists in Iraq than we are about some terrorist that is locked up in Guantánamo Bay that gets a cold blueberry muffin.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes. (Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DeFazio).

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

There was no objection.

AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Corrine Brown) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Once again in the Subcommittee on Appropriations of the Committee on Appropriations, we see Amtrak being treated like an ugly stepchild of this Nation’s transportation system.

If we are wondering why only 19 percent of the American people feel that the Congress is in tune with their priorities, the cuts in Amtrak is one blatant reason why.

Yesterday we passed a $408 billion defense appropriations bill, and it did not even include the costs of the war in Iraq. We are cutting Amtrak routes to local government throughout the United States that have no other form of public transportation. We are spending $1 billion a week in Iraq. $4 billion a month, but this administration zeroes out funding for Amtrak, and the Committee on Appropriations does not even give them enough money to operate the Northeast corridor.

Just one week’s investment in Iraq would significantly improve passenger rail for the entire country for an entire year. The current funding issue concerning Amtrak brings up a fundamental question as to where this Nation stands on public transportation. We have an opportunity to improve the system that serves our needs for passenger rail service, but if we fall apart and leave this country’s travelers and businessmen with absolutely no alternative forms of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get to work each day waiting for a train that is not coming.

We continue to subsidize highways and aviation; but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services; we should be providing money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again, we see the Bush administration paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs.

It is time for this administration to step up to the plate and make a decision about Amtrak based on what is best for the traveling public, not what is best for the right wing of the Republican Party and the bean counters at OMB.

I represent central Florida, which depends on tourists for its economic survival. We need people to be able to get to the State and since September 11, more and more people are turning from the airplanes to Amtrak; and they deserve safe and dependable service.

This is just one example of Amtrak’s impact on my State. Amtrak runs four long distance trains from Florida, employing 990 residents, with wages totaling over $43 million, which purchased
over $13 million in goods and services last year. They are doing the same thing in every State that they run in.

Some people think the solution to the problem is privatizing the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only, the lucrative routes will be maintained and routes to rural locations will be expensive and few.

I was in New York shortly after September 11 when the plane leaving JFK crashed into the Bronx. I, along with many of my colleagues in both the House and Senate, took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people and how important it is for the Nation to have alternative modes of transportation.

This is not about fiscal policy. This is about providing a safe and reliable public transportation system that the citizens of this country need and deserve.

I am asking all of my colleagues to join me and support the full funding of Amtrak.

INFORMATION THE AMERICAN PEOPLE DESERVE

The SPEAKER pro tempore. The American people have stated loud and clear where they stand, and their numbers are increasing. They know that the only way to keep our sons and daughters from being killed in Iraq and the only way to end the death and destruction that occur there every single day is to start the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not; so we will. Our efforts to come up with a plan began in January when I introduced legislation calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation.

We continued our effort on May 25 when I introduced an amendment to the defense authorization bill calling for the President to create a plan for Iraq: 128 Members of Congress, including five Republicans and one independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a smarter agenda, an agenda for Iraq, an agenda that will go beyond when we bring our troops home from Iraq.

It is more important that we have a plan for the future than a continued military occupation, because this 2-year war has left us disturbingly weakened, weakened against the true security threats we face here at home. Let us not forget that Osama bin Laden is still at large, and al Qaeda continues to recruit new members in Iraq and elsewhere.

Once we have a plan in place to end the war in Iraq, we can start the long process of securing the United States and Iraq for the future. We can accomplish this through SMART Security.
SMART Security, which has the support of 50 Members of Congress, 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 root conditions which give rise to terrorism in the first place: poverty, despair, resource scarcity, and lack of educational opportunities.

SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART addresses global emergencies diplomatically, instead of by resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future 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.

That is what I mean when I talk about SMART Security. We can defend America by relying on the very best of American values, our commitment to peace and freedom, our compassion for the poor, and our capacity for multilateral leadership.

Mr. Speaker, we must follow a smarter approach, and we must do this as we work to help the Iraqi people. That means implementing a plan to end the war in Iraq. I invite the President, all my colleagues, and the people of the world, and our capacity for multilateral leadership.

Mr. Speaker, because I had some contacts from constituents and Members, I would put the summary of my statement to Mr. O'Reilly and the note of my staff about their contact with Mr. O'Reilly's show into the Congressional Record.

So do the six votes I had to pass last night on the defense appropriation bill for 2006.

Mr. O'Reilly, we do not need more spin. We need honesty and candor. You call for it every day. Now perhaps your staff is not providing the appropriate level of service to you.

Mr. Speaker, because I had some contacts from constituents and Members, I would put the summary of my statement to Mr. O'Reilly and the note of my staff about their contact with Mr. O'Reilly's show into the Congressional Record.

Bill O'Reilly, I have now witnessed the ultimate spin—from, of all people, you.

My scheduled taping last evening between 6:30-8:30 pm was pre-empted by a prolonged 5:15 pm meeting with the Secretary of Energy Sam Bodman regarding important National Security issues related to non-proliferation activities in the former Soviet Union and by a series of 6 recorded votes on the Floor of the House that started at 6:30 pm and lasted until 7:15 pm.

Contrary to your spin, my staff did give notice to your staff of both conflicts and kept them informed of my status during the scheduled taping. In addition my staff offered for me to appear as soon as votes ended. Finally when I tried to personally reach you, your staff was not willing to provide my staff with a suitable number. As much as I would have enjoyed returning to your show, my job as a Member of Congress and as Vice Chairman of both the House Armed Services Committee and the House Armed Services Subcommittee on Intelligence requires me to be here. I wish I could have been here.

I hope you understand these obligations and I apologize for any inconvenience this uncomplicated series of events caused to you and your staff.

Curt Weldon

As of Friday, O'Reilly was marked as tentative on the PR calendar and CW's calendar at 7:00 pm.

After I left on Friday the DOE meeting was set up for 5:15 pm.

At some point on Monday morning, O'Reilly was confirmed by PR and changed on their calendar to 5:30.

At 12:35 pm, I was notified of the change via e-mail from Kristina. I spoke to Porter on the phone and asked if O'Reilly could be moved to later given Curt's 5:15 meeting. He informed me it couldn't but not to worry if Curt wasn't there right at 6:00.

The change was made to CW's calendar at 1:25 pm.

I spoke to Porter around 1:30 and informed him of Curt's schedule prior to O'Reilly (i.e. a meeting with the Sec. of DOE). I told him Russ would be with him and gave him mine and Russ' numbers.

From 5:45-6:30 Porter called me looking for Curt and Russ. I informed him they were still in the classified meeting and I was not able to get in touch with him.

Around 6:15 I asked if they need to cancel—Porter said that wasn't an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members are reminded to address their comments to the Chair.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I raise this issue with my colleagues, first I want to acknowledge that I believe that there are a number of efforts trying to make their way through the House and Senate on immigration reform that really should give us an opportunity to have a degree of synergism to respond to the concerns of the American people.

I rise today because I just finished a hearing in the Subcommittee on Immigration and Claims on the important topic of employer sanctions. It would seem we should have the agreement that employers should be penalized when they engage in the hiring of undocumented aliens. But interestingly enough, there is not agreement. The business community is particularly sensitive to this, claiming they are not able to find enough workers to fill these jobs. Then, of course, I think the AFL-CIO has a meritorious argument that when you enforce employer sanctions, employers who are unscrupulous will then enforce sanctions against innocent persons, some documented and some undocumented, by either massively firing them or punishing them with lower wages and bad working conditions.

Interestingly enough, those who are fired will go out the door and that unscrupulous employer will then find others who are more timid to fulfill those jobs and they themselves may be undocumented. There are many issues that cannot be handled piecemeal.

Let me share another thought that came up in the hearing. There is a basic pilot program that requires employers to provide certain documentation when they hire an individual. Interestingly enough, only a few of the employers around the agreement that you can participate. Why? Because we have not given the Department of Homeland Security enough dollars to work the program beyond it being a pilot program.

It was also brought to our attention that maybe we should look to those who make the fraudulent documents and find a way to weed them out.

What this Nation really needs is comprehensive immigration reform. And so
I offer to my colleagues the Save America Comprehensive Immigration Act of 2005. It is H.R. 2985. We call it the fix-it bill. There are many fine efforts going through the United States Congress. But what I think immigrants need is a bill that fixes some of the 1996 immigration effort.

So we start off by focusing on family-based immigration by increasing the allocation of family-based visas. In speaking to a group of Indo-Americans, it was sad to hear the complaint about not being able to sponsor ones who have loved ones come to the United States simply for a visit or simply to visit relatives in the United States that are ill or having some event. I have heard that from many, many immigrant communities around America, many of them documented with status, but yet they cannot invite their relatives to visit.

Another issue is protection against processing delays. Many offices have had to deal with constituents of Members when they call the various centers that deal with immigration where they have lost paperwork or lost fingerprints, stopping the good flow of immigration.

The bill includes acquisition of citizenship for children born abroad and out of wedlock to a United States citizen father. It allows aunts, uncles or grandparents to adopt orphaned or abandoned children of the deceased relative so it does not leave in limbo children of United States citizens who have a United States citizen father, or orphaned children here in the United States who do not have an immediate parent, a mother or father.

It provides earned access to legalization. We run away from the language of amnesty only because people give it just a bad name. But we give earned access to people who are hardworking and providing income and taxes to the United States. We realize that intelligent keeping the borders out, is important so we provide more resources for border security. And we understand the issues of OTMs, other than Mexicans, that are coming across the border, maybe some who may want to do us harm, and we want to build up security at the northern and southern border.

Employment-based immigration. We want to deal with the unfair immigration-related employment practices, and we have in this particular legislation protection when they are American jobs. We have in this legislation training of Americans and the ability for an employer to have to attest that they cannot find an American for this job before they can hire someone who is not a citizen of the United States of America.

We address the question of removal waivers. We address the question of diversity visas.

Mr. Speaker, in conclusion, we address the question of the violence against workers who happen to be undocumented. This is a comprehensive approach to the broken immigration system. I for one look forward to working with my colleagues and to give a hearing to all of the immigration bills that bring together the various thought processes of this Congress, Republicans and Democrats alike. Until we open the door to listening to all of us who have these ideas, we are not going to move immigration reform along.

I call on the chairmen and ranking members of our respective hearings to call for hearings in the House and the Senate on this important legislation and ask that we have answers to our questions so that we can finally answer the concerns of the American people.

REMEMBERING THE HON. JAKE PICKLE

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

Mr. McCaul of Texas. Mr. Speaker, Texas and our Nation has lost one of its most genuine and gracious public servants. Last Saturday morning, James Jarell Pickle, “Jake,” passed away on Saturday, with his wife by his side. For 31 years, Congressman Jake Pickle has been known in this esteemed body as a Representative to the 10th Congressional District of Texas. And he did so with integrity, humility, honor, and a sense of humor that we should all attempt to mirror.

As a current holder of Congressman Pickle’s seat, I work hard every day to provide the same kind of service to my constituents that Jake Pickle did to those he served. He was not just good at what he did, he was the best.

His family talks about the proudest vote he ever cast was in 1964 when he voted for the Civil Rights Act. He was one of only six southern Representatives to vote for that important piece of legislation. In the 1980s, he worked hours on end to protect Social Security and keep it solvent. He worked even harder in the 1990s to turn Austin into the high-tech society that it is today.

It is because of Jake Pickle that Austin continues to see new high-tech businesses locate to Texas’s capital city. The University of Texas has also benefited greatly because of Jake Pickle. UT would not be churning out the latest in technology and new patents, as it now does every year, without the help that Congressman Pickle provided. It is also my honor to represent the research arm of the University of Texas which bears the name J.J. Pickle Research Campus.

But even as good and as smart a politician as he was, he is known today not for his ability to influence legislation or to help bring new business to his district, but rather for being a good and decent man. It is for this reason his nickname was Gentleman Jake. This gentleman served in the Navy during World War II. After World War II, he went to law school, and in 1955, he was elected to the Texas House of Representatives. In 1959, he was elected to the United States House of Representatives, where he served for 36 years. In 1995, he was elected to the United States Senate, where he served for 16 years. And in 2011, he was elected to the United States House of Representatives, where he served for 36 years.

Mr. Speaker, it was a pleasure to work with Jake Pickle. I am thankful to have this great servant back home in heaven where I am sure he is telling stories and shaking the hands of everyone that he meets.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 109-194) on the resolution (H. Res. 334) providing for consideration of 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 House Calendar and ordered to be printed.

DEFEAT CENTRAL AMERICAN FREE TRADE AGREEMENT

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

Mr. JONES of North Carolina. Mr. Speaker, we have coming before us pretty soon an issue called CAFTA, the Central America Free Trade Agreement. I want to start my comments, Ross Perot, when he was a candidate for the Presidency on October 19, 1992 at a Presidential debate said, “You implement that the NAFTA, the Mexican trade agreement where they pay people a dollar an hour, have no health care, no retirement, no pollution controls, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt.”

Mr. Speaker, Mr. Perot was exactly right. We know Ross Perot as a successful businessman and man who loves and cares about America.

Let me tell Members what happened since December 1993 when NAFTA became the law of the land. Before NAFTA, we ran a trade surplus with Mexico. Now the U.S. runs a $45 billion annual trade deficit with Mexico; from a trade surplus to a trade deficit.

In addition, my home State of North Carolina since NAFTA became the law of the land has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs.

Let me give some facts about illegal aliens coming from Mexico across the border in search of jobs. According to the Department of Homeland Security, it is estimated there are over 10 million illegal aliens here today. They account for an estimated $80 billion in illegal wages, and other benefits are estimated to be over $100 billion. The Social Security Administration has calculated the Social Security costs for illegal aliens are over $20 billion a year.

The illegal aliens receive $2 billion in Medicare, $1 billion in medicaid, $2 billion in public school subsidies, almost $4 billion in food stamps, as well as other benefits, totaling over $20 billion a year. With so many illegal aliens entering the country, the federal government is being taken to court over the costs of illegal aliens. In a recent lawsuit, the Government has lost over $1 billion in tax money to illegal aliens in just one year.

Mr. Speaker, the most important thing is that we make American citizens out of our citizens. If you consider the facts above, you will agree that we must start protecting our citizens and our border and work to get this country back on the right track before it is too late. It is time we take action to protect our borders, our citizens, our country and our economy.

DEFEAT CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. Speaker, I rise today to request and urge my colleagues to join me in voting against passage of CAFTA, the Central American Free Trade Agreement. The Administration has indicated that it will not negotiate with Mexico on the article regarding access to public education and support for public education. This is in direct conflict with the Department of Education’s position that the United States should help Mexico improve its educational system.

Mr. Speaker, I believe that we must confront both the moral and economic issues surrounding the accession of Mexico to CAFTA and we must be prepared to negotiate. The Administration’s failure to demand that Mexico improve its educational system is a clear indication that the United States is not being treated fairly in this negotiation.

Mr. Speaker, we are simply not being taken seriously. Mexico is being given a blank check to continue its damaging trade policies, which result in lost jobs, lost tax revenues, and lost tax dollars. The U.S. economy has lost over 200,000 manufacturing jobs since NAFTA was signed in 1993, and the United States has gone from a trade surplus to a trade deficit with Mexico.

Mr. Speaker, this agreement will only exacerbate the problem. It is clear that the Administration is not working in the best interest of the American people and the American economy. We must vote against CAFTA and work to pass new legislation that will create jobs, protect American workers, and strengthen our economy.

Thank you, Mr. Speaker.
border. Prior to NAFTA, the average was 2 million. Since NAFTA, it is better than 7.5 million. CAFTA will continue these trends. Eighty-five percent of the language in CAFTA is identical to the language in NAFTA.

Let me give one example of what has happened to American jobs. In 2002, the Congress, I did not support this legislation, decided to give the President trade promotion authority, known as TPA. Since that time, America’s annual trade deficit grew $195 billion to $617 billion. That is how much the trade deficit grew.

Let me give an example of TPA and how it relates to North Carolina. Since TPA passed, North Carolina has lost over 52,000 manufacturing jobs. The United States has lost over 600,000 manufacturing jobs.

Mr. Speaker, on my left I have got two news articles, one from a couple of years ago in the Raleigh paper known as the News & Observer; it says, Pillowtex Goes Bust, erasing 6,450 jobs. These were five plants in North Carolina, that lost that many jobs, 6,450. Then another article, a newspaper article, a business in my county I share with the gentleman from North Carolina (Mr. BUTTERFIELD), the Wilson Daily Times, says VPJeanswear Closes Plants, Last 445 Jobs Gone By Next Summer. The jobs are going down to Honduras.

Mr. Speaker, a couple of more points.

CAFTA means more U.S. job losses. We know what NAFTA has done. We know what Trade Promotion Authority, TPA, has done. CAFTA provides every incentive to leave jobs to Central America. Average wages in Nicaragua are 95 cents an hour; Guatemala, $1 an hour; El Salvador, $1.25 an hour. Plus, these countries have few labor and environmental standards and CAFTA does little to improve them.

CAFTA will mean the Chinese to backdoor fabrics into Central America where it can be assembled and shipped into United States duty-free. The last thing we need is to help China. We have already outsourced 1.5 million jobs to China in the last 15 years.

Mr. Speaker, as I begin to close, I want to show my fellow colleagues that might be watching in their offices, recently this was dropped by my office, and it says candy decorated fruit snacks, real fruit. Then you turn it over and it says, “made in China.” If the candy we are eating now in America, many of it is made in China, then I wonder if one day at the rate we are going of losing these manufacturing jobs, we might be buying our tanks for our military from China.

I hope, Mr. Speaker, that does not happen. I hope the House will defeat CAFTA. It is not good for America, it is not good for the American worker, and I do not even believe it is good for the people who live in Central America.

Mr. Speaker, with that I will close by asking God to please bless our men and women in uniform and their families and ask God to please continue to bless America.

THE BUDGET DEFICIT

The SPEAKER pro tempore (Mr. McCaul of Texas). Under the Speaker’s announced policy of January 4, 2006, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, this is not the first nor will it be the last time that we take the floor of the House here in the well of the House to address a problem that is of great concern to all of us, and that is the budget deficit. This year past, it was $412 billion and while it appears to be improving, thankfully, a bit for the current fiscal year, it still will come in likely in the range of $350 billion, and that will make it the largest deficit in our Nation’s history, the third in a row where we have approached the pinnacle, the largest deficits we have run in our country’s history.

We are not here to score political points. We do not call attention to a problem that we think has grave consequences. It may be that we do not see or the consequences right now, but we feel that a day of reckoning lies over the horizon. I believe that, because sooner or later the fundamentals in any market begin to take hold. It happened to the dot coms; it could happen again to us with the budget deficit that we are running today and the trade deficit we are running also today. It could hammer the dollar. After all, the fundamental is, simply stated, like this. When you raise the demand for credit, which is what you do when the government runs a deficit of $312 billion, when you raise the demand for credit, you eventually you raise the price of credit. In other words, you raise interest rates. What do interest rates do when they go up? They stifle growth in the economy, long-term growth and short-term growth. They could have devastating consequences, for example, on the housing market, on the automobile market. That is a likely consequence of the policies we are running today.

For the time being, we have not felt or seen the results, the consequences, directly and painfully so, but the fact that this country is running large current account deficits, which means we are pumping dollars into the world economy which come back here, are recycled here by the purchase of our Treasuries and Treasury bonds. So for now, foreigners are lending us the money to bridge our budget, which is sparing us the effect of high interest rates.

But at the same time, debt means dependence, and over the course of years, this practice we will find ourselves having undercut our independence in foreign policy which is something none of us wants. Even when foreigners buy our debt and spare us the outlay for now, we still have to pay the interest. We still have debt service. The debt service in the total budget this past year was $165 billion, $170 billion, and it is going up inexorably because our interest rates are rising again. As those two factors converge, you are going to see the debt service, the interest we pay on the national debt, go up to $200 billion, $225 billion, $250 billion within the foreseeable future, a liability that has to be paid. Indeed, there is no other item in the budget that is more obligatory. The United States of America has to pay its interest on its national debt or otherwise our currency and our credit would collapse. But once we pay the debt service, the effects are that priorities in the budget we could otherwise afford and fund and increase, such as medical research and scientific research and education for our children and Social Security and Medicare for the elderly become all the harder to fund because the interest has to be paid first.

This deficit problem is all the more distressing because it did not have to be. A few short years ago in the year 2000, the last full fiscal year of the Clinton administration, this country was running a surplus of $336 billion. It is a fact. You can look it up. Every year the Clinton administration was in office, we went from surplus to deficit. Now, in the year 2001, another in 1997, the bottom line of the budget got better and better and better.

The President came to office and inherited a deficit of $230 billion. He sent us on February 17 a deficit reduction plan that barely passed the House, a one-vote margin, barely passed the Senate, the Vice President’s tie-breaking vote.

But look what happened, as this chart here shows. The deficit every year came down and down and down to the point where in the year 2000, we had a surplus, without including Social Security, a unified surplus of $236 billion. Unprecedented. This was the surplus that President Bush inherited when he came to office in the year 2001. And that is why I say this did not have to be. We did not just fall out of the sky in these enormous deficits. We did it because of policies that were put in place and passed by both of our congressional leaders and by all of us. Most of us on our side of the aisle voted against them. Foreseeing this problem and knowing how difficult it had been to move the budget finally back into the black again for the first time in 30, 40 years, we did not want to see us backslide into deficit, but that is exactly what happened.

What we have seen now is that we have gone from a surplus, projected, of $5.6 trillion between 2002 and 2011. That was the 10-year projection that Mr. Bush’s own economists made at the Office of Management and Budget when he took office, $5.6 trillion. We have gone from a projected surplus of $5.6
trillion to a projected deficit of $3.8 trillion over that same 10-year period of time. That is a swing of $9.4 trillion in the wrong direction. We have never seen a fiscal reversal like this, at least since the Great Depression, $9.4 trillion in the wrong direction, and much of that was post-WWII.

The President says we have got to get our hands around spending, but a large part of this problem was driven by his insistence that we have uninterrupted, large-scale, large-cost increases, when the surplus that we thought were going to obtain over that 10-year period of time appeared to be overstated substantially, by some estimates as much as 50 percent, the President charged ahead with his tax cuts. In 2002, 2003, in addition to 2001, there were substantial tax cuts, and the loss of revenues has had a big impact on the bottom line and has helped put the deficit almost intractably in the red again.

But most of the spending increases have come on the discretionary side of the budget in the appropriation bills that we adopt every year in four different accounts, four different programmatic areas, which is important to know. In 2002, 2003, 2004, of these areas are areas where the President has sought and we have provided what he has sought in the way of additional increases in spending.

If you look at the increases in spending over and above current services, and that is the amount of money necessary to maintain the government services at their existing level, if you look at those spikes in the budget that rise above funding for current services alone, you will find the landscape for 4 years dotted by the same increases, namely, defense, homeland security, the response to 9/11, account for 90 to 95 percent of the increases in spending.

So, while the President is saying that Congress needs to tighten spending, in truth much of the spending that has driven the budget into deficit is spending that has been called for, for defense and homeland security and for the response to 9/11, called for by the President, passed by the Congress, and the fact of the matter is we are simply not paying the tab for these necessary expenses.

I am not disputing the need for this money. What I am disputing and calling attention to is the fact that we are taking the tab for defense in our time against terrorists in the Middle East and elsewhere and shaving this tab off onto our children.

That is why I often say that the deficit is a problem for the economy because eventually it will raise interest rates and stifle long-term growth, eventually it will affect the priorities in the budget because debt service is obligatory and has to be paid; and as debt service increases, other things get eclipsed and shaved aside. But the biggest problem with the deficit in my book is moral, because what we are doing is instead of paying for defense in our time, we are telling our children they have got to pay for defense in their time and our time, too, or at least the incremental cost of it.

This is the concern that we would like to see the President face the fact that we are not facing up to the situation that confronts us and the fact that we have a budget deficit of enormous proportions and by any honest, fair, and accurate calculation or projection of what it is likely to look like, this chart shows little signs of abating over the next 10 years, as this particular chart right here will show.

This chart shows where we believe, using Congressional Budget Office numbers, the President’s budget, if implemented over the next 10 years, will take us. The budget deficit will get a bit better, as indeed it is scheduled to improve this year, probably $350 billion. Good news. The bad news is that the President in projecting the future course of the budget, is only giving us a 5-year projection; and, number two, he has left out some significant costs, such as the cost of maintaining troops in Afghanistan and Iraq after the year 2005, such as the cost of the alternative minimum tax, such as the cost of repairing something we call the alternative minimum tax, which actually raises tax revenues above the level that would otherwise exist if people were not required to pay this alternative minimum tax. It will soon, by 2010, affect 30 million tax filers as opposed to 4 million this year.

I do not think politically that is likely to happen, and if you fix it to avert that problem, the problem of having the alternative minimum tax apply to middle-income families, for whom it was never intended, then you get a result here of a deficit, 10 years from now, equal to $621 billion. No improvement; and indeed after a few years of slight improvement, it works its way every year to the point where at the end of our 10-year time frame, it is up to $621 billion.

Let me just wrap up this introductory presentation of what concerns us about the budget by showing you sort of the back-of-an-envelope, the easiest way I know to explain what I think is an out-of-control situation. Back in 2001 when the Bush administration was pushing its tax cuts, they came to us and they took our future looks so rosy, that you can pass these tax cuts, you can pass these defense increases, you can pass our budget, and we won’t be back to ask you to increase the debt ceiling of the United States, a legal limit beyond which we cannot borrow. We won’t be back until 2008, 2009.

Well, the Republicans in the House and the Republicans in the Senate passed the President’s budget pretty much as he requested, with a few moderations. The next year, they were back to back. Even in 2002, notwithstanding what they told us the previous year, they needed an increase in the debt ceiling of the United States of $360 billion. The following year, 2003, they were back again. This time they wanted a phenomenal increase in the debt ceiling of the United States, $3.015 trillion, an increase in 1 year of $984 billion. How much is that? That amount is equal to the entire debt of the United States when President Ronald Reagan took office. It is a bit more than that, as a matter of fact. The following year, having obtained a $984 billion increase on May 26, 2003, the following September, 2004, Secretary Snow was back saying, I need $800 billion more.

They ran through $994 billion of debt ceiling in 1 fiscal year and came back hat in hand and asked for $800 billion more, which the Congress passed in late November of last year. And then when the budget resolution was brought to the floor this year, the Republican budget this year when it passed the House and passed the Senate, buried in it was a provision that called for another increase in the debt ceiling of $781 billion.

This is a budget which they claim will eventually move toward halving the deficit over 5 years. At the same time they make that claim, they bury in that budget a request provision that Congress increase the debt ceiling by $781 billion. Add those together, 4 fiscal years, we get an increase in the deficit, Federal debt, federal debt, which is an out-of-control situation. Thing is, that is $3 trillion of additional debt-borrowing capacity, which will basically all be used up by the end of this fiscal year, and they will be back again asking for more.

So this is what concerns us. We frankly do not think the country can continue on this course. And that is why we are here tonight to talk about a problem that we think should be a front-burner problem for both parties, both Houses, both executive branch and the Congress. It needs more attention than it is now receiving.

Mr. Speaker, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for organizing this even and for talking about Federal deficit and the Federal debt. And the chart he has up there is really significant.

What our Republican friends are doing, if we look at what they do and not what they say, they have decided that the most important thing in this country is to increase payments for interest on the national debt. It makes no sense, but that is what they are doing. And let me give a couple of numbers. In 2004, the Federal Government paid $160 billion for net interest on the Federal debt held by foreign investors. By 2010, we will be spending about $321 billion, almost double the $160 billion that we spent last year.
So it is pretty clear when we look at the chart in front of us here today that over the next 6 years education spending will not go up much at all, environmental spending will be about the same, spending on veterans benefits will go up slightly; but there is an explosion on the national debt. So the Republicans in this House are basically saying we are not spending enough on interest on the national debt. The trouble with that is that it is of virtually no use, virtually no use to any of us.

Think about the contrast between fiscal year 2005, which we are in, and fiscal year 2006, the coming year. There is an increase in spending on interest on the national debt of $36 billion. That is with a “B.” Thirty-six billion dollars, that is what we will spend on interest in the national debt next year more than we have spent this year.

And then let us look at what we are doing. This year how much is the increased amount of education spending that is getting from Labor, Health and Human Services, and Education bill? $118 million. That is the increase in the bill, a tiny increase. Far less than 1 percent. $30 billion more coming in, and growing interest on the national debt, $138 million more for education. Those priorities are completely out of whack.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the chart we have here shows exactly what the gentleman is saying, namely, interest just a bit over $150 billion in 2004, the last fiscal year; but by 2010 if the Bush policies are completely implemented over the next 6 years, look what happens to debt service. That big rising red spike goes from $150 billion to over $300 billion, and it eclipses everything else in the budget.

Mr. ALLEN. Mr. Speaker, will the gentleman yield further?

Mr. SPRATT. I would be happy to yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, just one more point here. I think we have a moral obligation to our children that can be easily summarized: number one, protect them from harm. And that is what governments at all levels do, try to do, and that is what a lot of social service agencies try to do, protect our children from harm.

Number two, we need to give them a healthy start in life. We have to provide them with quality health care. Number three, we have to create opportunity for them, and that means investing in education, giving them a chance to succeed in life.

So as I said before, $36 billion more is what the Republicans in the House want to spend on interest on the national debt. But they are cutting the Maternal and Child Health block grant by $24 million, or 3 percent. They are falling to pay the Pell maximum Pell grant by even $10. They are doing that by only $50. The bill is making a 5 percent cut in the Healthy Start Initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates.

So in those areas with high infant mortality rates, we are just saying we are going to take money away from those parents and their kids. We are going to pay those parents we have to pay interest on the national debt. They are freezing money for the child care block grant at last year’s level. They are freezing after-school health care funds. It goes on and on. It is just an abomination.

To do we are doing in this budget, to our children, cutting their health care funds, decreasing opportunity, simply so we can pay for tax cuts and a war in Iraq beyond belief, and we need to reverse it.

I want to thank the gentleman for yielding to me. I want to thank the gentleman from Virginia for letting me go at this moment in the proceeding. And I am very grateful for all the work the gentleman from South Carolina is doing.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Maine for his comments.

Mr. Speaker, I now yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, PAYGO is shorthand for a rule we adopted in 1991 and helped us achieve the phenomenal fiscal results I just showed the Members, where every year from 1993 to the year 2000, we had a better bottom line and a surplus of $236 billion in the year 2000. PAYGO simply provides that if we want to have a tax cut when we have got a deficit, it has to be balanced. That is to say the tax cut must be offset by a tax increase somewhere else within the Tax Code, or we must go to an entitlement program, which is permanent spending, and cut it enough to offset the loss of revenues.

By the same token, if we want to increase or improve a new entitlement, we have to identify a revenue stream or other entitlement cuts to pay for it. It has to be, bottom line, deficit neutral.

Mr. SPRATT. Mr. Speaker, PAYGO is shorthand for a rule we adopted in 1991 and helped us achieve the phenomenal fiscal results I just showed the Members, where every year from 1993 to the year 2000, we had a better bottom line and a surplus of $236 billion in the year 2000. PAYGO simply provides that if we want to have a tax cut when we have got a deficit, it has to be balanced. That is to say the tax cut must be offset by a tax increase somewhere else within the Tax Code, or we must go to an entitlement program, which is permanent spending, and cut it enough to offset the loss of revenues.

By the same token, if we want to increase or improve a new entitlement, we have to identify a revenue stream or other entitlement cuts to pay for it. It has to be, bottom line, deficit neutral.

Mr. SCOTT. Washington, DC, the Bush administration. If the gentleman will continue to yield, if we run up deficits, we have to pay interest on the national debt. And we had a $5 trillion surplus projected. Now we have over $3 trillion in deficits. The interest that we are going to pay goes up. By 2010, according to this chart, the interest we are going to pay was to be $36 billion. That is what we were telling the Members, when we were going to pay was going to go up. And what we have got to pay is going up. By 2010 the increase in interest is over $230 billion, and that is $230 billion that we are going to have to pay for interest on the national debt going down the drain that we are not going to be able to spend on public broadcasting; NASA Langley Research, in my area, aeronautics research.

We are closing bases. We are only going to save a few billion dollars in base closings, certainly not $230 billion that we are going to have to spend in interest payments. We are closing bases, and the highest estimate I have seen over the course of time is about $40 billion that we may save. $230 billion is growing interest on the national debt. We are cutting back on ship building. We do not have the ship building budget that we ought to have.

Cops on the beat being cut. Education programs, Pell grants. Ask somebody who is getting a Pell grant how much tuition went up: 5, 10, 15 percent. Pell grants are going up 1 percent under this budget.
And it is getting worse before it gets better because, as we look at the interest on the national debt that we are going to be paying going on and the cost of these tax cuts exploding, the gentleman indicated that we only had a 5-year horizon and when we look at the cost of the tax cuts after 5 years, we can see why they did not want to reveal a 10-year budget. But this shows the exploding cost of the tax cuts going out to 2015.

What it does not show is the Social Security trust fund changing from a surplus, going into a deficit in 2018. That is when we have to be best prepared financially to be able to withstand the difference in the $100 billion surplus we are getting out of Social Security going into a growing deficit. And we are going into that change in our worst possible fiscal situation.

Finally, when we put all these tax cut proposals into perspective, we see that the cost of making the tax cuts permanent amounts to $12 billion a year, more than the Social Security shortfall. In fact, the tax cuts for the top 1 percent is almost enough to cover the entire Social Security shortfall. So we cannot separate the tax cut policy from the spending priorities that we are going to have to address.

When we talk about public broadcasting, education, ship building, base closings, aeronautics research in my area, cops on the beat, education, this budget requires requirements to cut school lunches and student loans because we are funding tax cuts for the wealthy. There is even one tax cut that is going into effect in the next couple of years, the PEP and Pease, Personal Exemption Phase-out, and the Pease tax, which the President wants to repeal, that is about $10 billion a year when the President finally gets his way to repeal those provisions.

$10 billion a year and 97 percent of that goes to those making $200,000 or more. Almost half of it goes to about the top one-fifth of 1 percent. Those making $1 million or more, about half of the benefit of that goes to that group, and we are cutting taxes approximately $10 billion a year when it is fully phased in and at the same time cutting school lunches and student loans. How moral a decision is that to make?

So I would thank the gentleman for his answers. And also we have a chart up here saying what the promises were as we went along, as we went into skyrocketing deficits. We were first told that we could do tax cuts without budget deficits and then the next year our budget will run a little deficit, but it will include terms, then current deficit is not large; and now he is promising maybe to clean up half of it.

When we run up that kind of debt, and the gentleman has a chart right at his feet, who owns the debt and what is the pattern there? Could the gentleman explain that chart?

Mr. SPRATT. Mr. Speaker, reclaiming my time, I said earlier that one reason we do not have the sort of moral outrage in the country about the deficit, that people are concerned about it but they do not quite feel and see it, this is the reason why.

Foreigners have been buying our debt in copious quantities, relieving us of, for now, the outlay that we would have to make, digging out of our own capital and our own savings, they are picking it up, for now. But what this means is that over time, debt means dependence, and we are incurring dependence to our debtors, and this has happened increasingly since the year 2000.

In the year 2000, foreigners held 30 percent of our Federal debt. Today, at least at the end of the last fiscal year, that had risen by 50 percent, almost 50 percent, or 44 percent; almost half of our debt is held today by foreigners, and that is a matter of some concern. It has to be one of the reasons that we do not need to be running persistent, perennial, huge deficits.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for his leadership. Just one final question. We have complicated because of the situation we have gotten into, how much work we did to eliminate the deficit, running into surplus. Does the gentleman from South Carolina have a plan to get us back on track? The gentleman. We did. We offered it on the House floor this past budget season, and we will put it up again. As my colleagues will see, it involves forgone some of the tax cuts that the Bush administration has pushed through Congress, primarily for the reason that the projections upon which those tax cuts were based have not been obtained, they have not come about, they are a fraction of what was forecasted and expected.

So, we have to adjust our budget, our taxes, back to reality. If we do that, by the year 2010, 2012, we are back in the black again. But it is a big decision. It is a big decision. It can be done, and that was one of the purposes of our budget presentation, was to show that it can be done. We can argue about how to do it, but it is certainly feasible.

Mr. SCOTT of Virginia. I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia, and I now yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentleman for having this Special Order and for giving us an opportunity to talk to the American people about what is happening in our country.

Mr. Speaker, on February 17, 2004, the national debt of the United States of America exceeded $7 trillion for the first time in our Nation’s history. Sixteen months later, our national debt now stands at $8.8 trillion. In that time, our country has added $800 billion to our national debt, which I believe is unconscionable.

Two months ago, this House approved an increase of $781 billion in the statutory debt limit, raising that figure to a record $9 trillion. Mr. Speaker, enough.

The out-of-control rise in the national debt over the last year and the rise in our debt demonstrated in the fiscal year 06 budget resolution conference reports are further signs of the dangerous position I think in which we find our country to be. In 2001, this country had 10-year projected deficits of $5.6 trillion, and now we have likely 10-year deficits of, deficits instead of surpluses, of $3.8 trillion. That is a $9.4 trillion reversal.

Whether intentional or otherwise, our country’s current fiscal policies are depriving the Federal Government of future revenues at a time when unprecedented numbers of people are going to start to retire, the baby boomers, and climb out, we will not have done them the strain, a tremendous strain on our country and our ability to pay for Social Security and Medicare.

Our current fiscal irresponsibility is going to land squarely on the shoulders of our children.

Mr. Speaker, we talk so much here in Washington, D.C. and in Congress about values, and I say to my colleagues, putting our children deeper and deeper and deeper into a family value. My dad taught me when I was a little kid that you should live within your means, live within a budget, and do not spend more money than you have, and I think that truly is a value that we should teach our children. It is truly a value that we should follow here in Congress for our country. Because if we put our country and our children and grandchildren in a hole so deep we will never be able to climb out, we will not have done them any favors, and I think we will have committed an immoral act on them.

A true measure of values is not always what people say; it is where people spend their money. Congress is all about setting priorities, and part of the priorities, if we decide the priorities in this country are going to be more tax cuts, the permanent elimination of the estate tax is going to cost $280 billion over 10 years, as opposed to raising the credit to $3.5 billion, or $3.5 billion, which is only going to cost $80 billion over 10 years; $80 billion versus $280 billion over 10 years. If we decide that is what is important, then we decide to have to make cuts in other domestic spending, such as children nutrition programs or not funding No Child Left Behind, which we shortchanged $9 billion the first year it was implemented, and others important.

I think values need to be discussed in real terms and we need to understand that again, a true measure of values is where we decide we are going to spend our money. If tax cuts are the most important thing for us, then that is the way it is going to be. But if we decide other things are important to us, children’s nutrition programs, education,
and all the other domestic programs, then we need to make those decisions. I thank the gentleman for providing the time this evening.

Mr. SPRATTS. Mr. Speaker, I recognize the gentleman and yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank the gentleman from South Carolina for yielding. I want to take a little bit different tack, because I think our audience has heard a lot about the deficit and sometimes it is hard to take in all that data at one time.

This chart shows right here a few dates on our calendar. One date is the year 2004, last year. Most Americans got through that year all right, and they do not realize the fiscal gravity of our situation. Do not take my word for it. Our Nation’s top accountant said that the year 2004 was “arguably the worst year in our fiscal history.”

That is a big statement. That includes the Great Depression, that includes all the world wars, the Civil War. How on earth could 2004 have been “arguably the worse year in our fiscal history?” Because in that one year, Congress promised $12 trillion in new spending, and the fiscal picture in 2004 was completely unpaid for. Never in American history has Congress been that irresponsible, and that is why our Nation’s top accountant made that declaration about our future.

We will look at some future years. The debt that we are running up that our colleagues have explained so well is going to cost us so much in interest, that by about the last year of the Bush administration, we will be spending more money on interest payments to our Nation’s creditors than we will be on regular domestic government in America. In a sense, it will be a better deal to be a creditor of this country than to be a citizen of this country, because this country will be getting more money than we will be, if we look at regular, nondefense, discretionary spending.

Let us look at another key date in our future. This was in the Wall Street Journal. At the rate that foreigners are lending us money, buying our debt, by February 9, 2012, the Chinese will have bought the last bond from a U.S. citizen, and then they will own all of our foreign debt. Their pace of buying our debt, their appetite for spending more of our money on interest payments to our Nation’s creditors than we will be on regular, nondefense discretionary spending.

Look at another key date. By the year 2017, that will be the first honest picture of the deficit in American history, because today the true size of the deficit is being disguised by the Social Security surplus. Last year, people like to say the deficit was $12 billion. Well, the Social Security trust fund, $567 billion, because $156 billion of Social Security surplus was used to disguise the true size of the deficit. We owe that money to Social Security recipients. That is one of the most solemn obligations our country has ever made, and yet people never mention the true size of the deficit. Well, by 2017 there will not be a surplus anymore, and then the true deficit will be revealed.

Look at Standard & Poor’s. A reputable group, Standard & Poor’s, they rate all of the debt in corporate America, all the debt in the world. They are predicting that the U.S. Treasury bond by that year will achieve junk bond status. Of course, I do not know what is, because the U.S. Treasury obligation is the soundest obligation on this Earth. We have always paid our debts as a Nation. That is the gold standard of bonds. But here is Standard & Poor’s, the most reputable private sector debt-rating organization, saying that if current trends continue, our bonds will be junk bond status.

Look at the final date on here. I think it is 2040. That is when, again, just under the fiscal picture that says that it will take all revenues collected by the Federal Government to do one thing; every penny collected from Federal income tax, Federal corporate tax, all the other taxes to do one thing. We will pay our creditors. Interest alone. There will not be one red cent left for any national defense, for any Social Security, for any Medicare, for anything. That is not my prediction; that is our Nation’s top accountant.

That is the sort of fiscal hole that these numbers that my colleagues have revealed are leading us into. This is a problem. This is a true crisis. I have called this the “road to ruin.” That is what it is. We have to change course.

Let me show my colleagues this. A lot of folks say, well, 9/11 did all this. What people do not realize is the Cato Institute revealed in a recent study that President George W. Bush and the Republican Congress are the biggest domestic spenders, nondefense spenders. Interest alone. There will not be one red cent left for any national defense, for any Social Security, for any Medicare, for anything. That is not my prediction; that is our Nation’s top accountant.

That is the sort of fiscal hole that these numbers that my colleagues have revealed are leading us into. This is a problem. This is a true crisis. I have called this the “road to ruin.” That is what it is. We have to change course.

Our colleague, the gentleman from Maine (Mr. ALLEN) was saying earlier that there is a familiar refrain these days about there is just not enough money to do this and that, and I can vouch for that as a member of the Committee on Appropriations. I think there is probably no refrain that we hear more often, and we hear it on bill after bill after bill, that we would like to have more adequate funding for cancer research and heart disease research and the work of the Centers of Disease Control and Prevention. We would like to do more for first responders here, we would like to improve the military, our communities, policemen, firefighters, emergency medical personnel, but there just is not enough money.

One might find that easier to take if, as the reward for our efforts, so to speak, we were getting adequate funding for major priorities, or if we were getting a good stimulus for the economy, but it actually seems we are getting the worst of both worlds. We are getting no economic stimulus, and we are not getting these other benefits.

So the American people are asking, where is this economic stimulus? Where is this support for what our communities need to grow and prosper? As we have been saying over and over the conclusion is, we are not getting these other benefits.

Our colleague, the gentleman from North Carolina (Mr. PRICE), was saying earlier that there is a familiar refrain these days about there is just not enough money to do this and that, and I can vouch for that as a member of the Committee on Appropriations. I think there is probably no refrain that we hear more often, and we hear it on bill after bill after bill, that we would like to have more adequate funding for cancer research and heart disease research and the work of the Centers of Disease Control and Prevention. We would like to do more for first responders here, we would like to improve the military, our communities, policemen, firefighters, emergency medical personnel, but there just is not enough money.
Mr. SPRATT. The largest chunk of it went to President Bush. The largest chunk of it went to the President's leadership in the House to pretend that we are going broke in this country because of budget cuts. Who can believe that? Why can we believe we are going too broke because we are doing too much cancer research or because we are building too many highways?

The chart here pretty well tells the story. The Republican tax agenda worsens the deficit by $2 trillion. And the gentleman can confirm, we are talking about $1.4 trillion over the next 10 years and a worsened deficit situation because of the Bush tax cuts. And then if we take account of the alternative minimum tax and fix that, then that is another $600 billion.

So something like $2 trillion that the Republican tax agenda is going to cost us in the next 10 years is what that chart says to me. And then we have the next chart.

Mr. SPRATT. Yes, sir.

Mr. PRICE of North Carolina. Then the next chart shows that the story is worse than that, because the Bush tax cuts cut our tax revenues. The repairing of the AMT I have already mentioned, over $600 billion. The cost of social security privatization, $750 billion.

The realistic estimate of war costs, beyond what we are appropriating this year, almost $400 billion. Paying interest on all of this accumulated debt, $267 billion; that is another $2 trillion. Where is it going to end?

This is a deeper and deeper hole that we are digging, and very little of it has to do with domestic discretionary spending. But the main victims are these domestic investments that we are seeing every day on the Appropriations Committee squeezed mercilessly, so that money that really do shut off growth and opportunity for our people.

Just think what we could do with the interest alone on this growing debt. This chart shows how interest payments are dwarfing appropriations for other priorities. The red bar is interest. The blue is education spending. The brown is environmental spending. The dark bar is veterans spending. And then you look ahead to 2010, you see the disparity is even more. That is money down the rat hole, money that anyone in our hearing tonight could think of better public and private uses for that money that we are paying mainly to foreign purchasers of our national debt.

But that is where the money is going. It would be more than enough, of course, to fix the Social Security problem totally. And it is, in the meantime, preempting so much that this country needs to be doing to ensure expanding opportunities.

So I thank the gentleman from South Carolina (Mr. SPRATT) for the Special Order tonight, for the presentations, which I think have underscored quite clearly the deficit situation that we are facing, the accumulating debt, and what we are paying for that, the kind of opportunities lost because of this fiscal excess.

Mr. SPRATT. I thank the gentleman for his insights into this very critical problem. And I yield again to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Well, I would just ask the gentleman, we have outlined what some would think would be quite a crisis. If you look at this chart, something happened in 2001: we passed all of those tax cuts. I would just ask the gentleman from South Carolina (Mr. SPRATT) if this administration or the majority in Congress has ever expressed any acknowledgment that there is a problem.

Mr. SPRATT. Well, the administration avows its aversion to debt. And yet it keeps taking debt on top of debt. The deficit in the year 2003 of $378 billion. Now, if this chart, the next year of $12 billion, another record. A deficit this year of $330 billion. And they claim to be cutting it in half, but it does not appear that way if you accurately project it.

The Bush administration begins it second term with this policy initiative, the first that the President brought forth, namely, to privatize Social Security. In order to privatize Social Security, the Bush administration would allow workers today to take up to a third of their payroll taxes, take them out of the Social Security trust fund account where they accumulate to a surplus, and put them instead into private accounts.

That means a diversion of well over $3 trillion over the next 10 years, or the first 10 years during which that program would be implemented. And here is a depiction in bar graphs of how much additional debt would be stacked on top of the enormous mountain of debt already accumulated if privatization took place as the President proposed it. As you can see by the year 2025, 2028, we would have racked up $1.9 trillion in additional debt on top of even more debt incurred in the ordinary budget of the United States.

So the Bush administration says that it does not like debt any more than anyone else, but its policies contradict that claim; and the Social Security proposal coming on top of an already out-of-control deficit-ridden budget just leaves one incredulous as to what they say about their fiscal policy.

Mr. SCOTT of Virginia. Now, if in other words, they have not only failed to acknowledge a problem, they are actually, with their policies, making the problem worse.

Mr. SPRATT. This would clearly make the problem worse, probably 100 percent worse over this 20-year period of time.

Mr. SCOTT of Virginia. Now, if you did not acknowledge that there is a problem, how likely is it that you will
take the very difficult, make the very difficult decisions that we had to make in 1993?

Mr. SPRATT. What we have seen in the 1980s and 1990s in coming to grips with the budget deficit, a compelling problem unless otherwise eliminated, for years, is that unless the administration, the President and the leadership of the Congress, is focused upon this problem and there is a driving priority, it simply will not be resolved.

And that is the problem we have today. When we finally put the budget to bed, the deficit to bed, got rid of the remaining deficit in 1997, it was because President Clinton had not only made that his number one priority for his second term, but he put his first team on the field.

Every time we met for negotiations, Frank Raines was there, Bob Rubin was there, Erskine Bowles was there, everyone in the room had the President's proxy and could speak for him; and the participants, the budget principals, knew that the administration was pushing hard.

Unless everybody pulls hard in that same direction, there are too many otherwise outside forces that stray you off course. So you have got to have leadership to get this done. And we do not have that leadership, Mr. Price of North Carolina. What you are saying about leadership, I think, really is important, because it is pretty easy to get cynical about Congress and the budget process over the 1980s and 1990s as so often action was pretty ineffectual. But there were three times, were there not, when Congress rose to the occasion: once in 1990, on a bipartisan basis when the first President Bush joined with the Democratic leadership and concluded a significant budget agreement; in 1993, with Democratic heavy lifting alone, an agreement that was actually rather similar to 1990 and moved the ball further; and then the 1997 deficit agreement brokered by President Clinton, but with some bipartisan support.

Looking back to that 1990 agreement, which I think most of us remember as a difficult time, but a very positive achievement, is there any prospect that this present administration or this present congressional leadership has any inclination to undertake this sort of task?

Mr. SPRATT. Well, if the gentleman will recall, in the late 1980s, we came to this conclusion that we had to have Presidential leadership as well as congressional leadership solidly behind us. And so we sponsored resolutions several years in a row which called for a budget summit.

We finally passed such a resolution, convened a summit, they met at Andrews Air Force Base something like 60 different days, and once again they succeeded. They capped discretionary spending; they devised the PAYGO rule. They reduced entitlements, rates of growth, did all of the things you needed to do.

The results were obscured by the fact that we had a recession. But the Clinton administration built upon the successes and upon the processes of the Bush administration, the Bush budget that moved us from a $290 billion deficit, to a $236 billion surplus. That was built on that foundation.

Mr. PRICE of North Carolina. If you fast forward to the present, as the gentleman from Virginia (Mr. SCOTT) was suggesting, the budget situation is actually worse; the objective budget situation is actually worse than what we faced in 1990.

This President Bush, unlike the first President Bush, does not seem inclined to even agree there is a problem. And the congressional leadership is totally disinclined to take this up. So it strikes me as a very dangerous kind of complacency that really, I guess, I believe speaks a deterioration of the budget process, but also of leadership to use the budget process to get our fiscal house in order.

Mr. SPRATT. Well, the chart that the gentleman from Virginia (Mr. SCOTT) is holding tells an awful lot. Every year during the Clinton administration, due to those three budget agreements, which the gentleman just described, the bottom line of the budget got better and better to the point where we finally had the budget in surplus for the first time in 30 years.

Every year since the Bush administration came to office in 2001, the bottom line has gotten worse to the point where today we have record deficits, three in a row, record deficits: 378 last year, 412 in the year 2004, it looks like 350 this year. There have been changes made in the margins, but nothing as dramatic and emphatic as what we did in 1993 and 1997, and that is why you do not see any real results of any substance on the bottom line.

Mr. SCOTT of Virginia. In 1994, there was a change in leadership in Congress. What happened in 1995?

Mr. SPRATT. In 1995?

Mr. SCOTT of Virginia. When the Congress passed budgets that included massive tax cuts, what happened to those budgets?

Mr. SPRATT. Well, in 1995 and in 1996 we had better and better bottom lines because we had a PAYGO rule, and we had discretionary spending caps.

Mr. SCOTT of Virginia. But did President Clinton, when he looked at those budgets, not have to veto those budgets, showing Presidential leadership?

Mr. SPRATT. He did indeed. And then we had a point where we could not come to a conclusion on the budget. As a consequence, the whole government was shut down and President Clinton, upon being reelected said, I do not want to go through that again. I would like to get to a place where principals get together with the White House budget principals and try to negotiate a deal earlier in the fiscal year, as opposed to near the end of the fiscal year with our backs against the wall.

Mr. SCOTT of Virginia. But the Presidential leadership would not allow an irresponsible budget to become law?

Mr. SPRATT. Absolutely not. And that is the problem, the situation by the end of the neck the next year and saw to it that we finally brought it to a successful resolution, a phenomenal resolution: a surplus of $236 billion in the year 2000.

That is the high point, since we are just about out of time, let me thank the gentleman from Virginia (Mr. SCOTT), the gentleman from North Carolina (Mr. PRICE) and the others who participated, about a subject that is of great concern to all of us. We all have this feeling that the day of reckoning awaits us, and we would like to see this done consensually, with good policy.

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I am pleased to be here with some of my colleagues this evening, and we have a great agenda. We are going to talk about the agenda that we have had for this session of the 109th Congress and some of the positive accomplishments that we have made. But before I start on that, I do want to make a couple of comments, Mr. Speaker, regarding my colleagues across this aisle and some of the things that they have had to say.

They are so very concerned about the budget and how the budget works and about spending. Mr. Speaker, I just have to say it is interesting for me to hear them. Some of them are talking about how we cannot have a budget that grows the economy because we would be doing away with needed programs. And then we hear that we are not growing the economy enough. And the interesting thing is you cannot have it both ways. You cannot have it both ways.

You know, you have to set a course and you have to move forward on that course, and that is what this leadership has done.

We know that it is the people's money that we are here to be good stewards of. And it was so interesting, one of my colleagues just said, tax cuts are going to cost us. Tax cuts are going to cost us. Well, you know what, every time we pass a bill that spends another dollar, it is costing everybody that is paying taxes. When we reduce taxes, we give money back to the people that are earning that money, the taxpayers. We leave that money in home communities. We leave that money where it belongs, with families.

That is why this great Nation of ours, taxes are the biggest part of any family budget. We will set about on a course, the leadership in this Congress
has set about on a course, the President and the administration have set about on a course to get some of that burden off the backs of the American taxpayer; and we are working to reduce the size of this government.

Mr. Speaker, I tell you, I am so pleased that tonight we can take a moment and reflect. This is day number 169 on the 2005 calendar. It is day number 67 in our legislative calendar of the 109th Congress. And the majority in this is not clear to most of the American people, my colleagues across the aisle, many have been abandoning their party leadership in droves and they are voting in favor of a Republican agenda and our legislation. And it is worth noting tonight.

People say, oh, Washington is such a partisan town, nothing ever gets done. The town is in gridlock. And the majority leader has come to the floor and she will rail against the legislation that is being brought forth, and she will call it virtually everything in the book but good. And after all the hot air hits the rafters and people put their card in and cast their vote, dozens of Democrats vote for the legislation that she has just taken 5 minutes criticizing.

Why is it, Mr. Speaker? I think it is probably because the leadership in this body is crafting legislation to solve problems. We are here to solve problems for the American people. We are here to work to reduce regulation. We are here to lessen the tax burden. We are here to protect the rhetoric that will preserve individual freedoms for this great Nation. And we are attracting so many Democrat votes because the legislation that is in this body is legislation that appeals to the folks back home, regardless of what the party is. They are the folks who are interested in a better life and a better quality of life for their families.

Here are just a few examples of what we have seen many of the Democrats come and go and support, Mr. Speaker: One, bankruptcy reform. We passed that bill with 302 votes, 73 of those were Democrat votes.

Class action reform. We passed that with the votes, 50 of those were Democrats.

The REAL ID Act. We passed that with 261 votes, and that included 42 Democrats who joined us in saying let us secure these borders, let us stiffen up these immigration policies.

The Continuity of Government Act passed with 329 votes, 122 of those were Democrats.

The Energy Policy Act passed with 249 votes, 41 of those were Democrats. The Child Interstate Abortion Notification Act, 207 votes, 54 of those were Democrats.

Mr. Speaker, it is phenomenal, but the one thing that it is that the American people are interested in. It is an agenda that they support.

Mr. Speaker, I want to yield some time this evening to our chief deputy whip, the gentleman from Virginia (Mr. Cantor) who is going to talk to us about some of the matters that that legislation impacts those in his State.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. Blackburn), and I commend her for conducting this Special Order tonight. It is a great opportunity for us to gather here and to really do a number of things. First, to set the record straight after responding to the comments made from the other side; but also, as the gentlewoman mentioned, to talk a little bit about our vision for America and what the majority has been doing in pursuing that vision through legislation that we have worked on here in the House of Representatives.

First of all, I would like to join the gentlewoman in supporting her statement that we are here as shepherds of the people’s money. It is and should be our aim to give back as much of the money that is earned by the taxpayers, to the people that are earning that money, and put it to the work in the best way and the most efficient way possible.

In that spirit, Mr. Speaker, I would also point out that the other side, in making the comment that the President nor the leadership has noticed that there is a problem with the deficit, nothing could be further from the truth. All that needs to be done is if they would look back to the deficit, to the budget that we passed to deal with the deficit. The President has set the goal that we must halve the deficit within 5 years. And this House of Representatives along with the entire Congress managed to pass a budget which for the first time in at least 8 years begins to chip away at the so-called entitlement programs. And we will have a bill later this year which does that, to begin to arrest the exponential growth in those programs.

But also we passed a budget that actually achieves an approximate percent across-the-board cut in defense, non-homeland security spending. Although those savings may seem meager, this is the first time that we have done that since the Reagan era. So, Mr. Speaker, I would differ strongly in pursuing the statements made by the other side to remind the people across this country that we are serious. We are serious stewards of our taxpayer dollars, and aim to be able to give back more of the hard-earned money that the families and businesses across this country earn on a daily basis.

Now, let us turn to maybe the accomplishments that the gentlewoman talked about just now, and make an introductory remark about how we are leading this country, how we are responding to those issues that are on the top of people’s minds across this country, and certainly are doing everything we can to help our young men and women in uniform as they have volunteered their time and made a sacrifice for us to go over and to conquer the enemy that poses a tremendous threat to our freedom.

One, almost 4 years ago, on September 11, 2001, there is no question that all convention in terms of security was turned on its head. It was on that day, Mr. Speaker, that we saw 19 terrorists kill 3,000 Americans in about 20 minutes with box cutters on a plane. And that was something that was really demonstrative of the fact that we were not thinking the unthinkable. I dare to say that not many of us would think that such an awful, awful terrorist attack could occur on our own soil. But if it did it did. The gentlewoman mentioned, we rose to the occasion and we passed the REAL ID act to make sure that no longer could a terrorist have access to false identification issued by any State government to board an airplane and use that airplane as a missile to kill Americans. No longer will that happen.

And as the gentlewoman points out, we were able to garner an awful lot of support on the other side. But mind you, it was not support coming from the ranks of the minority leadership, but rather it was the leadership on the Republican side of the aisle that took the lead on that issue.

But in terms of security and what is going on here at home, we are also dealing with a very real problem, and that is the spread of gang violence. This is not only a State problem, it is a national problem. It is an international problem that reflects the influx and occurrence of terrorists making it across the border, joining gangs, and participating in some very violent acts.

A little over a month ago here on the House floor, we passed what was called the gang buster bill to provide Federal law enforcement with extra tools to go ahead and identify and apprehend individuals connected with these gangs, and also to strengthen penalties so that we can put an end to violent activity in our community.

Once again, leadership position that was taken on the majority side of the aisle and, frankly, has not been at all echoed or supported by the other side’s leadership. None of this, Mr. Speaker, none of this would be possible if we do not ensure that our economy remains strong.

In going back to the point the gentlewoman made about ensuring that the more taxpayer dollars that we can return to the people that earn it, the better off and the more productive our economy can be, we have witnessed over the last several months an incredible surge in the rate of job creation in
this country. We are at about a 5.1 percent unemployment rate nationally, which is a lower rate, the lowest rate that we have experienced in this country since September of 2001. I can say, Mr. Speaker, in my home State of Virginia, we have an approximately 3 percent unemployment rate, which again demonstrates the productivity gains that we have made, but also demonstrates that we have got an environment where individuals have taken note of putting their capital at risk to create jobs and creates value.

Now, we all know we are in a 24–7 global economy. We make no mistake about that. I think it is an agreed-upon fact that today we in this country, it is not just that our constituents are competing across town, it is not the competitor there that we are only worried about, but the competitor across the globe.

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You talk to some of the economic developers that are active in today’s global economy and they will tell you there is nothing more than the fear that an individual or company looking to invest resources would do so in Lima, Peru, as they would in Lima, Ohio. That is the reality of today’s global economy.

That is why we must compete. We must ensure that our tax laws are competitive. That is why we need to make sure that we enact some permanency in the Bush tax cuts because there is nothing more than the fear that a lot of those tax cuts on the economy itself and the tremendous surge that we have experienced.

We need to make sure that the regulatory environment is competitive. We cannot have our regulators promulgating burdensome regulations that inhibit capital formation in this country, because literally we are competing with every nation in the world.

Mr. Speaker, we also must be mindful of the fact that as the proliferation of junk lawsuits. Nothing can be more inhibitive of capital formation than for an individual or a company to realize that they may be subjected to frivolous lawsuits and exposure to liability that simply is not warranted.

All we have to do is recall the class action suits against some of the fast-food chains that posed a potential risk to them, exposing them to liability for making hot coffee. Frankly, for an individual to drive up to a drive-through window, purchase a cup of coffee and then not realize that it is so hot that if it spills on them it would cause a burn, to me, defies common sense and reason.

It is those types of frivolous lawsuits that were included in this class action reform bill that we have passed and the President actually signed into law. It is that type of legislation that has been guided through this House, through the support of our membership, and certainly the support of our Speaker and our leadership.

Mr. Speaker, we have a daunting task ahead of us in approaching the very real problem of Social Security. This is one of the most successful programs that we have ever faced in this country; but yet it is a program, given the demographics that we face in this country, that frankly is unsustainable. That is why the proposals have stemmed from it. It is from the majority side of the aisle, and to date, Mr. Speaker, save but one Member on the opposite side of the aisle, we have seen nothing, nothing, no contribution from the other side of the aisle, not even contritement that there is a problem facing the Social Security system today.

It is on that note, Mr. Speaker, with an issue of such import that I implore the other side of the aisle to join our discussion, to contribute to trying to come up with solutions for the American people. I implore the other side and the leadership there to begin to join the discussion in arriving at solutions for the American people.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Virginia and thank him for his thoughts on the issue and the things that we have been able to accomplish already in this 109th Congress. As the gentleman had said, there have been so many things that we have been able to do.

I have got a list of 100 ways in 100 days that we have been able to pass legislation that at some point he just mentioned: class action reform, funding for the troops, workforce job training, a highway jobs bill, a budget that reins in spending, boosting our border security and tsunami relief, all things that are very important. As he said, when it comes to issues of taxation, we are reducing the rate of taxation and the impact that has on our families.

Talking about the need for deregulation, We like to say in my district, we are reducing the rate of taxation and that is tax reform. That is what it is about, creating those activity gains that we have made, but it is the longest day of the year, the summer solstice. This is one of the most successful programs that we have ever faced in this country, and the tremendous surge that we have experienced.

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the American economy up to 250,000 jobs annually? By permanently repealing the death tax, we would add more than 100,000 jobs each year. Nearly 60 percent of business owners say that they would add jobs over the coming year if they were permanently and completely eliminated.

What does the death tax do? Well, it is the leading cause of the dissolution of thousands of family-run small businesses. Small businesses owned by families, the death tax comes at the end when somebody dies who is the senior in the family, and what happens is that death tax is instituted, and they have to sell that family business in order to pay that death tax. It penalizes work. It penalizes savings. It is an incredible death blow to small businesses.

Get this statistic: more than 70 percent of family businesses do not survive the second generation. Eighty-seven percent do not make it to the third generation. Why is that? How much does that death tax take? You talk about 15 percent taxes here is high, and 20 percent there, and the income that is that is higher than that; but what does the death tax take? Forty-seven percent. Forty-seven percent. It is no wonder that 70 percent of small businesses do not survive to the next generation.

So the death tax is unfair. It is unjust. It hampers economic growth. It increases the cost of capital. It artificially elevates interest rates, and this is another astounding fact: it probably increases the cost of capital and taxpayers more than the tax on the revenue that is gotten. That is the kind of nonsense that Americans are tired of.

So what did our Congress do, led by Republicans and joined by some monomomse Democrats? What did our Republican leadership and our Republican House do? We passed a bill to repeal permanently the death tax. I could not be more proud to serve with men and women who are working on this issue and other issues in such a responsible way.

I am here to tell my colleagues that it is a positive thing that this Congress is doing, that this Republican leadership is doing, and that this Republican majority is doing; and we ought to be excited about where we are as Americans about the leadership that we have.

Mrs. BLACKBURN. Mr. Speaker, re-claiming my time, I am certain that in the district in Georgia, just like in my mine in Tennessee, he has many family farmers. In our dis-trict in Tennessee, small business is the number one employer; and when I meet in my district with many of our farmers, with many of our small busi-ness owners, this is one of those issues, a permanent repeal of the death tax, this is something that they want to be certain gets signed into law. They are so supportive of the President and what he is doing there, and they want to be certain we get rid of that.

We look at it as a triple tax. You pay tax when you acquire an asset; you pay a tax when you earn your income; you pay a tax when you maintain that asset; and then you die and you go and you pay it again. I talk a lot about sweat equity. Being a small businesperson, when somebody goes in the business and they have that bright idea and they go and they put out years and years and years into building that business and building that customer base, they want to be able to with pride give that to their children and their grandchildren, for that to be their livelihood, to continue that legacy.

I look forward to our being able to put an end to such an egregious tax, and I thank the gentleman for his leadership on that issue; and I yield to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman ever so much. I appreciate that. I always thought it was two bites at the apple, but she is right. It is three bites that the govern-ment takes, and unfair.

I just wanted to come and add a little perspective of what I believe is the opt-imism that this Congress is leading with, this Republican leadership and this Republican majority is leading with. I appreciate the gentlewoman doing this this evening and giving us an opportunity to show the American people and talk with the American peo-ple about the positive things that this Congress is doing, and I thank her very much.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for his comments, and he is so right. There is a spirit of optimism in America; and we see that in our dis-tricts, folks that are growing new busi-nesses, folks that are working, getting new skills, training for new jobs; and we appreciate that about them. We love seeing that in our districts, and we like seeing that optimism, and cer-tainly we are encouraged when we hear from our con-stituents that they are excited about some of the legislation that we are passing here, whether it is with bank-ruptcy reform or the REAL ID Act, taking steps to secure those borders, reducing taxes, supporting our troops.

A gentleman who knows quite a bit about supporting those troops is the gentleman from Kentucky (Mr. DAVIS) with his military background. He is new to this year here in Congress, and we welcome him, and we welcome his energy and his willingness to work on the great agenda that we have es-tablished in this 109th Congress.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. DAVIS) for purposes of order.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentlewoman from Ten-nessee for yielding.

I believe that we have much to be pleased about; and contrary to the ob-stinate obstructionism of the far left, and I talk a lot of this, I do not think that portrays an accurate picture of the work that is being done in the 109th Congress.

So far we have seen several signifi-cant pieces of legislation passed with overwhelming bipartisan support. We have watched as a significant number of Democrats have broken ranks to support business and family-friendly legislation.

So what have we been spending our time on? For starters, we have given a helping hand to small businesses by passing class action reform, a perma-nent repeal to the death tax, and a comprehensive energy policy, all of which contribute to the overall good health of our economy.

More importantly, these measures will help create jobs. Americans want to work. Americans want to earn a paycheck and want to feel like they have contributed to our part of the world.

We in Congress can help Americans do that by continuing to support and pass legislation that creates jobs. Con-sider this: the energy policy will create 40,000 new construction jobs by build-ing 27 large clean-coal plants. That will benefit the Commonwealth of Kentucky and the Ohio Valley, work-ers, suppliers, and also manufacturers and energy producers.

It will create 12,000 full-time permanent jobs related to plant operations, and the legislation allows for increased natural gas exploration and development that will create jobs and provide more than $500 million in increased revenue for our economy. The com-prehensive energy policy passed with the support of 41 Democrats who believe more in creating jobs and estab-lishing an energy policy rather than petty politics.

Let us also consider the permanent repeal of the death tax, which passed with the support of 42 Members of the Democratic Party. They voted to allow small businesses and family farmers to keep jobs and our dollars in commu-nities, rather than sending them to bu-reaucrats in Washington, D.C.

There is the highway bill that will create more than 47,000 new jobs for every $1 billion invested in our country’s transportation system. Not only does this create jobs, but it increases road safety so that our families and ev-eryone else who travels them can be as-sured of a safer ride. And 198 Demo-crats supported this legislation. The minority leader did not, despite the fact that that bill alone will lay a tremen-dous foundation for future growth and jobs related economic development throughout this land.

Mr. Speaker, 71 Members of the Democratic Party joined with us to pass the Gang Deterrence and Protec-tion Act of 2005, again without the strength or support of their leadership. Our country is becoming a problem in nearly every community in the Nation, and we are starting to hear disturbing whispers about gangs that...
regularly bring illegal immigrants into this country to boost their gang membership and may be teaming up with terror cells to smuggle in terrorists. This is a serious threat to our national security that we must address.

But we can expect from our Democratic leadership that continues to insult and denigrate our troops and the mission of our military, those who serve on the front lines? So we continue to be joined by rank-and-file Democrats, the 54 Members who helped us pass the Child Interstate Abortion Notification Act, the 42 Members who helped us pass the Border Security Act, and the 122 Democrats who helped us pass the Continuity in Congress Act.

Moreover, 143 Democrats joined with us to support our troops at the tip of the spear, fighting the war on terror to protect our Nation and keep our communities and our homeland safe. They made sure that we ensured our troops have the resources and tools they need to fight and win this war on terror.

Contrary to what the liberal media implies, there is strong bipartisan work to continue the security of our homeland, and the security and jobs of ordinary Americans who depend upon us to pass commonsense, reasonable legislation.

As a joint team, we are doing our part to make sure we are getting something done and that nothing is being accomplished. It is just too bad that the Democratic leadership continues being obstinate and obstructive when there is so much at stake for our future, our continuing economic well-being, the security of our homeland, and the security and jobs of ordinary Americans who depend upon us to pass commonsense, reasonable legislation.

As the gentleman was speaking, I thank the gentleman for taking the time to share his thoughts tonight.

The gentleman is so right: it is family friendly. It is business friendly.

That is the agenda that this leadership has. It is an agenda that is based on hope. It is an agenda that is based on the love of opportunity and knowing that we all want something better for our children, for our grandchildren. We all want to see America be vital and vibrant with a great economy and opportunity for all of our children.

As the gentleman was speaking, I thought about a great Tennessean, Alex Hailey, and a comment he used to make regularly. He was a wonderful author, and we are so proud of the works he created. He had a phrase that he would use often. It was “find the good and praise it.” In this 109th Congress, the agenda that we have brought forward has a whole lot of good in it. It is wonderful to take a few moments on this first day of summer, on this 169th calendar day of the year, the 67th day of this 109th Congress, and praise the good work that is being done on this floor.

We have talked a lot about our economic security and homeland security. Let us focus on moral security and the obligation we have for health care in this great Nation. One of the leaders in this debate here in this Congress is the gentleman from New Hampshire (Mr. BRADLEY), and he is going to talk about how he can and some of the items we have been able to accomplish on our health care agenda.

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is a pleasure to join with the gentlewoman from Tennessee (Mrs. BLACKBURN) to talk about an agenda that helps get Americans back to work, that wins the war on terrorism and makes our Nation secure, and an agenda that focuses on affordable and accessible health care for all. I like the gentlewoman. I go home every weekend and I do town hall meetings. I am going to do my 100th town hall meeting this weekend since I have been a Member of Congress. One of the things that keeps coming up is the cost of health care and what can we do to further lower it.

There are a lot of things that we can do and have voted on in the past and will vote on in the future. It starts with the fact that doctors with high liability costs and being driven out of the practice of medicine because of those soaring liability costs. We need to confront that. We have done that on our side of the aisle and will continue to do that. Some reasonable limits on pain and suffering awards, which some States have and have seen medical liability costs come down and stabilize.

In my State of New Hampshire, we have seen higher-risk specialty doctors, obstetricians, gynecologists, trauma doctors, surgeons, actually have to relinquish or curtail their practice because of soaring liability costs. What does that mean? It means people that need medical care may not be able to get it from the doctor of their choice, or they have to drive further, or it is simply not available in certain regions of my State. This is a national issue, and we need to get this on our agenda. This is something that we voted on on this side of the aisle and supported, and I hope that the other side of the aisle will join in this commonsense reform to make sure that doctors stay in business.

There are other things that we can do. Small businesses have so many employees, and they constitute about 70 percent of the new jobs; but for many small businesses they are also where, unfortunately, a number of Americans cannot afford health insurance through their business, the business owners, that represents a significant number of the uninsured people in our country. So allowing small businesses the same opportunities that large corporations have, to pool together and to do so across State lines, to join through bona fide business organizations, whether it be chambers of commerce, or like-minded business organizations, whether it be for-profit or not-for-profit, to buy insurance together and to do so up to an amount of $5,000 so that small businesses and other entities can take advantage of the buying power that large corporations have so they will get better discounts in health care. It will allow them to spread out the risk of expensive treatments and to spread out high administrative costs, all things that small businesses need. I hope that we will be able to pass this here in the House and the Senate to enact this reform.

A couple of things that we have done in the 108th Congress, and we need to look at that because one of the big things that we have done is going to take effect on January 1, 2006, and that is a Medicare drug benefit for senior citizens. It is long overdue for senior citizens, especially those who are lower income, who are facing the cost of high prescription medicines, to have access through Medicare to prescription drugs so they can live independently, longer lives. This was a reform that was adopted in the 108th Congress and will be implemented on January 1, 2006.

As part of that legislation, we also allow families and businesses, if they choose to match contributions of families, to create health savings accounts, and to do so up to an amount of $5,000 for a family of tax-free dollars that they can actually use to purchase their own health insurance.

So this is a reform that we both know is something that will allow people to be wiser consumers of health care because it is their money that is going for either the purchase of health care or the purchase of higher deductibles health insurance.

These are reforms, the Medicare drug benefit and health savings accounts, that we have accomplished in the last session of Congress. It is my hope that we will be able to push this agenda forward, this positive agenda, so we have lower liability costs for doctors and we allow small businesses to pool together to purchase health care in collective units.

Now one last thing that has enjoyed bipartisan support and the President deserves a great deal of credit for, those are community health centers. I have one in my district that recently got Federal funds that is going to expand its operation, nearly double its square footage. Community health centers are alternatives to more expensive hospitalization. And they give people of lower income or people who need preventive care, primary care, better access to health care facilities. We have dramatically increased the funding for community health centers over the last several years from about $1.1 billion to $4.6 billion. The President to this budget, the Labor-HHS budget, to about $1.83 billion. This will enable more of these community
I thank the gentlewoman so much for organizing this hour.

Mrs. BLACKBURN. I thank the gentleman for joining us. He is so correct in jobs and talking about jobs. We are pleased that the unemployment rate is at 5.1 percent. Out of the point that we have accomplished this year, with bipartisan support, is the jobs training bill, giving the training that is necessary, and allowing that to be accessed by individuals right there in their home communities so they have the skill set to move forward in the economic expansion to secure good jobs right there in their communities for their families.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) for his comments and thoughts on the agenda in his first Congress here with this 109th Congress.

Mr. MCHENRY. I certainly appreciate the leadership of the gentlewoman from Tennessee here in Congress, and I know her constituents are hearing for a decade that that was necessary, and allowing that to be passed, we had an unemployment rate of over 6 percent. Today, that unemployment rate is 5.1 percent, and 3.5 million jobs have been created.

When we talk about making our economy more competitive so that Americans can compete around the world, tax reform is a significant issue, and a stimulus package that drives jobs is a huge issue to make sure that Americans have every opportunity, anybody that wants to find a job has the opportunity to find a job. As I have noted already, making health care more accessible and more affordable through some of the reforms that I outlined, our economy is more competitive and enable businesses to better afford health care for employees and our Nation to grow.

I thank the gentlewoman so much for organizing this hour.

Mrs. BLACKBURN. I thank the gentleman for joining us. He is so correct in jobs and talking about jobs. We are pleased that the unemployment rate is at 5.1 percent. Out of the point that we have accomplished this year, with bipartisan support, is the jobs training bill, giving the training that is necessary, and allowing that to be accessed by individuals right there in their home communities so they have the skill set to move forward in the economic expansion to secure good jobs right there in their communities for their families.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) for his comments and thoughts on the agenda in his first Congress here with this 109th Congress.

Mr. MCHENRY. I certainly appreciate the leadership of the gentlewoman from Tennessee here in Congress, and I know her constituents are hearing for a decade that that was necessary, and allowing that to be passed, we had an unemployment rate of over 6 percent. Today, that unemployment rate is 5.1 percent, and 3.5 million jobs have been created.

When we talk about making our economy more competitive so that Americans can compete around the world, tax reform is a significant issue, and a stimulus package that drives jobs is a huge issue to make sure that Americans have every opportunity, anybody that wants to find a job has the opportunity to find a job. As I have noted already, making health care more accessible and more affordable through some of the reforms that I outlined, our economy is more competitive and enable businesses to better afford health care for employees and our Nation to grow.
Class action lawsuit reform, we passed with 50 Democrat votes. Their leader, out of step with her own Members, voted no.

REAL ID Act, 42 Democrats voted yes. Their leader voted no.


Continuity of government, bipartisan support for this, included 122 Democrats voting for it. They thought it was the right thing to do. Their leader voted no.

The agenda on the left is all about no. No action, no results, no ideas. And we on the right, we the Republican majority, are acting. We are moving forward. We are trying to do what is right for all Americans, not just say no.

Mrs. BLACKBURN. We have a newspaper here in Washington, D.C. It is called The Hill. Today there was an article, Progressives to Unveil Their Core Principles. It talks about how some of the liberal Members in the House felt sidelined, and I am quoting, “felt sidelined as more centrist Democrats have chosen to side with Republican leadership on several issues.”

I would suggest to the gentleman that this is why so many Members of this body do talk with us, side with us, work with us, vote with us to pass this legislation, because it is what America wants to see happen. It is what their expectation is and the legislation they want.

Mr. McHENRY. That is a wonderful way you put that. We are trying to take a consensus agenda on what the American people need and want and the direction this country wants to continue heading. And that is more local control, individual ownership and responsibility, keeping more of what they earn to help their families, help their communities, help raise their children and improve small businesses around this country.

I certainly appreciate the gentlewoman from Tennessee taking the time to be here tonight to discuss our agenda, not a Republican agenda but an agenda for America, to do the right thing for all American people. That is what we are trying to do. My constituents back home in western North Carolina certainly have those same ideals in mind. I am sure yours do as well there in Tennessee. I thank the gentleman with this hour.

Mrs. BLACKBURN. I thank the gentleman so much for being here this evening. I think one of the things that we have seen is that so many Members of this House have supported tax relief for every taxpayer. They know that this majority has supported tax relief for every single taxpayer, not for just a few. And, true, we have targeted that relief to those at the lower end of the earning scale and that is an important thing to do.

In the past few years, we have also reduced income tax rates across the board. We have eliminated that death tax. We hope that the Senate works with us, making this a permanent elimination.

We are allowing businesses, we talked about small businesses and jobs creation, allowing businesses to deduct more for their equipment, for their depreciation, for their leasing, so that they can grow and use capital expenditures. We are seeing capital investment increase and jobs growth take place.

For States like my State, Tennessee, and others that do not have a State income tax, we have passed a bill restoring the Federal sales tax deduction. In my State in Tennessee, that is putting hundreds of millions of dollars back into our State economy. It is a great thing. It is a great thing for Main Street. We know that it is the right thing to do, to be sure those dollars stay at home. The last thing we need to do is to take more out of somebody’s paycheck, more out of their pocketbook, and turn around and send it here to Washington, D.C. to try to decide what we are going to send it back. Leave it at home.

The tax relief for individuals and for small businesses has paid off. We started with a recession in 2001 and now we are entering the 25th month of steady job growth and the 25th month of growth. Since May 2003, this economy, not the government, not Washington, D.C., but this wonderful free enterprise system in this great Nation has created nearly 5 million new jobs. The reason we see this jobs growth is quite simple. When government is creating jobs, it is because this leadership in this Congress, in this administration, understands create the right environment and get out of the way. Let the free enterprise system do what they do best, which is create jobs. Over the past couple of years, 25 months, an average of 146,000 jobs a month. We have got historically low unemployment and we have got steady growth.

We have led on tax relief. We have led on the effort to eliminate waste, fraud, and abuse in government and on the effort to cut Federal spending. We passed a budget, despite outcry from the left, that allowed a .3 percent, nearly a full percent cut in budget authority in non-defense, non-homeland security spending.

An issue I know my constituents care deeply about is the growing problem of illegal immigration. We have taken a strong stance on this issue and have made a terrific start with passage of the REAL ID Act. We are funding more border agents. Our list goes on and on, 100 ways, in 100 days.

Mr. Speaker, I appreciate the opportunity to be here to visit with my colleagues tonight. We look forward to continuing the conversation and to continuing to work on a positive, progressive, proactive agenda for America.

ANNOUNCING FORMATION OF OUT OF IRAQ CAUCUS

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I am here this evening to talk about something new and wonderful that has happened in the Congress of the United States of America. I am here to talk about a new caucus that is named Out of Iraq Caucus. I am here to talk about the men and women of this House who have decided they can be silent no longer. I am here to talk about men and women who represent various points of view relative to support for the President from the time that he first announced he was going into Iraq to now. I am here to talk about why we have formed this caucus, what we plan to do, but more than that this evening, we are going to focus on our soldiers and those who are in Iraq serving this country, those who are there in harm’s way, those who have been killed in Iraq, those who are up at Walter Reed Hospital suffering from injuries, those who have lost limbs, having lost their eyesight, those who do not know what the future holds for them.

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We are going to focus on that this evening because it is extremely important for the families of these soldiers to know and understand that we support these soldiers. We know that many of them went to serve because they were called to duty. They were recruited to go to Iraq because their President asked them to do so, and they wanted to serve this country despite the fact they did not understand all of the reasons why. Many of them went to serve because they thought that Saddam Hussein was responsible for 9/11. But, of course, we know now that Saddam Hussein was not responsible for 9/11, and many of the soldiers know that now.

So this caucus has been formed. We have 61 members, and they are still adding on. We met this morning at 10 a.m., and we will continue to meet as we develop our mission statement, as we help to define who we are.

Basically, we have come together to say we want out of Iraq. We want out, and this caucus is not putting a time certain. This caucus has not concocted demands about how we want to get out. We simply want our young people out of Iraq. So we will provide support to other Members of Congress, other caucuses who want to get out of Iraq. We will provide support to the citizens of this Nation, the organized national groups who want to get out of Iraq. We will provide support to other Members of Congress, other caucuses who want to get out of Iraq. We will organize workshops and seminars. We will travel, some of us, to different regions in this country, responding to citizens who are asking for Members of Congress to come and explain this public policy to them. We will be available to meet with the families of servicemembers who have been killed,
who have been injured. We have families who are asking to meet with someone, anybody. We have people who are asking to meet with Donald Rumsfeld, who cannot get any response, who are not being talked to. We are going to meet with them. We are going to talk with them and let them know that we are going to share with them what we know.

But more than that, we are going to be an ear to family members who need to talk with someone about why their son or daughter died in Iraq. We are going to spend the time and give them some attention because we think that the least that we can do is sit and talk and listen to family members.

Some of them will say that they are very proud that their child or their son or their relative served in this war, and we will commend them for the pride that they feel and the fact that their relative, their child, their brother, their father served. Some will say that “I once support the war but I no longer support going there.” They want to hear what we have to say. And we will explain to them how we feel at this time about getting out of Iraq.

And so this is a caucus that will have the ability to extend itself not only to the organized groups and organizations but again to the family members.

I would like to point out something about this war. We have heard many of the statistics and much of the data over and over again. But we have to remind folks we have been there now since March 19, 2003. We have 1,722 soldiers who have died in this war, and the numbers mount each day. The number of soldiers injured: 13,074. We have many Members of Congress from both sides of the aisle who are going up to Walter Reed Hospital to see the soldiers there who are injured, and the stories that we hear coming back from those visits break one’s heart. These are some of the young men and women who had hopes and dreams. Many of them went to war because they had no jobs. They did not know what the future held for them, and they thought, perhaps if I go and serve my country and get an income, perhaps I can do good. I can only serve my country, but perhaps I can get ahead. Perhaps I can learn a trade. Perhaps I can learn something. Perhaps I can exploit some of my talents and show what I can do.

But when I come home, I want to go back, and I want to go to college. I want to get married. I want to have children. I want to contribute to my community.

Well, unfortunately, these 1,722 will never be able to realize their hopes and their dreams. They have died. But the question still remains for many of us, Why are we in Iraq? What is the real story? We know now there are no weapons of mass destruction. Why are we in Iraq? What is the real story? We know now there are no weapons of mass destruction. Why are we in Iraq? What is the real story? We know now there are no weapons of mass destruction.

But when he said to the Secretary of State, Condoleezza Rice, “As you know, there has been a lot of talk back here in the United States about the Special Operations. The Special Operations, the minutes of a meeting with Prime Minister Tony Blair in the spring of 2002 where they discuss their meetings with the United States.” And then he said, “I want to show you what one mother, Cindy Sheehan, the mother of a U.S. soldier, had to say about that memo this week.” And then they showed Cindy Sheehan, mother. She said this: “The so-called Downing Street memo dated the 23rd of July, 2002, only confirms what I already suspected about the Special Operations. It has shown us that the U.S. nation decided that it was finally time to rush us into an illegal invasion of another sovereign country on prefabricated and cherry-picked intelligence.”

And then George Stephanopoulos said to the Secretary of State, Condoleezza Rice, “How do you respond to this, to what Mrs. Sheehan said? How do you respond to that?” Condoleezza Rice started out with her explanation. She started out by saying, “We feel that President Bush and the President has said many, many times. The United States of America and its coalition decided that it was finally time to deal with the threat of Saddam Hussein.” And she went on with the typical kind of discussion and explanation in line with the message that is given by this administration. Along the way, she said, “When you consider what the Iraqi people had gone through in the Saddam Hussein regime’s reign, what about the responsibility to the Iraqi people?”

I was struck by this conversation because not one time did the Secretary of State, Condoleezza Rice, acknowledge Cindy Sheehan, who had been on the screen with the question that was raised by George Stephanopoulos. Not once on Father’s Day did she say, we are sorry your son died, we feel your pain, we understand how you must feel. Not once did she recognize her. Not once did she recognize the death of her son. Not once did she show any sympathy. But oftentimes we hear from this administration how much they care about the soldiers.

Well, the Out of Iraq Caucus is going to show not only do we want them out of Iraq but we care about them. We will never fail to acknowledge a mother who is in deep pain about the loss of her son. Not ever will we be on national TV and not take a moment to say we too care about our soldiers. No.

This is not based on our responsibility to the Iraqi people. My first responsibility is to Americans and to those American soldiers. My first responsibility is to their safety. My first responsibility is to their well-being. My first responsibility is to acknowledge them and their families and their parents. And my responsibility, as a public policymaker, is to tell the truth. We all know now there are no weapons of mass destruction. We cannot tell these young people why they are really there. We cannot tell them that there is an exit strategy. We cannot tell them why many of their friends that they met in this war died in battles that they cannot tell them why they died up in Fallujah. We cannot tell them why they died in Operation Lightning. We cannot tell them what they are doing in Operation Spear.

We hear all of these fancy, concocted names for the operations, but what we do not hear is the definition of why they are doing what they are doing. Are they simply being organized into these special operations to send a signal to the American people that they are really in charge? What are they to do when they go into these battles and into these special operations? Are they to shoot whatever moves? Do they know that many of the Iraqis have died because we have young people in these special operations, Operation Lightning, Operation Spear, operation this, operation that, who were told to shoot anything that moves. Many of them cannot live with the psychological damage that is fostered upon them because they are shooting and they are killing and they do not have all of the answers.

So today we focus on our soldiers, and we say to Cindy Sheehan we are sorry about the loss of her son and we thank her for caring enough to ask the questions, to be involved. We are trying to get public policymakers to do the right thing. So tonight, as we further announce the Out of Iraq Caucus and the Members who have signed up to do the work of providing the platform of creating the voice for those who want to speak out tonight on our soldiers in Iraq, Our prayers go out to them. We want them to be returned home. We want them to realize their dreams and their hopes and their aspirations.

I yield to the gentleman from California (Ms. WOOLSEY), who has been on this floor night after night talking about these issues, the gentlewoman from California who basically said we want out of Iraq: administration tell us how you are going to do it.

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman from California for starting tonight’s dialogue.

It is true, I have been on the House floor for the last year for 5 minutes after the end of our workday, of our congressional day. And my message has been we need to figure out how to bring our troops home. Never in that message have I said it is the one fault that we are there and that they are to be criticized. We are not going to pick on the warriors. We are not going to blame them.
because their leadership, their administration, sent them there to do a job that was not necessary. The death of over 1,700 of our troops does not say to me that to honor those deaths we need to send more troops, we need to have more death.

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I do not think that honors those who have died. I think that, in fact, it is a shame that we would even think of sending another young person, male, female, another older person, our National Guard, our Reservists, into an area that we did not need to be in in the first place. There is no excuse for the United States to have started a war in Iraq.

Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States and that Congress must represent the people of the United States. That means that we, Members, Members of Congress, need to act and listen to the people when they speak. Well, I have been speaking for 80 days, every time we are in session, for 5 minutes, but now the American people are speaking. They have spoken.

The latest Gallup poll released last week indicates that the American people are ready for our military in Iraq to start coming home. They are saying, bring our troops home. They say this, and some actually supported the war at the beginning, but now, like the three of us up here, they want to honor our troops, they want to honor the families of our troops, they want to bring them home safe and whole.

When I say whole, I know what I am talking about. Two years ago, I had a major, major back surgery at the Bethesda Naval Hospital. And when I was able to walk, I walked the halls and visited the troops that had come home then. For one thing, I came up with a plan in January when I introduced legislation that is H. Con. Res. 35, calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation. And this effort on May 25 by introducing an amendment to the defense authorization bill calling on the President to do this simple thing: Create a plan for Iraq and bring his plan to the appropriate House committee. Mr. Speaker, 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a plan to bring our troops home. That is the only fair thing to do for the people of this country but, most importantly, for the troops. They deserve to know when they get to come home, and their families deserve it equally.

I have loved being up here with my colleagues. I am proud to be a member of the Out of Iraq Task Force in the House of Representatives. It is not that we want to run away from anything; it is that we want to figure out how to get out of this mess. We want to bring our young men and women home, and the Out of Iraq Task Force is trying to bring us all together in our Out of Iraq Caucus.

The gentlewoman from California (Ms. WATERS) has recognized the fact that there were those who voted for the war and those who voted against the war, but we know what is going on with our young men and women now, and so the gentlewoman decided to bring us all together to try to help us figure out how to get out of this mess. I think the country owes the gentlewoman a debt of gratitude.

Also, to the gentlewoman from California (Ms. WOOLSEY), I just want to say to her, sometimes she is the lone voice in the wilderness. Sooner or later, if you call it the way it is and stick with your principles and stick with what you believe is right, people will hear you; the country will hear and the world will hear, and I think that is what we are seeing now. So I just want to thank her for her leadership as well.

Mr. Speaker, so often we get caught up in the rhetoric of our positions and what we believe, and oftentimes forget about the human face and the toll of
such a war, such an illegal and immoral war.

The gentlewoman from California (Ms. WATERS) so eloquently talked about the callousness and the insensitivity of this administration toward those who died and who are risk-
ing their lives, while Secretary of State Condoleezza Rice did not acknowledge the sacrifices and the pain that a courageous mother, Cindy Sheehan, must be feeling.

As the daughter of a veteran of two wars, I feel this, and I understand this, and I think that our administration, whether they have children in Iraq or not, I think that they should stand up for these young men and women and feel their pain and try to help figure out how to first say, I am sorry; and secondly, say, let us begin to figure out how we develop a plan and begin to bring our young men and women out of harm’s way.

Mr. Speaker, that is how we really support our troops. Empty rhetoric does not work when young men and women are dying.

So let me just say, I visited the troops, I guess it was probably a couple of years ago at Walter Reed Hospital. This is the untold story of this war. There are thousands of our kids who will be disabled for life, thousands of our young men and women who lost their limbs, who cannot see, their faces have been blown off. It has been a fi-nancial, it has been an emotional, it has been a physical toll. It has come back to the lack of financial and econo-mic security. Some of them are losing their houses, they have lost their jobs, their credit cards. And we serve on the Committee on Financial Serv-
ices and we know how the credit card companies are messing with them in terms of their debt and the bankruptcy issues.

They come back and, upon their re-turn, they see that they have very lit-tle in terms of veterans benefits. They have long lines they have to wait in. The mental health services are almost nonexistent. We know what post-trau-matic stress syndrome is. Our young men and women need mental health services like they have never needed it before. Yet, we cannot get legislation nor funding to provide this kind of care for our kids, and I think that is a shame and a disgrace.

Mr. Speaker, I went to a funeral of a young man, a young military man, in my dis-trict in the war, and it was unbeliev-able. This young man was a proud sol-dier, and I was so proud of him, because he was determined that he was going to go and serve our country and wave the flag and make sure that democracy prevailed in Iraq, and he honorably died, and it was very sad. But his fam-iily told me that while they may not have agreed with what he wanted to do in terms of going into the military, that they supported him going; they loved him, and they thought that they wanted to get more involved in trying to help us figure out a way to ensure that no more kids are killed like this. I hear this over and over and over again. I think all of us here hear that over and over again.

But yes, we went and we bombed the heck out of Iraq, so we have I think a duty and a responsibility to help re-
build and reconstruct the country. But we cannot keep doing that without funding to provide this kind of care for these kids.

So we need to bring them home, and we need to figure out a plan to do that as soon as possible.

Also, let me just say that in the Committee on International Relations, a committee upon which I serve, we helped and we brought to the attention of the State Department Reauthorization Act a couple of weeks ago. So I tried to offer an amendment for withdrawal, and I think there were 12 or 13 votes for that. But then I decided that since the President and Secretary Rice continued to say that we do not want to permanently occupy Iraq, we do not want permanent bases, I said, well, let me do an amendment to the State De-partment authorization bill and all it would say is we just do not intend to have permanent bases in Iraq. Well, I think, on a bipartisan vote, it got about 15 votes there.

Mr. Speaker, I share that because we hear the administration saying, no per-
nomenon presence, no permanent bases; yet we see just the opposite in terms of funding and appropriations and begin-
ing to create this scenario to build permanent bases. So we have to ask the question: What is really going on?

We know that the administration misled the American people and the world that there were no weapons of mass destruction in Iraq. We knew that then. Now, I think the Downing Street memo and the other facts are coming out so that the public will understand what we said then, we knew that there was no connection between Saddam Hussein and al Qaeda and 9/11 and Iraq. And we know that then, but now, thank God for the gentleman from Michigan (Mr. CONYERS) and the hearings that we are holding. We are beginning to edu-
cate the American people so that they know what we knew. And I think peo-
ple are listening, people are beginning to say was this worth it? Was this worth it? Was this worth it? Was this worth it? Was this worth it? Was this worth it? Was this worth it?

We have people who are homeless, we have people that there will be no permanent bases in Iraq. Because, if we do that, we are going to be up to trillions of dollars in terms of this war. And I hate to see that happen, because here we have people who are homeless, we have young kids who need a decent edu-
cation, and we need affordable housing, we need a universal health care sys-
and we need to take care of some do-
mestic needs. With the war going on like this and with billions and billions of dollars being spent, especially if we intend to have permanent bases, we will never meet our domestic needs and the responsibility that we owe to our American citizens.

So I thank the gentlewoman from California (Ms. WATERS) for her leader-
ship and for making sure that all of us come to this floor and call it like it is and tell the truth, and begin to beat that drum and begin to wake up Amer-
ica so that we can save our kids from being bombe and from the suicide at-
tacks and from the violence that they are dealing with in such an honorable way.

These kids are courageous, they de-
serve our support, and they deserve our support in a real way. And that means our support by insisting that they come home so they can be with their families and get the type of care that they need.

Ms. WATERS, I thank the gentle-
woman from California (Ms. LEE). We ap-
preciate so very much the work that she has been doing and her wisdom and early warnings about this war.

Next, I would like to call on the Con-
gressman from New York (Mr. RAN-
GEL), who is a veteran who knows a lot about war because he served.

He is a gentleman who has been un-
settled about this war for months. And he has taken many opportunities to ask what we are doing. When are we going to have a discussion on Iraq? Are we going to speak out? When are we going to have hearings? What is going on with this?

Well, Mr. Speaker, I want to thank him for raising those questions. I want-toed to thank him for being part of what we are attempting to do with the Out of Iraq Caucus. And I welcome him this evening to this discussion.

Mr. RANGEL. Mr. Speaker, I just want people to know that the whole country is not run by distinguished people from California. I certainly do appreciate the leadership that you have taken. God knows how much bet-
ter off our country would have been if
we had recognized the brain power that we have with minority women in this country. But we have that to work on. I do not know where to start, because there are certain people that believe that we are not supporting the troops when in fact, that is not true. I am sure that they return home well to their families.

But I can say that I visited those that have been wounded. I have the 389th. They call themselves the Hell Fighters. They are a National Guard outfit that has been to the Persian Gulf. They have been to Iraq. I am always there when they leave. I am always there when they come home. And I want the gentlewoman from California (Ms. WATERS) to know that they appreciate what we are doing for them.

What people do not understand when they talk about the patriotism of our fighting men and women, they are so right, unlike those of us who have a responsibility to participate, whether we are going to have peace or war for our great country. And a veteran will tell you, when that flag goes up, you are in the military, you salute it. You do not challenge the military. You do not challenge the President. You do what you have been trained to do, and that is to do your duty.

And so no matter how patriotic our men and women are, and they are that, bringing them home to their loved ones means we are patriotic too. I remember when I first enlisted in the Army, I was 18 years old. I had not finished high school. Spinning my wheels. Did not know which way to go. Saw the uniform, saw the check, could send the check home to mom; my brother had before me. Seemed like a pretty good deal.

Now, no way did I know that in August of 1950 I would be sent to Korea, which I am embarrassed to admit I had no idea where it was, to engage in a police action, which did not sound too bad back when a policeman will tell you, there in August of 1950 and guess what? The Second Infantry Division that left Fort Washington to go there is still there today.

Getting into wars in countries is a heck of a lot easier than getting out of them. And so in that war, we did not even declare war. You know, it was a police action. It was the United Nations. It was Truman telling us to go. The majority of our outfit, we were either female, or black. And since I had an opportunity to be exposed about education, I felt for those who God blessed to allow to live, that we had a special obligation not to allow that to happen to other people’s kids. Here we have a situation where people who have served their country and joined the Reserve have been called up two and three times. Families have been broken. I remember when I introduced my draft bill the first time, I got calls from Senator Hollings from South Carolina.

He says, you are worried about minorities and poor folks. You better start thinking of my Reservists. Families are being broken. People have already served and being called two and three times. Wives are complaining, the employers have not called them since their favorite employee was twice called up to serve the country. Tuition has not been paid. Marriages have been broken.

And then you take a look at the other side, the Charlie Rangers all over the country, different colors, different backgrounds, different languages, some not even citizens, but spinning their wheels, looking for a better way of life, getting an education like I got with the GI bill. Where do they come from? Well, just ask the Pentagon. They do not come from communities that chief executive officers live in. They do not come from kids with families of those in the White House or in the Pentagon. As a matter of fact, I have talked with some of the private marketers that are hired by the Pentagon, and as someone who has been there, says that is where the money is. They fish because that is where the fish are. They recruit where the hopeless are in terms of unemployment.

I ask the question. Do most of them come from areas of high unemployment? Yes, that is where they recruit. It makes sense. Now we have not got the retention. People are not being retained. People are not volunteering. You would think that if the President of the United States says, let that fighting terrorism in Iraq is in our national defense, what a speech a President could give to all of America. I could hear it now.

If we do not bring freedom and liberty to every country that seeks it, if we do not have regime change where we do not like people, if we do not bomb and invade and superimpose our government, then our country would be jeopardized. So what are you asking, Mr. President? I am asking all of you not to allow the poor to just carry on in this fight. This is a fight for freedom and liberty; you should be so proud to enlist.

So you make a plea to the poor, to the middle class and to the wealthy, to the men and women of this country that love it. Volunteer. Instead, what do they say when they do not meet their quotas? Well, the $10,000 for 3 years did not work, so we doubled it to $20,000. Now it is $30,000. So do not worry, Mr. President. It is going to be $40,000, and we will get those kids one way or the other.

And now we have got parents saying, do not do that to my kid. He loves us. If I were offered $40,000 at 18 years old off the street of Harlem, I would ask how many years can I take? I mean, that is a lot of money even with inflation being what it is today.

It seems to me that we should not need a draft if Americans thought we were doing the right thing. Makes sense to me. You would leave your job in the Congress if you are young enough. If there is something I can do, I will do it because this country has been extremely good to me.

But I know one thing, that for all of the people that are talking about that they are supporting the war, I ask one question: Would you put your kids in harm’s way to know that you are supporting for this war? It seems like it is so easy, when I was a kid for someone to pick a fight, and then when it is time to go to fight, they said I will hold your coat.

That is what America is doing today. If we had a draft, we would not be in Iraq today.

If we had a draft, we would not be running for president in North Korea. If we had a draft, we would not be threatening Syria and Iran. We would go to the international community with the strength of the United States of America and persuade those countries that terrorism is not just an American problem, it is an international problem, and with mutual respect, sit down and talk with them to see how we can bring peace to the Middle East.

This is going to be one of a series of nights that we know how awkward it is to be against the President when the Nation is at war. But that is true of so many things that happen that we are not proud of. It is so easy not to stand up for what is so easy to believe. But they know what they are doing in Washington. It is so easy to hope that everything is going to work out okay.

But we have had a lot of problems in this country because people are waiting for someone else to do something. And I think as our numbers grow that we will soon make it comfortable for people just to ask the question: Why did we go in the first place? Was there a plan which projected for the 21st century to go to know about Saddam Hussein before 9/11? Did everyone that was in the Cabinet that has written books, Clark did, Woodward who wrote the book on this, did O’Neill, who was Secretary of the Treasury when they said that after 9/11, the President was committed to go after Saddam Hussein, even though there was no evidence that they should go that way?

You hear more about the papers from England, the intelligence reports that we have got to show that even the British intelligence indicated that was the route that we were going. We find now all of the reasons that were given were not true. And as you hear us over and over, and listen to the priests and the nuns and the ministers and the rabbis recognize that all we are talking about is not defending our country, we have got a new standard now.
when you have imminent danger of being attacked. Now, subjectively, we can go to war to avoid the attack being imminent. That subjective standard will no longer be just ours. It will belong to North Korea, South Korea. It will belong to India and Pakistan, and there are so many other places where the great errancy that has ever been created would be shattered just because no one stood up.

Well, we have seen what happened in history to make it not comforting for you not to get involved politically but to listen to the facts. And at the end of the day, when Condoleezza Rice and the President are asked, and maybe some Democrats, if you knew then what you know now, would you have committed this great country to war? Because all you got out of it is a pretty crummy election even by Florida standards, and the fact that we have no clue as to where we are going to get additional troops to stay there, will we get their act together or to train them.

So I thank the three gentlewomen from California and especially, well, not especially, because all of the gentlewomen are giants in this. And one day, until the one day soon, the people who held us in suspicion because we are standing up, and we have to thank God that we have constituents that allow us to do it, that the least that we can say that we have done is to create an atmosphere where good people can stand up when they know in their hearts that they are doing the right thing.

Ms. WATERS. I want to thank the gentleman from New York (Mr. RANGEL) and ask him to remain for a colloquy if he has a few moments with all of us here. I thank the Members for focusing our discussion tonight on our soldiers and helping to remind people that these are real human beings, as I said last week, and they are people who held us in suspicion because we are standing up.

And when they die, not only are those hopes and aspirations gone, but the family members are left devastated and destroyed by these deaths, and we have got to do more to slow our support for them.

It is not their fault if they are there. They answered the call for many reasons, some of which the gentleman described so wonderfully well in his presentation. Some people looking for just a job, for income. Some folks looking to serve their country, to answer the call for whatever reason. And what we have got to be sure about is that we do not allow these sacrifices to be taken lightly.

For example, we hear some Members saying, who wish to support the war, to continue to support the war, saying all they show on television are the bombings, the suicide bombings. All they show are the deaths and the destruction. They do not show the good stuff.

We have got to make sure that we show the good stuff, that because what they are literally saying to me is that somehow the loss of lives of our soldiers should take second place or third place to some news about perhaps cleaning up a street somewhere. I cannot say news about new electricity or clean water or schools or any of that, but they simply say over and over again, all they show are these suicide bombings; they do not show the good stuff.

Well, I do not like hearing that because, again, they are relegating the loss of lives to some secondary status. And tonight we draw attention to the importance of those who are proud of them and their families. And I mentioned earlier that in this interview on Sunday with Mr. Stephanopoulos and Condoleezza Rice, even though he drew her attention to Cindy Sheehan, the mother who had a comment who had been here in the Congress trying to raise the discussion, he drew her attention to her and something she had said and Condoleezza Rice never acknowledged her, never said she was sorry about the death of her son, never spoke to the fact that this woman in pain was attempting to create this discussion.

So tonight there is a mother who has not been answered, who has been trying to get some response from Donald Rumsfeld, and the gentleman from California (Mr. GEORGE MILLER) has put together a letter to Rumsfeld saying, please talk to her. Not only has she been knocking down the door, making the telephone calls, she is talking about other mothers and other families.

So I thank the three gentlewomen who had been here in the Congress trying to raise the discussion, the Members for focusing our discussion tonight on our soldiers and helping to remind people that these are real human beings.

Ms. WATERS. Those are certainly tough questions and, of course, just as Condoleezza Rice gave the framed message, the argument that we always give when she is speaking publicly, Saddam Hussein was a terrible man, Saddam Hussein was a threat to the United States. Now, the Middle East will be better off without Saddam Hussein. Those are the kind of answers I suspect that she would give.

But I think when Condoleezza Rice is on national television in an interview where millions of people are watching, and you have a mother who is shown on television raising a question and you do not even take the time to acknowledge her, to talk to her, I am sorry about the loss of your son.

Ms. LEE. I have noticed this administration is so detached, totally detached from the impact and the ramifications of what they have done in terms of their policies, their warmaking policies. Remember, Secretary Rice was one of the chief architects of this war. Perhaps it is very difficult for her to realize that being one of the chief architects of this war, that Cindy Sheehan lost her son because her policies were responsible for it.

So I think not only should we encourage Secretary Rumsfeld to meet...
with them, we should insist on that. The Defense Department, the Pentagon, and the White House, they owe these families an audience. They owe them an audience.

And the gentleman from New York (Mr. RANGEL) said that we would be very difficult. I think, for this administration to respond to if, in fact, Cindy Sheehan asked those questions. But I believe they have paid the supreme price and they deserve the Secretary of Defense and the Secretary of State. Those who crafted this war, they deserve to meet with them to hear from them, and these parents need that audience and that is the minimal thing that we should insist on.

Mr. RANGEL. I tell you as a lawyer and someone that would advise somebody, I would not ask them to ask to see Secretary Rumsfeld.

Members have to remember this is the same person that told the whole country that he did not know whether we were winning or losing the war. Is that something to tell someone?

He said that it is a slog, whatever the heck that is. And he said something that he was so right in, that he really did not know whether we were winning more terrorists than we were killing. And we can answer him, and the world can, because we lack the sensitive sophistication to understand that a life is a life, whether it is an American, whether it is an Iraqi, in the tens of thousands and sometimes the hundreds of thousands.

I talked with Colin Powell about this and I asked him, How do you train a young patriotic soldier to go to a foreign country to kill terrorists that you do not know what they like, what uniform they wear, what language they speak, and you can only react when you are being fired upon? Can you imagine how many terrorists we create when these cowardly people go to a school to learn to be a terrorist, go to a mosque and fire at our troops? And those who have served would know, you have no option except to destroy where that fire is coming from. And if you destroy innocent people, we no longer call that human life. You know what we call it? Collateral damage.

Ms. WATERS. Well, Cindy Sheehan has already made the inquiry. She had made calls. She has written the letter and now she has asked the gentleman from California (Ms. WATSON). (Mr. TOWNS) just entered the room and I know that they would want to be part of this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to rise tonight with my distinguished colleagues in the newly formed Get Out of Iraq Caucus. We stand together in this hallowed place to advocate for the majority of Americans who believe that President Bush has misled this country. Ms. Sheehan has made her stand. "I must get our men and women home from Iraq. It was the great politician and diplomat Adlai Stevenson who said: "Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." I want to ask the gentleman who is responsible for putting hundreds of thousands of innocent Iraqis to death, "Do you believe strongly in this cause for making that dedication and speaking out about what you believe to be wrong for our great Nation."

I want start off by reading a very telling quote, "War should be the politics of last resort. And when we go to war, we should have a purpose that our people understand and support." This quote was made by none other than former Secretary of State Colin Powell, a senior member of the Bush Cabinet leading up to the war in Iraq. The truth is that this war was not as a last resort, it was not as a last resort, it does not have the full support of the American people; the truth is that this Administration has continuously changed the truth about their motives for going to war. First they said it was about weapons of mass destruction, then when we found out the truth that there weren't any in Iraq, they said the war was now about Saddam, and today they tell us it's about establishing democracy in Iraq. The real truth is that this Administration has no real plan, they had no plan before going to war, they have no plan to get out of this war and most dangerous they have not even won this war.

The truth is that our men and women of the Armed Forces are the ones caught in the middle, the forces are the ones caught in the middle, the truth is that our men and women of the Armed Forces are the ones caught in the middle, the ones who have to fight and risk their lives in a war that has not end in sight.

Earlier this week I offered an amendment to the Defense Appropriations bill which would have increased funding for training the Iraqi National Army by $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. However, Mr. Inslee's amendment to lift the $500 million on funds for training the Iraqi National Army was accepted into this Appropriation. Therefore, I will work with Chairman YOUNG and Ranking Member MURTHA to ensure that additional funds are appropriated for training the Iraqi National Army.

The Jackson-Lee and Inslee amendments reinforce the Lee and Inslee amendments reinforce the sure that additional funds are appropriated for training the Iraqi National Army. The Jackson-Lee and Inslee amendments 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 bringing home these innocent Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

To this date at least, 1,783 members of the U.S. military have died, 152 from the State of Texas alone, since the beginning of the Iraq war in March 2003. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, at least, 1,585 U.S. military members have died. There have been at least 1,909 coalition deaths in Iraq, which means that more than 93 percent of the coalition deaths have come from the U.S. Armed Forces. This President told us that there would be an international coalition going in to fight the Iraq War, the truth is that it is our troops and our troops alone who are on those front lines suffering mass casualties and the pain of this war.

Just last month I wrote to President Bush respectfully requesting him to rescind and repeal the Defense Department rule that bars public viewing of the flag-draped coffins of fallen soldiers upon their arrival back to the United States in the spirit of honoring the fallen and respect for the service that they have given. This overly restrictive rule contravenes the First, Ninth, and Tenth Amendments to the United States Constitution as well as the principles of due process and equal protection as it relates to the decedents' families, and each American who wishes to honor one who has fought for his or her Nation. In addition, this rule violates the Freedom of Information Act by arbitrarily narrowing the scope of material that may be accessed under the law. While the stated objective of this policy is to protect the privacy of the decedents' families, its effect reaches unjustifiably broad and in a manner repugnant to the foundations of the democracy in which we live. The American public has been allowed to view and honor fallen soldiers of wars dating as recently as the Persian Gulf War in 1990–1991 under prior Administrations of both political parties. The current policy is clearly deceitful to the American people, who deserve to know the full truth about the War in Iraq.

When our American troops are the ones fighting abroad, it is our duty to ensure that families who must also suffer. They wait every day and night hoping to hear from the loved ones, praying that they are not put in harm's way, that they may come home soon. Too many families have not been so lucky, finding out the news of a loved one's passing is not only emotionally traumatizing it can have long term effects for the family that may never be repaired. Such is the case with the family of Army Spc. Robert Oliver Unruh a 25-year-old soldier who was killed by enemy fire near Baghdad on September 25th of last year. Unruh's family has not been in Iraq less than a month when he was shot during an attack on his unit. Several days after learning of his death, his mother had gone to
the hospital complaining of chest pains, Hamilton said. She was feeling better the next day but saw her son’s body Saturday morning and collapsed that night in her kitchen. The poor woman literally died of a broken heart, her beloved son killed in action, the emotion of it all was just too much for her to take. There is also the story of the Danner family in Branson, Missouri who had to spend this last Father’s Day sending their father off to War in Iraq. Col. Steve Danner will be heading to Fort Riley, Kan., on Monday to begin training before he begins a two-year tour in Iraq with the Army National Guard 35th Support Command. At 52, Danner isn’t hesitating to fulfill his duty, but said it’s going to be tough to leave his family. “I’m as ready as I’m going to be,” Danner said. “My main regret is my youngest daughter is going to be a senior at Branson and I’ll miss her softball games and probably her graduation next year. We have to recognize it’s a reality. I’ve done this a lot of years. It’s my turn again.” Danner’s wife, Katie, said she was “shocked” when she learned her husband would be heading to Iraq. “I knew there was always a possibility, but you would have thought, at his age, that the war wouldn’t be at a point where they would need his talents,” she said. The Daners have four children, Aryn Danner Richmond, 29, of Phoenix, Andrew, 20, Audrey, 17, and Alex, 19. Katie Danner said they understand why their father needs to leave, but “I don’t think they really know what it will be like for Dad to be gone.” It’s a true shame that loyal soldiers like Col. Steve Danner have to be called up at the age of 52 to defend the country and the current recruiting shortage. It’s stories like that that make my heart ache and that strengthen my resolve to defend the rights and welfare of our American soldiers and their families.

We must all stand as champions for our men and women fighting abroad. These soldiers who bravely reported for duty, are our sons and our daughters, they are our fathers and mothers, they are our husbands and wives, they are our fellow Americans and they deserve better than the predicament that this Administration has placed them in. Many of these families have laid themselves up and demanding answers about this war. One such brave individual is Sgt. Camilo Mejia, whose case I know that many tremendous anti-war organizations have championed. Camilo spent six months in combat in Iraq, and then returned for a 2-week furlough to the U.S. There he reflected on what he had seen, including the abuse of prisoners and the killing of civilians. He concluded that the war was illegal and immoral, and decided that he would not return. In March 2004 he turned himself in to the authorities and faced the current conscientious objector status, for this he was sentenced to one year in prison for refusing to return to fight in Iraq. He has eloquently stated: “Behind these bars I sit a free man because I listened to a higher power, the voice of my conscience.” He was finally released from prison on February 15th of this year. I know that several other conscientious objectors have been given a similar punishment for desertion. The former soldiers, part of what is known as the Individual Ready Reserve (IRR), are being recalled to fill shortages in skills needed for the conflicts in Iraq and Afghanistan.

The military families know the helplessness that many of their loved ones serving in Iraq feel because they are being given no voice in their own lives. In an article that appeared in the Christian Science Monitor article written in July 2003, almost two years ago when this war was still in its infancy, had a number of very telling quotes from U.S. soldiers in Iraq. One soldier said: “Most soldiers would empty their bank accounts just for a plane ticket home.” Another soldier, an officer from the Army’s 3rd Infantry Division said: “Make no mistake, the level of morale for most soldiers that I’ve seen has hit rock bottom.” The openended deployments in Iraq and the constantly shifting time tables prompted one soldier to remark: “It’s a game that we have no voice [in].” In yet another Army unit, an officer described the mentality of troops: “They vent to anyone who will listen. They write letters, they cry, they yell. Many sometimes walk, around looking visibly tired and depressed. . . . We feel like pawns in a game that we have no voice [in].” These quotes were taken almost two years ago, I can only imagine how these soldiers and others like them feel seeing that this war is still on going after almost two years. These quotes individually are sad, but collectively they represent a pattern and unfortunately once again it is our men and women in the Armed Forces who are paying the price.

Even members of this Administration who orchestrated this war have had to compare this war. L. Paul Bremer, has said “horrid” looting was occurring when he arrived to head the U.S.-led Coalition Provisional Authority in Baghdad on May 6, 2003. “We paid a big price for not stopping it because it established that atmosphere of lawlessness,” Bremer said. “We never had control down in the ground.” Prior to those comments he had also stated last September that: “The single most important change . . . would have been having more troops in Iraq at the beginning and throughout.” He said he “raised this issue a number of times with our government” but admitted that he “should have been more insistent.” Even Defense Secretary Rumsfeld, the architect in many ways for this war admitted that the U.S. intelligence was wrong in its conclusions that Iraq had weapons of mass destruction. “Why the intelligence proved wrong [on weapons of mass destruction], I’m not in a position to say,” Rumsfeld said. “I simply don’t know.” When asked about any connection between Saddam and al Qaeda, Rumsfeld said, “I don’t have any knowledge of any strong, hard evidence that links the two.” With leadership such as this, how are our troops supposed to have any confidence in this Administration and their handling of this war??

This Administration is creating new veterans everyday by sending our soldiers to Iraq, meanwhile it has done nothing to help—the courageous veterans we already have here in our Nation. There are over 26,550,000 veterans in the United States. In the 18th Congress District of Wisconsin along there are more than 38,000 veterans and they make up almost ten percent of this district’s population over the age of 18. As soldiers return home from serving in Iraq and Afghanistan, perhaps the most disturbing fact is their inability to secure a job since their return. Take the story of Staff Sgt. Steven Cummings from Milford, Michigan. Cummings’ wife took out two mortgages and the couple accumulated $15,000 in debt during his 14 months overseas, because his salary was less than he was making as a civilian electrical controls engineer. Looking back, those almost seem like the good times. In the year since he’s been home, Cummings has been laid off from two jobs. While other reasons were given for the layoffs, Cummings thinks both were related to his duty in the Michigan National Guard and the time it requires. Like some other veterans who have returned from Afghanistan and Iraq, he is struggling to find work. “I don’t know what I’m going to do now. I’m in the exact position I was in when I came home,” said Cummings, a father of two. “I’m 50 years old and I have a mortgage payment due. I’m tired of it.” Cummings, a member of the 156th Signal Battalion who did telecommunications work in the Iraqi cities of Baghdad and Mosul, said he is surprised to find himself in this predicament. Cummings said he thought he was returning to Gentle Packaging Machinery Co., where he worked for 11 years in Bridgewater, Mich., but he was told he was laid off the first day he was back to work, he said. Cummings said he considered suing the owner, but fresh from war, “I just seemed overwhelmed to do so because he felt “devastated, betrayed, worthless.” A few months later through a veterans program he was able to get work at Superior Controls Inc., in Plymouth, Mich. But, he said he was laid off from their job on May 20. He said he was told the company was downsizing, but he believes it was because he complained about a company policy that said it could not promise to hire returning veterans from war. Some are changed by war, and find the civilian jobs they had before are no longer as meaningful. This has also been the case with Cpl. Vicki Angell, 32, who was assigned to the 324th Military Police Battalion out of Chambersburg, Pa. She gave up her job as a customer service supervisor at...
an equipment company to serve in Iraq, and it took her a year to find a job she was happy with as an editor at The Sheridan Press in Hanover, Pa. “You send out a lot of resumes. You try to do everything you can do, but it’s really hard to account for the time you are in Iraq, and really, to make that, the things you were doing in Iraq relevant to what an employer is looking for today.” Angell said. Sgt. Benjamin Lewis, 36, who also lost a stepson to the War in Iraq, was a civilian chef who worked at a restaurant in Ann Arbor, Mich., that burned down while he was deployed in Iraq with the Michigan National Guard, said some employers directly told him they could not hire him because he could be deployed again and needed weekends and time off in the summer for drilling. Others, he said, asked if he struggled mentally because of his time at war. He got so desperate he considered returning to Iraq with a new unit. It is because of cases such as these and many others throughout our nation that I am a proud co-sponsor of H.R. 1352, the Veterans Employment Act of 2005. It is time our government, that gives companies incentives to hire recent war veterans but it seems we can not get this Administration to put the same effort in looking after our veterans in the first place. As soldiers return home from serving in Iraq and Afghanistan the need for medical care, living assistance, and disability benefits are steadily increasing. This puts a strain on an already-overburdened Veterans Administration, which has not been adequately funded by the Bush Administration to meet these challenges. The fact is that more than 30,000 veterans are waiting six months or more for an appointment at VA hospitals, and there are more than 348,000 veterans on the waiting list for disability claim decisions. This President has long ignored pressing domestic concerns for a war he does not think is worth fighting for and for which so many good American men and women have given their lives. It was our second President John Adams who aptly said: “Great is the guilt of an unnecessary war.” Unfortunately for our nation, our current President has not felt the weight of this guilt, for if he had our loved ones in the Armed Forces would be home now. This Administration told us that the international community would join us in Iraq; they said the world would be a better place because of this war and that there would be no collateral damage. What we have seen, however, is not what we were told. Today as we see our men and women every day giving their lives in Iraq, we know that this war has only caused a greater divide between our nation and the international community; this war has only increased hatred for our nation, it has not made us safer as promised, it has in fact put us in greater danger. President Abraham Lincoln speaking after the conclusion of the Civil War, gave a vision for our nation that I hope we can follow today, he said: “With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right; let us strive on to finish the work we are in; to bind up the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—do all which may achieve and cherish a just, and lasting peace, among ourselves and with all nations.” Before I conclude I would like to take time to read some of the names of the soldiers from Houston who have given their lives in Iraq and honor them with a moment of silence. Spc. Adolfo C. Carballo, 20, Houston, Texas Died: April 10, 2004, Baghdad, Iraq. Pfc. Anaurla Esparza Gutierrez, 21, Houston, Texas Died: October 1, 2003, Tikrit, Iraq. Spc. John P. Johnson, 24, Houston, Texas Died: October 22, 2003, Baghdad, Iraq. Spc. Scott Soduto, 22, Houston, Texas Died: April 5, 2004, Baghdad, Iraq. Sgt. Keelan L. Moss, 23, Houston, Texas Died: November 2, 2003, Al Fallujah, Iraq. Pfc. Armando Soriano, 20, Houston, Texas Died: February 1, 2004, Haditha, Iraq. Cpl. Tomas Sotelo Jr., 20, Houston, Texas Died: June 27, 2003, Baghdad, Iraq. Staff Sgt. Brian T. Craig, 27, Houston, Texas, April 15, 2002, Afghanistan Capt. Eric L. Allton, 34, Houston, Texas, September 6, 2001, Iraq. Capt. Andrew R. Houghton, 25, Houston, Texas August 9, 2004, Ad Dhuha, Iraq. Lance Cpl. Thomas J. Zapp, 20, Houston, Texas November 8, 2004, Anbar Province, Iraq. Cpl. Zachary A. Kolda, 23, Houston, Texas December 1, 2004, Al Anbar Province, Iraq. Staff Sgt. Dexter S. Kimble, 30, Houston, Texas January 26, 2005, Ar Rutbah, Iraq. Pfc. Jesus A. Leon-Perez, 20, Houston, Texas January 24, 2005, Mohammed Sacran, Iraq. (Moment of Silence.) Ms. WATSON. Mr. Speaker, we have spent over $200 billion so far on the war in Iraq. According to the Congressional Budget Office, by 2010, our expenses might be as much as $600 billion. The two hundred billion dollars we have spent so far would be enough money to provide health care for the 45 million Americans without health insurance. That two hundred billion dollars would permit us to hire three and a half million elementary school teachers. That two hundred billion dollars for the war in Iraq is going on America’s credit card and that goes right to the deficit—a debt to be paid by our children and grandchildren. All this might be worth it if we had something to show for it. I think two hundred billion dollars for peace and democracy is a bargain. But we have not gotten peace and democracy. That two hundred billion has bought us: over seventeen hundred dead Americans; an occupation of Iraq—the largest American Empire ever; the international community’s silence. The two hundred billion dollars we have spent so far would be enough money to provide health care for the 45 million Americans without health insurance. That two hundred billion dollars would permit us to hire three and a half million elementary school teachers. That two hundred billion dollars for the war in Iraq is going on America’s credit card and that goes right to the deficit—a debt to be paid by our children and grandchildren. All this might be worth it if we had something to show for it. I think two hundred billion dollars for peace and democracy is a bargain. But we have not gotten peace and democracy. That two hundred billion has bought us: over seventeen hundred dead Americans; an unknowable number of Iraqi civilian deaths; a dysfunctional country that cannot move its political process forward; a new haven and proving ground for anti-American extremism; a devastating erosion of American leadership and credibility. So what are we still doing there? The President says we are pursuing our “ultimate goal of ending tyranny in our world.” But the President has dragged on to that path, at best, muddles that message. We are building our nation’s largest embassy in Iraq; even if it is complete, we have only 1,000 embassy staff in Iraq. What is the average Iraqi on the streets of Fallujah—or average Jordanian on the streets of Amman—going to think when he sees that we are building the Largest American Embassy in the World in Baghdad? I am sure the average Iraqi does not mourn the savage brutality of Saddam Hussein’s regime. The question is whether he equates our never-ending American presence in Iraq with a new form of tyranny, rather than the freedom the President says he seeks to spread. The underlying problem with our endless occupation of Iraq—a country that does not threaten the United States—is that it undermines our leadership on issues that do threaten the United States. North Korean and Iranian nuclear weapons, global terrorism, emerging deadly international diseases—all these issues are imminent threats that we must confront. Our ability to convince other nations to join us in boldly confronting these threats has been hobbled both by our deceptive entry into Iraq and our lingering departure from it. Mr. Speaker, our Iraq policy has become a festering wound that bleeds away more and more of America’s wealth, America’s security, America’s honor, America’s sense of self, and America’s future. Our nation needs a new form of leadership, young men and women in uniform. I ask all my colleagues to join me in asking the President seek an exit from this venture at the earliest possible moment. MESSAGE FROM THE SENATE A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrent resolution of the House is requested: S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes. ELECTROMAGNETIC PULSE The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes. Mr. BARTLETT. Mr. Speaker, what I want to spend a few moments talking about this evening is something that will be new to most Americans. They will not have heard about this subject. Indeed, nobody knew about this until 1962; that is, no one in this country knew about it. There was an experiment over Johnston Island out in the Pacific Ocean called Operation Fishbowl. It was part of a series of nuclear tests that were called the Fishbowl Series. This was a unique one. The others had all been at ground level or some little distance above the ground. This one was an extra-atmospheric, a detonation above the atmosphere. Nobody knew what was going to happen. It was the first time we had detonated a nuclear weapon in a test series above the atmosphere, and there were a number of ships and airplanes and radar, theater-like, that were tracking the missile that launched this nuclear bomb and noted its explosion. The explosion occurred about 400 kilometers...
above Johnston Island. That is well above the atmosphere.

Now, the Soviets have had very extensive experience with this kind of testing. This was our first and, indeed, our only experience with this. So our knowledge of this phenomenon comes from this single test, what we have learned from the Soviets and now the Russians and the number of simulations that we have done since then.

There were no diagnostics to test the effects on Hawaii, which was about 800 miles away, because nobody expected there to be any effect there. Many of the instruments we were using for testing around Johnston Island were pegged; that is, they did not have enough capacity to register the effects that were produced by this extra-atmospheric explosion.

What happened in Hawaii may be open to some controversy, but there were some lights that went out. This was laughable, those lights; this was not all of the electronics that we have today. A number of lights went out, and in the last couple of years, some of the evidence of what happened to that equipment was shown to a commission that was set up in 2001 to investigate this phenomenon, and they submitted their report in 2004.

This phenomenon that we observed there that exceeded the capacity of the instruments at the target site, was not all the way, 800 miles away, to Hawaii, been called electromagnetic pulse, EMP. We have learned since then that every extra-atmospheric explosion produces an EMP. You can develop a nuclear weapon, as we designed but as I understand never built and the Soviets both designed and have built, enhanced EMP weapons that limit the explosion but increased the electromagnetic effects.

What are the implications of EMP and why are we talking about it tonight? EMP could be probably the most asymmetric weapon that any adversary could use against us. By asymmetric, we mean a weapon that has a relatively small impact in terms of its local effect but could have an enormous impact on our military or our society because of its effect.

There are a number of asymmetric weapons. Terrorism is an asymmetric weapon that does not cost them much money or take very big explosions, but it has a big effect on us. 9/11, of course, was a major asymmetric attack on us because those few people in those four airplanes have cost us billions and billions of dollars and totally changed our society. This is an example of an asymmetric attack.

Most Americans will not know about electromagnetic pulse and what it could do to our military, to our society, but I will guarantee my colleagues, Mr. Speaker, that all of our potential enemies know everything about EMP. In a little bit, I will show you some quotes from countries that could be our enemy that will indicate that they know all about EMP.

In 1999, I was sitting in a hotel room in Vienna, Austria. We were there near the end of the Kosovo conflict. There were eleven Members of Congress present, and three of the members of the Russian Duma and a personal representative, Slobodan Milosevic. We developed a framework agreement for ending the Kosovo conflict that was adopted 8 days later by the G-4.

One of the Russians who was there was a very senior Russian. His name is Vladimir Lukin. He was the ambassador to this country at the end of Bush I and the beginning of Clinton. At that time he was chair of their equivalent of our Committee on International Relations, a very senior and very respected Russian. He is a little short fellow with short arms and stocky build. He sat in that hotel room in Vienna for 2 days with his arms folded across his chest, looking at the ceiling. He was very angry. He said at one point, You spit on us; now why should we help you?

What he meant by that was that the United States, the Clinton administration’s reaction to the conflict was that the Russians that they really were not needed to help resolve this conflict, that we were big boys and we would handle this on our own. It soon became obvious to the Clinton administration that it was the one country in the world that had the real confidence of the Serbs was Russia, and they were added to the G-7 to make the G-8, which 5 days after we came back resolved the Kosovo conflict with the framework agreement that we had developed there.

The statement that Vladimir Lukin made was a startling statement. The chairman of our delegation was the gentleman from Pennsylvania (Mr. WELDON) who had been to Russia thirteen years ago. Mr. Lukin speaks very good English, but of course, I did not understand it; I just heard Russian words. When it was translated, this was what he said, and by the way, he did not need a translator; Vladimir Lukin speaks very good English, but when you are talking with these folks, they frequently will speak in their native tongue so it has to be translated and then translated back to them when we speak so that gives them twice as long to formulate their answer. So if you do not know both languages, you are at somewhat of a disadvantage in dialoguing with them because they have twice as long to formulate an answer.

This was what surprised the gentleman from Pennsylvania (Mr. WELDON), and this is what he said: If we really wanted to carry you with no fear of retaliation, we would launch an SLBM. That’s a submarine-launched ballistic missile. We would launch an SLBM. We would detonate a nuclear weapon high above your country, and we would shut down your power grid for 6 months or so.

Now, he made the observation that without fear of retaliation, because if you do not know where it came from, particularly today. Factor in the Cold War with only two superpowers, we absolutely would have known where it came from, but today, if you would find many countries out there who can get a tramp steamer and a Scud launcher and a crude nuclear weapon and that is all it would take to produce an EMP attack because a Scud launcher goes about 180 miles away that is plenty high. It would not cover all of the United States, of course.

The third ranking Communist was there, a handsome, tall, blond fellow by the name of Alexander Shurbanov, and he smiled and said, if one weapon would not do it, we have some spares. I think at that time it was something like 7,000 spares that they had.

This was a very startling remark, and it said what the detonation of a single, large, appropriately designed nuclear weapon above our country could shut down our power grid and shut down our communications, he said, for 6 months or so. If that were true, and there is increasing evidence, as I will indicate, from the report that this commission gave us that it is true, that would mean that you would be in a world, Mr. Speaker, where the only person you could talk to the person unless you happened to have a vacuum tube handset, then you could talk because they are about a million times less susceptible to EMP than our current microelectronic systems, and the only way you could go anywhere was to walk.

Several years ago, we had a field hearing at Johns Hopkins University applied physics lab, and a Dr. Lowell Wood was there. I met Dr. Lowell Wood through Tom Clancy who lives on the eastern shore of Maryland and I know him. He has come to do several political events for me. I knew that had done a book where EMP was a part of the scenario, and I knew he did very good research and he could tell me something about EMP. This was several years ago.

I called Tom Clancy and I asked him, and he said, gee, if you read my book you know all about EMP that I know, but he said let me refer you to the smartest man hired by the U.S. government. He referred me to a Dr. Lowell Wood from Lawrence Livermore Laboratory in California. We got his pager, and within a couple of days it was pages rather than cell phones that are so ubiquitous today, and I paged him, believing that he was in California. The pager signal went up to a satellite and back down, and he was in Washington, and within an hour, he was sitting in my office.

Dr. Lowell Wood at this field hearing out at the applied physics lab out in
Howard County made the observation that an EMP lay down would be the equivalent of a giant continental time machine that would move us back a century in technology. What this would mean, of course, is that we would have no more capability for moving our equipment and our food around than we had 100 years ago.

I said that, Dr. Wood, the population we have today, 285 million people and its derivative value. In Iowa, or Nebraska, and suburbia, could not be supported by the technology of a century ago. His unemotional response was, Yes, I know.

\[2130\]

The population will shrink until it can be supported by the technology. The point I am trying to make is to be a devastating asymmetric weapon. It may be known to most Americans. I suspect not one in 100 have heard of nuclear electromagnetic pulse, but I can assure Members that all of our potential enemies know a great deal about EMP.

There is a chart that shows the effects of a single nuclear weapon. This one is detonated in the northwest corner of Iowa, and it blankets all of the United States.

The colors here indicate the intensity of the pulse vary from that. The purple as you can see from the scale is 50 percent. So what this says is whatever the intensity was at ground zero, and we are several hundred miles above that, but the intensity at that level which is the red here in the center. will be half that out at the margins of our country.

This little smile here and the distortion here is due to the magnetic field of the Earth that bends the electrons that I will describe in just a moment.

What is this electromagnetic pulse? It is produced from strong gamma rays from the nuclear explosion which produce electrons that move at the speed of light. They move now to everything within line of sight. If you are about 3 or 400 miles high over the center of the country, Iowa or Nebraska, that will blanket all of the United States.

If the voltage is high enough, it will disrupt or fry these microelectronics.

Mr. Speaker, if you want to work on a single computer, that is exactly what you would do if you were rehearsing an EMP attack.

By the way, there is no way that a nuclear weapon could do anywhere near as much damage against a sophisticated country like ours by dropping it on one of our cities as you could do to our country by detonating it at altitude. And you would not know it happened unless you were looking at it. And you would not know it happened unless you were looking at it.

We are totally immune to EMP. It will not hurt us or damage buildings. All it does is to knock out all of our microelectronics, which means all of our computers. For instance, your car computer controls your central locking device, the steering wheel, the windows, the hard drive, the fuel tank, the air conditioning, the seat, the radio, the display, the navigation system, the Ignition system. If you have a new car, they cannot even work on it in a shop without hooking it up to a computer to tell what is wrong with the vehicle. So an EMP with a high enough pulse would fry the computers in the car. They would not run. If you happen to have an old car with a coil and a distributor, that is probably going to work. That is probably less susceptible to EMP.

This chart shows additional quotes: "The world's industrial countries fail to devise effective ways to defend themselves against dangerous electromagnetic assaults, they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. If the enemy were to succeed in infiltrating the information network of the U.S. Army, then the whole organization would collapse. The American soldiers could not find food to eat nor would they be able to fire a single shot." This is from Iranian Journal December 1998.

"Terrorist information warfare includes using the technology directed energy weapons or electromagnetic pulse." This is from Iranian Journal of March 2000.

Terrorists have attempted to acquire non-nuclear radio frequency weapons. These are the weapons that would produce the directed energy effect. These produce a similar kind of pulse to EMP but does not have the broad frequency spectrum. It only has part of the frequency involved. But if intense enough, if set up in this room, for instance, it could fry the computers in the cloak room which is not that far away. If it was set up in a van and went down Wall Street, if it were a really sophisticated device, it could take out all of the computers there, which would shut down our trading for quite a while if they were all taken down.

Some people might think that things similar to a Pearl Harbor incident are unlikely to take place during the Information Age. And this is a writing from China. Yet it could be regarded as a Pearl Harbor incident of the 21st century, if a surprise attack is conducted against the enemy's crucial information systems of command, control, and communication by such means as EMP weapons. Even a superpower, China says, like the United States, which possesses nuclear missiles and powerful armed forces, cannot guarantee its information system. Indeed, you know that like the United States is extremely vulnerable to electronic attacks. This is May 14, 1996 from a Chinese Journal.
Iran has conducted tests with Shahab-3 missiles which have been described as failures. I mention that because they detonated it before it reached the ground. That is exactly what they would do if they were planning for an EMP attack. Iran Shahab-3 is not a mobile device that could be driven onto a freighter and transported to a point near the United States for an EMP attack.

By the way, an EMP laydown is always an early event in Chinese and Russian war games because it is the most asymmetric attack that they could lodge against our country.

Just a little bit of a time line here. Operation Starfish occurred in 1962. In 1995, there was a very interesting event in Chinese and Russian war games because it is the most asymmetric attack that they could lodge against our country.

Mr. Speaker, what we need is the continued existence of today's U.S. civil society. We need to put that in everyday kitchen language. Mr. Speaker, what the Russians said was that if there was a potential that this would end life as we know it in the United States. Let me read it again in carefully couched language: Hold at risk the continued existence of today's U.S. civil society. If, Mr. Speaker, this EMP attack really directly what Vladimir Lukin said it would do and that is to shut down our power grid and our communications for 6 months or so, if the only person you could talk to is the person next to you and the only way you could go anywhere was to walk, I think it is very obvious that that would end life as we know it in this country. Hold at risk, they say, the continued existence of today's U.S. civil society. Also, it has the power to disrupt our military forces and our ability to project military power. That is because, Mr. Speaker, for the last decade, more than the last decade, we have been waiving EMP hardening on almost all of our weapons systems. You see, when we had so little money to buy weapons, particularly during the Clinton years when they called it a build-down, I called it a teardown of the military, we could get a few more percent weapons systems that cost somewhere between 1 percent and 10 percent to harden, so you could get 1 percent to 10 percent more weapons systems if you did not harden, and so they just ran a calculated risk that we would not need the hardening. But, Mr. Speaker, the time when we are really going to need these weapons is when we are at war against a peer, and there will be a peer, a resurgent Russia or a China of the future and the first thing they are going to do, they say so in their writings, they say so in their war games, the first thing they are going to do is to deny us the use of all of our military equipment which is not hardened. I am not sure why we are building it, we do so in the equivalent of an insurance policy so we will be able to anticipate if we can survive an EMP attack. In 2001, we had some very interesting tests at Aberdeen with a directed energy weapon that was put together. This was really interesting, because we asked these engineers to put together the kind of a weapon that terrorists might put together if they were buying equipment from Radio Shack. So they went to places like Radio Shack and they bought the equipment and they put it together in this van that could go down the street and it was kind of camouflaged so it was not sure that it existed. The directed energy weapon had the ability to take out microelectronic equipment at considerable distance from it.

In 2001 because of my concerns about the potential for EMP, I had put in the authorization that year legislation that set up a commission to look at this eventuality. The next chart shows the commissioners that were on this. These are all very well known people. The first couple on the list there is Dr. Johnny Foster who is the father of most of our modern nuclear weapons. He is the Edward Teller of today. Another one of our commission members, Dr. Lowell Wood that I have already mentioned is the inheritor of the mantle of Edward Teller. There were several other people. They had nine people altogether. Dr. Bill Graham who chaired it was the deputy chair of the emerging ballistic missile threat that was chaired by Donald Rumsfeld before he was the Secretary of Defense. Dr. Bill Graham has been the presidential science adviser. He has held a lot of very high posts. He is really very well known. Dr. William Graham was one of the commissioners that were on this. We do not have very long to respond if our enemy is about a half hour away in terms of these ballistic missiles. The Russians came very near to launching these weapons and how they could be misunderstood by an enemy.

In 1997, I sat in a hearing here on Capitol Hill and General Marsh was there. He was the general in charge of the President's Commission on Critical Infrastructure and he was looking at the critical infrastructure of our country and its vulnerability to enemy attack. I asked him if he had looked at EMP. He said, yes, he did. Well? Well, the commission thought there was not a high probability there would be an EMP attack, so they had not considered it any further.

My observation to that was, Gee, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home because there is not a very high probability that your house will burn. When you have an event like a potential fire in your home or an EMP attack, which is a very high-impact, but low-probability event, that is just the kind of an event that you purchase insurance to protect you from. It is unlikely to happen; but if it happened, it would be so devastating you would need insurance to cover that.

Mr. Speaker, what we need is the equivalent of our country in the insurance policy that you bought on your home that would make an insurance policy in the equivalent of an insurance policy so we will be able to anticipate if we can survive an EMP attack.

In 2001, we had some very interesting tests at Aberdeen with a directed energy weapon that was put together. This was really interesting, because we asked these engineers to put together the kind of a weapon that terrorists might put together if they were buying equipment from Radio Shack. So they went to places like Radio Shack and they bought the equipment and they put it together in this van that could go down the street and it was kind of camouflaged so it was not sure that it existed. The directed energy weapon had the ability to take out microelectronic equipment at considerable distance from it.
Mr. Speaker, is really a very asymmetric attack because if we responded in kind, there are none of our enemies that are anywhere near as vulnerable as we are and some of them could hardly care less if we took out their computers and the few that the military has could easily be hardened if they were anticipating that they might need them hardened.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. Indeed, if we responded in kind, it would really be an asymmetric attack, because they would be little affected by taking out their computers since they little depend on their computers.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing, range, etc. EMP waves are really lousy in the kind of missiles they have, their aim is very poor. If they missed the target by 100 miles, Mr. Speaker, it really does not matter. One hundred miles is as pretty much as good as an accurate strike. The really important thing will not make that much difference in the very large areas that are covered by this EMP attack.

Terrorists could steal, purchase, or be provided a nuclear weapon for an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We would have, Mr. Speaker, 3 or 4 minutes’ notice. Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters. So what they need is $100,000 to buy a Scud missile and a crude nuclear weapon that who knows where they might get that. Maybe some Russian scientist who has not been paid for 4 or 5 years.

Certain types of low-yield weapons can generate potentially catastrophic EMP effects. These are the enhanced EMP weapons that the Soviets, the Russians, have developed. Mr. Speaker, we have every reason to believe that these secrets are now held by China. There is no reason to entertain the thought that they do not have these secrets. And if China has them, who else has them? I think the safest thing to assume is that any potential enemy has them.

The last chart from the commission shows a very interesting little schematic on the right which shows the interrelationships of our very complex infrastructure. This was commented on a number of years ago by a scientist at Cal Tech who held a series of seminars called 'The Next 100 Years.'

He was theorizing, could we indeed recover from something, he did not know about EMP, so we were talking about a nuclear attack on our way to Los Angeles, San Francisco, New York, Philadelphia, Washington.

We would have nowhere near the effect on our society as simply taking out all of our computers.

EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. Again, these are not my words. These are quotes from the commission.

This is a really interesting one. EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack on a U.S. city that inflicts many prompt casualties. Even, Mr. Speaker, if we knew where it came from, if all they have done is take out our computers, we are justified in incinerating their grandparents and their babies? Maybe we should respond in kind and take out all the computers in North Korea. I doubt that very many people would object if we took out all their computers. This, Mr. Speaker, is really a very asymmetric attack because if we responded developed that from a base of high quality, readily available raw materials, oil that almost oozed out of the ground at Oil City, Pennsylvania, coal that was exposed by a heavy rain when the dirt was washed off, iron ore in the central part of our country that was mined and had almost smelt it in a backyard smelter.

Indeed, there is one of those, you can drive up and see it just south of Thurmont on Route 15. It is called Ca-topnic Furnace and they denuded the iron there so they could make iron there. You see here a very inter-related infrastructure. The point they are making is that if one part of that comes down, suppose you do not have electric power, they have not drawn all the arrows they should have drawn because you are not going to have oil or gas, you are not going to have communications, you are not going to have water, you are not going to have banking or finance, you are not going to have government services, you are not going to have energy. You are not going to have transportation without electricity. So if you take down just that one thing, everything comes down. Of course, if you do not have any banking services, pretty soon everything will grind to a halt because they will not have the finances to keep the thing going.

One or a few high altitude nuclear detonations can produce EMPs simultaneously over wide geographic areas. Again, I am quoting from the commission. Unprecedented catastrophic failure of our electronics-dependent infrastructure could result. I think that you should almost put the verb in there, Mr. Speaker, would result. You may have noted in the paper just today, I think, or yesterday, there was an account that we almost had another big blackout, just almost tripped that big blackout and there is no catastrophic insight like an EMP laydown to cause that. Power, energy, transport, telecom and financial systems are particularly vulnerable and inter-dependent. We just talked about that, very vulnerable, lots of computers, very interdependent. One goes down and they all come down. EMP disruption of these sectors could cause large scale infrastructure failures for all aspects of the Nation’s life.
ability to produce an EMP laydown if we are not prepared to protect ourselves from it.

Degradation of the infrastructures could have irreversible effects on the country’s ability to support its population, and this one brief threat sentence, “millions could die.” That is what Dr. Lowell Wood said when I asked him how could the technology of a century ago support our present population and its distribution. And his unemotional answer was, “Yes, I know. The population will shrink greatly. It could be supported by the technology.” That shrunk could easily, easily, Mr. Speaker, be in the millions or hundreds of millions of people.

There are two other charts that I want to show the Members, and this is what other people are saying. This is from an op-ed piece by Senator John Kyl, and I am delighted that Senator Kyl is helping with spreading the word about this and the caution that we really need to be doing something. This was in The Washington Post, and he says: “Last week the Senate Judiciary Committee’s Subcommittee on Terrorism, Technology and Homeland Security, which I chair,” this was John Kyl’s column, “we focused on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, EMP, attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or from rogue nations. This was in The Washington Post, and he says: “This last week the Senate Judiciary Committee’s Subcommittee on Terrorism, Technology and Homeland Security, which I chair,” this was John Kyl’s column, “we focused on a major threat to the United States not only from terrorists but from rogue nations like North Korea. An electromagnetic pulse, EMP, attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or from rogue nations.”

In the 1950s, IBM was lending their money interest-free to build fallout shelters. The average family would say, “How should we invest our money Mr. Ruff, he would say, do you have a year’s supply of food for your family? And then come back and we will talk to you about how to invest your money because that is the best investment that you need to make.”

They would come back, and he would say, “You have a year’s supply of food?” Yes sir.

Well, he said, do you have a bag of silver?

A bag of silver is a bag of junk silver and one may do something else but they need the equivalent of this. That is junk silver. It is silver that has no numismatic value, and it is in bags that are sealed and they have a $1,000 face value. He said, “Unless you have a bag of silver for each member of your family, you have not made the second most important investment.”

As we are taking it off the shelf, the supermarket may be open 24 hours a day, but when we are in trouble, the supermarket may be closed and not come back. And then come back and we will talk about what to do with the rest your money.

These are the kinds of things that Americans need to be thinking about. What can they do, Mr. Speaker, what can their church group do so that they are not going to be a liability on the society should there be a terrorist attack that shuts down these services or should there be a national EMP attack that shuts them down all over our country? We can do something, Mr. Speaker, to prepare ourselves so that we are going to have some sense that we can make it through so that we are not going to be a liability on the system.

Let me show the last chart here now in our conclusion. The fiscal year 2006 defense authorization bill contains a provision that extends the EMP Commission’s life to ensure that their recommendations will be implemented. We want them matching to see what we are doing. We want them to tell us and to tell the public. We are a representative government here; and when our
people call in and say, Are you doing this, are you doing that, my wife points out that if we do not represent our constituents, we will not represent our constituents. So if the people across our country demand that we be prepared, that we tell them how to be prepared themselves, then we will do this.

The terrorists are looking for vulnerabilities to attack, and our civil-ian infrastructure is particularly sus-ceptible to this kind of an attack. Our very vulnerability invites this attack. Mr. Speaker, we obviously cannot do it yesterday. We certainly need to do it today and tomorrow to begin to pro-ect ourselves against it.

The Department of Homeland Secu-ity needs to identify critical infra-structures. What are the first things, Mr. Speaker, that we need to turn our attention to? Where would a minimal investment pay the biggest dividends? And we need to have people studying this. The EMP Commission has made a lot of very good suggestions. If we sim-ply followed those suggestions, we would be a long way to where we need to be. The Department of Homeland Secu-ity also needs to develop a plan to help us respond when such an attack should it occur, and then the little note that our citizens need to become as self-sufficient as possible.

Mr. Speaker, we have spent the bet-ter part talking about something that one might expect to see in a science fiction movie or in some magazine that is talking about the improb-able. But what we are talking about here is a very possible, and I think probable, event. It is something that the American people have not been very much aware of. We hope that this awareness, as the EMP Commission continues its work, will be more wide-spread. We hope that the American people will respond by doing two things: first, by forewarning their government, that their Representative make the right kinds of choices and ap-propriate the right kinds of moneys to start on the path to developing a mili-tary that is immune to EMP attacks and to, as quickly as possible, develop a national infrastructure that will not collapse like a house of cards with an EMP attack. And, also, I believe that our citizens will demand that we tell them what they can do.

There is an interesting phenomenon, Mr. Speaker. If in anticipation of a hurricane this fall, one goes to the gro-cery store now and stocks up on some things that they need, they are going to be a patriot because they are im-proving the economy. If they wait until the hurricane is on its way and then they go to the store to stock up on what they need, they are no longer a patriot. They are now a hoarder. So ex-actly the same act is really a very good act or a very bad act depending upon when they do it. If they buy it in the antici-pation of the event, they are now a real patriot. They are providing some assurance that they will not be a liabil-

ity and they are helping the economy. If they wait until the threat is at their door and they now buy it, now they are a hoarder and nobody wants a hoarder. So our homeland security needs to help us to know what we need to do so that we will be as self-sufficient as possible, an asset and not a liability.

Mr. Speaker, there is an old saying that to be forewarned is to be forearmed. I know that probably not even one in 50 Americans has ever heard of EMP, but I will assure the members that all of our enemies know all about EMP. We see it in their writings. We see it in their war games. And what we need to do, Mr. Speaker, is to proceed as rapidly as we can to develop a military that is immune to EMP, to develop an infrastruc-ture that as quickly as possible will be less and less damaged by EMP, and to provide each American citizen with the information they need so that they, their family, their social club, their church, their individuals, as families, as groups, can plan so that they will be as self-sufficient as possible in whatever emergency occurs.

And who knows what the terrorists might do to us. This is clearly the most devastating, the most asymmetric at-tack that could be made on our coun-try; but there could be lesser ones that could for one’s family, one’s locality be just as devastating as an EMP attack.

Mr. Speaker, I know the American people will respond and know when our enem-enies see us responding that the risk of this kind of attack will be inmunnnsely lessened because the less vulnerable we are, the less likely they are to attack.

Mr. Young of Florida (at the request of Mr. DeLaun) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-lative program and any special orders herefore entered, was granted to:

(The following Members (at the re-quest of Ms. Jackson-Lee of Texas) to revise and extend their remarks and in-cude extraneous material:)

Mrs. McCarthy, for 5 minutes, today.
Mr. Emanuel, for 5 minutes, today.
Mr. Brown of Ohio, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Ms. Corrine Brown of Florida, for 5 minutes, today.
Ms. Jones of Ohio, for 5 minutes, today.
Ms. Woolsey, for 5 minutes, today.
Mr. McCaul of Texas, for 5 minutes, today.
Mr. Norwood, for 5 minutes, June 22.
Mr. Weldon of Pennsylvania, for 5 minutes, today.
Mr. Jones of North Carolina, for 5 minutes, today and June 22.

(The following Member (at her own request) to revise and extend her re-marks and include extraneous mate-rial:)

Ms. Jackson-Lee of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 1282. An act to amend the Communica-tions Satellite Act of 1962 to strike the privatization criteria for INTELSAT sepa-rated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; to the Committee on Energy and Commerce.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House re-ports that on June 21, 2005 he presented to the President of the United States, for his approval, the following bill:

H.R. 883. To designate a United States court house in Brownsville, Texas, as the “Reynaldo G. Garza and Filemon B. Vela United States Courthouse”.

ADJOURNMENT

Ms. Jackson-Lee of Texas. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 10 o’clock and 15 minutes p.m.), the House adjourned until tommorrow, Wednesday, June 22, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

2429. A letter from the Assistant General Counsel (Boston), Department of the Treasury, transmitting the Department’s final rule—Terrorism Risk Insurance Program: Additional Claims Issues; Insurer Affiliates (Rept. 109-142). Referred to the Committee on Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. POMBO: Committee on Resources. H.R. 2985. A bill making appropriations for the Committees on Financial Services, and Human Services, and Education, and Re- missions for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee of the Whole House on the State and the Union.

Mr. REGULA: Committee on Appropriations, H.R. 3003. A bill to establish an independent commission to review the provision of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; with an amendment (Rept. 109-143). Referred to the Committee of the Whole House on the State and the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 334. Resolution providing for consideration of the historic commemoration of the activities of the National Heart, Lung, and Blood Institute with research on pulmonary hypertension; to the Committee on Energy and Commerce.

Mr. NADLER (for himself, Mr. MEEHAN, Mr. DONNELLY, Mr. GOLDBERG, Mr. BALDWIN, Mr. SMITH of Washington, Mrs. LOWEY, Mr. ANDREWS, Mr. BIER- MAN, Mr. MICHAUD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. HOLT, Mr. INSLEGER, Mr. SANDERS, Mr. TIERNEY, Mr. GONZALEZ, Ms. MARRINER, Mr. LEE, Mr. BROWN of Ohio, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. HARMAN, Mr. SABO, Mr. FABRE, Mr. KOHLER, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Mr. MENENDEZ, Mr. PAYNE, Mr. LEOs of Georgia, Mr. MCKINNEY, Mr. KUCINICH, Mr. GONZALEZ, Mr. WAXMAN, Mr. SCHAOKOWSKY, Mr. BREEK- LEY, Mr. CAPUANO, Mr. FINKER, Mr. PASTOR, Mr. RA- GEL, Mr. WEXLER, Mr. WOOLSEY, Mr. WU, Mr. LYNCH, Mr. BERNSTEIN, Mr. SCHAKOWSKY of Illinois, Mr. BERNSTEIN, Ms. ROSI- NER, Mr. ROSS, Mr. BROWN of Massachusetts, Mr. BLITZENBERGER, Mr. HYNES, Mr. SCHIFF, Mr. SCOTT, Mr. SUPPER, Mr. ROSS, Mr. LUNDBERG, US House of Reps., Mr. WEXLER, Mr. WOOLSEY, Mr. WU, Mr. Wynn, Ms. Cardon, and Mr. CASE.

H.R. 3005. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with research on pulmonary hypertension; to the Committee on Energy and Commerce.

Mr. NADLER (for himself, Mr. MEEHAN, Mr. DONNELLY, Mr. GOLDBERG, Mr. BALDWIN, Mr. SMITH of Washington, Mrs. LOWEY, Mr. ANDREWS, Mr. BIER- MAN, Mr. MICHAUD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. HOLT, Mr. INSLEGER, Mr. SANDERS, Mr. TIERNEY, Mr. GONZALEZ, Ms. MARRINER, Mr. LEE, Mr. BROWN of Ohio, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. HARMAN, Mr. SABO, Mr. FABRE, Mr. KOHLER, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Mr. MENENDEZ, Mr. PAYNE, Mr. LEOs of Georgia, Mr. MCKINNEY, Mr. KUCINICH, Mr. GONZALEZ, Mr. WAXMAN, Mr. SCHAOKOWSKY, Mr. BREEK- LEY, Mr. CAPUANO, Mr. FINKER, Mr. PASTOR, Mr. RA- GEL, Mr. WEXLER, Mr. WOOLSEY, Mr. WU, Mr. LYNCH, Mr. BERNSTEIN, Mr. SCHAKOWSKY of Illinois, Mr. BERNSTEIN, Ms. ROSI- NER, Mr. ROSS, Mr. BROWN of Massachusetts, Mr. BLITZENBERGER, Mr. HYNES, Mr. SCHIFF, Mr. SCOTT, Mr. SUPPER, Mr. ROSS, Mr. LUNDBERG, US House of Reps., Mr. WEXLER, Mr. WOOLSEY, Mr. WU, Mr. Wynn, Ms. Cardon, and Mr. CASE.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. SKELOTON, Mr. HOYER, Mr. MENENDEZ, Mr. CALVBN, Mr. SPARR, Mr. HARMAN, Mr. LANTOS, Mr. MURTHA, Mr. CONYERS, Mr. DINGELL, Mr. OWEN, Mr. RANGEL, Mr. SHERMAN, Mr. DICKENSON, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLAY, Mr. CLAYER, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURA, Mr. DICKS, Mr. DOGGERT, Mr. DOYLE, Mr. EMAN-
Means of life insurance companies with other compen-sation or in accordance with the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. ANDREWS: H.R. 3012. A bill to amend the Internal Revenue Code of 1986 to exclude from gross in-come Code of 1986 to permit the consolidation of certain Forest Service administrative under title X of the Public Health Service

By Ms. MOORE of Wisconsin (for her-self and Mr. KLINE, Mr. WELDON of Ohio, and Mr. PENCE, Mr. WESTMORELAND.

By Mr. DEFAZIO: H.R. 630: Mr. BASS.

By H. Res. 335. A resolution supporting the goals and ideals of a National Epidermolysis controversy and help provide homeland se-
scurity; to the Committee on the Judiciary.

By Mr. RAMSTID (for himself, Mrs. JONES of New York, Mr. VAN HOLLEN, Mr. BOSWELL, Mr. McCOTTER, Ms. LEE, Mr. SPRATT, Mr. RUPTERSSERBERGER, Mr. GRIJALVA, and Mr. WYNN.

By Mr. STUPAK (for himself, Mr. KING of New York, Mr. MCDERMOTT, Mr. CHRISTENSEN, Mr. RUPTERSSERBERGER, Mr. GRIJALVA, and Mr. WYN.

By Mr. HASTINGS of Washington: H.R. 1105: Mr. LOBIONDO.

By Mr. LAHOOD: H.R. 1449: Mr. McCOTTER of Texas.

By Mr. LAHOOD: H.R. 1010: Mr. LINDER.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. LAHOOD: H.R. 1449: Mr. McCOTTER of Texas.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.

By Mr. HASTINGS of Washington: H.R. 1587: Mr. RYUN of Kansas.

By Mr. LAHOOD: H.R. 1402: Mr. MCNULTY.
AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3010
OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

Sec. 1. None of the funds made available in this Act may be used to carry out section 1860D-1(b)(4) of the Social Security Act.
The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

**PRAYER**

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

Let us pray. Almighty God, we celebrate Your presence with us today. Your steadfast love inspires us ever to sing Your praises. Lord, You bless us each day with good things. Because of Your loving kindness, we find safety.

Today, strengthen our Senators with Your might. Give them the wisdom to distinguish between truth and error and the courage to act upon that insight. Use them as Your instruments to relieve the suffering in our world. Open their ears to the cries of our Nation’s discarded and dispossessed.

As our lawmakers face great challenges, remind them that they are not alone but are sustained by Your unfailing providence. Remind each of us often that the plans of the diligent lead surely to advantage. We pray in Your powerful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

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

**RESERVATION OF LEADER TIME**

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

**ENERGY POLICY ACT OF 2005**

The President pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

**Pending:**

Wyden/Dorgan amendment No. 792, to provide for the expansion of strategic petroleum reserve acquisitions.

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.

Martinez (for Nelson of Florida) amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

Schrumer 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.

**RECOGNITION OF THE MAJORITY LEADER**

The President pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. FRIST. Mr. President, in a moment we will return to consideration of the pending Energy legislation that we debated last week and this week and will complete later this week. We will resume debate on the amendment of Senator Martinez relating to the inventory of the OSC. The time agreement we reached last night provides for up to 80 minutes of debate before the vote on that amendment, although I do not believe all of that time will be necessary. We would like to begin that vote no later than 11 this morning. We request that Senators come promptly for that vote.

We will be recessing at 11:30 to accommodate the weekly policy luncheons today. At 2:15, when the Senate returns from recess, we will continue through the amendments to the Energy bill. I believe the climate change amendments will be ready later this morning and for debate beginning at 2:15. We would expect votes on those amendments during today’s session.

I reiterate that it is my intention to file cloture on this bill later this evening. That would allow us to continue to consider and dispose of amendments, but it would also assure that we have a glide path to completion of the bill and that we would complete passage of the bill this week. The managers have done tremendous work over the last almost week and a half in moving the process along. I hope we can continue in that respect and finish the bill no later than Thursday or Friday of this week. Thus, we will be having a vote tomorrow. We will all in all likelihood be voting on the climate change amendments later this afternoon. In addition, there will be the opportunity for people to come to the Senate floor and offer their amendments.

**AMENDMENT NO. 783**

The President pro tempore. Under the previous order, there will be 80 minutes of debate on amendment No. 783.

Mr. FRIST. Mr. President, I ask unanimous consent that the quorum call be equally divided between both sides.

The President pro tempore. Is there objection? Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The President pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The President pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the parliamentary situation now? Are we having speeches on the amendment to strike the OSC inventory by Senators Martinez and Nelson and Corzine; is that correct?

The President pro tempore. The Senator would have 8 minutes left.

Mrs. BOXER. Mr. President, I ask to be notified when I have spoken for 5
minutes. I know Senator CORZINE is coming to speak. If you could let me know when my 5 minutes is up, I would appreciate it.

The PRESIDING OFFICER (Mr. AT-EXANDER). The Chair will notify the Senator.

Mrs. BOXER. Mr. President, I am proud to sponsor the Martinez-Nelson-Corzine-Boxer amendment to strike the OCS inventory language from the Energy bill. For millions of Americans living on or near our coasts, this amendment is arguably the most important we will debate on this bill. We know huge numbers of people live within 50 miles of America's coastlines. Few things are synonymous with California more than the beautiful beaches and the coasts. We have some pictures to show what this means to our children.

This is a scene I remember with my own children and now with my own grandson when he comes to visit California. This is what we think about. The natural beauty that is the California coast helps form our State's identity, as these pictures show. I will show you another one at this time as well. When I look at this, I just think: California.

The coast is a huge reason so many millions of Americans have chosen California as their home. Indeed, out of our 36 million Californians, 21 million Californians live in coastal counties. That is roughly 64 percent of the State. And there is a reason for this. It is God's gift to our State and to the people of this country and, frankly, to the people of the world who come to spend time on California's coastline and beaches.

The California coast is home to dozens of threatened and endangered species, including the short-tailed albatross, California Gnatcatcher, sea otters, chinook and coho salmon, steelhead trout, guadalupe fur seal, and several species of whales. Our coast is a national treasure. But Californians are not the only people who treasure our coastline. We know that tourists, millions of them, come to our State, generating $51 billion in annual revenues for our State. The protection of California's coasts, frankly, as much as all the other coasts we will protect, is not just an environmental necessity, it is an economic necessity.

The underlying bill could very well lead to more offshore oil drilling, could devastate my State and its way of life, and I trust that this bipartisan legislation being offered by Senators MARTINEZ and NELSON will be agreed to because the inventory that is agreed to in this bill could encourage further drilling in the not-so-distant future, putting all of our coasts at risk.

Make no mistake about it. This inventory is not a benign compiling of a grocery list of resources. The inventory proponents would have us believe that, but it is really not benign. The inventory will be conducted using seismic air guns which use explosive blasts to map rock formations beneath the sea. Sound from these blasts can be detected for thousands of miles, and hundreds of millions of blasts would be required to survey America's Outer Continental Shelf. These seismic blasts have been shown to have consequences for marine life. So I do not see how it makes sense to say, on the one hand, we are protecting our beautiful coastline with moratoria and then allow the inventory to go forward in these areas.

Most fish use hearing to detect predators, find prey, communicate, and find mates. Loss of hearing can have profound, even fatal effects on our fishery. So why would we take God's precious gift and subject it to this kind of trauma? Frankly, it is wrong. To me, it is almost a moral issue, that we protect the beauty we have been given, this God-given beauty.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask for another minute.

The PRESIDING OFFICER. The Senator has that right.

Mrs. BOXER. Seismic air guns have been shown to result in severely diminished fish catches by so severely startling the fish, they quickly leave the area or descend to the sea floor, seeking shelter from the noise. One study showed that when seismic blasts had been conducted in 1996, catch rates of cod and haddock declined between 45 percent and 70 percent over a 1,400-square-mile area, and 5 days later the catch rate had recovered. I ask for an additional minute on top of my minute to finish.

The fact is, with so many fishery stocks already depleted, should we really do anything else to harm them, and can our fishermen afford the risk? Marine mammals such as whales also use sound to locate food, avoid predators, care for young, and navigate the oceans. Seismic blasts can interfere with all of these activities. Air gun blasts have been observed to affect the feeding behavior of sperm whales in the Gulf of Mexico, migrating bowhead whales in the Beaufort Sea off the Alaskan coast, and harbor porpoises, which appear to be dodging and evading the sounds dozens of miles away from the blasts. Indeed, last year, the International Whaling Commission's Scientific Committee concluded that the increased sound from seismic surveys was cause for serious concern.

Mr. President, I take the Senator from New Jersey is here. We are running out of time, so I am going to wrap this up and cede the rest of the time to the Senator from New Jersey. I hope everyone supports this bipartisan amendment before the committee markup.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute 5 seconds.

Mr. CORZINE. One minute and 5 seconds. Let me, then, be brief.

I rise today as a cosponsor in support of the amendment offered by Senators MARTINEZ and NELSON that will keep the door closed to offshore drilling. The amendment strikes language in the bill that would allow a seismic inventory of all potential oil and natural gas resources in the Outer Continental Shelf, including areas off of the New Jersey coast.

The people of New Jersey strongly oppose allowing such an inventory and I voted against this provision during the committee markup.

New Jersey recognizes that taking inventory of these resources is a step onto a slippery slope toward the eventual drilling off the New Jersey coast; resources that are currently protected by the Outer Continental Shelf, or OCS, moratoria. After all, why would anyone conduct an inventory unless they have the intention to drill if resources are found? “Inventory” is just bureaucratic-speak for an open door to drilling off of the New Jersey coast.

I have long fought to maintain the bipartisan, two-decades-old moratorium on drilling on the Outer Continental Shelf. Any drilling, or even the threat of drilling, poses a real threat to the New Jersey environment, economy, and way of life. Drilling would leave the New Jersey coast and its waters vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The environmental effects of an ecological disaster know no State boundaries. Oil spills are not fleeting environmental sound bites. These accidents linger for years, causing sustained environmental harm.

In addition, coastal tourism is our State's second largest industry. It generates more than $31 billion in spending, directly and indirectly and supports more than 836,000 jobs, more than 20 percent of total State employment. Coastal tourism in New Jersey generates more than $16.6 billion in wages and brings in more than $5.5 billion in tax revenues to the State.

New Jersey already bears its own cost in supporting energy production and refining. We have three nuclear power plants. We are the East Coast hub for oil refining.

If we are growing our energy business, but exploiting our shore is a step we refuse to take.

This is not just an issue for my State. Protecting the moratoria on drilling is important to maintaining the integrity of the coastline of the United States. Anything happening in anyone area affects all the surrounding areas. Tides move across State borders. Fisheries and fish do not recognize State borders. This issue affects us all, and we must protect the integrity of these moratoria at all costs.

The inventory is not only dangerous because it starts us on the slippery slope towards drilling, but also because the methods used to conduct the inventory, including seismic surveys, can disrupt marine ecosystems and damage our local fisheries.

Dr. Chris Clark, Director of the Bioacoustics Research Program at Cornell
University, has called seismic testing “the most severe acoustic insult to the marine environment . . . short of naval warfare.” The impulses from the explosive shock waves have been shown to cause harm to many species of marine life. The research has been viewed as an explanatory dynamite. It is not only dangerous but also costly. The inventory is estimated to cost U.S. taxpayers $1 billion.

There is no need to conduct an invasive, environmentally harmful inventory. The Minerals Management Service already provides an estimate of oil and natural gas reserves in the Outer Continental Shelf. The MMS estimate is noninvasive and does not harm the environment. So it is important to know about the resources off our shores.

According to the most recent study, the resources are few and far between. In fact, the MMS estimated that the Atlantic contains only eight percent of the Nation’s undiscovered natural gas. In addition, in 2000, the MMS estimated the entire Mid-Atlantic region only contains 196 million barrels of oil, enough to last the country barely 10 days.

Why would any east coast State want to risk their coastal economies for another inventory when we already know what’s out there? Ten days worth of oil will do nothing to reduce U.S. dependence on foreign oil.

This administration already has a reputation for threatening the moratorium. On May 31, 2001, the Minerals Management Service released a request for proposals to conduct a study of the environmental impacts of drilling in the Atlantic. The stated purpose of the study was to examine “areas with some reservoir potential, for example off the coast of New Jersey, and in the area forming the Manteca Unit off North Carolina . . . in anticipation of managing the exploitation of potential and proven reserves.”

Allow me to repeat that last part. The study was “in anticipation of managing the exploitation of potential and proven reserves.”

Needless to say, the request created quite an uproar in my State. One local headline read, “Specter of drilling offshore is back, angering Jersey.” New Jersey is not alone, as were the members of the New Jersey delegation here in Washington. My colleagues and I urged the administration to rescind the request, and were successful. But the threat still lingers, and this inventory may still hinder the management of the moratoria and the eventual drilling off the New Jersey shores.

Past congresses and Presidents have ruled out Atlantic drilling for years, and we are not going to allow it now. American taxpayers should not have to pay for studies that amount to nothing more than oil industry fantasies.

I urge my colleagues to vote for this amendment so that we can protect our Nation’s precious coastlines and ocean waters.

The PRESIDING OFFICER. Who yields time to the Senator from North Carolina?

Mr. MARTINEZ. I am happy to yield to the Senator from North Carolina 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mrs. DOLE. Mr. President, since 1993 a moratorium has been in place on oil and gas exploration off the coast of North Carolina, thus protecting vital coastal areas from drilling. This moratorium has provided a much-needed boost to our coastal economy and my entire State.

Each year, thousands of families flock to North Carolina beaches to enjoy the sun, dip in the cool waters, and spend time with family and friends. Visitors provide much needed tourism dollars that create and sustain jobs. This moratorium has worked.

Only 2 years ago, I helped lead the successful effort to stop an attempt to lift the moratorium on oil and gas exploration off the coast of North Carolina. Now and maybe, yet here we are, once again, confronting the same proposal to undermine the moratorium and open new areas of the Outer Continental Shelf to oil and gas development.

I am proud to join a bipartisan group of my colleagues in offering an amendment to strike a provision in the Energy bill that exposes currently restricted environmentally sensitive coastal areas to oil and gas exploration. I especially thank my friend and colleague, Senator Mel Martinez, for his true leadership on this issue in his first year in the Senate.

There is no question that now more than ever we must work to end our dependence on foreign oil. But we cannot do so by ignoring the wishes and economic needs of the majority of the people of North Carolina and many other coastal States that oppose this exploration. Exploring off our coast would endanger North Carolina’s booming tourism industry, a true economic engine of my State. According to the North Carolina Department of Commerce, tourism is one of North Carolina’s largest industries, supporting nearly 183,000 jobs. Tourism remains strong despite declines in other important North Carolina industries, such as textiles, furniture manufacturing, and fiber optics.

While nationwide the tourism volume increased by less than 1 percent after the tragedy of September 11, North Carolina saw a 3-percent increase in its visitors, a real testament to the draw of our coastal areas. Last year, some 49 million visitors traveled to North Carolina making it the eighth most popular State tourism destination in the country. To say so would be $13.2 billion across the State, generating more than $1.1 billion in Federal revenue and over $1.1 billion in State and local tax revenue.

We have been told not to worry, all their talking about is an inventory. But there are two problems with this argument. The experts say inventorying itself will damage these environmentally sensitive areas. And why would the interior and an area we do not plan to later drill? The proposed inventory would be harmful to marine habitat and the fishing industry because it requires seismic surveys involving repetitive explosions in the water that send loud acoustic pulses through the water and into the sea floor. Scientists are concerned that these sounds kill fish and disturb whales, causing whales to swim onto the beach and die.

Advocates for an inventory label it solely as information gathering. But we already know where resources are located along our coast from data gathered by the Department of the Interior. Why, then, should our State be asked to risk environmental damage to our coastal areas for resources that are under moratoria and not even accessible for development? The potential physical price of exploration and subsequent drilling, polluted beaches, disrupted marine ecosystems, lost tourism, speaks to the heart of the issue. Any exploration of our coast is bad for tourism and is bad for North Carolina.

I ask unanimous consent for 2 additional minutes from Senator Nelson’s time.

Mr. DOMENICI. This time agreement, if I were to ask to yield additional time beyond that which we have for Senators, what would I be moving up against in terms of putting the Senate in some kind of a problem?

The PRESIDING OFFICER. The PRESIDING OFFICER. Each have 7 minutes 50 seconds.

Mr. DOMENICI. I am sorry, Senator. Mrs. DOLE, I understand Senator Nelson is willing to yield 4 minutes of his time.

Mr. DOMENICI. I ask unanimous consent it be in order that Senator Nelson yield 4 minutes.

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

Mrs. DOLE. Mr. President, as an editorial in the Charlotte Observer on March 31 of this year explains, a drilling agreement threatens everything North Carolinians hold dear about the coast—the beaches, the ocean water, the thin fish and shell fish, the pelicans and piper, the marsh grass and live oaks.

Allowing drilling off the coast of the Carolinas, in an area of the Atlantic that has some of the roughest weather in the world, is foolish. I agree, indeed, it would be foolish. It is detrimental to
those who live, work, and visit our coastal communities. It is detrimental to my entire State.

In conclusion, let me wrap up quickly and say, once again, the majority of folks in North Carolina are opposed to this drilling. That is why I am again proud to be a strong voice for my role in fighting any effort to open up the Outer Continental Shelf to oil and gas exploration.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to address the Senator for 30 seconds without being charged.

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

Mr. DOMENICI. Mr. President, my fellow Senators, we have heard the Chair announce we will have a vote that is set. The Senators have time to speak. They should get down here and speak. We have Senator LANDREI, Senator BINGAMAN, the distinguished majority leader—although he can take time off his own time.

For any who have remaining time agreed to, it would serve their purpose if they use their time because the time will run against them. I am not going to yield. I have only 7½ or 8 minutes in opposition. I cannot yield. I yield the floor.

Ms. CANTWELL. Mr. President, I rise as a co-sponsor of the Nelson-Martinez amendment, which would remove from the energy bill language that threatens decades-old Congressional and Executive Branch protections of sensitive coastal areas.

Protecting our Nation’s fragile coasts is vitally important to my State’s economy. On the west coast of Washington, the livelihoods of many rural communities depend on fishing, tourism, and shellfish farming. These multi-billion dollar industries depend on clean water and pristine coastlines.

In addition, the U.S. has entered into numerous treaties with coastal Indian tribes. Many of these treaties guarantee tribal fishing and shellfishing harvesting rights. We cannot set in motion a process that could damage these tribes’ ways of life, or allow any potential abrogation of our Nation’s trust responsibilities.

Over the last several years, Washington has been a leader in protecting sensitive marine areas. We worked closely with the National Atmospheric and Oceanic Administration to establish the Olympic Coast National Marine Sanctuary, which encompasses most of the waters off of the northwest coast of Washington. The sanctuary is home to hundreds of species including marine mammals.

These mammals include the majestic Orca whale, whose 20 percent population decline over the past decade triggered a depleted listing under the Marine Mammal Protection Act and may lead to a threatened listing under the Endangered Species Act. I am very concerned that the exploratory activities allowed under the Senate Energy and Natural Resources Bill could further harm this important symbol of the Northwest.

There are those who argue that a mere inventory of offshore oil and gas supplies should be conducted. I would ask my colleagues to consider emerging scientific evidence related to seismic technology used to conduct these surveys. Studies have suggested that these techniques are more invasive than originally believed—particularly when it comes to their acoustic disruption of marine ecosystems. Potential interference with the sensory capacities of marine mammals may jeopardize fundamental activities such as foraging for food, avoiding predators, and caring for young.

Moreover, many coastal residents of my State still shudder when they recall the thick carpets of oil, hundreds of dead birds, and great shards of oil slicks that followed 1989 oil spill off Grays Harbor. That disaster stained over 300 miles of coastline. An oil well blow out could be many times worse.

While some argue that this is simply a study, my response is that we should not spend millions of taxpayer dollars to study something we know we do not want to do. My constituents have told me they will not accept drilling rigs off the coast of communities like Willapa Bay, Neha Bay, or the mouth of the Columbia River.

There is an important question here. Where is it appropriate to drill, and where is it inappropriate? I agree with many of the Senators who have cited our Nation’s growing need for more natural gas supplies. While I fully recognize this challenge, according to the EIA and MMS, the potential supplies offshore are dwarfed by at least 32 trillion cubic feet of natural gas that we know already exists in Alaskan fields.

That is gas that is currently being pumped back into the ground, and it is the reason why we delayed the construction of a pipeline from Alaska’s North Slope to the lower 48 States. Building this pipeline would provide years of domestic gas supply, create thousands of jobs, and provide a huge opportunity for the steel industry.

The Pew Oceans Commission has highlighted the fragility of our oceans and coastal resources and recommended that we look at the overall benefits provided by the oceans.

I think the commission’s findings confirm the need to reject any provisions in the energy bill that call for an economic benefit of more than $5 billion to the regional economy.

Mr. DODD. Mr. President, I am pleased to join my colleagues from Florida, Senator NELSON and Senator MARTINEZ, as a cosponsor of their amendment to strike the OCS inventory language from the Energy bill. I took part in the Administration’s Department of Interior and Commerce’s and Senator BINGAMAN for working hard to craft a bipartisan bill, but I have a number of concerns with it, including the OCS inventory language.

Since 1992, Congress and the Executive branch have prohibited new offshore leases in the OCS. The moratoria began with California and was expanded to include the rest of the west coast, Georges Bank, New England, the mid-Atlantic, part of the eastern Gulf, and portions of Alaska. Both President George H. W. Bush and President Clinton upheld the OCS moratoria.

Let us be very clear. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and set us on a slippery slope to drilling and exploration in these environmentally sensitive areas. Why else would the Federal Government propose to spend nearly $1 billion annually on seismic drilling activities if it did not intend to go forward with further coastal exploration? To suggest otherwise strains credulity. Further, nowhere in the underlying bill does it say how the Federal Government is going to pay for this $1 billion inventory. I contend that there are better ways to invest $1 billion—health care, education, infrastructure improvements, energy efficient technology, and renewable resources come immediately to mind, than on a misguided attempt to open our coastal areas to oil and gas exploration.

As I mentioned, conducting an inventory would entail seismic drilling that would have a ripple effect up and down our coastline. We already know that this type of activity has a devastating impact on marine life, including whales.

I am concerned that any seismic drilling or other similar activities along the North Atlantic and mid-Atlantic coast would have a tremendous negative impact on the health and well-being of Long Island Sound and the coastal areas of Connecticut.

Long Island Sound is an estuary of national significance with not one, but two openings to the sea. It is bordered by Connecticut and New York, running 110 miles long and 21 miles at its widest. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health and well-being of Long Island Sound. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

Therefore, I am deeply concerned that any attempt to inventory the OCS
Ms. LANDRIEU. Thank you, Mr. President. I will take all 7 minutes 15 seconds to talk about this important amendment.

I do so much respect a lot of what has been said on the floor of the Senate by my friend, the Senator from New Mexico, and in New Jersey about their feelings about offshore drilling. Of course, we have different feelings about that in Louisiana, and our experience leads us to different conclusions. But that is not really the subject of this amendment, which is why I have come to the floor to speak in opposition to this amendment.

This is not a drilling amendment. This is a security amendment. This is a good stewardship amendment. This is a commonsense amendment. The people of the United States—all 240-plus million people who live in this Nation—depend on us—us right here—to give them good information about their country, about their land, about their water, about their oceans, about their resources. They depend on us to tell them the truth, not to hide things from them, not to pretend we have things when we do not or say we do not have things when we do.

That is all the amendment the Senators from New Mexico—both Senators, the chairman and the ranking member—have put in the underlying bill, with support from Democrats and Republicans, with a good vote from Republicans and Democrats on the committee, to put in this bill simply a direction for our agency, the Minerals Management Service of the Department of Interior, to do an inventory so the American public can understand how much oil, how much gas, how many other resources we might have on the Outer Continental Shelf.

No. 1, this is not a small piece of land or territory. It is 200 miles basically out from our coast, a ring around the Nation. If you took the OCS, which is 1.57 billion acres, and you superimpose it over the map of the United States, it would be from the Mississippi River to the Pacific Coast. It is a huge asset owned not by the Senators, not by the House of Representatives, not by the Governors, it is owned by the American people. They have a right to know what resources are there for them should they need them, should they want to use them as good stewards—not as exploiters, not as destroyers, but as good stewards.

We are engaged in a war. We have had a strike against this Nation from terrorists who have all sorts of vile intentions against our Nation.

The price of oil is at $38 a barrel this week. Gas is at a record high. We do not know when or if there will be another terrorist attack, but in the event there is some problem—more problems than we have today because we have some, obviously—when the country may have to draw upon resources on the Outer Continental Shelf. It may either be because of an emergency or because of economic necessity—we most certainly would like to know what is there so we can make a good decision. That is basically all this underlying bill does.

So I know my colleagues have different views about drilling and where drilling should be and whether we should drill the entire Outer Continental Shelf. This is not the attack point. You would want to talk about drilling when we get to it. This is about an inventory, a resource assessment of what is owned by the American people for their deliberative language should not. It should be done either now or in the short-term future or in the long-term future of this Nation.

I urge all of us to vote against this amendment that would strip out this commonsense approach to letting the American people know what they own so they can make, and we all can make, good decisions about whether to use those resources, when to use those resources, or decide never to tap into those resources. But those good, commonsense decisions cannot even be made unless we know what we have.

The good leadership of both Senators from New Mexico is leading us to give this American people the benefit of the doubt. I come to the Senate floor this morning to say that I strongly support this underlying measure, and I thank them for their leadership. I urge my colleagues on the Democratic side, as well as my Republican colleagues, to hold to this commonsense inventory of our Outer Continental Shelf.

Mr. President, I ask unanimous consent that the following data be printed in the RECORD.

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

INVENTORY/SEISMIC
Conducting seismic surveys would provide MMS with a valuable tool to help predict where resources may lie beneath the ocean floor and help inform the American public as to the nature and value of these resources. The inventory language does not eliminate existing moratoria or expand OCS access and the seismic surveys described in the inventory language do not constitute "actual exploration."
Industry has co-existed with the marine environment for decades. In the Gulf of Mexico, new marine ecosystems have been created—and are thriving—as a result of offshore operations. Scientific research has not shown that seismic activities harm sperm whales or other marine mammal species. In it’s 2004 report, “Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects for the National Marine Sanctuary System,” the National Marine Sanctuary System concluded that "no scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population."

However, MMS has implemented general instructions, including mitigation measures and a no-net-loss requirement, to minimize effects of seismic surveys on marine species. Some of these measures include placement of trained visual observers on seismic vessels; immediate shutdown if a whale is sighted within the vicinity of seismic sources; and start-up procedures that require the immediate vicinity to be clear of any animals before activities can proceed.

Annual appropriations moratoria, not cost, have prohibited MMS from conducting any
leaving or related activities in these areas for decades. Any costs must be weighed against the benefits to the nation of understanding the value and nature of its offshore resources.

Under the OCS Lands Act, Congress found a serious lack of adequate basic energy information regarding OCS resources and an urgent need for more data. The act directs the President to ensure that this information is “essential to the national security of the United States” and directed the Secretary of the Interior to maintain a comprehensive survey of the Nation’s undiscovered energy resources as well as its discovered reserves. Using sophisticated seismic technologies is key to ensuring accurate resource estimates.

**Effects of Seismic Surveys on Whales and Dolphins**

1. Environmental groups suggest sounds from seismic surveys are a big problem for whales and dolphins.

   This allegation is not supported by the science:


2. Significant effort is made to ensure seismic operations do not cause harm.

   - The seasonal migration of both species is well known and documented (they go south for the winter).

   - There are 1 million blue-collar manufacturing jobs in America in the chemical industry that depend on natural gas for a raw material. We must lower the price of natural gas. We can do it by nuclear power, which is going to be stricken if the Bingaman-Bingaman bill we are considering does, however, provide for the deliberate provision which requires a comprehensive survey of OCS oil and gas resources. I continue to support the Bingaman-Bingaman legislation.

   - The Energy and Natural Resources Committee included the language to oppose the amendment to strike the OCS moratorium provision. During committee consideration of the bill, I supported adding this provision which requires a comprehensive survey of OCS oil and gas resources. I continue to support the Bingaman-Bingaman legislation.

   - The Energy and Natural Resources Committee included the language to provide for the development of important data and information about our energy resources. The language in the bill is identical to a provision that was approved in the Energy Committee during the last Congress, and the Senate rejected efforts to strike the language then. I hope we will have the same outcome on this issue in this Congress.

   - I oppose the amendment. I encourage my colleagues to oppose it as well.

   - The Energy and Natural Resources Committee included the language which is going to be stricken if the Bingaman-Bingaman bill we are considering does not allow drilling in any area that is covered by a moratorium. The provision does, however, provide for the development of important data and information about our energy resources.

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thought we had an amount which we would never run out of. So we started putting it in the big powerplants because it is clean. We pumped it in by the trillions of cubic feet to produce electricity.

Now all of a sudden the price is going up because demand has gone up dramatically. It has increased 300 percent in a short period of time. It is predicted, if something doesn’t happen, the price could go as high as $13; today it is $7. So about one time down in the neighborhood of $1.50 or $2. That means if it continues to go up, we will have no fertilizer business in America. We will have no chemical business in America. Natural gas, which we use in our powerplants, will begin to run out. We are using it for all kinds of purposes. Then we will understand. We don’t understand it right now.

All we are saying is, America, out there in the ocean, 200 miles, you can put these drilling platforms—I flew out and down. You can put them out there. People have seen them on television. They are absolutely tremendous technological feats. There is no pollution. Nothing happens except 10 or 12 wells are drilled, this valuable resource that we own comes up, and we use it.

We thought it was very important for our citizens to know how much natural gas or crude oil exists out there. Nothing is going to happen to the States. Nothing has changed versus the States. The moratoria exist. If we brought a moratoria amendment up here and said, lift the moratorium on Florida, it would lose. The bill would die. A filibuster would occur.

We are not asking for that. As a matter of fact, the bill says you can’t even drill to determine the assets that America owns. It will be done by new, modern technology, seismic and otherwise, that in a few years will say to America, Congress, to this President—and it will be a truthful, full disclosure, a transparency—America, if you have a problem, you have some alternatives. You can import natural gas in big ships that will bring it over here in a liquefied manner. We will still be paying foreign countries for it. We don’t know if the price will come down. We don’t know if they will have a cartel. They don’t now. But if I were them, they are not subject to any national laws of ours, they could form a cartel. Natural gas could keep going up. We would keep importing it.

I can tell the American people, if we have this asset out there and some State thinks that maybe we ought to drill, or the United States of America believes we are throttled, we ought to know what is there. That is all. Some decision can be made in the future.

I say to my fellow Senators, please understand, this is not a proposal to change any moratoria. This is not a proposal to harm the State of Florida. We compliment the distinguished Senators, Mr. MARTINEZ and Mr. NELSON, who have argued eloquently on behalf of their State. Senator Dole has been here. The Senator from New Jersey has been here. We recognize all of them.

Did Senator BINGAMAN have any time remaining?

The PRESIDING OFFICER. Senator BINGAMAN may have my 30 seconds remaining.

Mr. DOMENICI. I yield myself 30 seconds.

What we are asking is nothing more, nothing less than on behalf of the American people, let the experts go out and find out how much is there. In a rather superficial way, without having ever done the real seismic work, we have an idea of what is there, across the circle around America that has been described so eloquently by Senator LANDRIEU. We know somewhat what is there. But we don’t know with any kind of assurance. We need that. That is what the amendment is about.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I tell the Senator, the distinguished chairman of the committee, we already know what is out there.

Mr. DOMENICI. Mr. President, is not a vote in order at this time?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. NELSON of Florida. Mr. President, again, I tell the Senator that we already know what is out there. In fact, the MMS does an inventory every 5 years. Here is the latest one. This is a 2003 update. The new one will come out this summer, in 2005. So we are not doing an inventory here as it is explained. What are we doing under this bill is doing something new. We are doing seismic explosions that could cost the Federal Government, in all of the Outer Continental Shelf, up to a billion dollars.

Seismic explosions. These air guns shoot air pressure all the way to the ocean floor. Now, that is what we are trying to stop. Since we know what is there—and they drilled several dry holes in the eastern Gulf of Mexico, off Florida. We know there is not any oil and gas there. They want to do a new type of exploration. Yet this is in a moratorium. So if it is in a moratorium until the year 2012, why are we going to allow, under this bill, going out and doing seismic explosions in the Outer Continental Shelf all around the United States?

What is it the first step to drilling. It is the proverbial camel’s nose under the tent. Once he gets his nose under the tent, the camel is going to get in the tent, the tent is going to collapse, and there is going to be drilling all off the coast of Florida, all off the eastern seaboard and all off the western Pacific coastline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. MARTINEZ, is recognized.

Mr. MARTINEZ. Mr. President, my understanding is that I have one minute to close.

The PRESIDING OFFICER. That time has expired.

Mr. MARTINEZ. I ask unanimous consent for 1 minute to close on the amendment.

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

Mr. MARTINEZ. Mr. President, I simply want to note that I am very appreciative of the chairman and ranking member of the committee where I have had the pleasure of working. I believe this is a great and good bill. I want to take this little provision out that would do so much harm to the people of Florida and would be potentially invasive to our future. I want to remove it so that we can continue forward with this good bill.

I believe, without question, the issue here is not just about these inventories but about future drilling. We cannot drill ourselves to energy sufficiency by what we might find in the Gulf of Mexico.

I urge my colleagues to vote for this amendment so we can take out this one piece of the bill, and the bill can be a successful bill. Then we can go into conference and provide an energy future for our country that is desperately needed. There are many things I want to vote for in the bill. I continue to be greatly concerned about not just an inventory but about where that path would lead. This is not only for the people of Florida but many other coastal Senators have expressed themselves as this being in the best interests of many of our States. I yield back my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DUGGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

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

The result was announced—yeas 44, nays 52, as follows:

(Roll Call Vote No. 143 Leg.)

YEAS—44

Akaka
Bayh
Biden
Boxer
Burr
Vanderwall
Chafee
Clinton
Collins
Coons
Dayton
DeMint

Dodd
Dole
Durbin
Peingold
Peniston
Graham
Harkin
Inouye
Inhofe
Kennedy
Kohl
Laufanburg
Leahy

Levin
Lieberman
Martinez
McCain
Mikulski
Murray
Nelson (Fl)
Obama
Reid
Rockefeller
Sarbanes
The amendment (No. 783) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. The previous order, the hour of 11:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 11:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may be permitted to offer an amendment.

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

AMENDMENT NO. 817

(Purpose: To provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protections for projects that employ advanced climate technologies or systems in the United States)

Mr. HAGEL. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURkowski, Mr. VOINOVICH, and Mr. STEVENS, proposes an amendment numbered 817.

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

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

(The amendment is located in today’s Record under “Text of Amendments.”)

Mr. HAGEL. Mr. President, I understand under a previous agreement the Senator from Minnesota wishes to offer an amendment. I will withhold further comments until the Senator from Minnesota has had an opportunity to propose an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask that the pending business be set aside.

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

AMENDMENT NO. 790

Mr. DAYTON. I call up Senate amendment 790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 790.

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

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

The amendment is as follows:

(Purpose: To require that gasoline contain 10 percent ethanol by volume by 2015)

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.

(1) CELLULOSIC BIOMASS ETHANOL.—The term “cellulosic biomass ethanol” means ethanol derived from any lignocellulosic or hemicellulosic biomass that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) woody and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term “waste derived ethanol” means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term “ethanol” means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in the contiguous United States contains 10 percent ethanol by 2015.

Mr. DAYTON. Mr. President, we have been talking about the laudable goals of recycling, our Nation’s dependency on foreign oil, and developing alternative sources of energy. The old saying goes, actions speak louder than words. Our current energy program and practices are taking this country in the opposite direction—toward increased imports of foreign oil.

Even with the renewable fuel standard in the energy bill, which some want to eliminate, the projected gasoline consumption in our country will increase from 135 billion gallons this year to 168 billion gallons in 2012. That is a 26 percent increase in America’s use of gasoline in just 7 years. At a time that worldwide demand is also expected to increase significantly, where will we get the increased supplies? How much will we have to pay for them?

As my colleague, Senator Cantwell from Washington State, courageously warned last week, even with the adoption of the Senate’s renewable fuel standard, our imports of foreign oil would increase from 59 percent currently to 62 percent in 2012. Without adopting the Senate renewable fuel standard, our oil imports would be over 67 percent in just 7 years.

Taking yesterday’s world price for oil, which was over $50 a barrel, we will spend $230 billion this year for foreign imports of oil, and we would spend $243 billion in 2012, even with the renewable fuel standard. Anyone who believes the world price of oil in 2012 will not be higher than it is today is beyond optimistic.

Of course, if we can continue to get all the oil we need at today’s prices or lower, we would have no need to develop alternatives. That has been our national energy strategy today. People say we do not have an energy policy. I respectfully disagree. Our policy has been and continues to be to maintain the status quo for as long as possible. We continue to depend almost entirely upon oil and oil products, natural gas and products, coal, nuclear, and hydroelectric power for over 97 percent of our total energy needs nationwide, just as we did in 1970 before our so-called energy crisis began.

The so-called alternative fuels provided less than 2 percent of our country’s energy in 1970. They provide less than 3 percent today. None of them are likely to provide significantly more of our total supply 10 or even 20 years from now except for ethanol and other biofuels such as biodiesel. If you really do not see full-page ads attacking solar, wind, or geothermal energy by the Petroleum Institute or other major energy sources, because they know the alternatives are no threat to replace them anytime soon.

The only alternative source of energy the American Petroleum Institute is attacking is ethanol. Why is that huge industry, oil and gas special interest, spreading misinformation about a business that competes? Because they recognize that ethanol has the ability—not just potential but the ability now, not 10, 20, or 40 years from now but right now—to replace gasoline, to replace not just MTBE, the—3 percent additive to regular gasoline, but to replace the gasoline itself.

I know that from my own experience driving a Ford Explorer that has run on a blend of 85 percent ethanol and 15 percent gasoline all over Minnesota during the past 3 years. My Senate office leased a van that has run on the 85 percent fuel for the last 4 years. Both vehicles have factory-made flexible-fuel engines which can run on the 85-
percent ethanol or on regular unleaded gasoline or any mixture of the two. However, for the past 9 years, every car, SUV, or pickup truck in Minnesota has run on a blend of 90 percent gasoline and 10 percent ethanol.

Then there was the Republican Governor, Arne Carlson, and the Minnesota Legislature passed a 10-percent ethanol mandate law. Back then, the oil and gas industries tried the same scare tactics they are using on Capitol Hill now: More expensive, unsafe, and unreliable. But for the last 9 years, every motorist in Minnesota has put a gasoline containing 10 percent ethanol into every vehicle at every service station with no problems and at prices that are lower than our neighboring States. Just 2 weeks ago, I bought E85 fuel in 11 Minnesota cities at prices ranging from 25 to 70 cents a gallon less than regular unleaded gasoline. Unleaded gas costs between $1.90 and $2.05 a gallon and E85 between $1.35 and $1.55 a gallon.

I have introduced legislation that will require all of the gasoline-consuming cars, SUVs, and trucks sold in America after 2008 to have these flex-fuel engines which would give their owners the choice between ethanol and gasoline every time they fueled up. Every time, consumers could choose the lower priced option, and that consumer choice would provide healthy competition for both fuels.

Certainly there are other good reasons to buy ethanol instead of gasoline, such as putting that money into the pockets of American farmers rather than Arab sheiks or using a cleaner burning ethanol fuel that is better for the engines, warranty them, and service them. I was greatly impressed with their success in designing and manufacturing those engines that can measure the ethanol content in a fuel tank from 0 to 65 percent and adjust the fuel intake and carburetor to burn a more dense 87 octane gasoline or a less dense 104 octane ethanol, or any blend of the two, and then produce the same acceleration efficiency and other performances from either fuel.

If E85, without its tax subsidies, now equivalent to 43 cents a gallon, and after accounting for its 15-percent fewer miles per gallon because of its lesser density, is still cheaper than regular unleaded gas, which it is at its current price in many parts of Minnesota, then savvy consumers, of whom there are now 100,000 in Minnesota, will decide they, too, are sick of ever higher gasoline prices and they, too, want to take advantage of ethanol’s lower cost and equal, if not better, performance in their engines. Then when consumers ask for and insist upon flex-fuel engines at no additional cost, the automobile manufacturers will produce them. A marketplace will drive that transition. My bill would accelerate it, but this Congress and this country are not yet ready for that conversion.

My other legislation, Senate amendment No. 790, would have an even greater impact on our country’s energy independence, on reducing our imports of foreign oil, on putting more of that savings back in the pockets of American farmers rather than Arab sheiks or using a cleaner burning ethanol fuel that is better for the environment efficiency and other performance standards. I will rejoice when Californians do what Minnesota has done for the past 9 years—require that every gallon of gasoline contain at least 10 percent ethanol. Right now, the nationwide use of ethanol is about 2.5 percent of gasoline.

This bill would require that in 10 years, the rest of America would do what Minnesota has done for the past 9 years—require that every gallon of gasoline contain at least 10 percent ethanol. Right now, the nationwide use of ethanol is about 2.5 percent of gasoline. The Senate’s renewable fuel standard in this bill would raise nationwide ethanol consumption to almost 5 percent of gasoline by 2012—an amount of gasoline which I said earlier is expected to be 26 percent more than what we are consuming this year nationwide.

For the 9,000 million gallons of gasoline that would be imported foreign oil with our renewable fuel standard, replacing 5 percent of that gasoline with ethanol is real progress, but it is small progress. It is only half of what we could achieve by a 10-percent ethanol mandate nationwide. Ten percent of the 168 billion gallons of gasoline that Americans are projected to consume in 2012 would be 16.8 billion gallons of fuel. If gasoline remained at the same long-run price, substituting 10 percent ethanol for 10 percent would shift almost $34 billion each year from a non-renewable fuel, over half of it foreign, to annually rely on American grown and American manufactured oil that can supply over half of all that oil and gasoline.

Now we see why the American Petroleum Institute is attacking ethanol and why, regrettably, it has convinced some of my colleagues to do the same. I am deeply dismayed by accusations made in the Senate that I and other ethanol proponents are trying to foist some huge additional costs on American motorists in order to increase the profits of one company or to create some profits for our Midwestern farmers. I am beholden to no company or industry. I certainly support policies that benefit Minnesota farmers, but I would never, ever try to advance their economic interests at the expense of the economic interests of all other Americans.

Ethanol is cheaper than gasoline in Minnesota today. That may not yet be true on the west coast or the east coast due to transportation costs because most ethanol is transported in railcars in small amounts by truck or by rail rather than in large quantities by pipelines.

A nationwide commitment to increased use of ethanol would involve developing a transportation system or, better yet, producing ethanol locally, as Minnesota farm co-ops are doing today.

Ethanol can be made from many different sources, including wood chips, crop stalks, organic garbage, even animal waste. I will rejoice when Californians do what Minnesota farm co-ops are doing today.

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A nationwide commitment to increased use of ethanol would involve developing a transportation system or, better yet, producing ethanol locally, as Minnesota farm co-ops are doing today.

Ethanol can be made from many different sources, including wood chips, crop stalks, organic garbage, even animal waste. I will rejoice when Californians do what Minnesota farm co-ops are doing today.

Again, none of this would be necessary if we could continue to get all the oil and gasoline we need at prices no higher than they are today. In the past, we have taken that gamble, and most of the time we have come out ahead. That is evidently what we will continue to do, despite the benefits of this legislation, even if those benefits survive a conference with the House and the administration and if they survive all the efforts to defeat them by the American Petroleum Institute and the other established energy interests because they will still make their profits, no matter how much their energy prices increase, as long as Americans have no alternatives.

I do not profit and the rest of us pay. That will not change unless we take action to change it. We cannot, and we will not, change our dependence on foreign oil or on any of our current energy sources by wishing them away or by making speeches about alternatives or by waiting for the next energy crisis to demand them. We have to take action—and sustain those actions—to
make the transition to using significant amounts of other sources of energy and to use enough of them for long enough to enable new entrepreneurs and expanding businesses to produce those supplies, transport them, sell them, and use them.

There is no magic wand. There is no overnight cure. There is not even a guaranteed success. There is only the choice to try to maintain the same old energy supplies and pay for them or to develop real alternatives. Ethanol is ready for America, if ready for America is ready, I will offer my amendments again.

AMENDMENT NO. 790 WITHDRAWN
Mr. President, I ask unanimous consent to withdraw amendment No. 790.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DAYTON. Mr. President, I yield the floor. I thank my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 87
Mr. HAGEL. Mr. President, I rise today with my colleagues, Senators PRYOR, ALEXANDER, LANDRIEU, CRAIG, DOLE, MURKOWSKI, Voinovich, and STEVENS, to offer an amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment incorporates two bills I introduced earlier this year, the Climate Change Technology Deployment Act and the Climate Change Technology Deployment in Developing Countries Act. Taken together, these bills propose a comprehensive, effective U.S. global climate change policy.

The climate change debate is not a debate about who is for or against the environment. No one wants dirty air, dirty water, prolonged drought or depleting standards of living for their children or grandchildren. We all agree on the need for a clean environment and stable climate.

The debate is not about whether we should do something, but rather, what kind of action we should take. A sound energy policy must include sensible and effective climate policies reflecting the reality that strong economic growth and abundant clean energy supplies go hand in hand.

The amendment my colleagues and I are offering is comprehensive and practical. Bringing in the private sector, creating incentives for technological innovation, and enlisting developing countries as partners will be critical to our success on global climate policy. This amendment seeks to do exactly that, by authorizing new programs, policies, and incentives to reduce greenhouse gas intensity.

It focuses on expanding clean energy supplies, enhancing the role of technology, establishing partnerships between the public and private sectors and between the U.S. and developing countries. Innovation and technology are the building blocks for an effective and sustainable climate policy.

This amendment uses greenhouse gas intensity as a measure of success. Greenhouse gas intensity is the measure of how efficiently a nation uses carbon-emitting fuels and technologies in producing goods and services. It best captures the links between energy efficiency, economic development, and the environment.

The amendment my colleagues and I offer today with my colleagues, Senators PRYOR, ALEXANDER, LANDRIEU, CRAIG, DOLE, MURKOWSKI, Voinovich, and STEVENS, to offer an amendment to H.R. 6, the Energy Policy Act of 2005.

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Mr. CRAIG. Mr. President, let me say how proud I am to speak in behalf of and in favor of the climate change amendment we have just heard thoroughly explained by Senator Hagel, and thank him and Senator Pryor for joining in a bipartisan way to provide for us the underpinnings of a path forward on the issue of climate change and to meet both this Nation's and the global needs that are obvious when we talk about climate change and, in that context, economic progress.

In addition, this legislation will provide a sound basis for productive engagement with our friends and allies in sharing our need to cooperatively work literally around the globe on this issue. If we are talking about climate change, we are not talking about it only in the United States. It is literally the climate of the world we are talking about, and concern about those elements that are introduced by man into the environment that make the change or could make the change. An essential element in this legislation is an active engagement of developing countries. My views on this point are not new, but I do believe they are worth repeating as we begin this important debate on national energy policy and as we step into the arena of climate change.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources and meet their needs for their people. For too long, the climate policy debate has been about fixing and assigning blame and promising what is not producible. It is counterproductive. When the climate change community said to the world, save the world by turning out your lights and turning off your economies, the world in large part said: Wait a moment. We don't think we can do that. We have to look at this issue differently.

Our best technological advances, our research activities, all are focusing on how we become cleaner. And as we become cleaner, we immediately provide and send that technology to the world, and we meet their needs while they grow and develop and provide for their own people.

Senator HAGEL, Senator Pryor, and those of us who support this amendment have made it clear that there are important issues we ought to be about when we talk about climate change. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority of the United States and of all nations, and we have not shirked from that. There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives. But to claim that the United States is not acting seriously reflects at best a lack of knowledge or at worst political posturing.

An objective review of government and private sector programs to reduce increases in greenhouse gases now and in the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which went into effect last February. The Bush administration has not offered a true measurement of this issue or our domestic rate of improvement in greenhouse gas intensity relative to improvements in other countries. The term I just used—and it is one we ought to all be familiar with because it is the true measurement of this issue, not the politics of the issue, it is in fact the scientific measurement—"greenhouse gas intensities" is defined in the legislation Senator HAGEL has just offered as the ratio of greenhouse gas emissions to economic output. This is a far wiser measure of progress because it compliments rather than conflicts with a nation's goal of growing its economy and meeting the needs of its aspiring citizens.

Too much attention has been paid to the mandatory nature of Kyoto, and too little is resulting from it because nations simply can't get there. Most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. So why did they ratify it? Was it the politics of the issue or were they really intent on meeting the goals? We did not ratify it because we knew that it couldn't be done in this country. Yet we are the most technologically advanced country of the world.

Why couldn't it be done here? Simple reason: When we stated on the floor some years ago that we would have to take a hit of at least 3 million jobs in our country to dial ourselves down to meet the Kyoto standards, we were right. In fact, at the depths of this last recession we have just come out of, with 2.9 million people unemployed, we met the standards that we were supposed to meet under Kyoto. Most favorable is the recent report. Great Britain needs more allocation of credits to meet its targets under Kyoto.

Imagine this, the most aggressive advocate of Kyoto, the nation best positioned to meet the requirements of the treaty, is now backsliding because they can't hit their targets. They need more relief.

At a recent COP-10—that is a climate change conference in Buenos Aires I attended along with my colleagues—delegates from a variety of countries came up to us and said very clearly, we need the intensities approach in order to avert harsh, clearly unmanagable, unattainable consequences of Kyoto. Indeed, a conference delegate from Italy informed me and others attending COP-10 that Italy will bow out—they were early to ratify Kyoto—by 2012 because they couldn't comply with phase 2 of the treaty. Remarkable stuff? No. Real stuff. Now that the politics have died down in some degree of political expression except this one, where we still want some degree of political expression—now that the politics have died down in these other countries that have ratified the treaty, they don't know what to do because they can't get there.

Let me tell you what they can do. They can follow the guidance and direction of the Hagel-Pryor amendment that I hope will become law. In that law we will engage with them in the development of a new cleaner fuel system and systems for the world and not have to ask them to turn their economy down.

Mr. President, I look forward to working with my colleagues; the Bush administration, which has done a significant amount in dealing with this issue, especially in market-based, technological, on the private sector, from which innovation comes; the private sector, from which innovation comes; the public interest groups that help focus our attention; and America's allies—America's allies—key to any achievable climate change policies. I look forward to working with all of these individuals, institutions, bodies, and nations to achieve a climate change policy that is workable, sustainable.

By harnessing our many strengths, we can help shape a worthy future for all people in the world. I encourage my colleagues to review this amendment, and I ask for their consideration and support.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me say how proud I am to speak in behalf of and in favor of the climate change amendment we have just heard thoroughly explained by Senator Hagel, and thank him and Senator Pryor for joining in a bipartisan way to provide for us the underpinnings of a path forward on the issue of climate change.
The United States is currently spending in excess of $5 billion annually on scientific and technological initiatives. That is far more than any other nation in the world. In fact, I believe we are spending more as a nation than all of the other nations combined. The issue of greenhouse gas emissions therefore, proclimate change, pro-Kyoto. But nobody talks about it because it wasn’t one bill. It wasn’t one vote. It wasn’t a great big press conference. It is a collective initiative on the part of our Government with some of our friends over the course of a decade to become better at what we do and cleaner in how we do it.

The Bush administration has entered into more than a dozen bilateral agreements with other countries to improve their energy efficiencies and reduce greenhouse gas growth rates and has received compliments from major industries and worked with them to make improvements in the use and the efficiencies of their energy sources. These programs are designed to advance our state of knowledge, accelerate the development and deployment of energy technologies, aid developing nations in using energy more efficiently, and achieve the 18-percent reduction in greenhouse gas intensity by 2012, as our President laid out.

Domestically, the United States continues to make world-leading investments in climate change and climate science technology. The United States has also implemented a wide range of national greenhouse gas control initiatives, carbon sequestration, and international collaborative agreements.

Let me cite from a summary of what we have done: The climate change technology program, a $3 billion program; the climate change science program, a $2 billion program; DOE’s registry for greenhouse gas reporting, another major program; DOE’s climate vision for industries; initiatives that includes 12 major industry sectors and the Business Roundtable.

Here are some examples: Refineries committed to improve energy efficiency by 10 percent between 2002 and 2012. The chemical industry will improve greenhouse gas intensity by 18 percent between 1990 and 2012. Mining sites committed to increase efficiency by 10 percent. That is in that initiative alone.

EP A climate leaders for individual company reductions: Over 60 major corporate-wide reduction goals are in place, including GM, Alcoa, British Petroleum, IBM, Pfizer, and the list goes on and on.

We could spend an hour talking about the initiatives that are underway in this country. What I told the chairman of the Energy Committee last night as we discussed the issue of climate change was: Mr. Chairman, we ought to take this whole bill and call it the climate change bill of 2005. Why? Clean coal, wind, solar, nuclear, hydro— all kinds of incentives and new technologies all designed to keep our technology to embrace their problems along with our problems. That is recognized and understood by the Hagel-Pryor amendment. I am pleased to be a cosponsor of it.

I urge my colleagues in the final analysis of this debate, this is the right direction to go. We ought to take it and be happy we are moving in this direction.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, the Hagel-Pryor amendment today in support of the Hagel-Pryor climate change amendment and to discuss the reality of global warming. I also thank my colleagues for some of the kind comments on the Senate floor and the kind comments I have heard in the last few days just in the hallways around the Senate. They have been encouraging.

Climate change is not a new issue to this body, to the scientific community, or to the public at large. This issue has been discussed, dismembered, and debated for years—with little or no action. I believe this is because the complexities and uncertainties about the magnitude, the timing, and the rate of climate change have led to a stalemate on policy recommendations.

Mr. President, Senator Hagel, and I, as well as the other cosponsors, are trying to move past this stalemate. We bring to the table a market-driven, technology-based approach that will begin to address this controversial yet pressing matter.

Our amendment— also cosponsored by Senators ALEXANDER, CRAIG, DOLE, MURkowski, VOINovich, and STEVens— does not dump all of the responsibility on industry, nor does it force a one-size-fits-all mandate. Over and over again, we have watched such approaches result in failure on the Senate floor. We can no longer afford to do nothing.

Research and environmental sectors do not have to be mutually exclusive. With this amendment, we treat them as partners brought together through innovation for the common and necessary good.

A third partner in this relationship is the Government, with institutional leverage and funding mechanisms that will help spur industry to create new technologies targeted at reducing greenhouse gas emissions. In a nutshell, we are encouraging American ingenuity, partnerships and, above all, progress.

This comprehensive climate change amendment has two main components. It identifies what must be accomplished domestically and internationally to reduce greenhouse gas emissions.

The domestic component of our amendment would authorize the Federal Government to make financial commitments for research and development and technology.

The Hagel-Pryor amendment authorizes direct loans, loan guarantees, standby default and interest coverage.
for projects which deploy technologies that reduce greenhouse gas emissions.

Additionally, we are asking for an authorization of $2 billion over 5 years in tax credits to support these technologies and to create a new investment credit for production tax credit for nuclear power facilities.

In Little Rock, we have a small company called ThermoEnergy, which is developing technology that eliminates most air emission from new fossil fuel power plants. It may use a process that increases plant efficiency but also eliminates adverse environmental and health effects associated with the use of fossil fuels, especially coal. I know there are many other companies all over this country that have great potential to achieve a broad range of energy security and environmental goals. They simply need the resources to expand their capabilities into the marketplace.

Under this amendment, a wide variety of greenhouse gas-reducing technologies would be eligible for tax credits or loans, ranging from renewable energy products, lower emission transportation, carbon sequestration, coal gasification and liquefaction, and other energy efficiencies.

This amendment also establishes a climate coordinating committee and climate credit board to assess, approve, and fund projects; and it directs the Secretary of Energy to lead an interagency process to implement a national climate change strategy. While we deal with climate change here in the United States, let us not forget that people in other parts of the world are already experiencing the effects of global warming.

I have heard quite a bit about the 11,000 residents of Tuvalu, who live on a 10-mile square scattered over the Pacific Ocean near Fiji. Tuvalu has no industry, burns little petroleum, and creates no pollution other than that of a small town in America. This tiny place, nevertheless, is on the front line of climate change. The increasing intensity of weather and rising sea level could soon wash away this tiny island. Other low-lying countries, such as Sri Lanka and Bangladesh, are experiencing similar phenomena.

The United States is a contributor to climate change, and we must take action to reduce greenhouse gas emissions, but we cannot prevent global warming on our own. That is why we have included an international component to this amendment to encourage developing countries to adopt U.S. technologies. In doing so, we have asked the Secretary of State and the U.S. Trade Representative to assume additional roles.

First, we provide the Secretary of State with new authority to work with developing countries on deployment and demonstration projects and technologies that reduce greenhouse gas emissions.

Second, the U.S. Trade Representative is directed to negotiate the removal of trade-related barriers to the export of greenhouse gas-reducing technologies.

Furthermore, this amendment would establish an interagency working group to promote the exports of certain technologies or processes.

It is in the shared interests of the United States and industrialized nations to help other countries by sharing cleaner technology.

Mr. President, this amendment is not the only thing I am concerned about with climate change problems. It is meant to serve as a catalyst in bringing the necessary technology to the marketplace. I am hopeful that with the resources provided through this amendment, private industry will swiftly create or adopt cleaner technologies as they become available and move us in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ISAKSON. Mr. President, I rise for a moment to commend the Senator from Nebraska and the Senator from Arkansas for their leadership on this amendment and, in particular, for their approach. As a freshman Member of this body, I am very much forward with anticipation to the great debate on the Energy bill. I know that for basically a decade we have been without an energy policy and desperately in need of one.

As a member of the Environment and Public Works Committee and because of earlier legislation this year, I am critically aware of the climate change concerns and the desires by some to establish absolute standards on carbon. Senator Hagel and Senator Pryor have done precisely the right thing—precisely the thing America has done over and over again to address problems and bring about positive solutions.

As Senator Pryor just outlined, there is no reason for the business and development community of America and the environmental community’s interests to be mutually exclusive. In fact, they should be mutually inclusive. Legislation such as this, which promotes incentives to find solutions to greenhouse gases, carbon emissions, develop alternative energy sources and new mechanisms of taking old sources such as coal and making them clean technologies, is absolutely correct.

I rise for another purpose, and that is to talk about a prime example of what Senators Pryor and Hagel are proposing. A number of years ago, the Department of Energy put out competition to ask private sector electric generation companies to bid on doing a demonstration project to see if coal gasification was possible and through its generation electricity could be produced at an economically viable and competitive rate.

In my neighboring State of Alabama, next door to my home of Georgia, in Wilsonville, AL, such a project took place in the Southern Company. The Department of Energy began a joint project and invested money and developed technology that today leads to the construction of a plant in Orlando, FL, in conjunction with the Orlando Utility Company, where, through the new technique of coal gasification, electricity will be generated and retailed in that part of middle Florida without the emission of greenhouse gases.

That is what America is all about—positive incentives to do the right thing and to find solutions. This amendment by the Senators from Nebraska and Arkansas will do just that. I rise happily to give it my endorsement and my support.

Mr. President, the final comment. As we talk about the need to protect our environment and ensure that greenhouse gases don’t run away from us and that we preserve all that we have, we have to understand that we have to incentivize every part of the energy sector and the environment, and we must develop new technologies. We also ought to reuse and reintroduce those great technologies of nuclear and others that have produced clean, efficient, reliable energy without the production of carbon or the greenhouse gases.

So I commend the Senator from Nebraska and the Senator from Arkansas on their leadership. I support the Hagel-Pryor amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his good example and his leadership in this legislation. I especially salute the Senator from Nebraska for having the unerring good judgment to suggest to us the right next step.

This Energy bill we have been debating in the last 2 weeks and working on for the last several months is really a no-carbon, low-carbon energy bill. Since carbon in the air is the principal contributor to the worry about global climate change, this bill is the solution to that problem.

There is still a lot of work to do, and there are a lot of minds that are changing, studying, assessing the science, and trying to make certain we make good policy judgments here. But anyone who watches this debate or reads it closely should understand that, in my view, the Senate is developing a clean energy bill. The Senator from Idaho and I were a climate change energy bill. But it represents recognition that it is time to take a more significant step toward putting us on a path of transforming the way we create electricity in this country and use energy so that we can produce less carbon, a big part of that is the concern we have about what we might be doing as human beings to cause global climate change.

So the Senate is like a big train: it has to get started, it gets going, it moves steadily down the track. We are moving steadily down the track toward a completely different emphasis on the production of
electricity and the use of energy, and the whole focus is no-carbon and low-carbon.

Sometimes we elected officials have a way of saying things like that, and they just turn into little programs that don’t mean much. That is not the case here. This is the whole core of this piece of legislation. If you are really trying to create a way to produce electricity in a country that uses 25 percent of all the energy in the world—and that is what we do—you have to start with conservation.

This legislation, the Domenici-Bingaman legislation that is before us, begins with provisions about efficiency, and it has in it provisions that will shave off between 20 and 40 percent of the anticipated growth of energy demand by 2015. It would save the equivalent of building 170 300-megawatt plants. So we begin with conservation and we begin with efficiency.

No. 2, the bill—before we get to the Hagel amendment of which I am glad to be a cosponsor—puts a focus on the one way today that we create carbon-free electricity far and above everything else, and that is nuclear power. If we are going global with the environment, the solution is nuclear power. Nuclear power produces 70 percent of our carbon-free electricity. We know how to do it, we invented it. We have never had a single reactor accident in the dozens of Navy vessels that are powered by nuclear reactors that we have used since the 1950s. We have shipped this technology to France which now is nearly 80 percent in terms of supplying its electricity from nuclear power. Japan builds new nuclear powerplants every year.

If we care about low-carbon, no-carbon electricity, after we have aggressive conservation, we should make it easier to produce nuclear power, and in a variety of ways this legislation does that.

Waiting in the wings, if we care about low-carbon, no-carbon power, is an example of what the Senator from Georgia talked about. We call that coal gasification with carbon sequestration. That is such a long-sounding title that nobody could possibly imagine what it is. But what it does is it simply takes carbon. Coal leaves the carbon. And then there is the tax title to the Energy bill that we will be considering later this week which Senator Grassley, Senator Baucus, and their committee have produced which—with a couple of exceptions, which I will talk about at another time—I think is a great step forward. It would have to be considered a low-carbon, no-carbon tax title with clean energy bonds for certified coal property, with consumer incentives for hybrid and diesel vehicles.

There is an amendment being discussed, of which I hope to be a part, that would add incentives to retooling automobile plants so that we can see those hybrid cars and advanced diesel vehicles in the United States and not in Yokohama.

There is in the tax title energy-efficiency proposals to support energy-efficient appliances and buildings. There is in the tax title support for investment tax credits for the coal gasification plants I mentioned.

There is in the Energy and Natural Resources bill a new financing procedure that Senator Domenici has envisioned which would be loan guarantees for all of these clean energy technologies. There is support for solar deployment, and then there is support for advanced nuclear power facilities so that we can build smaller, less expensive nuclear power facilities.

All this adds up to a clean Energy bill that puts its focus on low-carbon and no-carbon electricity. What Senator HAGEL has done is say that is a good direction, but let’s accelerate it by encouraging technology. It is not a top-down idea. It is a way to say to someone in Tennessee, Missouri, Utah, or Arizona, who might be producing carbon in their business or a utility: Bring us your baseline. Tell us how much carbon you have been producing. Tell us how much less you plan to produce. Then this board would create the incentives for that, and we would see where we go with that.

There are other important steps, and we are about to debate one of them. Senators McCain and Lieberman have worked hard to take us to what I would call the next generation or the next step, which would be mandatory caps on carbon. I have supported one version of legislation that has a mandatory cap on carbon. It was the bill introduced by Senator CARPER last year. I did it primarily because I care about clean air, and I want the least sulfur, nitrogen, and mercury in the air, and it had more aggressive standards than the President’s proposals. But it also included a carbon cap and that fitted my understanding of where the technology is.

The more I have studied this I think the Hagel approach is the better approach because it fits with the low-carbon legislation which we have. It accelerates it, gives it some juice. Then I like what Senator Domenici said last night in his statement about the discussions we have been having with Senator Bingaman about his proposal for the possibility of caps.

Senator Domenici said we should begin immediately in July, holding hearings on the Hagel legislation and on whatever the next steps might be. In other words, this is not just passing an energy bill and then wait 10 to 15 years and pass another one. This is recognition that we have cultural and completely different direction for production of energy and electricity in the United States; that we are adding to it with the Hagel amendment; that we have serious proposals from Senators McCain and Lieberman, and Senator Bingaman has made some. The National Commission on Energy Policy, many of whose suggestions are a part of this bill, have made some.

So my hope is that Chairman Domenici and Senator Bingaman, if we should adopt the Hagel amendment, will take us to the next step in July and August and let us see how we might implement it and where we might go.

Speaking as one Senator, this is a significant shift of direction. I am not willing to go further with mandates at this point. I like the concepts, but I am leery of applying such a complex, detailed set of mandates as some have presented to such a big complex economy as we have today. I prefer the Hagel approach. It is the right next step. It fits easily into this no-carbon, low-carbon Energy bill. I salute the Senator from Nebraska and the Senator from Arizona for their leadership. I look forward to voting for it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Mexico?

Mr. DOMENICI. Mr. President, on behalf of the leader, I have a unanimous consent request which has been cleared on both sides.
I ask unanimous consent that there now be 60 minutes of debate in relation to the pending amendment with the following Senators recognized: Senator VOINOVICH, 15 minutes; Senator REID or his designee, 15 minutes; Senator INHOFE, 15 minutes; Senator HAGEL, 15 minutes. I further ask unanimous consent that following the use or yielding back of the time the Senate proceed to a vote in relation to the Hagel amendment, with no second-degree amendments in order to the amendment prior to that vote.

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

Mr. DOMENICI. Mr. President, I understand that this is satisfactory with Senator HAGEL.

Mr. HAGEL. Mr. President, it is. I thank the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know we just got this in motion, but I ask Senator HAGEL if I could use 2 minutes of his time now.

Mr. HAGEL. I yield as much time as the chairman needs.

Mr. DOMENICI. Mr. President, before we address the question of global warming—and I will have a little to say; I will get time from somebody—I will present to the Senate a detailed summary of the bill that is pending before the Senate in terms of what it does to move the United States of America toward a reduction in the so-called greenhouse gases led by carbon.

This bill we are going to vote out of the Senate Committee on Energy and Natural Resources, with Senator BINGMAN, my ranking member, and Senators such as LAMAR ALEXANDER who have worked very hard, it does take some giant steps toward the reduction of carbon in the American economy. It does so in ways that make sense. Companies want to spend money to use innovative technology, and the opportunities are there.

If our scientists want to make breakthroughs to clean up, it is there. If people want to move with nuclear power, which is the cleanest—right now, as my friend from Tennessee has reminded me, 70 percent of the carbon-free emissions in America come from the nuclear powerplants. That is rather astounding. And thinking we have done so much cleanup, but these very old—in that we have not built one in 23 years—these nuclear powerplants are the ones that are cleaning up right now.

All I am saying is, this bill says if we are right, we are going to build some nuclear powerplants during the era of trying to reduce carbon. That is going to be part of our world, both economic and cleanup world, as provided in this bill.

We will summarize that. There is no attempt to delude the efficacy of the other bills, be it Hazel or McCaill, but merely to say we recognized this in our committee, but we just did not think we ought to do global warming per se. That is where we are.

The Senate is confronted with the unanimous consent agreement which we have just laid before it.

I yield the floor to the PRESIDING OFFICER.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time that elapses during the quorum call be charged equally to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent the order for the amendment prior to the Hagel amendment be rescinded.

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

Mr. VOINOVICH. Mr. President, I rise as a cosponsor of the bipartisan amendment proposed by Senators HAGEL and PAYTOR to add a climate change title to the Energy bill. I commend them for their leadership on this very important issue.

Man’s relationship with the world’s climate has long been a focus of scientists and policymakers. Thirty years ago, there was great concern about global cooling, as evidenced by articles in Science Digest in February, 1973, entitled “Brace Yourself for an Ice Age” and Time Magazine in June, 1974, entitled ‘Another Ice Age’. Today, many are worried instead about global warming, with claims that urgent and dramatic actions are needed to avoid catastrophic impacts.

As the chairman of the Environment and Public Works Clean Air, Climate Change, and Nuclear Safety Subcommittee, I have spent a great deal of time studying this issue, as our committee has held numerous hearings on climate change.

The chairman of the committee, Senator INHOFE from Oklahoma, has spent countless hours personally examining climate change science. He has recently given several speeches on the Senate floor, pointing out serious flaws in the four principal beliefs underlying what some call a consensus on global warming. His work points out very clearly that we are far from a consensus and many questions remain.

I am hopeful today he will take the floor and go into more of the details on that, as he has in the past.

Despite the scientific debate, the issue of global warming and proposals to address this perceived threat have received a lot of attention lately in the Senate. On one side of this debate, there are proposals to create a mandatory domestic program to reduce greenhouse gas emissions, such as the amendment that will be proposed by Senator MCCAIN, to my understanding, and I strongly urge my colleagues to vote against this amendment.

It is my understanding that the amendment, according to Charles Riv-
to be getting later on would reverse those efforts and cause an even worse situation than what exists today. The U.S. has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs. A sustainable environment is critical to providing the funding necessary to improve our environment.

If we kill the golden goose, we will not have the money for the technology to do the things that we need to do to improve the environment. A carbon cap—and that is what we are going to be hearing more about—means fuel switching, the end of manufacturing in my State, enormous burdens on the least of our brethren, and moving jobs and production overseas.

It is already happening. We have a $162 billion trade deficit with China and almost all of it is in the manufacturing area. These are people who are moving out because of the high cost of doing business here in the United States. Moving out means the loss of the high cost of producing here in the United States.

Ironically, a carbon cap, a cap on carbon, as I say, is going to have a dramatic negative impact on our manufacturing. A couple of years ago, when Senator Bentsen was promoting a bill that would put a cap on carbon, I said to him: Senator, those jobs that you are killing in Ohio are not going to Vermont. They are going to China, and they are going to go to India.

I have addressed this issue twice with British Prime Minister Tony Blair, who has made climate change one of the focuses of the upcoming G8 meeting. I think he understands that Kyoto is not working, and we need to do something else.

Furthermore, many of the countries that did ratify the Kyoto treaty are not expected to meet their commitments. According to a Washington Times article of May 16 entitled “Broken Promises, Hot Air,” 12 of the 15 European Union countries are currently 20 to 70 percent above their emissions target levels.

I think the Senator from Idaho mentioned earlier in his remarks that the Europeans have basically said they are not going to be able to meet their commitments that they made when they signed the Kyoto treaty.

So last week I became a cosponsor of three pieces of legislation that comprehensively address climate change by focusing on tax incentives, technology development, and international deployment.

The amendment that we have proposed today includes the domestic and international proposal. It does not include the tax incentives because the Energy bill now includes an amendment by the Finance Committee to add over $14 billion, over 10 years, in tax incentives.

I would briefly explain the amendment since it has been explained by colleagues. It proposes the adoption of technologies that reduce greenhouse gas intensity by creating a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund projects. Addressing climate change must be accomplished through the development of new technologies, as there currently is no technology available to capture and control carbon dioxide emissions.

Many people today are promoting combined gas—integrated gas combined cycle technology, which will reduce NOx and SOx and deal with Mercury. The fact of the matter is, in terms of greenhouse gases, it does not get the job done.

Second, the amendment focuses on the notion that all nations must be part of this effort. It directs the Department of State to work with the top 25 greenhouse gas-emitting developing countries to reduce their greenhouse gas intensity. It also promotes the export of greenhouse gas intensity reducing technologies.

I really think if this amendment to the Energy bill is agreed to, it is something the President, when he goes to the G8 meeting, can refer to in terms of its importance, getting everybody at the table to start to do something realistic about the problem of greenhouse gases.

I am concerned that the very nature of this amendment is misleading; that is, that we are adding a climate title to the Energy bill, which means that maybe it does not address climate change. That is not true.

I commend Senators DOMENICI and BINGAMAN for putting together a bipartisan energy bill that deals with climate change in several ways. In other words, the underlying bill already deals with climate change.

First, the bill provides research and development funding for long-term zero- or low-emitting greenhouse technologies. These include fuel cells, hydrogen cells, coal gasification—with and without carbon capture and control carbon dioxide emissions.

Second, the bill includes extensive provisions to increase energy conservation.

Third, the bill promotes the use of nuclear power, which is emissions-free power. There is no greenhouse gas with nuclear power.

I restate this for my colleagues: The Energy bill already addresses climate change. For all those concerned about climate change, this is not true.

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This is an enormous amount in our country in terms of greenhouse gases and dealing with this whole issue of carbon emissions.

The President established a climate change policy to reduce the greenhouse gas intensity of our economy by 18 percent over the next 10 years through voluntary measures. This is more than the Kyoto treaty. Remember, the Kyoto Protocol. Unlike the rest of the world, we are on target to meet our goal—not like the Europeans, 12 to 70 percent away from meeting their goals. Remember, the Climate VISION Partnership which involves 12 major industrial sectors and the members of the Business Roundtable who have committed to work with Cabinet agencies to reduce greenhouse gas emissions in the next decade.

We have the climate leader’s program, an EPA partnership encouraging individual companies to develop long-term comprehensive climate change strategy. Sixty-eight corporations are already participating in the program. The administration’s budget for 2006 is $5.5 billion for extensive climate change technology and science programs and energy tax incentives.

The United States is also taking a lead internationally—and again, we get the job done. There is $188 million included in the President’s fiscal year 2006 budget for international climate change.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. HAGEL. Mr. President, I extend the time of the Senator from Ohio by another 3 minutes if that would assist the Senator.

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

Mr. VOINOVICH. As I mentioned, we are taking a lead internationally. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change. Also, despite complaints to the contrary, the United States remains fully engaged in multilateral negotiations under the United Nations Framework Convention on Climate Change.

Announced by EPA in July of 2004, along with 13 other countries, the Methane-to-Markets partnership is a new and innovative program to help promote energy security, improve environmental quality, and reduce greenhouse gas emissions throughout the world.

The United States hosted the first Ministerial Meeting of the International Partnership for Hydrogen Economy, the Carbon Sequestration Leadership Forum and Earth Observation Summit. We have heard nothing about this. It is as if we are doing nothing.

Despite all that we are doing and all that is contained in the Energy bill, we can do even more by passing this amendment. I urge my colleagues to vote against any amendments that contain mandatory
programs which work against the very purpose of the Energy bill and cause substantial harm to our economy, our workers, and our families. Instead, I urge the support of this bipartisan amendment which builds on all we are doing and will do under the Energy bill to address climate change responsibly and comprehensively.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. HOPE. As is my understanding I have 13 minutes.

Mr. President, first of all, let me commend Senator HAGEL for the work he has done and for the realistic approach he is taking. Right now, there is so much misinformation out there in conjunction with the whole issue of climate change.

Someone said the other day that climate change is not a scientific discussion, it is a religion. People have such strong feelings on one side or the other they want to believe so badly. If my staff had the charts, I would show a few of them, but I will wait until we are debating the McCain-Lieberman bill to show them.

I vividly remember not too long ago the front page of Time magazine, the front page of Science magazine in pictures: Another ice age is coming; we are all going to die. If some people cannot be hysterical and think the end is coming, they are not happy.

One important area in this debate is to recognize as the Senator from Idaho and the Senator from Ohio both did, that this President has done quite a bit more than science would justify in pursuing the notion, first of all, is there a warming trend that is outside of natural variances; No. 2, if that is the case, is it due to anthropogenic gases—methane, CO₂? I suggest science does not show that either is true. It is not just me saying this. I don’t know why people totally ignore the fact that we had the Heidelberg accords, when 4,000 scientists questioned that there is any major change.

By the way, this morning’s Wall Street Journal plots out the changes in the Earth’s surface since 1000 A.D. and what has perhaps caused these changes. They have come to the conclusion that it could not be anthropogenic gases because at that time there were not any. There were not human-induced gases until about 1940.

In 1940, what happened? In 1940, there was a cooling period that went all the way to the end of the 1970s. That is when you saw all the articles saying the ice age is coming. The largest increase in anthropogenic gases came right around 1940 and following World War II. You know, instead of preventing a warming period, it precipitated a cooling period. So just the opposite of what they are saying seems to be true.

We have the Heidelberg accords, 4,000 scientists say there is not a relationship between mammade gases and climate change. Then we have the Oregon Petition and 17,000 scientists coming to the same conclusion. We have the Smithsonian-Harvard peer-reviewed study that evaluated everything done so far and came to that same conclusion.

Since 1998, science has been on the other side refuting the fact that, No. 1, climate is changing; and No. 2, it is due to mammade gases or to anthropogenic gases.

People do not realize what this President is doing. By reading some of the magazines, publications, and watching TV that this President is not doing a good job with the environment. He is doing everything he can to determine if there is a relationship between these anthropogenic gases and climate change. If anyone does not believe it, look at the amount of money being spent. His 2006 budget proposed $5.5 billion for climate change programs, energy tax incentives, and these types of things. I see right now, the Hagel amendment that what the President is doing right now and is actually addressing what is happening internationally.

I was very pleased to be part of the 95-to-0 vote on the Hagel-Byrd amendment some time ago that said that if you go to Kyoto meeting, we should oppose signing on to any kind of a treaty that does not treat developing countries the same as developed nations. That is exactly what happened.

Now, at least in the Hagel approach, we are looking internationally. It is true, what the Senator from Idaho said a few minutes ago. Over the State of Ohio, if you get high up, that which is up there originated in China. The pollution—not that that is pollution, because it is not, it is a fertilizer. But in terms of SOx, NOx, mercury, they do not stop at State lines.

We have a President giving the benefit of the doubt to the fact there might be something there. He is putting money into research. The Hagel bill is carrying that on to a logical conclusion.

Quite frankly, when the Hagel bill first came up, I was a little concerned because the price tag, as I calculated it—and I would certainly stand to be corrected if it is not accurate—would have been $4 billion over a 5-year period; around $800 million a year. To add that to what is already being expended—perhaps we are talking about too much money. He has changed it and said such sums ‘as necessary.’

This is a little bit disturbing to me. We do not know who will be in the White House. We do not know who will control Congress. We do not know what will happen in the future. I hate to leave it open-ended like that.

When we look at the arguments out there, we will have ample time to debate when the next amendment comes up—the McCain Lieberman amendment—that the science clearly has turned around and is in favor right now of refuting some of the earlier suggestions.

This whole thing started in 1998 when Michael Mann from Virginia came out with his hockey stick theory. He plotted all the temperatures and came through the 20th century. Temperatures started going up as of late on the hockey stick. What he neglected to realize, prior to that time, the medieval warming period, which was around 1000 to 1300 A.D., the temperatures were actually higher at that time than they were in the 20th century.

All these things are going to be discussed in the next amendment. I believe that reason is prevailing in this approach. I applaud the Senator from Nebraska for coming up with something measured and reasonable that will help convince a lot of the people that they are right now participating in this religion called global warming to realize maybe this is something for which we shouldn’t have to suffer economically.

A lot of people have asked the question, if the science is not there and if we know as a result of the Wharton Econometric Survey that it will cause a dramatic increase in the cost of energy—it will cost each average family of $2,700 a year—if the science is not there, what is the motivation? I suggest there are people outside of the United States who would love to see us become partners and sign on to the Kyoto treaty.

Jacques Chirac said global warming is not about climate change but for leveling the playing field for big business worldwide. The same thing was stated by Margot Wallstrom, the Environment Minister for the European Union, that it is leveling that playing field.

Cooler heads are prevailing, and in this amendment we have a chance to look at this, study this as time goes by, and take whatever actions are necessary in the future but not react to fictitious science and to science that just flat is not there.

I yield the floor.

The PRESIDING OFFICER (Mr. MARXLON). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Mr. President; is there a quorum call?

The PResiding OFFICER. No, there is not.

Mr. DOMENICI. Further parliamentary inquiry; what is the regular order at this point?

The PRESIDING OFFICER. The time is 43 minutes between three speakers on the Hagel amendment, and each have time remaining. Senator INHOFE has 1 minute, Senator HAGEL has 6 minutes, and Senator REID or his designee has 10 minutes.

Mr. DOMENICI. Further parliamentary inquiry: Is there any other time on behalf of any other Senators on either side?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Might I ask, when those are finished, is what is the regular order after that?
The PRESIDING OFFICER. The Senate will then vote on the Hagel amendment.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered on the Hagel amendment?

THE PRESIDING OFFICER. No, they have not.

Mr. DOMENICI. I ask the Senator, would you like to get the yeas and nays on your amendment?

Mr. HAGEL. I say to the chairman, I am waiting for one additional sponsor.

Mr. DOMENICI. We can get the yeas and nays now?

Mr. HAGEL. Yes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays at this time.

THE PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes. I ask unanimous consent that I be permitted to speak for 5 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I have a very detailed analysis I would like put in the Record which relates to provisions within the Bingaman-Domenici bill that is before the Senate which would promote responsible progress on climate change.

What I tried to do here was to say to the Senate: Please understand that your Energy and Natural Resources Committee, from the inception, was worried about climate change and the gases that have an impact on climate change according to scientists in the United States. Now, there are some who contest that, but let me just follow through.

The bill before us might even have been called the Clean Energy Act because so much of it is directed at producing, in the future, for these United States, energy that will have little or no effect in terms of emitting carbon that is the principal problem with global warming. Having said that, the statement goes into detail. Indeed, it is a detailed statement.

So I would, just for summary, say there is an entire title which we chose to call Incentives For Innovative Technology, title XIV of the bill. This is a very different section than you find in most technology-promoting or science-promoting bills because it says this entire provision is aimed at new technologies that will produce energy sources that have no global warming emissions.

Then it says, in order to do that, the Secretary of Energy—we put all this in the Energy Department so there is no mixup as to who is doing what—it allows so-called guaranteed loans to be issued, the purpose of building clean energy-producing plants, mechanisms, or activities. It says the Secretary shall analyze them. If they are feasible, he can use whatever peer review he would like.

Then they ask of the Congressional Budget Office: How much should this loan require by way of insurance, insurance for the risk? If they say 10 percent, then the company asking for the money to build the new technology, which will produce clean energy, has to put up 10 percent of the cost in cash. And then we lend the money, on an 80-20 basis, and they proceed, under the direction of the Secretary, to produce this new facility.

We believe this is going to say to our Federal Government for the first time: Take a look out there and see what we can do in the next decade to move new technology along that will take the carbon out of coal, perhaps even move with the very first generation of pilot projects for the sequestration of coal and of carbon—meaning get rid of it, not put it in the air—whatever.

At the same time, who knows, that technology may take the mercury and other pollutants out of it. But we are going to put in place an opportunity for the Secretary to do things so long as they are moving in the right direction. And the right direction is the same direction as the technology-laden proposal by Senator HAGEL.

We also have in this bill expanded research and development for bioenergy which concentrates on solar. We expanded R&D for nuclear power. Now, for anybody interested in that, that is completely different than the incentives being voted for powerplants soon. This is research and development in what we call Generation IV. It is the next, next generation of nuclear powerplants. And we start moving on that.

Why? Because there is a lot of money out there. And we are going to move toward a hydrogen economy. I am not predicting that will be the case but many are.

In any event, it is sufficiently important. The President moved in that direction. We have spent money in that way. And what we are saying in this bill is that we should spend money for the next-two generations-out nuclear powerplants because that kind of powerplant may be the source of heat that will produce hydrogen.

At this point hydrogen must be produced. But the other day Senator BINGAMAN and I were on a television show and somebody said: How are we going to produce hydrogen? My friend from New Mexico said right now we could produce it from natural gas. I had forgotten about that. That is true. But natural gas is in short supply, and the takeoff for hydrogen. So we need another source. That R&D for a new generation of powerplants is aiming in the same direction as everything I have spoken of. It is a way to get away from carbon-laden energy and move with more hydrogen potential.

This bill has an 8 billion gallon renewable fuel standard, which means ethanol. Many people around here and some in the country have said ethanol isn’t any good. We should not be doing it. Maybe when the price of crude oil was $8 or $7—I can remember when Senator Henry Bellmon from Oklahoma was here, he used to say the arithmetic doesn’t work. At $6 it is not worth producing ethanol. But at the price now, it is worth it. I don’t know if eight is the right number, but we did that here because we said if we can produce ethanol, we have had a dramatic effect on the prospect of contributing more carbon, which is what Senator HAGEL is trying to do in his technology-pushing amendment, is to produce less carbon, thus less pressure on what many believe is the human contributor to global warming. There is another one that is in this bill. Senator HAGEL doesn’t have to have ethanol in his bill because ethanol is in this bill.

We also require alternative fuel use, dual fuel in all Federal vehicles. We have reforms for alternative fuel programs. We have some incentives for hybrid cars. On the nuclear side, we all think that new nuclear powerplants is one of the best ways to address the issue of carbon in the sense of global warming. I think my friend from Nebraska would agree. Right now in America 70 percent of the carbon-clean smokestack gases, 70 percent that is totally free of carbon comes from nuclear powerplants. Why? Because there is a lot of money out there.

I ask that my full analysis of the bill before us, before the Hagel amendment, which will be amplified if the Hagel...
amendment is agreed to—this statement shows everything we are doing in this bill to contribute to cleaner energy sources for the future in terms of our electricity production which will greatly minimize carbon production—I ask unanimous consent that summary be printed in the RECORD.

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

THE SENATE ENERGY BILL ADDRESSES CLIMATE CHANGE

Support for the provisions in the energy bill passed by the Senate Energy Committee would promote responsible progress on climate change.

HIGHLIGHTS

The Bingaman RPS floor amendment that requires at least 10% of electricity in 2020 to be generated from low-emission renewable sources, such as solar, wind, geothermal and biomass. EIA estimates that such an RPS would result in a reduction of greenhouse gases of nearly 3 percent by 2025.

In addition, the energy efficiency improvements embodied in Title I is estimated by ACEEE to reduce carbon dioxide by 323 million tons by 2020 and reduce electricity demand by 23 quadrillion Btus.

The incentive provisions contained in Title IV (Coal), IX (R&D), and XIV (Incentives) would improve efficiency performance and reduce carbon emissions from electric generating stations, industrial power and gasification applications and to encourage the development of new clean energy sources such as advanced nuclear power and renewable energy.

LONG TERM TECHNOLOGIES

Research in the energy bill could lead to fundamental reductions in GHG emission trends even with a healthy growing economy. The new technologies could be used in developing countries where greenhouse gas emissions are growing most rapidly. R&D on long-term zero-greenhouse gas (GHG) and low-GHG technologies include:

Hydrogen Fuels—funding enhances the potential for practical use of hydrogen fuels by addressing everything from safe delivery to the codes and standards for hydrogen use. Coal Carbon Sequestration and Efficiency Improvements—could allow coal to be used to generate carbon-free or low-carbon electricity.

Policies that will address technical and cost issues and potentially speed fuel cell use in residential, commercial and transportation applications.

Energy Conservation and Efficiency—the Next Generation Lighting Initiative and initiatives like advanced electric motor control device research could significantly reduce overall energy use, further reducing GHG emissions.

NEAR-TERM TECHNOLOGIES

The energy bill promotes or requires actions to improve energy efficiency and reduce greenhouse gas emissions throughout the economy. Research and incentives for near- and medium-term zero and low-GHG intensities include:

National Requirements for increased ethanol use and decreased petroleum use.

Federal Agency Requirements covering metering, market, reduction schedules and new options for contracting to reduce energy use and GHG emissions;

Centrals have new funding for energy efficient appliance programs, weatherization assistance and state energy conservation plans;

Efficiency technologies and Incentives for Public Housing will improve energy efficiency;

Efficiency Standards and Incentives for individuals and Businesses adds energy conservation standards for a wide range of commercial appliances and other products.

NEAR TERM ENERGY SOURCES

Incentives promote flexibility for near- and medium-term expansion of zero and low-GHG energy sources include:

Renewable energy options for increased production of renewable energy on federal lands;

Natural Gas incentives and reduction of barriers to marginal or unconventional natural gas and liquefied natural gas terminals will increase supplies of this lowest-carbon fossil fuel;

Nuclear Power options improve, promoting continued use of carbon-free nuclear power, development of new modular nuclear reactors.

DETAILS ON THE ENERGY BILL’S CONTRIBUTION TO ENERGY EFFICIENCY AND RESPONSIBLE CLIMATE POLICY

The energy bill advances the following significant actions on potential climate change.

CRITICAL RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAMS TO ENERGY EFFICIENCY AND RESPONSIBLE TECHNOLOGY OPTIONS

HYDROGEN

Authorizes $12.5 billion over 10 years for the Next Generation Nuclear Plant Project for research, development, design, construction and operation of next-generation low-GHG technology nuclear energy system leading to alternative approaches to reactor-based generation of hydrogen. (Title VI: Nuclear Matters, Sec. 631–635/6–8/05)

Authorizes $3.2 billion over five years for programs enhancing the potential for using hydrogen as an energy source in the U.S. economy. 

Program elements address:

Hydrogen and Fuel Cell Technology Research and Development ($1 billion);

Hydrogen Supply and Fuel Cell Demonstration Program ($1.3 billion);

Development of Safety Codes and Standards ($38 million);

Reports ($7.5 million). (Title VIII—Hydrogen—6–8/05)

ENERGY EFFICIENCY

Authorizes $1.8 billion over nine years for the Clean Coal Power Initiative for projects that advance efficiency or environmental performance or cost competitiveness of coal gasification and related projects. Establishes a 60% thermal efficiency target for coal gasification and related projects. 7% improvements in thermal efficiencies of existing units. (Title IV-Coal, Sec. 401, 402, 405, 406, 407/6–8/05)

Authorizes $2.8 billion over eight years for energy efficiency and conservation research, development, demonstration and commercial applications including:

Minimum $600 million over eight years for the Next Generation Lighting Initiative for energy efficient advanced solid-state lighting technologies. (Title IX: Research and Development, Sec. 931–933/6–8/05)

Creates National Building Performance Initiative to, in part, energy conservation. (Title IX: Research and Development, Sec. 913–915/6–8/05)

Minimum $21 million over three years for research, development and demonstration for improving performance, service life and cost of used vehicle batteries in secondary applications. (Title IX: Research and Development, Sec. 911, 914–916/6–8/05)

Minimum $105 million over three years for Energy Efficiency Science Initiative. (Title IX: Research and Development, Sec. 915–916/6–8/05)

$255 million over three years to promote distributed energy and electric energy systems including:

High Power Density Industry Program to improve the energy efficiency of data centers, server farms and telecommunications facilities; (Title IX: Research and Development, Sec. 921–924/6–8/05)

Micro-Cogeneration Energy Technology for increased efficiency in small-scale combined heat and power for residential applications; (Title IX: Research and Development, Sec. 923–925/6–8/05)

Distributed Energy Technology Demonstration Program to accelerate utilization of efficient and low-GHG energy sources such as fuel cells, micro-turbines and combined heat and power systems. (Title IX: Research and Development, Sec. 923–925/6–8/05)

Electric Transmission and Distribution Programs to ensure in part, energy efficiency of electrical transmission and distribution systems. (Title IX: Research and Development, Sec. 925–929/6–8/05)

Authorizes $140 million over five years for fuel cell research on proton exchange membrane technology for commercial, residential and transportation applications. (Title IX: Research and Development, Sec. 951, 952–954/6–8/05).

Authorizes $891 million over three years for R&D and commercial application programs to facilitate systems including integrated gasification combined cycle, advanced combined cycle systems, syngas derived from coal, carbon capture and sequestration research and development. (Title IX: Research and Development, Sec. 951, 954–956/6–8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of energy efficiency technologies. (Title I—Energy Efficiency, Sec. 6–8/05)

Authorizes $110 million over three years to establish a research partnership to develop and demonstrate new energy technologies that, in part, increase fuel economy. (Title VII—Vehicles and Fuels, Sec. 721–723/6–8/05)

Mandates a study of feasibility and effects of reducing the use of fuel for automobiles. (Title XII—Studies, Sec. 1306–1308/6–8/05)

Calls for a study of how to measure energy efficiency. (Title XII—Studies, Sec. 1325–1326/6–8/05)

RENEWABLE ENERGY

Authorizes $20 billion over three years for renewable energy research, development and demonstration including:

Biofuels research aimed at making fuels that are price-competitive with gasoline or diesel in Internal combustion or cell-powered vehicles; (Title X: Research and Development, Sec. 931, 932–934/6–8/05)

Concentrating Solar Power Research Program for the production of hydrogen including cogeneration of hydrogen and electricity. (Title IX: Research and Development, Sec. 931, 933–935/6–8/05)

Hybrid Solar Lighting R&D for novel lighting that combines sunlight and electrical lighting. (Title IX: Research and Development, Sec. 934–936/6–8/05)

Demonstration of other technologies including ocean, wave, wind, and coal gasification technologies; (Title IX: Research and Development, Sec. 935–936/6–8/05)

Establishes the Advanced Biofuel Technologies Program to demonstrate advanced technologies for the production of alternate transportation fuel. (Title II—Renewable Energy, Sec. 209–210/6–8/05)

Requires a study of the Energy Policy Act of 1992 and its impact on alternative fueled vehicle technology; (Title XII—Studies, Sec. 1304–1305/6–8/05)
Requires a strategy for a research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine one or more renewable-energy technologies. (Title XIII—Studies, Sec. 1310–6/8/05)

NUCLEAR

Authorizes $1.6 billion over 3 years for Nuclear Energy Research, Development, Demonstration and commercial application activities including:

- Research to examine reactor designs for large-scale production of hydrogen using thermochemical processes. (Title IX: Research and Development, Sec. 912–6/8/05)
- Nuclear Energy Plant Optimization Program to enhance safety, security, and availability of nuclear plants. (Title IX: Research and Development, Sec. 912–6/8/05)
- Generation IV Nuclear Energy Systems Initiative to develop understanding of efficiency and cost opportunities for next generation nuclear power plants. (Title IX: Research and Development, Sec. 912–6/8/05)

Establishes grant program to encourage projects that sequester carbon dioxide as part of enhanced oil recovery. (Title III—Oil and Gas, Sec. 327–6/8/05)

Mandates a research and development effort on technologies to capture carbon dioxide from pulverized coal combustion units. (Title IX—Research and Development, Sec. 912–6/8/05)

Institutional grants for projects that avoid, reduce, or sequester anthropogenic emissions of greenhouse gases and employ carbon capture and storage technologies. (Title XIV—Incentives for Innovative Technologies, Sec. 1401–1404–6/8/05)

SCIENCE

Authorizes $3.7 billion over three years for basic science research that could have significant implications for long-term trends in the nation’s greenhouse gas emissions. (Title IX: Research and Development, Sec. 916–6/8/05)

These programs include:

- Fusion Energy Science Program (Sec. 962);
- Fusion and Fusion Energy Materials Research Program (Sec. 969);
- Catalysis Science Research that may contribute to new fuels for energy production and more efficient material fabrication processes (Sec. 961);
- Nanoscale Science and Engineering research (Sec. 971);
- Advanced scientific computing for energy missions (Sec. 967);
- Genomes to Life Program with a goal of developing technologies and methods that will facilitate production of fuels, including hydrogen, and convert carbon dioxide to organic carbon (Sec. 968).

USE OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

NATIONAL

Mandates that motor vehicle fuel sold in U.S. contains 4 billion gallons of renewable fuel in 2006, rising to 8 billion gallons in 2012. (Title II—Renewable Energy, Sec. 201–6/8/05)

Establishes a self-sustaining national public energy education program which will cover, among other things, conservation and energy efficiency, and the impact of energy use on the environment. (Title I—Energy Efficiency, Sec. 122–6/8/05)

Authorizes $450 million over five years to create a comprehensive national public awareness program regarding the need to reduce energy consumption on the benefits of reducing energy consumption during peak use periods, and practical, cost-efficient energy conservation measures. (Title I—Energy Efficiency, Sec. 122–6/8/05)

Requires the President to implement measures to reduce U.S. petroleum consumption by one million barrels per day in 2015 as compared to 2005 EIA reference case. (Title I—Energy Efficiency, Sec. 151–6/8/05)

FEDERAL AGENCIES

Directs Secretary of Energy to revise Federal building energy performance standards to require, if life-cycle cost-effective, that new Federal buildings achieve energy consumption levels at least 30 percent below the standards promulgated under the International Energy Conservation Code. (Title I—Energy Efficiency, Sec. 107–6/8/05)

Promotes plans for energy and water savings in Federal buildings as well as reductions in energy consumption in Federal buildings nationwide. Authorizes $10 million over five years for the Architect of the Capitol to carry out a Master Plan Study. (Title I—Energy Efficiency, Sec. 101–6/8/05)

Establishes percentage reduction schedule for fuel use per gross square foot of Federal buildings for 2006 through 2015. (Title I—Energy Efficiency, Sec. 102–6/8/05)

Calls for all Federal buildings to be metered or sub-metered to promote efficient energy use and reduce electricity costs. (Title I—Energy Efficiency, Sec. 103–6/8/05)

Directs Federal agencies to procure Energy Star or FEMP designated-energy efficient products. (Title I—Energy Efficiency, Sec. 104–6/8/05)

Permanently extends and expands existing Federal agency authority to contract with energy service companies to assume the capital costs of installing energy and water conservation equipment and renewable energy systems in Federal facilities, and recover lifecycle energy cost savings over the term of the contract. (Title I—Energy Efficiency, Sec. 105–6/8/05)

Authorizes the Secretary of Energy to enter into voluntary agreements with energy intensive industrial sector entities to significantly reduce the energy consumption of their production activities. (Title I—Energy Efficiency, Sec. 106–6/8/05)

Promotes increased use of recovered mineral component in Federally funded projects involving procurement of cement or concrete. (Title I—Energy Efficiency, Sec. 108–6/8/05)

Amends the Energy Policy Act of 1992 to require Federal agencies to purchase ethanol-blended gasoline and biodiesel. (Title I—Energy Efficiency, Sec. 109–6/8/05)

Directs Federal agencies to procure Energy Star or FEMP designated-energy efficient products. (Title I—Energy Efficiency, Sec. 110–6/8/05)

Amends Policy and Conservation Act to promote Federal agencies’ use of alternative fuels in duel-fuel vehicles. (Title I—Energy Efficiency, Sec. 111–6/8/05)

Requires energy savings goals for each Federal agency and requires the use of fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. Authorizes $450 million over five years to achieve these goals. (Title VII—Vehicles and Fuels, Sec. 732, 733–6/8/05)

Mandates a research and development effort on energy conservation implications of widespread adoption of telecommuting by Federal employees. (Title XIII—Studies, Sec. 1324–6/8/05)

Requires a study on the amount of oil demand that could be reduced by oil bypass filtration technology and total integrated thermal systems and feasibility of using the technologies in Federal motor vehicle fleets. (Title XIII—Studies, Sec. 1325, 1326–6/8/05)

COMMUNITIES AND STATES

Amends the Energy Conservation and Production Act and reauthorizes $1.2 billion over three years for energy conservation assistance. (Title I—Energy Efficiency, Sec. 121–6/8/05)

Authorizes $325 million over three years and amends the Energy Policy and Conservation Act to extend energy conservation measures under their energy conservation plans, with a state energy efficiency goal of a 25 percent or more improvement by 2012 compared to 1992. (Title I—Energy Efficiency, Sec. 122–6/8/05)

Authorizes $250 million over five years for State energy efficient appliance rebate programs. (Title I—Energy Efficiency, Sec. 123–6/8/05)

Authorizes $150 million over five years for grants to State agencies to assist local governments in constructing efficient public buildings that use at least 30 percent less energy than comparable public building meeting the International Energy Conservation Code. (Title I—Energy Efficiency, Sec. 124–6/8/05)

Authorizes $100 million over five years for grants to local governments, and non-profit community development organizations, and Indian tribes to improve energy efficiency, develop alternative renewable energy supplies, and increase energy conservation in low income rural and urban communities. (Title I—Energy Efficiency, Sec. 125–6/8/05)

Authorizes $1.25 billion worth of grants over five years to States to develop and implement building codes that exceed the energy efficiency of the most recent building energy codes. (Title I—Energy Efficiency, Sec. 127–6/8/05)

Calls for a study of State and regional policies that promote utilities to undertake efficient programs that reduce energy consumption. (Title I—Energy Efficiency, Sec. 139–6/8/05)

Authorizes $25 million for States to carry out studies that assess the energy efficiency and conservation of electricity or natural gas. (Title I—Energy Efficiency, Sec. 140–6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR PUBLIC HOUSING

Encourages increased energy efficiency and water conservation through amendments to the U.S. Housing Act of 1937 by promoting energy-efficient standards, and encouraging energy conservation standards at public housing developments. (Title I—Energy Efficiency, Sec. 161–6/8/05)

Requires public housing agencies to purchase energy-efficient appliances that are Energy Star products or FEMP-designated products when purchasing appliances unless these products are not cost-effective. (Title I—Energy Efficiency, Sec. 162–6/8/05)

Directs the Secretary of Housing and Urban Development to develop and implement incentive programs to provide utility expenses at public and assisted housing through cost-effective energy conservation, efficiency measures, as well as energy efficient design and construction. (Title I—Energy Efficiency, Sec. 164–6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR INDIVIDUALS AND BUSINESSES

Creates energy conservation standards for commercial clothes dryers, refrigerators, freezers, air conditioners, and heaters. (Title I—Energy Efficiency, Sec. 136–6/8/05)

Authorizes $6 million for pilot projects designed to conserve energy resource by encouraging use of bicycles in place of motor vehicles. (Title VII—Vehicles and Fuels, Sec. 727–6/8/05)

Authorizes $95 million over three years to reduce energy use by reducing heavy-duty vehicle long-term idling. (Title VII—Vehicles and Fuels, Sec. 729–6/8/05)

Authorizes $15 million over three years for a biodiesel testing partnership with engine, fuel injection, vehicle and biodiesel manufacturers, and governments to test biodiesel technologies. (Title VII—Vehicles and Fuels, Sec. 724–6/8/05)
The amendment (No. 817) was agreed to.

Mr. HAGEL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope the Senator from Colorado, Mr. SALAZAR, will find his way to the Senate Chamber because he asked us to get him some time, and we are doing that right now in this amendment along with his co-sponsor, Senator LIEBERMAN.

The suggestion I have for the Senate is as follows: I understand Senator SALAZAR from Colorado would like to speak for 3 minutes as in morning business about a deceased general in his State. Then Senator MCCAIN will offer a motion to lay that amendment on the table, and we will set some additional
debate time for tomorrow if required by the distinguished Senators or anybody in opposition.

We may, however, have an additional vote tonight. I want everybody to know this. We might have a vote tonight. It will not be on the McCain amendment, we will allow him to debate the amendment aside, without objection from the Senator from Arizona, and take up this other amendment.

We have a number of amendments that are pending, besides the one I just indicated. One of those is a DeWine-Kohl amendment. We are going to try to work that in here and that would be without a rollcall vote. The Voinovich amendment is the one on which we will be voting.

We will proceed, as I have indicated, and recognize the Senator from Colorado, if he is here. If he is not here, we are going right to Senator McCain. If he comes, maybe the Senator from Arizona can accommodate Senator Salazar. Effectively, we will let Senator McCain proceed.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, may I ask unanimous consent to speak for 30 seconds as in morning business while we are waiting?

Mr. DOMENICI. We are not waiting. Senator McCain is yielding time.

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

Ms. LANDRIEU. Mr. President, I thank my colleagues from New Mexico and Arizona. I thank my colleague from New Mexico for moving this Energy bill forward and making such progress.

(The remarks of Ms. LANDRIEU and Ms. STABENOW are printed in today's Record under "Morning Business.").

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 25

Mr. MCCAIN. Mr. President, I have an amendment at the desk on behalf of myself and Senator Lieberman. I ask unanimous consent the pending amendment be set aside, and the amendment on behalf of myself and Senator Lieberman be considered.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself and Mr. Lieberman, proposes an amendment numbered 25.

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

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

(The amendment is printed in today's Record under "Text of Amendments.")

Mr. MCCAIN. Mr. President, first I would like to congratulate the sponsors of the amendment that was just passed. They did a good job on the amendment. I appreciate it because it is very indicative of where this debate has gone.

My dear friend from Connecticut and I, last October of 2003, forced a vote—or we had a vote on, basically, this issue, although we have changed this somewhat with the inclusion of the incentives for technological advances, as well as some nuclear power provisions which is more controversial with some of our environmental friends.

At that time the debate on the amendment was: there is no such thing, it is to myth, this simply bears witness to the need for the amendment. There were some fascinating statements made about what a myth climate change was.

Now, obviously, we have, by passage of the Hagel amendment, recognized—just by a majority of the Senate—that climate change is real and action needs to be taken. So I believe we have made significant progress since October 2003. At the same time, I have noticed on other reform issues that I have supported, I have seen an effect on our American people. We are going to present, not our opinions on this; there are those who say, yes, it is a myth; science, scientific evidence, that climate change is real, it is happening, and as we speak we will see things happening to our environment which will have long-term devastating effects on this globe on which we reside. When we talk about scientific evidence and opinion, with the exception of those who may somehow be financially related to certain opponents of this legislation, there is very little doubt as to the scientific evidence of every objective observer, that to mention our European friends who have so concluded and are acting to reduce the effects of greenhouse gas emissions in the world.

By the way, they have not faced Armageddon to their economies, as predicted by some of the speakers who have already addressed this issue. I found them entertaining. Do you know why I found them entertaining? Because every time I have been in a refutational debate, I have been on a real basis for this whatsoever. And he will find some obscure scientist who will say, you see, it is a myth—despite the overwhelming body of evidence that dictates that climate change is real and its effects are already being felt in a variety of ways.

Suppose the Senator from Connecticut and I, and the overwhelming body of scientific evidence, and Tony Blair, and all the Europeans, and all the signatories to the Kyoto treaty, they are all wrong and we went ahead and made these modest proposals. What would we have? We would have a cleaner Earth. We would have an Earth with a less polluted atmosphere. We
would have cleaner technologies. We have found a way to again utilize nuclear power in a safe and efficient fashion.

But suppose that we are right. Let's suppose the National Academy of Sciences, the National Academies from the G8 countries along with those from Brazil, China, and India.

The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and prompt reduction in net global greenhouse gas emissions.

Remember, this is from the U.S. National Academy of Sciences, National Academies from other G8 countries along with other countries:

We must take prompt action to reduce the causes of climate change, adapt to its impact, and ensure that the issue is included in all relevant national and international strategies.

Suppose they are right. Suppose they are right and we, as stewards of our environment, have failed to act. The consequences are clear. The effects are devastating. They are extremely difficult to reverse, as any scientist will tell you. We have no reason to believe that future generations, not only in America but in the world because of our enormous contributions to the greenhouse gas emissions which are causing such devastating effects already, will sooner or later give (a) wake-up call.

I am going to yield to my friend from Connecticut. But I hope my colleagues make no mistake about what we just did, which is nothing—which is nothing. There is nothing in the last amendment that has any requirements whatever—except perhaps some more reporting. I believe the time for reports is past. I think we have a sufficient number of reports and assessments. It has done nothing.

This amendment, I am sure, will be attacked—thousands of jobs will be lost, we will find some obscure scientist, some will talk about the dangers of encouraging the use of nuclear power. The fact is, we are going to win on this amendment. Why do we win is because every single month there is another manifestation of the terrible effects of what climate change is doing to our Earth. The problem is how late will it be when we win? How devastating will be the effects of climate change when this Earth upon which we live? I am very much afraid that every day that goes by our challenge becomes greater and greater.

That is what this debate is all about. I know the chances of our passing this amendment are probably not as good as we would like. But I hope my colleagues and the American people will pay attention to this debate because it may be the most important single issue that is addressed by this Senate in all the time that I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. Ak-EXANDER). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona with whom I am proud, once again, to sponsor the Climate Stewardship and Innovation Act to combat global warming. Senator McCain has, as is his characteristic mode of behavior, talked straight. He has sounded a clarion call. He has spoken in words that I would echo right now: This is the challenge of our generation, environmentally. It will begin to affect the way we live on planet Earth.

We feel so strongly about it that we are going to stick together, and I believe our ranks will grow over time, I hope before the worst effects of global warming occur, the most cataclysmic effects occur.

We are going to get this done because it has to be done. This amendment we are offering is the only proposal the Senate will consider that will actually put a halt to the rise in carbon emissions that cause global warming. It will also spur technological innovations to deal with that problem.

In some sense, as I view this—and I have spent a lot of time working on it—what is involved is a conflict between science and the resistance to change. Change is frightening sometimes, particularly when the worst consequences of not changing are not apparent. This is why this is such a great challenge to our political system because, although we are beginning to see the effects of global warming, the worst effects are over the horizon.

The challenge now, having been put on notice by science, is whether the political leadership of our country will take the steps necessary to protect the future generations that will follow from the worst consequences of global warming. I will paraphrase Jonas Salk, who invented the polio vaccine: One of the tests of every generation is whether we have been good ancestors, whether we have acted in a way that those who follow us will say that we had farsighted ancestors who saw this problem coming and dealt with it.

That is the challenge this amendment offers because it is about science. With the distinguished President, particularly, I cannot resist going into a bit of history. It was 100 years ago this month, June 30, 1905, that Albert Einstein finished a paper with two very important titles—“On the Electrodynamics of Moving Bodies” and “Today we know it better as the Theory of Special Relativity or E equals MC squared.”

Why do I bring this up in the context of global warming? Because when Einstein first proposed the theory, it was dismissed as everyone’s dream. Its consequences were widely misunderstood. Over time, the best scientists agreed not only that Einstein’s theory was true, but they expanded upon it and used it to the extraordinary benefit of the generations that have followed.

With apologies to another great scientist, Darwin, this process might be called “Evolution by Design.” The theory that the Earth is warming with dire consequences may have started off with little understanding or acceptance. In fact, when we first began to talk about it, Senator McCain and I, a lot of people including in this Senate dismissed it as if it had a Charles LT. ‘sky is falling’ quality. The fact is, we were basing our actions and our arguments on temperatures that were rising. But the worst effects that we were projecting were based on scientific modeling.

Now the best scientific minds in the world have examined the evidence and stated that climate change is real. Its costs to our economies will be devastatingly real. Its costs to our people and the way they live will be devastatingly real if we do not act.

Just a few months ago, the head of the International Panel on Climate Change, Dr. Pachauri, whose candidacy for that position that was supported by this administration, said $150 billion a year within the next 10 years. That is what this debate is all about. That is what this debate is all about. That is what this debate is all about. That is what this debate is all about. That is what this debate is all about. That is what this debate is all about.
What is the United States doing? The United States, the largest emitter, the largest source of the greenhouse gases that cause global warming, what are we doing? Nothing. Literally nothing. In some sense, less than nothing because of the Kyoto Protocol that subsequently has been ratified by enough of the industrialized world.

I agree with Senator McCain about the proposal amendment. It is a flat leaf. It may allow some people to say we are doing something about global warming but it does not do anything. It leaves it all to voluntary action to support some research. It asks for reports. This goes back to the early 1990s, when the first President Bush was very actively involved in the Rio conference on global warming and recognized the reality of global warming, supported measures to deal with it, and set voluntary standards. They did not work. That is why Kyoto came along in 1997.

We saw, in the intervening years, if you leave it just plain voluntary, nothing will happen. People will sit back and do things as before. Sources of greenhouse gases will not change. We have to show some leadership.

The last amendment I call “fiddling while the Earth is burning.” In its way, it is more consequential than Rome burning.

The Climate Stewardship and Innovation Act, which Senator McCain and I introduced as an amendment to the Energy Independence Act is needed first step, second step, and third step. It is the only proposal that will come before the Senate that puts an absolute stop to the increase in greenhouse gas emissions by America. In that sense, it brings us back to some point of moral responsibility. This is a problem for the whole globe. We are the biggest source of it. Yet we are doing nothing about it, while a lot of other countries are.

This amendment is the only proposal that will come before the Senate that creates not old-fashioned command and control but a true market mechanism that will move us into the global economic costs of global warming. And this amendment, the Climate Stewardship and Innovation Act, is the only proposal that will come before the Senate that harnesses these market forces and uses them to attract energy technology that will not only help us meet the standards but will energize our economy because it will create jobs; those jobs will create products that will fill a growing global demand for energy-efficient greenhouse gas-resistant technologies.

Let me briefly state the basics of our bill. The original Climate Stewardship Act was the result of a lengthy energy process Senator McCain and I were involved in, with the stakeholders, sources of greenhouse gases, environmentalists, and scientists working together. A major role was played by the Pew Center. The original Climate Stewardship Act asked the American people, businesses, to reduce our carbon emissions to 2000 levels by the end of the decade—by 2012—easier to achieve than what Kyoto asked. Kyoto asked to go back to 1990.

There was a graph in one of the papers yesterday that shows reductions from Kyoto are nothing about there; McCain-Lieberman was in between. It is always nice to be in the middle—the golden mean. That is exactly what this proposal is. Our proposal then, and now, will reduce carbon emissions in the marketplace, by putting a price on those emissions, with a cap and trade policy modeled on the one used so successfully in the Clean Air Act of 1990 which, as we all know, has reduced acid rain at far less cost than expected without the old “command and control” Government.

Simply put, a business that does not reach its emissions target can buy emissions credits from an entity who has managed to move themselves under the target.

Because the cap and trade system creates a market price for greenhouse gas emissions, it exposes the true cost of building barriers to technology that will not only help us bring them from the nations that do. Here is a century later, we are facing a real threat. To meet it, we need to empower our best minds to use the power of new ideas to help provide new sources of power to our world. If we do not take these simple steps now, steps that are within the technological and financial reach, the generations that come will rightfully look back at us with scorn and ask why we acted so selfishly, why we yielded to the status quo that did not want to change, why we cared only for short-term comforts or profits, and why we left them a global environment in danger.

Einstein once said:

> The significant problems we face cannot be solved at the same level of thinking with which we created them.

Senator McCain and I and our other cosponsors and supporters believe the Climate Stewardship and Innovation Act will not only set standards for reducing global warming but will lead us to the new thinking, to the new ideas, and the new products we need to halt global warming, achieve energy independence and protect the world as we know it and love it for the generations to come.

I thank the Chair and yield the floor.
The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say thank you to both Senator LIEBERMAN and Senator MCCAIN for giving this Senate the first real start to real global warming. I was one who voted for the Hagel amendment, but I did so realizing it had very little bang for the buck. This is the first real global warming bill this body will come to grips with. I think it is extraordinarily important.

In the past few years, passage of this bill would mean that instead of emitting CO2 levels in 2010, as would be the case if we do not pass the amendment, we will emit slightly less than 6 billion tons in 2010. That means this amendment would reduce emissions by almost 2 billion tons, or 25 percent, by the end of the decade.

In order to achieve the goal, the amendment would implement a market-based emissions cap and trade system. Currently, the United States is the largest emitter of greenhouse gases in the world. We account for one-fourth of all global greenhouse gas emissions.

In a single year, the average American produces the same greenhouse gas emissions as 4.5 people in Mexico or 18 people in India or 99 people in Bangladesh.

In the past 200 years, since the Industrial Revolution, the concentration of carbon dioxide in the Earth's atmosphere has risen by roughly 30 percent. If we do nothing to reduce these emissions, CO2 levels are estimated to again rise by 30 percent in only the next 50 years.

Here it is on the chart. You see, as temperature rises, global warming takes place, and carbon dioxide emissions increase.

The hottest year on record is 1998, followed by a tie for the second hottest year in recorded 2002.

Let me say what the National Academy of Sciences has reported. Let me just briefly quote:

Since the 1900s global average temperature and atmospheric carbon dioxide concentration have increased dramatically, particularly compared to their levels in the 900 preceding years.

Carbon dioxide is the No. 1 global warming gas. We have already begun to see, as both Senators MCCAIN and LIEBERMAN pointed out, the real impacts of global warming.

Glaciers are beginning to disappear throughout the United States and around the world at a rapid rate. This chart demonstrates the rapid loss of the South Cascade Glaciers in Washington State. In addition, it is predicted that all the glaciers in Glacier National Park in Montana will be gone by 2030.

Here on the chart, you can see the Sierra Nevada. In 1928, you could see the full glacier. Then, this is what you saw in 1979. And you can see that in 2003 it was just about one-half of what it was.

Since 1979, more than 20 percent of the polar ice cap has melted away due to the increase of global temperatures. Senator LIEBERMAN mentioned that in his speech, but I think this chart shows it dramatically. This line indicates the Arctic sea ice boundary in 1979. You can see how large it was. And you see more than 20 percent of the polar ice cap has already melted away. That is disastrous because the top of the planet is more impacted than the bottom of the planet.

Now, this is forcing Eskimos in Alaska to move inland. My husband just visited an Eskimo village. They were preparing to move their village because it was being inundated by the ocean.

Over the last century, the global sea level has risen by 6 inches. The United Nations Intergovernmental Panel on Climate Change predicts that by the next century, the global sea level will rise even higher to anywhere from 4 inches to 3 feet. That is enormous when you look at the impact of this.

Let me just speak for a moment about my State.

Since 1900, California has warmed by 2 degrees Fahrenheit. Annual precipitation has decreased over much of the State—by as much as 30 percent in many areas. The EPA estimates that the temperature in California could rise by as much as 5 degrees by the end of this century if the current global warming trends continue.

That increase is going to have a drastic impact on many facets of California life—water, for one. As the largest agricultural State in the Union, we need it to farm and grow our crops. We need water to keep the ecosystem in balance, and we need water for 37.5 million people to drink, to wash, and to water crops and plants.

The Sierra Nevada snowpack is the largest source of water. The snowpack equals about half the storage capacity of all of California's man-made reservoirs. It is estimated that by the end of the century, the shrinking of the snowpack will eliminate the water source for 16 million people. That is equal to all of the people in the Los Angeles Basin. That is how big this is.

What this chart shows is, if we take strong action to curb greenhouse gas emissions, 27 percent of the snowpack will remain in the Sierras; strong action will only protect 27 percent. If we do nothing to reduce our greenhouse gas emissions, only 11 percent of the Sierra Nevada snowpack will be left by the end of the century. You can clearly see it. That is Armageddon for California. That is Armageddon for the fifth largest economy on Earth.

Now, we have already begun to see a decline in the Sierra Nevada snowpack due to warmer winter storms that bring more rain than snow and also cause a premature melting of the snowpack.

If just a third of the snowpack is lost, it would mean losing enough water to serve 8 million households. So you can see how big this is. That is why this bill is so important—the first bill that actually does something about it.

Let me talk for just a second about our wine industry. It is recognized throughout the world. It is a $45 billion industry in sales, jobs, tourism, and tax revenue.

Nearly 40 States, to date, have developed their own climate plans. Four-fifths of the United States is moving on its own because we are so slow to act.

An emission trading system is emerging in the Northeast that will require large power plants from Maine to Delaware to reduce their carbon emissions.

Eighteen States and the District of Columbia have enacted standards to reduce greenhouse gas emissions, and they have agreed to urge us to pass the McCain-Lieberman bill.

So far, 167 cities have signed up to enforce the Kyoto requirements.

Nearby 40 States, to date, have developed their own climate plans. Four-fifths of the United States is moving on its own because we are so slow to act.
June 21, 2005

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Arizona, Colorado, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Wisconsin.

The point is, our States are moving. Why are we so bloody slow? California has enacted legislation that will reduce greenhouse gas emissions from vehicle tailpipes. It is expected that the North-eastern States and Canada will also follow California’s lead.

Yes, without concerted Federal action, the United States will not be able to achieve real, significant greenhouse gas reductions. If Members of the U.S. Senate agree with the science, if they agree with virtually all of the literature to date, if they look out and study the weather and they see the changes, if they see the fluctuation in weather patterns, the aberrant behavior of weather, they will come to the conclusion that global warming is real. It is real.

I have now heard the first bill to do something positive about it, and that is the Lieberman-McCain legislation.

I believe all of California supports it. I am proud to support it. I urge its passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from California for a very powerful statement. In a personal sense, and I know I speak for Senator MCCAIN, we are grateful for her support. We are honored to have it. But what a statement. I hope every Member of the Senate gets a chance to read the text of the Feinstein statement. In very practical terms, it describes the impact of inaction on our largest State—California—on water supply, not to mention the dairy industry and, perhaps of more national significance, the California film industry. But this is real-life stuff. Shame on us if we don’t take real action to stem the problem.

I thank my colleague.

The PRESIDING OFFICER. The Senator from California.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak out of order.

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

The PRESIDING OFFICER. Remarks on Guantanamo Bay.

Mr. DURBIN. Mr. President, more than most people, a Senator lives by his words. Words are the coin of the realm in our profession. Occasionally, words will fail us. Occasionally, we will fail words.

On June 14, I took the floor of the Senate to speak about genuine, heartfelt concerns about the treatment of prisoners and detainees at Guantanamo and other places. I raised legitimate concerns that others have raised, including Secretary of State Colin Powell, about the policies of this administration and whether they truly do serve our needs to make America safer and more secure; whether, in fact, some of the policies might, in fact, endanger our troops or in some way disparage the image of America around the world.

During the course of that presentation, I read a memo from the General Bureau of Investigation that was discovered to exist last August and has now been produced as part of a Freedom of Information Act. After reading the horrible details in that memo, which characterized the treatment of prisoners at Guantanamo, I then, on my own—my own words—made some characterizations about that memo. I made reference to the Nazis, to the Soviets, and other repressive regimes.

Mr. President, I have come to understand that was a very poor choice of words. Last Friday, I tried to make this very clear, that I understood that those analogies to the Nazis and Soviets and others were poorly chosen. I issued a release which I thought made clear that my intentions and my innermost feelings as clear as I possibly could. Let me read to you what I said in that release last Friday:

I have learned from my statement that historical parallels can be misused and misunderstood. If what I said caused anyone to misunderstand my true feelings: Our soldiers around the world and their families deserve our respect, admiration and total support.

It is very clear that even though I thought I had said something that clarified the situation, to many people it was still unclear. I am sorry if anything I said caused any offense or pain to those who have such bitter memories of the darkest days of World War II. I am not comparing the suffering of people who were agitated by it, I said: I know it has been a very difficult period of time for those who have such memories.

Mr. Chairman, I am also sorry if anything I said in my statement has caused anyone to misunderstand my true feelings: Our soldiers around the world and their families deserve our respect, admiration and total support.

It was still unclear. I am sorry if anything I said caused any offense or pain to those who have such bitter memories of the darkest days of World War II. I am not comparing the suffering of people who were agitated by it, I said: I know it has been a very difficult period of time for those who have such memories. The PRESIDING OFFICER. The Senator from Illinois.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend and colleague, Senator DURBIN, for the statement he has just made. I know it has been a very difficult period of time for Senator DURBIN as his person has not erred. Which one of us, particularly in public life, has not said something that didn’t come out exactly as we intended it to and certainly had an impact we never could have imagined?

Let me first hear about what Senator DURBIN said last week, and I heard some people at home in Connecticut who were agitated by it, I said: I know DICK DURBIN. I know he would never really compare the suffering of people in the Nazi concentration camps or the Soviet gulag or under Pol Pot to what is happening in Guantanamo, as much as he is concerned and has criticized some of what we have learned, including in the FBI report he cited. It is just not him. I know his character. I know his person.

Look, we have seen it today. It takes a big person to stand up and apologize on the floor of the Senate. He has done it. I just appeal to everyone now to let this stand, let this be true. Anyone who will continue to try to foster this some more is doing a disservice to the Senate and to our country. Senator DURBIN has made clear his regrets for what he said and the way it was misunderstood. He is a good man. He is an extraordinary Senator. He is a good friend. I thank him for the courage he showed in coming up and saying what is necessary, and what is important for us in public life, but we are no different than anybody else: I am sorry. I made a mistake. If there is a moral is human, but it is also important to say that to forgive is not only divine, it ought to be human as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Does the Senator from New Mexico have the floor?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I believe that I could now argue against the pending amendment, but I choose not to do this. If we could, because I made some arrangements that I don’t think are inconsistent with the minority leader—not
I wish I had done it differently. I don’t think there are any of us who haven’t awoken the next morning and said: Gee, I really meant it, and I am sure it is going to be taken out of context, or they are going to think I meant this or that. And I know that many of us who haven’t sometimes written letters to correct what we have said.

We know Dick Durbin. We know he is patriotic. We know he cares about the men and women that serve. And we know that he would do nothing to ever mean anything to the contrary.

I was very much taken by his remarks. More importantly, I was taken by the sincerity with which he spoke. That is why today, I wish I had done it differently. I don’t think there are any of us who haven’t awoken the next morning and said: Gee, I really meant it, and I am sure it is going to be taken out of context, or they are going to think I meant this or that. And I know that many of us who haven’t sometimes written letters to correct what we have said.

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We can say anything we want on the floor of the Senate. These are scientists. He says the best way to reduce the toll hurricanes will take on coastal communities is through adaptation and preparation. I believe that is true.

Seconding up the hockey stick. I think when you look at some of the reports on the Arctic—I will quote from the report that was given before the Commerce Committee, Senator McCain’s Committee, at that time. He said:

Arctic climate varies dramatically from one region to another and, over time, in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic. In contrast to global and hemispheric temperatures, the maritime Arctic temperature was higher in the 1990s through the early 1940s than it was in the 1900s.

That contradicts everything that has been said about the Arctic. I will elaborate on this tomorrow.

It has been stated by one of the proponents of the McCain-Lieberman bill that there are modest costs involved. I will look at the impact. This is the CRA International analysis—not of S. 139 as it was before but as it has been pared down and supposedly will have less economic impact. They said that enacting McCain-Lieberman will cost the economy $507 billion in year 2020. Enacting McCain-Lieberman would mean a loss of 40,000 U.S. jobs in 2010. It will result in 1.360 million jobs in 2020. That is not just a domino effect. Enacting McCain-Lieberman would cost the average U.S. household up to $310 in 2020. The figure used before was $2,700 for the average family of four.

The NAS, a letter about the NAS, let’s take a look at that. The National Academy of Sciences—and I will quote out of their report—said:

There is considerable uncertainty and current understanding of how the climate system works and supposedly will have less economic impact. They said that enacting McCain-Lieberman will cost the economy $507 billion in year 2020. Enacting McCain-Lieberman would mean a loss of 40,000 U.S. jobs in 2010. It will result in 1.360 million jobs in 2020. That is not just a domino effect. Enacting McCain-Lieberman would cost the average U.S. household up to $310 in 2020. The figure used before was $2,700 for the average family of four.

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Further quoting:

A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established; thirdly, the IPCC—

That is the report of the International Panel on Climate Change of the United Nations.

Summary for policymakers could give an impression that the science of global warming is settled—but even though many uncertainties still remain.

Again, that is the National Academy of Sciences.

The Senator from California brought up the hockey stick. I believe that deserves more time than we will have tonight. I plan on talking about this tomorrow because when Michael Mann came up with the whole hockey stick theory, he talked about projecting the temperatures over the period of this time, until the 20th century came along, and then they went up and off the charts. What he neglected to say, I say to my friend from Connecticut, is that there was another blade to this hockey stick, and that was the blade there during the medieval warming period. It is pretty well established now that the temperatures during the medieval warming period were actually higher than they were during this century—the current blade he talks about. That is significant. We will have a chance to elaborate on that.

Finally, in the timeframe I have, I will say that when it is referred to that the Senator from Oklahoma will come up with some “obscure” scientist who might disagree, you are right, he will, because there are a lot of them out there. The people who are pretty well educated. The Oregon Petition was made up of 17,800 scientists. I will quote from their report. They said:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing, or will in the foreseeable future cause, catastrophic heating of the earth’s atmosphere and disruption of climate. Moreover, even if climate change were to occur, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the earth.

I think we are going to have an opportunity—at least I will—to talk about many of the other scientists. At least we have to come to the conclusion that there are uncertainties out there. I think the people who try to say the science is settled believe that if they keep saying the same thing over and over again, people will believe it. Quite frankly, there is a very friendly media to the alarmists, those who want the science is settled believe that if they keep saying the same thing over and over again, people will believe it. Quite frankly, there is a very friendly media to the alarmists, those who want to believe there is a real serious problem that, No. 1, the climate is changing; and, No. 2, the changes are due to anthropogenic gases or manmade gases, when, in fact, the science is not settled.

I believe this is very important for people to realize. People might ask the question, If the science is not settled and if there is much of an economic problem with this, then what would be so motivating people to be so much concerned about our signing on to the Kyoto treaty? Margot Wallstrom is the EU Environment Commissioner. She said that Kyoto is about the economy, about leveling the playing field for big business worldwide. Another hero to some, Jacques Chirac, had a lot to say when he weighed in. Talking about it has nothing to do with climate change, he said that Kyoto represents the first component of an authentic global governance.

There are people who are motivated by wanting to effect economic damage to our country. Tomorrow, we will have opportunity to cover in much more detail the fact that there is another side to this story.

I yield the floor.

The PRESIDING OFFICER (Mr. BURN). The senior Senator from Ohio.

Mr. DEWINE. What is the pending business?

The PRESIDING OFFICER. The current business is amendment No. 826 offered by the Senators from Arizona and Connecticut.

Mr. DEWINE. I yield to my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I have already told the minority what I was going to do if I was under an understanding. Senators DEWINE and KOHL want to offer an amendment. I ask them if they could complete their amendment—allowing the Senator from New Mexico 1 minute—in 6 minutes between the two.

Mr. DEWINE. We can certainly do whatever the Senator would like us to do.

Mr. DOMENICI. I am not trying to tell you; I am asking if you can do that.

Mr. DEWINE. Yes.

Mr. DOMENICI. That will be voice voted, however it turns out. Then we are going to proceed, without objection, to Senator VOINOVICH, who has an amendment which has been circulated for a while. He desires to debate that amendment and have a rollcall vote, correct?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent for that.

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

Mr. DOMENICI. I ask that it be in order for the yeas and nays now for the Voinovich amendment when it is appropriately before the Senate.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. We can proceed with the rest of the consent agreement, and then we are back on the Senator’s amendment. If I failed to ask that the McCain-Lieberman be temporarily set aside while this is occurring, I so request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, let me understand the unanimous consent agreement. The pending amendment would be set aside.

The PRESIDING OFFICER. Senator DEWINE and Senator KOHL will be recognized for 6 minutes.

Mr. MCCAIN. And Senator VOINOVICH will be recognized, and we will have a rollcall following that to see if that correct?

The PRESIDING OFFICER. That is correct. And one addition; the Senator from New Mexico wants 1 minute to speak.

Mr. MCCAIN. Now I understand.

Mr. DOMENICI. I thank the Senator. I am sorry I did not make it clear enough. I yield the floor.

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

Mr. DEWINE. I send to the desk amendment No. 788.
Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal.

At the appropriate place, insert the following:

SEC. 7A. OIL PRODUCING CARTELS.

``(a) In General.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

(2) to set or maintain the price of oil, natural gas, or any other petroleum product; or

(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

(b) Sovereign Immunity.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

(c) Inapplicability of Act of State Doctrine.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

(d) Enforcement.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

(e) Sovereign Immunity.—Section 1605(a) of title 26, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end following:

"(6) in which the action is brought under section 7A of this Act."
House, we must seize whatever opportunity presents itself.

It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will prevent the U.S. from being at the mercy of OPEC cartel, by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities.

In March of 2004, more than a year ago, I wrote Senator HATCH to request state, including members of OPEC, for take legal action against any foreign will allow the Federal Government to them subject to our antitrust laws. It will prevent the U.S. from being at the competitive behavior. This amendment will provide law enforcement with the tools necessary to fight OPEC’s anticompetitive practices immediately, and help reduce gasoline prices now, rather than waiting for another decade.

Again, I am pleased to support this amendment and urge my colleagues to maintain it in the final version of the bill. After the years of Judiciary consideration, including a hearing on this topic, it is now my mea sure to the Senate, it is time for Senators to finally say “no” to OPEC.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There is 20 seconds.

Mr. DEWINE. Mr. President, this is what our bill says: When you want to do business with America, you must abide by our antitrust laws and rules of the free market. When OPEC one day abides by the rules of the free market, we will all see lower oil and gas prices. That is what this amendment is about.

I yield the floor, I thank Senator DOMENICI.

The PRESIDING OFFICER. All time has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I am letting this amendment proceed, but, frankly, I do not think the amendment should be on this bill. I do not think it could ever become law.

The United States has never done this. The United States has never done this. The United States has never done this.

The PRESIDING OFFICER. The amendment (No. 788) was agreed to, and accepted this amendment, we will want to do today. I want everybody to do this now because we had a vote and accepted this amendment, we will go to conference with the House. It should be clearly understood that the House does not have anything like this.

I yield the floor.

The PRESIDING OFFICER. The Junior Senator from Ohio.

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I wish to make a brief statement before we vote on the Voinovich. Carper, Feinstein, Jeffords, Hutchinson, Ste to know because we had a voice vote DeWine, Levin, and Alexander amendment. It is based on the Diesel Emissions Reduction Act of 2005, S. 1265. That bill is cosponsored by the Environment and Public Works Committee chairman, Jeff Bingaman, and Sena
tor Jeffords, Senators Tom Carper, Johnny Isakson, Hillary Clinton, Kay Bailey Hutchison, and Diane Feinstein.

The bill was developed in close consultation with a strong and diverse group of environmental, industrial, and public officials. The groups range from the Environmental Defense, to the Union of Concerned Scientists, to the Associated General Contractors of America, to the Engine Manufacturers Association, to the Chamber of Commerce, to the National Conference of State Legislators.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. It is focused on improving air quality and protecting public health. It establishes voluntary national and State level grant and loan programs to promote the reduction of diesel emissions. It authorizes $1 billion over 5 years, $200 million annually.

Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide, and diesel retrofits have proven to be one of the most cost-effective emission reduction strategies. The
The diesel engine is a great win-win situation for all of us. I am delighted Senator Voinovich proposed this. I am delighted to join him as a principal sponsor on our side and anxious to get this vote recorded.

My hope is that maybe we can actually pass this unanimously. That would be a wonderful thing for our country and a good thing for this bill. I thank my friend from Ohio for yielding this time and providing such terrific leadership.

Mr. Levin. Mr. President, I am pleased to join my colleague from Ohio as a cosponsor of this important amendment to improve air quality and public health by reducing emissions from diesel engines.

I believe that this amendment will take important strides not only toward the stated goal of reducing emissions but also in making advanced clean diesel technology more viable in the United States. Diesel engines now can increase fuel economy by as much as 25 to 40 percent. If we can do that—and do it without harmful tailpipe emissions—we could make significant progress toward improving overall fuel economy and reducing our oil consumption.

This bipartisan amendment would establish national and State grant and loan programs to promote reduction of diesel emissions. The amendment authorizes $200 million annually for 5 years to fund programs that will help us to replace older diesel technology with newer, cleaner diesel technology. The grant program, which will be administered by the Environmental Protection Agency, has the potential to result in significant reductions in diesel particulate matter and help communities in meeting national ambient air quality standards.

Under this amendment, 70 percent of the funds available would be to provide grants and low-cost revolving loans on a competitive basis for retrofit of buses, heavy duty trucks, locomotives, or non-road engines to help achieve significant emissions reductions particularly from fleets operating in poor air quality areas. The remaining 30 percent of the funds would go for grant and loan programs administered by states.

The important steps that will be taken by these programs offer great promise for reducing diesel emissions and making clean diesel a commercially viable advanced vehicle technology in the U.S. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependency. It is not yet clear how big a role could be done so in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

I am pleased to join my colleagues today in supporting this amendment.

Mr. Inhofe. Mr. President, I rise in support of the Voinovich amendment on diesel emissions reductions. I am an original cosponsor of the legislation which is the same as this amendment.

I agree with the intent of this amendment. I believe it is helpful to provide a voluntary national and state-level grant and loan program to promote the reduction of diesel emissions. However, I am concerned that this proposal is being rushed through the process without the benefit of consideration by the committee of jurisdiction, the Environment and Public Works Committee.

I would prefer, prior to Senate action, that the Environment and Public Works Committee conduct legislative hearings on the issue, and ensure that the program design meets its goals in a cost-effective manner. I am concerned about the $1 billion cost of the program and believe the goals might be accomplished with a smaller sum. I also believe that if this amendment is adopted, it needs to be reconciled with section 723 of this bill. I hope these issues will be given consideration as this legislation is reconciled with the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. DominiC. I did not hear. Pardon me. What is the question?

Mr. CARPER. I have no question.

Mr. DOMINIc. Are we finished? Is the Senator finished with his time?

The PRESIDING OFFICER. Is there further debate?

Mr. DOMINIc. I understand that there is no further time. I am supposed to sit down. We are not supposed to ask for a motion, say we move to proceed, we just sit down, and then the Chair does it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered.

The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. McconnEL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. Dorgan), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 92, nays 1, as follows:
that creates a mandatory carbon cap and trade program.

Before doing so, however, I want to take a moment to thank the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, for his high work on the bill. Senator DOMENICI has worked exceedingly hard to craft truly bipartisan consensus legislation. I commend him for that work. I commend everyone that has worked on this bill under his direction. It is extremely important we have an energy policy.

I remember 1973 when OPEC shut off the supply. We had gas lines for what little natural gas there was. At that time, the seat I now hold was occupied by Senator Cliff Hansen from Wyoming. He expressed the need for an energy policy. Ever since that time we have been talking about the need for an energy policy. Now is the time we can have an energy policy. Let's finish the job.

From the time I was first elected to be the mayor of Gillette, WY, during the energy boom years of the 1980s, I have advocated the need for a comprehensive national energy policy. I come to the Senate today as a strong advocate for such a policy and to share my support for the version of the bill pending before the Senate. We have debated the merits of a comprehensive Energy bill for years. We have come close to passing an Energy bill on a number of occasions. At the end of the day, however, the Congress has not made those discussions a reality and our inaction has worsened the energy situation in our Nation.

Oil prices have reached nearly $60 a barrel, more than double what they were in 2000. Unfortunately, as our demand for gasoline has increased, our Nation’s refining capacity has not. This has led to record-high gasoline prices, and while high natural gas prices have helped my State, they continue to have damaging effects on consumers across the Nation.

Without a comprehensive national energy strategy, there is no end in sight for the problems we see. The high energy prices that are hurting small business will continue to make increased investment in those businesses difficult. The high energy prices that limit the ability of families to go on vacations will continue to make those decisions. The high energy prices that make it difficult for manufacturers to pay their bills each month will continue to price them out of proper heating in the winter and proper cooling in the summer.

Never before has there been a time when it is more appropriate for Congress to address the issue of climate change. Passage of an amendment like the one before us, that would implement a mandatory carbon cap-and-trade program, would jeopardize my support of the overall bill. I want to take a moment to share my staunch opposition to that amendment.

Climate change is a topic that we have debated for years. This topic should be familiar to us. Nonetheless, it is important to share a historical
perspective about where the Senate stands on climate change and to make clear that the proposal we are discussing, which implements a mandatory carbon cap-and-trade program, flies in the face of the Senate’s stated position on global climate change.

I took advantage of the opportunity to go to Kyoto for the global climate change conference that was held there. At that conference, the Kyoto Protocol was drafted. One of the things I noticed when I got to the conference was that the United States was the only country there that thought it was an environmental conference. The rest of the world approached it as an economic conference, one where they had an opportunity to slow down the U.S. economy and allow for growth in their nations.

On the other hand, we approached it as an environmental conference. In doing so, we laid out some strict guidelines for our delegation to work within as they tried to reach an agreement. Unfortunately, on the last night some of those were compromised. The United States made some agreements that would be impossible for us to ever meet.

Before the debate first began in Kyoto about the need to control carbon emissions— that was in 1997—the Senate made a clear and direct statement of principle on that subject. When it came to negotiations on climate, we stated that an agreement that did not treat all nations, both developed and developing, equally was unacceptable. We also made it clear that we would not support an agreement that would cause serious harm to our economy. By a vote of 95 to 0, on July 25, 1997, the Senate approved the Byrd-Hagel resolution that explicitly stated the Senate’s position.

The Byrd-Hagel resolution addressed the concerns of those who believe that a global climate change policy would be a cap-and-trade system in the United States. It also addressed concerns that any agreement that did not allow for production without any environmental safeguards that we have already put in place.

When I was at the Kyoto conference, I had an opportunity to meet with the Chinese delegation. I had a couple of things that I was interested in: One, why they thought, as a developing nation, they should not have to do anything to address climate change; and, just as importantly, at what point they thought they would no longer be a developing nation so they could participate in this.

They let me know they expected to always be a developing nation and to never have a part in the Kyoto Protocol. It is pretty easy to sign something that you do not have to do anything on, especially when it will force one of your main economic competitors to comply and reduce their production.

Then, I even asked: Is there any time at some future, unspecified date that you would participate? They said no. That is as loose as you can make it: some future, unspecified date. And they are not interested in participating.

Not only is the rest of the developing world not participating. The biggest polluter—in a couple of years—is not going to be a part of any of the action to reduce carbon emissions in the world.

Now, instead of working to improve the science and to improve technologies that will inevitably reduce the amount of carbon released into the atmosphere, a number of my colleagues focus on the mandatory carbon cap-and-trade system. They focus on implementing what can only be described as another energy tax. Such a tax will cause the United States to lose jobs and will shift production to other parts of the world where the environmental standards are not as strict. Instead of having the effect of lowering the amount of carbon that seeps into our atmosphere, the effect will be the opposite as those developing nations allow for production without any environmental controls.

Yet, without sound science, without sound economics, and without the development of new technology to the developing world, why are we going to risk derailing a comprehensive Energy Bill to implement a system that will harm our economy and will have little effect on the amount of carbon emissions released into the atmosphere? Why are we moving forward with something when the science behind the proposals remains unproven and the models used to prove that science remain flawed?

We must consider all of these issues as we cast our vote on this amendment. I will be opposing it, and I will urge other Members to do the same.

It is important to note, that although I oppose any attempt to include a mandatory carbon cap-and-trade proposal in the Energy Bill, I strongly support the overall Energy Bill. Comprehensive energy policy will undoubtedly benefit our Nation, and I look forward to working with my colleagues to finally make this legislation a reality. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The bill clerk proceeded to call the roll.

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

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 839

Mr. REID. Mr. President, on behalf of Senator LAutenberg, I call up amendment No. 839, Mr. President, proposes an amendment numbered 839.

The amendment is as follows:

(Purpose: To require any Federal agency that publishes a science-based climate change document that was significantly altered by a House request to make an unaltered final draft of the document publicly available for comparison)

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. 01. SHORT TITLE.

This title may be cited as the “Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act” or the “Save Climate Science Act”.

SEC. 02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science, contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. 03. PUBLICATION REQUIREMENT.

(a) In General.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusion, synthesis, or analysis of a scientific information known by the directing employee to be false or misleading;

(b) by adding at the end the following:

(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.

SEC. 06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) In General.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended:

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by adding “or” at the end; and

(3) by inserting after clause (ii) the following:

“(ii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.”;

(b) CONFORMING AMENDMENTS.—

(1) Section 1213(a) of title 5, United States Code, is amended—

(A) by striking “regulation, or gross” and inserting “regulation; gross”;

and

(B) by adding at the end the following: “or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.”;

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A); and

(ii) by inserting “or” at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

“(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;”;

and

(B) in paragraph (2)—

(i) by striking “or” at the end of subparagraph (A); and

(ii) by striking “safety,” in subparagraph (B) and inserting “safety; or”;

and

(C) by inserting after subparagraph (B) the following:

“(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.”;

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Energy bill tomorrow morning, Senator Feinstein be recognized in order to offer an amendment relating to LNG; provided further that there be 60 minutes equally divided for debate, with no second-degree amendments in order prior to the vote in relation to the Feinstein amendment.

I further ask that following the debate on the Feinstein amendment, Senator BYRD be recognized in order to offer an amendment related to rural gas prices; provided further, that when the Senate resumes debate on the McCain-Lieberman climate change amendment, there be 3 additional hours for debate, with Senator MCCAIN or his designee in control of 90 minutes, Senator DOMENICI in control of 30 minutes, and Senator INHOFE in control of the remaining 60 minutes; further, that following that debate, the Senate proceed to a vote in relation to the McCain amendment and there be no second-degree amendments in order to the amendment prior to the vote. I understand this has been agreed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

CLOTURE MOTION

Mr. DOMENICI. Mr. President, we had another good day debating the amendments on this Energy bill, and we disposed of a number of them. We are going to return tomorrow with a lineup in the morning, and we are going to talk about that in a minute. We are going to have amendments related to the McCain-Lieberman climate change bill to the desk to the underlying bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk reads 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 H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter,
Ms. STABENOW. Mr. President, will my colleague yield for a question? Ms. LANDRIEU. For one moment, yes.

Ms. STABENOW. Mr. President, I was voted to ask a question relating to stem cell research. I had a wonderful group of young people from Michigan in my office as well. I commend the Senator from Louisiana for bringing up this issue. We have families here talking literally about living literally about lives and about hope for their children.

I am hopeful, as I am sure the Senator from Louisiana is, that we will, by July, have the opportunity to bring before this body the very important issue of stem cell research and have a vote by this body.

I thank my colleague from Louisiana. Ms. LANDRIEU. Mr. President, I thank my colleague from Michigan. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

Mr. DORGAN. Mr. President, I will be necessarily absent from the business of the Senate for a portion of today in order to attend the high school graduation ceremonies for my son. I will also necessarily be absent from the Senate beginning tomorrow afternoon and continuing into late afternoon Thursday, in order to join my colleagues from North Dakota to attend the hearings of the base-closing commission that are being held in Grand Forks, ND. I have notified the leadership of these expected absences.

DEMOCRACY AND HUMAN RIGHTS EDUCATION IN MIDDLE EAST

Mr. CHAFEE. Mr. President, I recently spoke on the floor about the Ninth Annual World Congress on Civic Education in Amman, Jordan, sponsored by the Center for Civic Education. The purpose of that conference was to share information about successful education programs under the Civitas: An International Civic Education Exchange Program, an authorized program of the No Child Left Behind Act and one which is helping to strengthen democratization efforts throughout the world.

A recent news editorial in The Jordan Times supporting the goals of the conference and the outstanding work the Center for Civic Education and their international colleagues are doing in this strategic part of the world was welcome support. I ask unanimous consent that the editorial from The Jordan Times on Sunday, June 5, 2005, be printed in the RECORD.

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

Dear Ms. Amy Cencolia, my name is Liz Kramm and I am a children’s delegate for JDRF’s 2005 Children’s Congress. Thanks so much for helping me set up a meeting with Senator Landrieu on the 21st of June.

Many thanks,

Liz Kramm.

Dear Ms. Cencolia, my name is Laura Rutledge. I am eleven years old, and I am a 2005 Juvenile Diabetes Research Foundation Children’s Congress delegate. I was diagnosed with Type One Diabetes when I was 17 months old. I suffer daily and deal with a lot of self-control and discipline. Thank you for helping me meet with Senator Landrieu on June 21.

Many thanks,

Laura Rutledge

TRIBUTE TO SENATOR JIM EXON

Mr. LEVIN. Mr. President, it’s an honor to pay tribute to a great man, a distinguished Senator, and a dear friend who passed away on June 10, Senator Jim Exon of Nebraska.

Last week, I joined several of my colleagues in attending the 89th and final wedding anniversary celebration of Jim Exon and his wife, Myrl, in Lincoln, NE. It was inspiring to be with the people who knew him best and loved him most. Jim was a giant in Nebraska politics not because of the power he wielded but because of the respect and affection he had earned.

Jim Exon was a decent man, without pretension or prejudice. He spoke plainly. He called it like he saw it. He did what he thought was right, regardless of the pressure that might have been put on him. Jim laughed the same wonderful, booming laugh that President as he did with the people back home. He was a large man, and he had a heart to match.
That is why he was beloved in Nebraska and never lost an election, serving two terms as Governor and then three terms as Senator. That is why he was popular even as the father of the Democratic Party in an overwhelmingly Republican State. And that is why he was kind and meant the world to me.

Jim and I were both members of the class of 1978, and we—and our wives—quickly became close friends. We served together on the Armed Services Committee; in fact, we sat next to each other for 18 years. We had honest, substantive debates about our defense policy, and I will always cherish the memories of that time. His only interest was the security and prosperity of our country and his beloved Nebraska.

Jim worked for a strong national defense. He supported responsible budget policies. And he was ahead of his time in warning against terrorism and arguing for a Department of Homeland Security. For many of us, he was a source of wise counsel and trusted advice. With Jim, you could always be certain he was telling you what he thought was right, and he usually was right.

We will miss him terribly, but we are fortunate to have had him for so long. My thoughts and prayers, and those of my wife Barbara, are with his loving wife Pat and his entire family.

HONORING OUR ARMED FORCES

TYLER L. CREAMEAN, DUSTIN C. FISHER, AND PHILLIP N. SAYLES

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the memory of two soldiers, their families, and their loved ones.

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Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the memory of two soldiers, their families, and their loved ones. They will be remembered by their examples they set and the many lives they touched. My thoughts and prayers go out to their families, their friends, and to all those who knew and loved them.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise today to talk about S. 147 the Native Hawaiian Government Reorganization Act of 2005. My colleague, the junior Senator from Arizona, for whom I have great respect, has inserted several documents written by outside sources into the CONGRESSIONAL RECORD over the past months, criticizing my legislation as a race-based measure. I vehemently disagree with his characterization of my bill as race-based.

We will be debating S. 147 on the floor of the Senate in a few weeks and, at that time, we will have a full opportunity to talk about the legislation, which extends the Federal policy of self-governance and self-determination to Native Hawaiians, Hawaii's indigenous peoples, thereby establishing parity in Federal policy toward American Indians, Alaska Natives and Native Hawaiians.

S. 147 is widely supported in Hawaii. Governor Linda Lingle has testified twice in 4 years in support of this bill. The Hawaii State Legislature has passed resolutions in support of Federal recognition for Native Hawaiians in 2000, 2001, and 2005. Resolutions in support have also been passed by the
Alaska Federation of Natives and National Congress of American Indians. Finally, a substantial number of my constituents, Native Hawaiians and non-Native Hawaiians support this bill.

In 1993, P.L. 103-150, the Apology Resolution, was enacted into law. The Act provides an apology to Native Hawaiians for the participation of U.S. agents in the overthrow of the Kingdom of Hawaii in 1893 and sets up a process of reconciliation between Native Hawaiians and the United States. My colleagues from Arizona and Hawaii submitted multiple articles criticizing the Apology Resolution and purporting to justify one of the most painful experiences in Hawaii's history, the overthrow of the Kingdom of Hawaii in 1893.

I have worked on this bill for the past 6 years with the rest of my colleagues in Hawaii's Congressional delegation. This bill is a step in the right direction for all people of Hawaii because it will allow us to finally resolve many of the longstanding issues resulting from the overthrow. It is disturbing that opponents to the bill rely so heavily on mischaracterizations of the legislation to advocate their position.

I stand by Hawaii's history as enacted in P.L. 103-150. The facts as cited are well-documented by historians. It greatly saddens me that the opponents to my bill feel the need to rewrite Hawaii's history, as painful as it is for those of us who have lived it, in order to advocate their position on S. 147. It is one thing to oppose my bill. It is quite another, however, to trivialize the history of Hawaii.

THIRTY-THIRD ANNIVERSARY OF TITLE IX

Ms. CANTWELL. Mr. President, I rise today to mark the 33rd anniversary of the enactment of title IX, a law that has opened doors to educational opportunities for countless women and girls across America.

Prior to passing title IX, roughly 295,000 girls participated in high school sports, and only about 25,000 played sports at the college level. When President Nixon signed the educational amendments of 1972 into law 33 years ago, skeptics claimed the law would do little to change women's participation in sports. They could not have been more wrong. Recent data show that nearly 2.6 million high school girls and over 135,000 women in college participate in organized sports, constituting more than 40 percent of all high school athletes.

In Washington State, women at public colleges and universities represented less than one-third of most schools' athletes less than 15 years ago. Today, women represent 48 percent of athletes at public institutions of higher education in our State. As the number of girls participating in sports has increased, there has been a decrease in the number of girls who drop out of school, smoke, drink alcohol or have unwanted pregnancies. What's more, adolescent girls that participate in organized sports enjoy improved physical and mental health throughout their lives.

Today, in every 2.5 girls participate in athletics, which is an 800-percent increase in participation rates since the enactment of title IX. Yet attempts to weaken title IX persist. Last March, the Department of Education issued a position paper that would weaken Title IX. The new clarification would allow institutions to avoid offering sports opportunities to women if a sufficient number of the student body failed to respond to an e-mail survey expressing interest in the program. This allows universities to use what may be highly questionable, potentially inaccurate e-mail survey results to prove that the interests and abilities of the underrepresented sex have been accommodated by their title IX requirements.

I am deeply concerned that this policy guidance represents the current administration's repeated attempts to diminish the enforcement of this very important law and believe that e-mail surveys do not adequately investigate the need to expand athletic opportunities for women. The growth of opportunity for women and girls should not hang on the outcome of such informal means of data collection.

Our Nation has taken great strides toward equity, and title IX has played a significant role in that success. Millions of girls have access to opportunities that their mothers never knew. However, there is still much to be done before we can say that males and females are treated equably in education.

Further progress hinges on our continued commitment to the principles of title IX and proper enforcement of the law.

GENERAL BERNARD ADOLPH SCHRIEVER

Mr. SALAZAR. Mr. President, it is with deep sorrow that I come to speak on the floor of the Senate today. The father of the United States Air Force space and missile program, General Bernard Adolph Schriever, died today of natural causes. He is survived by his wife of the United States Air Force Base, and we are proud of the legacy left to us by General Bernard Adolph Schriever.

ADDITIONAL STATEMENTS

CHAMBER OF COMMERCE

MILESTONES

Mr. ALLEN. I am pleased today to recognize the Prince William County-Greater Manassas Chamber of Commerce which celebrates its 70th anniversary this year. For seven decades, the Chamber has supported the community, educational and business interests of Prince William County and the cities of Manassas and Manassas Park.

In 1933, a small group of citizens gathered together in the Town of Manassas with an idea to form the Chamber of Commerce. These leaders founded an organization that has prevailed through times of prosperity and depression, and that continues to grow and prosper. Today, the Chamber has almost 1000 members, and it holds an accreditation from the United States Chamber of Commerce. Only 15 percent
of Chambers of Commerce throughout the country have earned this distinction.

The Prince William County-Greater Manassas Chamber of Commerce continues to perform outstanding work in representing and promoting citizens and the entire Commonwealth of Virginia. I congratulate its members on seventy successful years, and thank them for the work they are doing to make Virginia a better place to live, work and raise a family.

TRIBUTE TO ROCK SPRINGS CHURCH
• Mr. CHAMBLISS, Mr. President, today I would like to pay tribute to a very special group of people in my home State who will soon celebrate an important 1-year anniversary.

Deep in the heart of Georgia, right in the middle of my former House district, a small Congregational Methodist Church has been ministering to the people in their community for more than 150 years. This small town church is making a big difference in many lives across my State. Since 1852, this group of Christians has faithfully gathered each Sunday in the halls of a humble church building to worship God and seek His guidance for their lives.

It is clear that God has heard and answered their prayers. One year ago, under the leadership of my good friend of Dr. Benny Tate, Rock Springs Church in Milner opened the doors to their new sanctuary—a room that seats more than double that of the previous sanctuary. The new sanctuary has equipped this thriving church with the tools they need to minister to even more folks than ever in the long life of this church.

I am personally encouraged by the dedication of this congregation to do whatever it takes to see that they could provide a place of worship for the growing number of people attending Sunday services.

As a son of a minister, I spent my youth traveling across the southeast, as my dad served in the Episcopal Church. I know first hand the challenges of church leadership and the joys of seeing God answer prayers.

Dr. Tate, known by his friends as Pastor Benny, has demonstrated remarkable vision and direction as the head pastor of Rock Springs Church. My wife Janine and I have had the opportunity to attend Rock Springs Church as Pastor Benny’s guests on “Friend Day” and the parishioners there always make us feel welcome.

I am proud to recognize my friends at Rock Springs Church in celebration of this momentous occasion and encourage each new member to reflect on the offerings and sacrifices on the part of those faithful few who helped make this new sanctuary a reality.

LIBRARY OF THE YEAR
• Mr. PRYOR, Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 “Library of the Year” by Thompson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and innovation. This year’s Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association’s annual conference in Chicago, IL.

I would like to recognize Louise Schapter, Executive Director of the Fayetteville Public Library, and her outstanding staff for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter’s tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,638, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment!

I would also like to mention that the library has more than 160 regular volunteers who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.

150TH ANNIVERSARY OF THE SOO LOCKS
• Ms. STABENOW, Mr. President, this year marks the 150th anniversary of one of our Nation’s most visionary engineering feats—the construction of the world famous Soo Locks at Sault Ste. Marie. The Soo Locks shaped the course of our Nation’s history and have become a key part of Michigan’s cultural heritage. There will be a grand celebration on Engineers Day, June 24, to kick off a summer of special events in commemoration of this significant anniversary.

The St. Mary’s River is the connection between Lake Superior and the other Great Lakes. The challenge with this natural link is the 21-foot drop in elevation between Lake Superior and the lower lakes which creates the St. Mary’s Rapids. Early traders were forced to unload their cargo, haul it around the rapids by land, and then reload it into other boats. And if it wasn’t for the vision of three men, Alpheus Felch, Pierre Barbeau, and James P. Pendill, who owned the land that would later become the American public as Hiawatha National Forest. Construction began in 1855, and a total of 60 to 70 foot locks were designated. The State locks opened in 1855.

It soon became clear that the State lock and canal were of national importance for commerce. In 1881, the locks were transferred to the United States Army Corps of Engineers. The Corps operates and maintains the locks to this day. The lock system gives safe passage to a variety of ships and creates the major artery for shipping and trade in the Great Lakes.

I hope that my colleagues will join me in honoring and celebrating the Sesquicentennial of the Soo Locks and the vision of the people of Michigan.

TRIBUTE TO MCCROSSAN BOYS RANCH
• Mr. THUNE, Mr. President, today I rise to congratulate the McCrossan Boys Ranch of South Dakota. McCrossan Boys Ranch is a nonprofit organization that provides mentoring services to troubled boys and helps guide them into becoming responsible and balanced adults.

They will be celebrating their 50th anniversary on June 29 and I would like to recognize the valuable service they have provided to the many boys and families they have helped over the years.

MESSAGE FROM THE HOUSE
At 2:37 p.m., a message from the House of Representatives, delivered by Mr. Niem, 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. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that, 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 Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Ms. Kilpatrick of Michigan.
MEASURES REFERRED
The following bill was read the first and the second times by unanimous consent, and referred as indicated:
H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR
The following bill was read the second time, and placed on the calendar:
H.R. 1. A bill to authorize the payment of claims of the United States against the Democratic Republic of the Congo, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were read and referred to committee:

EC–2667. A communication from the Administrator, General Service Administration, transmitting, a report relative to lease proposals and the Administration’s fiscal year 2005 program; to the Committee on Environment and Public Works.

EC–2668. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Emissions Control Area” (RIN 2080–AH7) received on June 15, 2005; to the Committee on Environment and Public Works.

EC–2669. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission’s monthly status report on its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, a report entitled “2003 Drinking Water Infrastructure Needs Survey and Assessment: Third Report to Congress”; to the Committee on Environment and Public Works.

EC–2671. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Awards of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency’s FY 2005 Appropriations Act” received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2672. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Revision of Fee Schedules, Fee Recovery for FY 2005” (RIN 3150–AH61) received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2673. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Broadening Scope of Access Authorization and Facility Security Clearance Regulations” (Docket No. NRC–2005–0078) received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2674. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “List of Accessible Nuclear Reactor Casks; HI–STORM 100 Revision” (RIN 3150–AH64) received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2675. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Parts 120, 121, 130, and 127 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Peru; to the Committee on Finance.

EC–2677. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Jordan; to the Committee on Finance.

EC–2678. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Germany; to the Committee on Finance.

EC–2679. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Singapore; to the Committee on Finance.

EC–2680. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Thailand; to the Committee on Finance.

EC–2681. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Australia; to the Committee on Finance.

EC–2682. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to the United Nations, and for other purposes.

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. LIEBERMAN (for himself, Mr. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, and offer outreach and guidance, and provide other support to State and local officials to achieve communications inter-operability, to foster improved research and collaboration on the Internet, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 1275. A bill to designate the facility of the United States Postal Service located at 172 North Tongass Highway, Ward Cove, Alaska, as the “Alice R. Brunsich Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

S. 1276. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1277. A bill to amend title XVIII of the Social Security Act to require hospitals and critical access hospitals, as a condition of participation under the Medicare program, to meet certain requirements in order to advertise that the hospital has the capability of addressing emergency and acute coronary syndromes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE,
At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. SMITH) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

At the request of Mr. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors 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.

At the request of Mr. SANTORUM, the name of the Senator from Vermont (Mr. SMITH) was added as a cosponsor of S. 757, a bill to amend the Internal Revenue Code of 1986 to provide for college housing and infrastructure grants.

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for college housing and infrastructure grants.

At the request of Mr. SANTORUM, the names of the Senator from Vermont (Mr. SMITH) were added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

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At the request of Mr. SANTORUM, the names of the Senator from Vermont (Mr. SMITH) were added as a cosponsor of S. 757, a bill to amend the Internal Revenue Code of 1986 to provide for college housing and infrastructure grants.

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

At the request of Mr. BRUN, the bill to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and associated entities to INTELSAT, and for other purposes; considered and passed.

At the request of Mr. WARNER, the bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Ms. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALMID, Mr. NELSON, of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL).

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide for beneficiaries with kidney disease, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire (Mr. SUNUNU) were added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. SMITH) and the Senator from New Mexico (Mr. BINGMAN) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 455, a bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from New Mexico (Mr. BINGMAN) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 455, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pre-tax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM) were added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.
At the request of Mr. SPECTER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

At the request of Mr. CONRAD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

At the request of Mr. SUNUNU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation’s past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1152, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group and individual long-term care coverage for the treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1208, a bill to provide for local control for the siting of windmills.

At the request of Mr. VINOVICH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 799 to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide adequate support to local law enforcement officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development of enhanced communications, and for other purposes: to the Committee on Homeland Security and Governmental Affairs.
Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to finally address one of the most long-standing and difficult problems facing our Nation’s first responders—the lack of communications interoperability.

I want to thank Chairman COLLINS of the Homeland Security and Governmental Affairs Committee, Senator LEVIN and Senator AKAKA for joining me in this effort.

I do not want to be confused with the evil road captain in “Cool Hand Luke,” but there is only one way to say this: “What we have here is a failure to communicate!”

By now, all we know that the inability of first responders to talk to one another when responding to emergencies costs lives during terrorist attacks or natural disasters. According to the 9/11 Commission, the lack of interoperability contributed to the deaths of more than 100 fire fighters in New York on 9/11.

However, this failure to communicate also creates problems during every day emergency operations, endangering both first responders and the public while also wasting precious resources. For example, when law enforcement officers cannot communicate effectively about a suspect fleeing across jurisdictions, criminals can escape.

It is past time we fixed this problem. Achieving interoperability is the top priority for State homeland security advisors. It is essential for first responders to achieve the national preparedness goals that the Department of Homeland Security has established for the Nation.

However, for most States obtaining the equipment and technology to fulfill this goal remains a challenge. And a major hurdle continues to be the lack of sufficient funding. A non-partisan task force led by former Secretaries of Defense and Treasury recommended spending at least $6.8 billion over five years. DHS has also estimated the cost of modernizing equipment for 2.5 million public safety first responders across the country at $40 billion.

I am convinced that we can achieve interoperability for much less—but only if strong national leadership drives cooperation and adoption of smart new technology solutions.

Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. The result is that first responders typically operate on different radio systems, at different frequencies, unable to communicate with one another.

Strong national leadership is necessary to ensure that different jurisdictions come together to work out the often complex issues that prevent interoperability in the first place.

The legislation we are introducing today will provide this much needed Federal leadership and provide dedicated grants, enhance technical assistance to State and local first responders, promote greater regional cooperation, and foster the research and development necessary to make achieving interoperability a realistic national goal.

The “Improve Interoperable Communications for First Responders Act of 2005” or the ICOM Act for short, gets us there in three distinct ways.

First, the ICOM Act will provide the Office of Interoperability and Compatibility (OIC) within DHS the resources and authority necessary to systematically overcome the barriers to achieving interoperability.

ICOM requires OIC to conduct extensive, nationwide outreach and facilitate the creation of task forces in each State to develop interoperable solutions. It requires coordinated and extensive technical assistance through the Office of Domestic Preparedness’ Interoperable Communications Technical Assistance Program. OIC will also develop a comprehensive national strategy and national architecture so that we systematically move towards a truly national system of public safety communications.

This Act authorizes OIC to fund and conduct research and programs to evaluate and validate new technology concepts needed to encourage more efficient use of spectrum and other resources and deploy less costly public safety communications systems.

Second, the ICOM Act will identify and answer the policy and technology questions necessary to achieve interoperability by requiring the Secretary to establish a comprehensive, competitive research and development program.

This research agenda will focus on: understanding the strengths and weaknesses of today’s diverse public safety communications systems; examining how current and emerging technology can make public safety communications more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner; evaluating and validating new technology concepts; and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

The legislation authorizes some $126 million for each of fiscal years 2006 through 2009 for the operations of the Office of Interoperability and Compatibility so DHS can finally provide the national leadership necessary to achieve interoperability in the most cost effective manner; for research and development; and to provide enhanced technical assistance to state and local officials around the country.

Third, the ICOM Act will provide consistent, dedicated funding by authorizing $3.3 billion over five years for initiatives to achieve short-term or long-term solutions. It authorizes grants directly to States or regional consortium within each State to be used specifically for key aspects of the communications life-cycle, including: State-wide or regional communications planning; system design and engineering; procurement and installation of equipment; training and exercises; or other activities determined by the Secretary to be integral to the achievement of this essential capability.

The bill adopts the same formula for distributing funds in S. 21, the Homeland Security Grants Enhancement Act as reported by the Homeland Security and Governmental Affairs Committee. Each State will receive a minimum baseline amount of 0.55 percent of the total funds appropriated under the bill. States that are larger and/or more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

The remaining funds—over 60 percent of the total—will be distributed based on additional threat and risk-based factors. This will ensure that the majority of funds are distributed to those areas at highest risk, while we systematically ensure that this very basic communications capability is built in every state across our country.

The Secretary will be required to establish a panel of technical experts, first responders, and other State and local officials to review and make recommendations on grant applications.

This legislation also promotes regional cooperation, consistent with the National Preparedness Goal, which identifies the essential capabilities States and localities need to fight the war on terrorism, rewarding those jurisdictions that join together in robust regional bodies to apply for funds.

Most importantly, this dedicated funding program for interoperability will ensure that jurisdictions can receive and rely on a consistent stream of funding for vital interoperability projects without added conditions that would neglect all of the other essential capabilities DHS has said they need to develop.

This legislation is crucial for the safety of our citizens and the men and women who go to work everyday pledged to protect them. It will ensure that, for the first time, achieving communications interoperability is an achievable national goal, a genuine national priority.

To win the war on terrorism and protect the American people, we cannot have a failure to communicate.

I ask unanimous consent that the text of the legislation be printed in the Record. There being no objection, the bill was ordered to be printed in the RECORD, as follows:...
(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency.

(2) Communications interoperability has been identified by the Department of Homeland Security as 1 of the most essential capabilities for first responders. For first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation:

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments.

(5) The high level of communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) More must be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment by emergency responders is outdated and incompatible, which inhibits communication between State, local, and tribal agencies and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, statewide, and regional leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to oversee and lead national interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustained and substantial funding of interoperability efforts. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) Communications interoperability can be achieved at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 2. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) In General.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended—

(1) by adding at the end the following:

"(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

(VI) promoting development of standard operating procedures for incident response and the common obligation of government officials to maintain knowledge of best practices (including from government officials abroad) for achieving interoperability;"

(b) Definitions.—Section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended by adding at the end the following:

"(a) Baseline Assessment.—The Secretary, acting through the Director of the Commissioner, shall conduct a baseline assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

(b) Annual Reports.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Improve Interoperability and the National Preparedness Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a)."

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:
SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall estab-
lish a comprehensive research and devel-
opment program to promote commu-
nications interoperability among first
responders, including by—

"(1) pursuing research on a competitive
basis through the Directorate of Science and
Technology Homeland Security Advanced
Research Projects Agency; and

"(2) establishment of a Center of Ex-
cellence under the Department of
Homeland Security Centers of Excellence
Program, using a competitive process, fo-
cused on information and communica-
tions systems for first responders.

"(b) PURPOSES.—The purposes of the pro-
gram established under subsection (a) in-
clude—

"(1) understanding the strengths and weak-
nesses of the diverse public safety commu-
nications systems currently in use;

"(2) examining how current and emerging
technology can make public safety organiza-
tions more effective, and how Federal, State,
and local agencies can utilize this tech-
nology in a coherent and cost-effective man-
ner;

"(3) exploring Federal, State, and local
policies that will more systematically to-
ward interoperability;

"(4) evaluating and validating new tech-
nology concepts, and promoting the deploy-
ment of advanced public safety information tech-
ology interoperability; and

"(5) advancing the creation of a national
strategy to promote interoperability and ef-
cient use of spectrum in communications sys-
tems, improve information sharing across
organizations, and use advanced information
technology to increase the effectiveness of
first responders in valuable new ways.

(2) APPROPRIATIONS.—In addition to the funds authorized to be appro-
riated by section 7303(a)(3) of the Intel-
ligence Reform and Terrorism Prevention
Act of 2004 (6 U.S.C. 7303(a)(3)), there are au-
thorized to be appropriated for the oper-
ations of the Office for Interoperability and
Compatibility, to provide technical assist-
ance through the office for Domestic Pre-
paredness, to fund and conduct research
under section 315 of the Homeland Security
Act of 2002, and for other appropriate enti-
ties with the Office of Homeland Se-
curity to support the activities described in
section 7303 of the Intelligence Reform and
Terrorism Prevention Act of 2004 (6 U.S.C.
194(a)(3)), there are authorized to be appro-
riated for the operations of the Office for Inter-
operability and Compatibility under this sub-
section, to fund and conduct research under
section 315 of the Homeland Security
Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;

(2) $126,549,000 for fiscal year 2007;

(3) $125,945,000 for fiscal year 2008;

(4) $125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fis-
cal year thereafter.

SEC. 5. DEDEDICATED FUNDING TO ACHIEVE INTER-
OPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITL XVIII—DEDICATED FUNDING TO
ACHIEVE INTEROPERABILITY.

"SEC. 1801. INTEROPERABILITY GRANTS.

"(a) IN GENERAL.—The Secretary, through the Office of Grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

"(1) statewide or regional communications
planning;

"(2) system design and engineering;

"(3) procurement and installation of equip-
ment;

"(4) training and exercises; and

"(5) other activities determined by the
Secretary to be integral to the achievement of
communications interoperability.

"(b) USE OF GRANTS.—Grants award-
ed under subsection (a) may be used for ini-
tiatives to achieve short-term or long-term
solutions to interoperability within the State or region and to assist with any aspect of
the communication life cycle, including—

"(i) consistent with the national strategy
and compatible with the national architec-
ture;

"(ii) more efficient and cost effective than
current approaches;

"(iii) the unique conditions of jurisdictions within re-
gions participating in the development of
interoperable communications systems, in-
cluding the extent to which the application includes all incorporated
municipalities, counties, parishes, and tribal
governments within the State or eligible region, and their coordination with Federal and State
agencies;

"(iv) the extent to which a grant would ex-
pedite the achievement of interoperability in
the State or eligible region with Federal, State,
and local agencies;

"(v) the threats, vulnerabilities, and con-
sequences faced by the State or eligible re-
gion related to at-risk site or activities in nearby jurisdictions, including the need to
respond to terrorist attacks arising in those
jurisdictions.

"(2) REVIEW PANEL.—(A) The Secretary shall esti-
mate a review panel under section 671(a) to
assist in reviewing grant applications under
this section.

"(B) RECOMMENDATIONS.—The review panel
established under subparagraph (A) shall make recommendations to the Secretary regard-
ing applications for grants under this sub-
section.

"(C) MEMBERSHIP.—(i) The review panel estab-
lished under subparagraph (A) shall include
members representing the Federal, State,
and local governments.

"(D) FUNDING.—Any grant funds awarded that may be used to support interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Preven-
tion Act of 2004 (6 U.S.C. 194(e)).

"(3) ALLOCATION.—(A) In general.—In awarding
grants under this subsection, the Secretary shall ensure that each State receives, for each fis-
cal year, the greater of—

"(i) 0.55 percent of the amounts appro-
riated for grants under this section; or

"(ii) the District of Columbia receives 0.55
percent of the amounts appropriated for
grants under this section.

"(B) OTHER ENTITIES.—Notwithstanding
subparagraph (A), the Secretary shall ensure that each State receives, for each fiscal
year, the greater of—

"(i) 0.55 percent of the amounts appro-
riated for grants under this section; or

"(ii) the Commonwealth of Puerto Rico
receives 0.35 percent of the amounts appro-
riated for grants under this section.
(iii) American Samoa, the Commonwealth of the Northern Mariana islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section; and

(C) POSSESSIONS.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).

(g) DEFINITIONS.—As used in this section, the following definitions apply:

(1) ELIGIBLE REGION.—The term ‘eligible region’ means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance section 1(b) of the Homeland Security Presidential Directive 8.

(2) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(3) OFFICE.—The term ‘office’ refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

(4) SLIDING SCALE BASELINE ALLOCATION.—The term ‘sliding scale baseline allocation’ means 0.0001 multiplied by the sum of—

(A) the value of a State’s population relative to that of the most populous of the 50 States, where the population of such States has been normalized to a maximum value of 100; and

(B) ¼ of the value of a State’s population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

(1) $400,000,000 for fiscal year 2006;

(2) $500,000,000 for fiscal year 2007;

(3) $600,000,000 for fiscal year 2008;

(4) $800,000,000 for fiscal year 2009;

(5) $1,000,000,000 for fiscal year 2010; and

(6) such sums as are necessary each fiscal year thereafter.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

“Sec. 314. Interoperability assessment and report.”

(2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.”

“Sec. 1801. Interoperability grants.”

Ms. COLLINS. Mr. President, I am very pleased to join my good friend, the Senator from Connecticut, Senator LIEBERMAN, in introducing the Improve Interoperability Grant Program for First Responders Act of 2005. This legislation will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN for his efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

According to the 9/11 Commission Report, interoperability—the ability for emergency responders to communicate with one another in an incident—was a serious problem on 9/11. On that fateful day, the NYPD Emergency Service Unit did manage to successfully convey evacuation instructions to personnel in the North Tower after the South Tower’s collapse. This was accomplished through the use of “1, the strength of the radios, 2, the relatively small numbers of individuals using them, and 3. use of the correct channel by all. On the other hand, the 9/11 Commission Report pointed out that the same work would have been impossible in a successful communication among FDNY personnel. First, the radios’ effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overwhelmed by the numbers of units attempting to communicate on it at 10:00 a.m. Third, some firefighters were on the wrong channel or simply lacked radios altogether.”

In addition, a Government Accountability Office report on interoperable communications released in June 2004 notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government working together in a major emergency. From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

The GAO recommends that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security should establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

The National Governors Association recently released a report detailing state and territorial homeland security advisors to determine their top 10 priorities and challenges facing states in the future. The number one priority was achieving interoperability in communications. One of the most persistent messages that I hear from Maine’s first responders is strong concern about the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has the largest port by tonnage in New England, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusory goal.

Maine’s firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and earthquakes are just a few of the reasons they respond. These men and women are among the best in the country, are doing their part, but they need and deserve Federal help.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. The grant program guarantees every state a share of interoperability funding and makes additional funding available for states with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

A recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion.

Our legislation authorizes a total of $3.3 billion over a 5 year period for grants dedicated to achieving and maintaining interoperability. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to identify and answer the policy and technology questions necessary to achieve interoperability. It directs the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes conducting research through the Directorate of Science and Technology of the Office of Science and Technology of the Department of Homeland Security Advanced Research Projects Agency, (HSARPA) and establishing a Center of Excellence focused on enhancing information and
The Intelligence Reform and Terrorism Prevention Act of 2002, P.L. 108-458, which Senator Lieberman and I authored, directs the Office for Interoperability and Compatibility (OIC) in DHS to provide overall federal leadership to achieve interoperability. Our legislative initiative builds on this current policy by providing the OIC the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy and national architecture, and conduct pilot programs to evaluate and validate new technology concepts.

We must all work together to achieve interoperability for all our first responders. Coordination and cooperation among all stakeholders will be imperative if the brave men and women who risk their lives on a daily basis are to be fully prepared.

I urge my colleagues to join us in supporting this legislation to build a better and stronger homeland security partnership with our first responders.

Mr. LEVIN. Mr. President, I join my colleagues in introducing the Improve Interoperability Communications for First Responders, or “ICOM,” Act of 2005. We have all heard the stories of how the first responders could not communicate on 9/11 and this lack of communication cost lives. The same situation is happening all over this country and will continue to happen unless we develop new communications systems before more lives are lost. Attaining this objective will require substantial resources and a strong commitment by Congress and the Administration. This legislation takes an important first step in this effort.

We have seen how bad the problem is in Michigan. For example, on the morning of Sunday, October 26, 2003, Michigan first responders held an exercise to test the emergency communications response capabilities at Michigan’s international border with Canada. As we all know, during any emergency, effective communications is an absolute requirement. However, during the exercise, in order to communicate between fire agencies, the fire commanding officer needed 3 portable radios literally hanging around his neck and hooked to his waist band to attempt scene coordination. The Incident Commander was utilizing radios up and down to his ear and mouth in an attempt to figure out “who” was requesting or providing information.

Further, the fire commanding officer had no communication with any law enforcement or Emergency Medical Service agencies that he was interoperating with those agencies, 5 additional radios would be required. This is totally unacceptable.

First and foremost, the ICOM Act will provide dedicated funding for initiatives to achieve short- and long-term solutions to interoperability to States or regional consortia within each State for State-wide or regional communications planning, system design and engineering, procurement and installation of equipment, training and exercises, or other activities determined by the Secretary of Homeland Security to be integral to the achievement of communications interoperability.

This legislation will also provide the recently authorized Office for Interoperability and Compatibility the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy, facilitate the creation of regional task forces in each State, fund and conduct pilot programs to evaluate and validate new technology concepts, encourage more efficient use of resources, and test and deploy more reliable and less costly public safety communications systems. Finally, the ICOM Act also requires the Secretary of Homeland Security to establish a comprehensive, competitive research and development program for evaluating research through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency, and considering establishing a Center of Excellence. The research agenda will focus on understanding the strengths and weaknesses of today’s diverse public safety communications systems, examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can take advantage of the capabilities of technology in a coherent and cost-effective manner, evaluating and validating new technology concepts, and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

Recently authored an amendment that passed the Homeland Security and Governmental Affairs Committee that would assist our first responders by creating demonstration projects at our northern and southern borders. The ICOM Act will complement that legislation by providing funding, support, research and development to improve interoperable communications on a national level.

Mr. AKAKA. Mr. President, I rise today to join my colleagues, Senators Lieberman, Collins, and Levin, in introducing the Improve Interoperable Communications for First Responders Act of 2005 (the ICOM Act), which will strengthen the interoperability of first responder communications across the country.

Since September 11, Federal, State, and local authorities have grappled with the challenge of achieving interoperable communications for emergency response personnel. This should not be a difficult task since the necessary technology exists. But as with many public policy challenges, achieving interoperability comes down to organizational and funding.

The 9-11 Commission found that the inability of first responders to communicate at the three September 11 crash sites demonstrated “that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains a major problem.” In my home State of Hawaii, for example, first responders are unable to communicate by radio over 25 percent of the Island of Hawaii because of inadequate infrastructure and diverse geography. The Commission recommended that federal funding of local interoperability programs be given a high priority.

The Department of Homeland Security (DHS) estimated it would cost $40 billion to modernize communications equipment for the Nation’s 2.5 million public safety first responders. In 2003, an independent task force sponsored by the Council on Foreign Relations recommended investing $6.8 billion over five years to ensure dependable, interoperable first responder communications, a need which they describe as “the single most important issue in the fight against any kind of terrorist attack response.”

However, funding alone will not solve this urgent problem. The Government Accountability Office (GAO) has found that DHS leadership is critical to utilizing effectively interoperability technologies. In an April 2005 report, “Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires,” GAO stated that even if two neighboring jurisdictions have the funding to purchase an interconnection device, such as an audio switch, organizational challenges remain. GAO stated, “To effectively employ the device, they must also jointly decide how to share its cost, ownership, and management; agree on the operating procedures for when and how to deploy it; and train individuals to configure, maintain, and use it.” Achieving such planning and coordination will require federal leadership.

According to GAO, the federal government has increased interoperability planning and coordination efforts in recent years. However the Wireless Public Safety Interoperable Communications Program (SAFECOMM), which is run out of the Office for Interoperability and Compatibility (OIC) in DHS, has made limited progress in achieving communications interoperability among entities at all levels of government.

The ICOM Act will increase federal coordination and provide dedicated funding for interoperability. Our bill will increase the resources and authority of the OIC, which was established by the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the OIC will be tasked with creating a national strategy and national architecture, facilitating the creation of regional task forces, and conducting pilot programs and new technologies. The OIC will be responsible not only for short-term solutions, but also for simultaneously pursuing a long-term interoperability
strategy, something that has been lacking from Federal efforts to date.

The ICOM Act will also create an interoperability grant program and authorize $3.3 billion over five years for the program. Recognizing that achieving interoperability is crucial to every State’s emergency response capabilities, the bill gives each State a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look to the unique geography of each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmitter towers and other types of equipment to overcome the obstacles that come with being a mountainous or island State.

Last year, I joined Senators Lieberman and Collins in introducing S. 2701, the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004. Many of the provisions in S. 2701 were incorporated into the Intelligence Reform and Terrorism Prevention Act. However, there still continue to be problems in terms of leadership and funding in federal interoperability policy. I ask my colleagues to not wait another year to begin to fill this hole. I urge support of this important piece of legislation.

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

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ‘‘Alice R. Brusich Post Office Building’’; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 7172 North Tongass Highway in Ward Cove, AK after Alice Brusich.

Alice Brusich started her career with the Postal Service in 1954 as an Assistant Postmaster. Through her hard work and efforts, she became Postmaster in 1956.

During her service with the Postal Service, Alice was also one of the founders of the Tongass Community Club. She was also one of the founding members and top officer of the Alaska Chapter 51 National Association of Postmasters in the United States.

Alice was also in charge of the Ketchikan Post Office in the 70’s. In 1985, Alice retired after 31 years of service. She remains an active supporter of the Postal service and is dedicated to improving the services at the Ward Cove Post Office. Alice has always been a strong advocate of improving and maintaining the Postal Service in Alaska, and it is only appropriate that we honor her service by dedicating the Ward Cove Post Office after her.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor same-sex partners for residence in the United States and, for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the United American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. It is nearly identical to the Permanent Partners Immigration Act that I introduced in the last Congress, and which Congressman NADLER—who is introducing this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators CHRISTODOROUCOS, MURPHY, BOXER, FEINGOLD, MURRAY, DAYTON, and LAUTENBERG as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for about 75 percent of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live legally and permanently with them.

This bill rectifies that problem while retaining strong prohibitions against fraud. To qualify as a permanent partner, petitioners must prove that they are at least 18 and are in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment, and are financially interdependent with one’s partner. They must also prove that they are not related to the U.S. citizen by blood relation of the individual described in subparagraph (A); that they are not related to the U.S. citizen by marriage cognizable under this Act; and, that they are not related to the U.S. citizen by a blood relation of the individual described in subparagraph (A).

This bill recognizes same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens, and that needs to change. It is the right thing to do for the people involved, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act.

After no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the ‘‘United American Families Act’’ or the ‘‘Permanent Partners Immigration Act’’.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15b)(x)(ii), by inserting ‘‘or permanent partnership’’ after ‘‘marriage’’; and

(2) by adding at the end the following:

‘‘(51) The term ‘permanent partner’ means an individual 18 years of age or older who—

(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;

(B) is financially interdependent with the individual described in subparagraph (A);

(C) is not married to or in a permanent partnership with anyone other than the individual described in subparagraph (A); and

(D) is unable to contract, with the individual described in subparagraph (A), a marriage cognizable under this Act; and

(E) is not a first, second, or third degree blood relation of the individual described in subparagraph (A).’’

‘‘(52) The term ‘permanent partnership’ means the relationship that exists between 2 permanent partners.’’

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.


(1) by inserting ‘‘permanent partner,’’ after ‘‘spouses,’’;

(2) by inserting ‘‘or permanent partner’’ after ‘‘spouse’’ each place term appears; and

(3) by striking ‘‘remarries.’’ and inserting ‘‘remarries or enters into a permanent partnership with another person.’’

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph header, by inserting ‘‘PERMANENT PARTNERS,’’ after ‘‘spouses’’;

(2) in the header to subparagraph (A), by inserting ‘‘PERMANENT PARTNERS’’ after ‘‘spouses’’; and

(3) in the header to subparagraph (C), in the heading by inserting ‘‘WITHOUT PERMANENT PARTNERS’’ after ‘‘DAUGHTERS’’.

(b) RULES FOR CHARGEABILITY.—Section 202(b) (8 U.S.C. 1152(b)) is amended—
the alien appears.

section 206(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting “permanent partner,” after “spouse” each place such term appears; and

(B) by inserting “permanent partner” after “spouse”;

(2) in subparagraph (A), by inserting “permanent partner” after “spouse”; and

(b) in paragraph (2)—

(A) by inserting “permanent partner” after “spouse”; and

(B) by inserting “permanent partner” after “spouse.”

section 206(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting “permanent partner,” after “spouse,” and

(2) in subparagraph (A), by inserting “permanent partner,” after “spouse.”

section 5. allocation of immigrant visas.

section 206(b)(3) (8 U.S.C. 1158(b)(3)) is amended by inserting “permanent partner,” after “spouse.”


section 206(c) (8 U.S.C. 1157(c)) is amended—

(1) by inserting “permanent partner,” after “spouse” each place such term appears; and

(2) by inserting “permanent partner” after “marriage” each place such term appears.

section 7. Annual admission of refugees and admission of emergency situation refugees.

section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting “permanent partner,” after “spouse” each place such term appears; and

(B) by inserting “permanent partner” after “spouse”; and

section 8. asylum.

section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting “permanent partner,” after “spouse,” and

(2) in subparagraph (A), by inserting “permanent partner,” after “spouse.”

section 9. adjournment of status of refugees.

section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting “permanent partner,” after “spouse.”

section 10. inadmissible aliens.

section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended—

(1) in paragraph (1), by inserting “permanent partner,” after “spouse”; and

(2) in paragraph (2), by inserting “permanent partner” after “spouse.”

section 11. nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.

section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting “permanent partner” after “spouse” each place such term appears; and

(2) by inserting “permanent partner” after “marriage” each place such term appears.

section 12. conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.

section 216(d) (8 U.S.C. 1186a(d)) is amended—

(1) in paragraph (1), by inserting “permanent partner” after “spouse” each place such term appears; and

(2) by inserting “permanent partner” after “marriage” each place such term appears.

(a) section heading.

(1) In the section header for section 216 (8 U.S.C. 1186a) is amended by striking “and sons” and inserting “permanent partners, sons, and daughters.”

(b) in general.

(1) in paragraph (1), by inserting “permanent partner” after “spouse” each place such term appears; and

(2) in paragraph (2)—

(A) by inserting “permanent partner” after “spouse”; and

(B) by inserting “permanent partner” after “spouse.”

(c) termination of status if finding that qualifying marriage improper.

section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection header, by inserting “permanent partner” after “marriage”; and

(2) in paragraph (1) (A)—

(A) in the matter preceding clause (1), by inserting “permanent partner” after “marriage”; and

(B) by amending clause (ii) to read as follows—

“(ii) has been judicially annulled or terminated, or has ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner; or

(d) requirements of timely petition and interview for removal of condition.

section 212(h) (8 U.S.C. 1182(h)) is amended—

(1) in paragraphs (1), (2A)(ii), (3A)(ii), (3C), (4B), and (4C), by inserting “permanent partner” after “spouse” each place such term appears; and

(2) in paragraphs (3A), (3D), (4B), and (4C), by inserting “permanent partner” after “marriage” each place such term appears.

(e) contents of petition.

section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting “permanent partner” after “marriage”; and

(B) in clause (1)—

(1) in the matter preceding subclause (I), by inserting “permanent partner” after “marriage”;

(ii) in subclause (I), by adding at the end the following:

“is a permanent partnership recognized under this Act;”;

and

(iii) in subclause (II)

(I) by inserting “has not ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner; or

(II) by striking “and” and inserting “or permanent partner; and after “spouse”; and

(C) in clause (1), by inserting “permanent partner” after “spouse”; and

(2) in subparagraph (B)(i)—

(A) by inserting “permanent partner” after “marriage”; and

(B) by inserting “permanent partner” after “spouse”.

(f) definitions.

section 218(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting “permanent partner” after “spouse” each place such term appears; and

(B) by inserting “permanent partner” after “marriage” each place such term appears.

(2) in paragraph (2), by inserting “permanent partner” after “marriage” each place such term appears.

(3) in paragraph (3), by inserting “permanent partnership” after “marriage” each place such term appears.

(4) in paragraph (4)—

(A) by inserting “permanent partner” after “spouse” each place such term appears; and

(B) by inserting “permanent partner” after “marriage.”
SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) SECTION HEADING.—

(1) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended in the heading by inserting "PERMANENT PARTNERS," after "SPOUSES,".

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP INFRINGES.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting "or permanent partner" after "spouse." each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

(a) IN GENERAL.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(i), by inserting "or permanent partner" after "spouses", each place such term appears; and

(B) in subparagraph (E), by inserting "or permanent partner," after "spouse", each place such term appears;

(2) in subparagraph (H)(i)(I), by inserting "permanent partner", after "spouse", each place such term appears;

(3) in paragraph (3)(C)(ii), by inserting " permanent partner", after "spouse", each place such term appears;

(4) in the proviso in subparagraph (I), by inserting "permanent partner", after "spouse", each place such term appears.

(b) T ERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP INFRINGES.—Section 216A(f)(2) (8 U.S.C. 1227(f)(2)) is amended by inserting "or permanent partner," after "spouse", each place such term appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 236(a) (8 U.S.C. 1229a(e)(1)) is amended by inserting "permanent partner", after "spouse,".

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting "permanent partner," after "spouse,"; and

(2) in paragraph (2)—

(A) in the heading, by inserting "PERMANENT PARTNER," after "spouse"; and

(B) in subparagraph (A), by inserting "permanent partner," after "spouse" each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NON-IMMIGRANT TO THAT OF PERSON ADJUSTED TO PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1225a(d)) is amended by inserting "or permanent partner" after "marriage.".

(b) ADJUSTMENT FOR CERTAIN ALIENS PAYING FEE.—Section 245(e) (8 U.S.C. 1225(e)) is amended—

(1) in paragraph (1), by inserting "or permanent partnership" after "marriage"; and

(2) by adding at the end the following:

"(d) "Permanent partnership" means the relationship of a qualifying entrepreneur, spouses, or permanent partner, having procured a visa or other documentary evidence of the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(31) of the Immigration and Nationality Act, and that the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a legal petition for the filing of a petition under section 204a or 214(d) with respect to the permanent partner. In accordance with this section and Subsection (C), there shall be one level of administrative appellate review for each alien seeking relief under this paragraph.

(c) ADJUSTMENT FOR CERTAIN ALIENS SEEKING PAYMENT.—Section 245(c)(1)(B) (8 U.S.C. 1225c(1)(B)) is amended by inserting "permanent partner," after "spouse".

sec. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 2771(c) (8 U.S.C. 1327(c)) is amended by inserting "permanent partnership" after "marriage".

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1422(b)) is amended, in the matter following "each alien", by inserting "or permanent partnership" after "spouse.

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

Section 324(a) (8 U.S.C. 1431(a)) is amended, in the matter following "September 22, 1922", by inserting "or permanent partnership" after "marriage" each place such term appears.

SEC. 21. APPLICATION OF FAMILY UNIFICATION PROVISION TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 3621 of the LIFE Act Amendments of 2000 (114 Stat. 2761A-90325) is amended—

(1) in the heading, by inserting "PERMANENT PARTNERS," after "SPOUSES,";

(2) in subsection (a), by inserting "permanent partner," after "spouse,";

(3) in subsections (b) and (c)—

(A) in the heading, by inserting "PERMANENT PARTNERS," after "SPOUSES,"; and

(B) by inserting "permanent partner," after "spouse" each place such term appears.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Ms. S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2005.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 32,000 calls for assistance, and saved 5,500 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized $7.2 billion in illegal narcotics, preventing them from reaching our streets and playgrounds. They also stopped over 11,000 illegal migrants from reaching our shores. In addition they conducted 4,500 boarding operations to prevent terrorists from entering our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs to carry out its many critically important missions that it provides to this Nation. Unfortunately, the Coast Guard's rapid operational escalation has come on the backs of its 42,000 men and women who faithfully serve our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs, primarily through the full support of its recapitalization project known as Deepwater.

The bill I introduce today would authorize funding at $8.2 billion for Fiscal Year 2006 and $8.8 billion for Fiscal Year 2007. This represents a 6 percent annual budget increase over the levels contained in last year's authorization bill. This authorization will continue
to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and commerce security.

This bill also includes numerous measures that would allow the Coast Guard to enforce provisions of the Maritime Transportation Security Act, an essential element in securing the Nation’s ports and waterways. Additionally, it would address maritime safety issues by allowing the Coast Guard to continue training both the commercial fishing industry and the recreational boating public in issues regarding safety at sea. Joint training for foreign Nations is also addressed, which allows for nation-building and the development of bilateral agreements that allow the Coast Guard to effectively combat the trafficking of illegal narcotics into our Nation, keeping them off our ports and out of our schools.

In response to the final report of the United States Commission on Ocean Policy, this bill includes provisions that would allow the Coast Guard to work with other Federal, State, and local agencies in developing plans to assist vessels in distress, thus eliminating the potential for loss of life and environmental damage. It also directs the Coast Guard to develop steps that will allow it to better detect and interdict vessels that are American and foreign flagged, that are violating fishing regulations.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world’s 42 similar military vessels, dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their over-all mission effectiveness and efficiency. Unfortunately, they are reaching the end of their serviceable life just when the Coast Guard needs them the most.

The Coast Guard continues to progress with its major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the procurement strategy the Coast Guard is utilizing. This bill would authorize full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the Record, as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the “Coast Guard Authorization Act of 2005”.

SEC. 2. TABLE OF CONTENTS. The table of contents for this Act is as follows:

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Title VI—Effective Dates

Sec. 601. Effective Dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the Department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)),

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,832,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems,

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, science operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.
SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) Active Duty Strength.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) Military Training Student Loads.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) Enlisted and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civil aircraft, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce violations and risk to the extent practicable.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

"(d) As used in this section, the term ‘vessel’ means a vessel of the United States, including a vessel navigating in or on waters of the United States, a vessel of a foreign country, a vessel of international ownership, or a vessel of unknown nationality, and includes all vessels that are not permitted under the laws of the United States to navigate in the waters of the United States.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting ‘‘(a) In General.—’’ before ‘‘Any and’’;

(2) by adding at the end the following:

'(b) Continuing Violations.—Each day of a continuing violation shall constitute a separate violation, and shall be subject to any fine per violation not to exceed—

'(1) for violations occurring after fiscal year 2006, $50,000, and

'(2) for violations occurring after fiscal year 2007, $75,000;

and

(3) for violations occurring after fiscal year 2008, $100,000;

(c) Determination of Amount.—In determining the amount of the penalty, the Secretary shall consider—

(i) the nature and circumstances surrounding the violation committed; and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

(ii) the crew’s familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

SEC. 203. ICEBREAKERS.

(a) In General.—The Secretary of the department in which the Coast Guard is operating shall take such measures as are necessary to—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of those assets.

(b) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $18,792,000, of which $2,500,000, to remain available until expended, for repairs and maintenance to existing vessels.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into a cooperative agreement with the Secretary of Agriculture, the Administrator of the Federal Emergency Management Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, the heads of other departments and agencies of the Federal Government, and the heads of other public or private entities, to carry out the objectives described in section 207 of this Act.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATION.—For the purpose of reducing the frequency and severity of fatalities and property losses in the fishing industry, there is authorized to be appropriated $20,000,000 to carry out a pilot program to conduct examinations and survivability evaluations of uninspected fishing vessels.

SEC. 206. REPORT ON DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATION.—The Secretary shall submit to Congress a report on the pilot program not later than 180 days after the date of enactment of this Act.
industry and lives and property saved as a result of the pilot program;
(2) an assessment of the costs and benefits to the United States government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and
(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking “owners, masters, and charterers” and inserting “owners, masters, charterers, and mortgagees”.

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) In General.—Section 149 of title 14, United States Code, is amended—
(1) by striking the section heading and inserting the following: “§ 149. Assistance to Foreign Governments and Maritime Authorities;”
(2) by inserting “(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.” before “The President”; and
(3) by adding at the end the following:
“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in consultation with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following: “7. Assistance to Foreign Governments and Maritime Authorities.”.

SEC. 208. REFERENCES TO “TERRITORY OF THE PACIFIC ISLANDS.”

Section 2102(a) of title 46, United States Code, is amended—
(1) by striking “§ 43, 51, and 123” and inserting “43, 51, 61, and 123”;
(2) by striking paragraph (2); and
(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATION-ALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting the following: “The Secretary of State or the Secretary”.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States and is sailing within the coastal waters of the State of Maine if the vessel—
(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;
(2) is insured for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;
(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and
(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of—
(1) the status of the Coast Guard’s implementation of Government Accountability Office’s recommendations in its report, GAO-04-380, “Deepwater Program Needs Increased Attention to Management and Contractor Oversight”; and
(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—
(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);
(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (inclusive of this timeline shall be the amount of assets procured during each year of the accelerated program);
(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(6) a list of new assets that the Coast Guard plans to procure in the years 2006 and 2007, and the resulting availability of an ocean surveillance system, for which the Secretary of the department in which the Coast Guard is operating is responsible for the acquisition of the assets and the development of a Deepwater system that meets the requirements of this Act; and
(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capability, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for the carryout of this section, for the purposes of—
(1) reducing capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEMS.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing non-profit maritime organization that demonstrated capacity to provide a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid in maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out this subsection.

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following: “(c) No vessel without a registry or coastwise license may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the continental shelf.”

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, with the guidance of various spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels or oil spills in the United States, suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commander of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

SEC. 302. PLACE OF REFUGE DEFINED.—In this section, the term “place of refuge” means a place where a ship in need of assistance can take action to enable it to stabilize its condition, including actions to take to reduce the threat of pollution and to protect human life and the environment.
SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.
The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—
(1) a code outlining Flag State responsibilities and obligations;
(2) a policy or regulatory regime for evaluating flag State performance;
(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and
(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.
The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the speedy replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.
The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.
(a) In general.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard’s detection and interdiction of incursions into the United States exclusive economic zone by foreign fishing vessels.
(b) Specific issues to be addressed.—The report shall—
(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal years beginning with fiscal year 2000, including the Western/Central Pacific; and
(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.
(c) Biennial updates.—The Secretary shall provide biannual reports updating the Coast Guard’s progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House Appropriations Committees on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT
SEC. 401. RESERVE OFFICER DISTRIBUTION.
Section 724 of title 14, United States Code, is amended—
(1) by inserting “Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve,” after “5,000,” in subsection (a); and
(2) by striking subsection (b) as so preceded paragraph (2) and inserting the following:
“(b) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status, including any line officer or admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by this section (b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next higher grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”.

SEC. 402. COAST GUARD BAND DIRECTOR.
(a) Band Director Appointment and Grade.—Section 42 of title 14, United States Code, is amended—
(1) by striking the first sentence of subsection (b) and inserting “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;
(2) by striking “a member so designated” in the second sentence of subsection (b) and inserting “an individual so designated”;
(3) by striking “of a member” in subsection (c) and inserting “of an individual”;
(4) by striking “(junior grade), or lieutenant.” in subsection (c) and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.”;
(5) by striking “A member” in subsection (d) and inserting “An individual”; and
(6) by striking “When a member’s designation is revoked,” in subsection (e) and inserting “When an individual’s designation is revoked.”.
(b) Current Director.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.
Section 712 of title 14, United States Code, is amended—
(1) by striking “during” in subsection (a) and inserting “in” in subsection (c) and inserting “in” in subsection (e) and inserting “in” in subsection (j) and inserting “in” in subsection (k); and
(2) by striking “or catastrophe,” in subsection (a) and inserting “catastrophe, act of terrorism (as defined in section 2 (15) of the Homeland Security Act of 2002 (6 U.S.C. 101 (15)), or transportation security incident as defined in section 7011 of title 46, United States Code.”

(3) by striking “thirty days in any four month period” in subsection (a) and inserting “ninety days in any four month period”;
(4) by striking “120 days in any two year period” in subsection (a) and inserting “120 days in any two year period”; and
(5) by adding at the end the following:
“(e) For purposes of the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.”.

SEC. 404. EXPANSION OF EQUIPMENT USED BY ALLIANCE TO SUPPORT COAST GUARD MISSIONS.
(a) Motorized Vehicle as Facility.—Section 826 of title 14, United States Code, is amended—
(1) by inserting “(a)” before “Members”;
and
(2) by adding at the end the following:
“(b) The Coast Guard may utilize, to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary corporation, partnership, or association, or any State or political subdivision thereof to tow government property.”;

(b) Appropriations for Facilities.—Section 830(a) of title 14, United States Code, is amended by striking “or radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 826(b).”.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.
(a) In general.—Section 677 of title 14, United States Code, is amended by adding at the end the following:
“(c) If the Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.
“(b) Definitions.—In this section—
“(1) One-step turn-key selection procedures means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform in accordance with the provisions of a firm-fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.
“(2) Construction.—The term ‘construction’ includes the construction, procurement, development, conversion, or extension, of any facility.
“(3) Facility.—The term ‘facility’ means a building, structure, or other improvement to real property.
“(b) Clerical Amendment.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:
“(677. Turn-key selection procedures”.

SEC. 406. OFFICER PROMOTION.
Section 257 of title 14, United States Code, is amended by adding at the end the following:
“(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion line.”.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.
(a) Section 801 of title 10, United States Code, is amended—
(1) by striking “law specialist” in paragraph (11) and inserting “law advocate”;
(2) by striking “advocate” in paragraph (13) and inserting “advocate.”;
and
(3) by striking “advocate” in paragraph (13).

SEC. 408. CONSIDERATION FOR PROMOTION TO THE RANK OF ADMIRAL.
Section 257 of title 14, United States Code, is amended by striking “law specialist” and inserting “judge advocate.”
(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking “law specialist” and inserting “judge advocate”.

SEC. 498. BOATING SAFETY DIRECTOR.

(a) In General.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“337. Director, Office of Boating Safety

The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.”;

(b) Clerical Amendment.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after “authority;” the following:

“337. Director, Office of Boating Safety”.

SEC. 499. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting “The Department of Homeland Security;” after “The Department of Veterans Affairs;” in section 101; and

(2) by inserting “the Secretary of Homeland Security,” in section 2902(b) after “Secretary of the Interior;” and

(3) in sections 5232(a)(3), 5585(h)(5), 6308(b), and 9001(10), by striking “of Transportation” each place it appears and inserting “of Homeland Security.”

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers’ and Sailors’ Civil Relief Act of 1940 (Pub. L. 76-861, 56 Stat. 1178, 50 U.S.C. App. 112 et seq.) is amended—

(1) by striking “Secretary of Transportation” each place it appears in section 515 and inserting “Secretary of Homeland Security”; and

(2) by striking “Secretary of Transportation” in section 530(d) and inserting “Secretary of Homeland Security.”

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended by striking—

(1) in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after “the Interior;” and

(2) by striking the second sentence of section 6308(a) and inserting—

“Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a maritime incident pursuant to section 6301, in this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard;”;

(3) by striking of “of Transportation” in section 13106(c) and inserting “of Homeland Security”;

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking—

“the Secretary of Transportation” each place it appears and inserting—

“of Homeland Security.”

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 41, United States Code, are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security.”

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking a “Coast Guard” or in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting—

“Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a maritime incident pursuant to section 6301, in this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard;”;

(3) by striking “of Transportation” in section 13106(c) and inserting “of Homeland Security”;

(4) by striking section 7081(a)(3) (33 U.S.C. 2731(a)(3)) and inserting the following:

“(d) MEMBERSHIP.

“(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

“(B) A representative of the Department of Transportation shall serve as Chairman;”;

and

(5) by striking “other” in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before “such agencies”.

SEC. 516. MEDICAL CARE.

Section 1g(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651g(4)(B)) is amended by striking “of Transportation,” inserting “of Homeland Security,” and

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security.”

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking—

“Satisfactory inspection shall be certified in writing by the Secretary of Transportation” and inserting “Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.”

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(26)) is amended to read as follows:

“(26) ‘nontank vessel’ means a self-propelled vessel—

“(B) other than a tank vessel;

“(C) that carries oil of any kind as fuel for main propulsion; and

“(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1969.”

SEC. 520. DRUG INTERDICKION REPORT.

(a) In General.—Section 89 of title 44, United States Code, is amended by adding at the end the following:

“(d) Quarterly Reports on Drug Interdiction.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”

S6924

CONGRESSIONAL RECORD—SENATE

June 21, 2005
program to the budgeting decisions of another federal agency would defi-
ently lead to an uncertain future for the Coast Guard’s three icebreakers,
ultimately undermining the ability of the Coast Guard to maintain these as-
ssets, and the ability of the United States to maintain a presence in the
polar regions over the long term.
Section 203 of this legislation spe-
cifically calls on the Coast Guard to take
all necessary measures to maintain its cur-
rent capabilities, rath-
er than transferring this responsibility
to the NSF.
This bill includes important funding
for additional Coast Guard capital im-
provements. $10,000,000 for the completion of the
vessel traffic system upgrade for Puget Sound, one of two regions nationwide
that has not yet benefited from this
important upgrade in maritime traffic
management, and making necessary tech-
ical and operational improvements that
will help them better serve the public
and meet the growing demands of the
future.
The bill includes authorizations for
Fiscal Year 2006 and 2007 appropri-
a tions that are approximately 8 percent
higher than for each preceding year.
The bill also authorizes a number of
important new programs including rec-
ommendations of the United States
Commission on Ocean Policy, makes a
number of changes sought by the Coast
Guard for personnel and property man-
gement, and makes necessary tech-
nical and operational improvements as
t the Coast Guard’s move from the Depart-
ment of Transportation to the Depart-
ment of Homeland Security.
I am especially pleased that the com-
mittee legislation authorizes $47,500,000
for the Coast Guard’s continued opera-
tion and maintenance of the Nation’s
only Polar Ice Breaker fleet. The ad-
m inistration’s budget for fiscal year
2006 proposed transferring the funding for operation and maintenance of these
vessels to the National Science Foun-
dation, leaving the Coast Guard sus-
hensive of the Coast Guard. No
other Coast Guard asset is funded in this
manner. Subjecting the icebreaker
Finally, the bill makes several im-
portant changes to the Coast Guard’s
management of personnel. One of these
changes modifies current Coast Guard
rules regarding recalling reservists for
acts of terrorism and for longer periods
of time. This provision ensures that
that the recall begins on the first day that a
reserve reports to active duty, includ-
ing for training. Another provision en-
sures that the director of the Boating
Safety Office remains a uniformed offi-
cer at the level of candidate for the
prevention and response to concerns from the boating safety
community that the Coast Guard was
eliminating this billet.
Effective Coast Guard operations are
important for the State of Washington
and for the Nation. I am pleased to join
Senators SNOE W, STEVENS, and INOUYE
in introducing this legislation and I
look forward to working with my col-
leagues on the Commerce Committee
with the Coast Guard to move this
legislation quickly through the Com-
mittee and the Senate.

By Mrs. HUTCHISON (for herself
and Mr. NELSON of Florida):
S. 1277 A bill to authorize appropri-
ations for the National Aeronautics and
Space Administration for science, aero-
nautics, exploration, exploration capa-
bilities, and the Inspector General, and
for other purposes, for fiscal years 2006,
2007, 2008, and 2009; and to the Comm-
mittee on Commerce, Science, and
Transportation.

By Mrs. HUTCHISON. Mr. President, my
friend and colleague, the senior Sen-
ator from Florida, and I am today in-
tr oducing a far-reaching bill to reau-
thorize the National Aeronautics and
Space Administration for 5 years, from
fiscal year 2006 through fiscal year 2010.
This legislation is already the prod-
uct of close bipartisan cooperation
among Republicans and Democrats,
which should be a surprise to no one,
for space exploration is something that
is important to all Americans, and
promises and provides benefits to all of
us, to all of humanity.
This bill represents an important op-
portunity for the Congress to play its
fundamental role, in conjunction with
the executive branch, in establishing
the policies and principles that will
guide our Nation’s exploration and utili-
zeation of space.

The President has outlined an ambi-
tuous new Vision for Exploration that
enables us to see where we can be 30
and 40 years ahead, with a renewed US
presence on the Moon and crews and
habitats on Mars, and perhaps even be-
yond. I support and endorse that vision
and believe it describes a course Amer-
ica must take into the future.
This legislation expresses the sense
of the Congress that such a broad, vi-
}
The bill authorizes funding for NASA for the next 5 fiscal years, from fiscal year 2006 to fiscal year 2010. The authorized levels are close to those requested in the President’s budget request for 2006 and increase at a level to keep inflation rate below 1% over the subsequent years.

Where the legislation differs from the President’s request or from the plans that have been developed at NASA to begin exploration, we believe the adjustments made in this legislation will improve NASA’s capability to carry out those plans and to sustain the high level of public and congressional support necessary for the long-term success of the vision for exploration.

Those differences revolve around two major areas of concern: (1) the need to ensure a sustained, continuous ability for the United States to launch crews and cargo into space; and (2) the need to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In order to make space policy and programs, we have included language which expands on the administration proposals. We provide for the establishment, by the President, of a proposed National Policy for Aeronautics and Aeronautical Research, to provide a framework for making intelligent and far-reaching decisions about this crucial aspect of our Nation’s ability to remain competitive in the global market of aeronautics. We must know what capabilities must be retained in our present aeronautics research infrastructure and what may be better served by changes that would remove the competition within NASA for limited resources in a constrained budgetary environment. Difficult choices must be made, but the first step in making informed decisions is to have a comprehensive policy framework to guide those decisions.

We endorse and expand, by repeated referrals to specific portions of the bill, the desire to open the door for greater commercial participation in the exploration and utilization of space and space-based assets, from the development of basic launch capabilities, to crew-capable launch vehicles, to resupply and even research management of the International Space Station, and missions to the Moon and Mars, to Earth observation and remote sensing capabilities.

Commercial capabilities have experienced a dramatic upsurge in the recent past which makes this an especially important and promising aspect of this legislation. Just one year ago, on June 21, 2004, the first suborbital flight was made by two privately funded companies. The first was built by a private firm of Scaled Composites, flew into the lower reaches of outer space, and brought to the world’s attention the capability of private industry to design and build human space flight vehicles.

As I said earlier, we believe the provisions of this legislation will make it easier for NASA to pursue the vision for exploration. Let me, in conclusion, expand briefly on that statement by referring to two specific areas of interest: the development of a crew exploration vehicle, and the assembly and operation of the International Space Station.

NASA has begun several efforts in the past decade, to develop a replacement vehicle for human space flight, with a view to eventually retiring the space shuttle program, which has failed, after considerable expense, to find the technological breakthrough that was necessary for their success. They were focused on new technologies, new systems that were largely untested, and unproven. We are now out of time, and can no longer afford the luxury of attempting to develop a dramatically new and different human space flight capability.

This legislation directs NASA, wherever practical, to use existing technology and industrial capacity, derived from our 24 years of experience with the space shuttle, in developing alternative methods for launching crews and cargo into space. This approach promises not only to result in less cost to NASA and less risk of failure in development, but it will enable this nation to avoid an unacceptable—and potentially dangerous—situation where we do not have a capability to launch humans in space, especially at a time when the number of nations who have that capability is increasing, as the entry of China into that long-exclusive “club” has demonstrated.

NASA has said it cannot afford to continue to provide for all the research that has been planned for years to be accomplished aboard the International Space Station. It has begun the process of narrowing the scope of the use of the space station to those experiments that can contribute directly to the needs of the vision for exploration, and the support of human missions to the Moon, Mars, and beyond. This legislation specifies that such a restriction on the range of research disciplines aboard the ISS is not in the best interests of the Nation, or of our partners.

The bill directs NASA to retain and support those “non-vision” science disciplines, and authorizes an additional $100 million, initially, for NASA to do that. But more importantly, the bill designates the U.S. portion of the ISS as a national laboratory facility, and directs NASA to provide a plan, by March of next year, which will enable a national laboratory, within NASA, to assume research management responsibility for that on-orbit national laboratory facility.

The potential gain for NASA is that the national laboratory will be empowered to bring other, non-NASA, resources to bear in operating the ISS, thus freeing NASA of much of that operational responsibility, while at the same time allowing it to support the specific research it needs for the vision for exploration.

The legislation provides other authorities, as requested by the administration, to facilitate NASA operations and management, and addresses other issues, such as continued monitoring of safety-related issues. While it adds some reporting requirements for NASA, it also eliminates a number of statutory reporting requirements that are no longer necessary.

This legislation to reauthorize NASA is necessary and vital to the future success of our Nation’s effort in the exploration of space, and I take great satisfaction in offering it today for the Senate’s consideration. 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. 1281

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as “National Aeronautics and Space Administration Authorization Act of 2005”.

(b) TABLE OF CONTENTS. The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representation fund.
Sec. 161. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 203. National laboratory status for International Space Station.
the transition to a new space transportation infrastructure. Using these resources can ease the current program's financial and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from consistent access to and stewardship of the United States national and economic interests through a healthy and active space exploration program. Basic research and development is an important component of NASA’s program of exploration and discovery. Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. The United States human space flight capability is harmful to the national interest. The exploration, development, and permanent habitation of the Moon will—
(A) inspire the Nation;
(B) spur commerce, imagination, and excitement around the world; and
(C) open the possibility of further exploration of Mars.
The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.
Commercial development of space, including exploitation and other lawful uses, is in the interest of the United States and the international community at large.
(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.
(8) NASA should develop vehicles to replace the Shuttle orbiter’s capabilities for transporting crew and heavy cargo while utilizing the current program’s resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.
(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA’s aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

SEC. 2. FINDINGS.
The Congress finds the following:
(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.
(2) Basic research and development is an important component of NASA’s program of exploration and discovery.
(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers.
(4) The exploration, development, and permanent habitation of the Moon will—
(A) inspire the Nation;
(B) spur commerce, imagination, and excitement around the world; and
(C) open the possibility of further exploration of Mars.
(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.
(6) Commercial development of space, including exploitation and other lawful uses, is in the interest of the United States and the international community at large.
(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.
(8) NASA should develop vehicles to replace the Shuttle orbiter’s capabilities for transporting crew and heavy cargo while utilizing the current program’s resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.
(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA’s aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

SEC. 4. COMMERCIAL GOODS AND SERVICES.
SEC. 5. FISCAL YEAR 2008.
SEC. 7. FISCAL YEAR 2010.
SEC. 8. FISCAL YEAR 2011.
(b) EXTERNAL REVIEW FINDINGS.—The Admin-
istrator shall include in each report sub-
mitted under this section a summary of find-
ings and recommendations from any external re-
view conducted by the Administrator’s science mis-
ion priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the sec-
ond Space Shuttle mission for return-to-
flight certification, the Administrator shall trans-
mit to the Senate Committee on Com-
merce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOPMENT OF PERMANENT HUMAN PRESENCE BEYOND LOW-
EARTH ORBIT. (a) IN GENERAL.—As part of the programs
authorized under the National Aeronautics and
Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an ex-
tensive precursor program, to support secu-

rity, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator shall further organ-
ized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—
(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;
(2) as part of NASA’s annual budget sub-
mission, submit to the Congress the detailed mission plans, budget and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;
(3) as part of the annual budget sub-
mission, submit to the Congress a plan for NASA’s lunar robotic precursor and tech-
nology programs, including current and planned technology investments and sci-
entific research that support the lunar pro-
gram; and
(4) conduct an intensive in-house resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit.

SEC. 135. IDENTIFICATION OF UNIQUE NASA RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist the development of lunar oper-
ations, life support, and in-situ resource uti-
ization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—
(1) are regularly accessible;
(2) have significant temperature extremes and range; and
(3) have access to energy and natural re-
sources (including geothermal, permafrost, volcanic, and other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TECHNOLOGY CAPABILITIES, AND DE-
VELOPMENT.

(a) POST-ORBITER TRANSITION.—The Admin-
istrator shall develop an implementation plan for the transition of a new crew explo-
rer vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) REQUIRED CONTENT.—The implementa-
tion plan shall contain as a minimum the lessons learned and best practices require-
ments for NASA, the organizations or posi-
tions responsible for fulfilling these require-
ments, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and pro-
grams; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

(a) IDENTIFICATION OF UNIQUE NASA RESEARCH AND DEVELOPMENT.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President, through the Director of the Office of Science and Technology Policy, shall develop, in con-
sultation with NASA and other relevant Fed-
eral agencies, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020.

(b) CONTENT.—The national aeronautics policy shall describe—
(1) national goals for aeronautics research;
(2) the priority areas of research for aero-

nautics through the year 2020;
(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and
(4) respective roles and responsibilities of various Federal agencies in aeronautics re-
search.

(c) NATIONAL ASSESSMENT OF AERONAUTICS INFRASTRUCTURE AND CAPABILITIES.—In de-
veloping the national aeronautics policy, the President, through the Director of the Office of Science and Technology Policy, shall con-
duct a national study of government-owned aeronautics research infrastructure to as-
sess—
(1) uniqueness, mission dependency, and industry need; and
(2) the development or initiation of a con-
solidated national aviation research, devel-
oping, and support organization.

(d) SCHEDULE.—No later than 1 year after the date of enactment of this Act, the Presi-

dent’s Science Advisor and the Adminis-

trator shall assess the aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a report that assesses the aeronautics re-
search program for its current and potential exploration capabilities and the unique aeronautics research and associated capabilities that must be re-
tained and supported by NASA to further space exploration and support United States economic competitiveness.

(b) REQUIRED CONTENT.—The implementa-
tion plan shall contain as a minimum the lessons learned and best practices require-
ments for NASA, the organizations or posi-
tions responsible for fulfilling these require-
ments, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and pro-
groups; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

(a) IDENTIFICATION OF UNIQUE NASA RESEARCH AND DEVELOPMENT.

(b) REQUIREMENT.—The implementa-
tion plan shall contain as a minimum the lessons learned and best practices require-
ments for NASA, the organizations or posi-
tions responsible for fulfilling these require-
ments, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and pro-
groups; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 141. CREATION OF A BUDGET STRUCTURE TO ENHANCE OVERSIGHT AND MANAGEMENT.

It is the sense of the Congress—

(1) that NASA employees can raise safety concerns without fear of reprisal;

(2) continue to follow the recommenda-
tions of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

(3) continue to inform the Congress from time to time of NASA’s progress in meeting those recommendations.”.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Admin-
istrator, in consultation with the Adminis-
trator of the National Oceanic and Atmo-
spheric Administration and the Director of the National Oceanic and Atmospheric Administration, shall submit a plan to the Senate Committee on
Commerce, Science, and Transportation and the House of Representatives Committee on Science, Technology, and Innovation to ensure the long-term vitality of the earth observing system at NASA.

(b) AN IMPLEMENTATION PLAN.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the proceeds to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term ‘earth observing system’ means the series of satellites, a science computer network, and a ground-based analysis and observing systems, and other needs to the maximum extent possible, in accordance with Federal procurement law.

SEC. 201. INTERNATIONAL SPACE STATION COMMISSION COMPLIANCE WITH SCIENTIFIC REQUIREMENTS.

(a) ELIGIBILITY FOR CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including high rates of human biomedical research protocols, countermeasures, environmental, biological, technology and exploration research, and other priority areas.

(2) have an ability to support crew size of at least six persons.

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercial launch systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transport plan to support ISS shall include contingency plans to accommodate potential hiatus between Space Shuttle availability and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) IMPLEMENTATION PLAN.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address these impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space and on-orbit capabilities to support any potential hiatus between Space Shuttle and other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(b) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions; and

(2) proposed ground-based laboratory facilities.

(c) DETAILED LABORATORY MANAGEMENT STRUCTURE, CONCEPT OF OPERATIONS, AND OPERATIONAL FEASIBILITY.

(d) DETAILED PLANS FOR INTEGRATION AND CONDUCT OF GROUND AND SPACE-BASED RESEARCH OPERATIONS.

(e) DESCRIPTION OF FUNDING AND WORKFORCE REQUIREMENTS NEEDED TO ESTABLISH AND OPERATE THE LABORATORY.

(f) PLANS FOR ACCOMMODATION OF EXISTING INTERNATIONAL PARTNER RESEARCH OBLIGATIONS AND INCREASING INTERNATIONAL PARTNER UTILIZATION.

(g) DETAILED OUTLINE OF ACTIONS AND TIMELINE NECESSARY TO IMPLEMENT AND INITIATE OPERATIONS OF THE LABORATORY.
SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States:

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct a broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of law, advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORT.—No later than March 31, of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPABILITY ASSUMPTION.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles may meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation’s aerospace industrial base;

(4) an assessment of the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capability;

(5) the nature and timing of the transition from a human-rated vehicle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against catastrophic失效s that offers a high level of safety;

(8) development risk areas;

(9) the schedule and costs;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) IN GENERAL.—In order to ensure continuing human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated spacecraft system has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted prior to the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science missions and applications, and to transfer science research and technological assets.

(b) PLAN.—The plan shall identify opportunities for the private sector to participate in the future missions and activities. It shall include opportunities for the development of technologies and services.

(c) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title V of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

(a) PROGRAM AUTHORIZED.—(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential to advance the Nation's exploration of the space and aeronautical activities of the Administrator.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 403. PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

It is the sense of Congress that NASA should develop, support, and stimulate basic and applied research, technology development, or prototype demonstration projects.

"(d) LIMITATIONS.—In this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

"(e) AVAILABILITY OF FUNDS.—Funds appropriated for the program under this section shall remain available until expended.

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should acquire, support, or stimulate the development and commercialization of space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commer-

"(f) RELATIONSHIP TO OTHER AUTHORITIES.—This section shall remain available until expended.


"(f) RELATIONSHIP TO OTHER AUTHORITIES.—This section shall remain available until expended.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2456c) is amended by striking “December 31, 2002” and
Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457c) is hereby amended by inserting after subsection (i) the following:

"(i) ASSIGNMENT OF PATENT RIGHTS, ETC.—

(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 2303(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

(A) grant or agree to grant in advance to a participant an exclusive license or assignment of any invention made in whole or in part by an Administrator employee under the agreement; or

(B) in the event of section 303 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated invention or any invention under the agreement or, if there is more than one participating party, that the participating parties are offered the option to hold licenses together that collectively secure the rights that would be held under such an exclusive license by one party.

(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

(i) if the Administration assigns title to grant a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed terms that are reasonable under the circumstances; or

(ii) if the participating party fails to grant such a license, to grant the license itself.

(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

(ii) such action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party;

(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Young Foreign Procurement Act of 1980 (15 U.S.C. 3710a(e)(4)(B)).

(4) APPRAIL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) shall be made by an administrative law judge and judicial review under section 203(b) of title 35, United States Code.".

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

"SEC. 317. RETROCESSION OF JURISDICTION.

Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State, to the extent in the jurisdicton of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative, judicial, and administrative jurisdiction may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide."

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

"SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposal contact action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

(b) APPLICABILITY.—A pilot program implemented under subsection (a) shall apply to non-commercial acquisitions—

(1) with a total value in excess of $100,000 but not more than $5,000,000, including options; or

(2) that do not involve bundling of contract requirements as defined in section 9(o) of the Small Business Act (15 U.S.C. 632(o)); and

(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(c)) and section 18a(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

(c) NOTICE.—

(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

(2) Providing access to notices in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18a(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

Hutchison today in sponsoring a NASA Authorization Act that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

As chair and ranking member of the Commerce Committee’s Subcommittee on Science and Space, Senator Hutchison and I believe that through this bill, Congress can provide constructive support to the good work being done by NASA. As I wrote in my letter to Michael Griffin, as they begin to implement the President’s vision and prepare NASA for the challenges of the future. This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President’s Budget Request. For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes the fiscal year 2006 NASA budget, which is a 3.0 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President’s budget projection.

Like many of our colleagues, we believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President’s vision, it also requires using what we learn and develop on the Moon as a stepping-stone to future exploration.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the international space station, and the Soyuz spacecraft has been a reliable means of transporting astronauts. But, with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz.

We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the new generation U.S. human-rated spacecraft.

We recognize that NASA has some concerns regarding our position on a hiatus, and we are aware of Dr. Griffin’s efforts to reduce the potential for a gap. We believe that this legislation moves forward to ensure that a compromise is reached that is mutually satisfying. This provision does not unduly tie the Administrator’s hands, while still guaranteeing us assured access to space.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the 2 space shuttle return to flight missions have been completed.

Americans are inspired by the images that the Hubble provides to instruments to be added during the SM-4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our Universe’s past, present and future. The law authorizes the Construction Authorization Act of 2000 (42 U.S.C. 2459j) is amended by striking subsection (b) and redesignating subsections (c) through (f) as subsections (a) through (e).

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Authorization Act of 1992 (42 U.S.C. 2487a) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

Mr. NELSON of Florida. Mr. President, I am pleased to join Senator
directs the President, through the Director of the Office of Science and Technology Policy, OSTP, to work with NASA and other Federal agencies to develop a national policy for aeronautics. It also directs NASA to evaluate its core aeronautics research.

Many may not realize that NASA does research for improving airplanes. NASA conducts research that makes airplanes safer, quieter, more fuel efficient, and less polluting. This important function of NASA needs to be continued and further developed.

Senator Hutchison and I expect to mark this bill up in the Commerce Committee later this week, and hope to have time to consider it on the floor before the August recess. I will urge all of my colleagues to support this important legislation. NASA has a new direction, and they have outstanding new leadership in Dr. Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

By Mrs. Clinton (for herself, Mr. Warner, Ms. Mikulski, Mr. Smith, Mr. Kennedy, Ms. Collins, Mr. Jeffords, Mr. Bond, Mrs. Murray, Mr. Cochran, Mrs. Boxer, Ms. Snowe, Mr. Kerry, Mr. Talent, Mr. Nelson of Nebraska, Mr. Coleman, Mr. Durbin, and Mr. Hagel):

S. 1283. A bill to amend the Public Health Service Act to establish a program to increase access to treatment for addiction and mental health services; and to define the term "mental health services" for purposes of Federal programs.

As you know, respite care is a service that temporarily relieves a family member of his or her caregiving duties. Respite care provides some needed relief from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregivers, making it possible for the individual in need of care to remain in the home.

Unfortunately, across our country quality respite care remains hard to find, and too many caregivers do not even know how to find information about available services. Where community respite care services do exist, they are often long waiting lists. There are more caregivers in need of respite care than there are available respite care resources.

And many caregiving families are hesitant to take advantage of these scant resources. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with people whom they do not know.

In an effort to recognize and support the heroic efforts of our family caregivers, my husband signed the National Family Caregiver Support Program into law as an amendments to the reauthorization of the Older Americans Act in 2000.

Prior to the establishment of this program, there was no comprehensive Federal program that supported family caregivers.

Although the National Family Caregiver Support Program took a step in the right direction, further efforts are now necessary to meet the increasing needs of family caregivers.

That is why I am introducing the Lifespan Respite Care Act today with Senator John Warner. This legislation would improve efficiency and reduce duplication in respite service development and delivery. And it would make quality respite care available and accessible to family and family caregivers, regardless of their Medicaid status, disability, or age. It would assure that quality respite care is available for all caregivers who provide this labor of love to individuals across the lifespan.

My legislation picks up where the National Family Caregiver Support Program leaves off, by recognizing respite as a priority for caregivers and elevating respite as a policy priority at the Federal level.

This bill would provide grants to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

There is much to do at the local, State, and Federal levels to address the growing needs of family caregivers. It is time that we make caregiving a national priority and provide the support that our family caregivers so desperately need.

I would like to thank my Senate colleagues for their support of this legislation. The Committee on Energy and Natural Resources.

Mrs. Boxer. Mr. President, I am honored to introduce today a bill—co-sponsored by Senator Feinstein—to designate a trail in the Headwaters Forest Reserve in California after John L. Burton, one of California's great public servants. The entire California Democratic delegation in the House, led by Representative George Miller, introduced the same bill last week.

John served honorably in the United States House of Representatives in the early 1980s and in the California State Assembly, before being elected to the California State Senate. There, in 1998, his colleagues elected him as the California Senate's President Pro Tem. John devoted his career to the service of all Californians, and for that, we honor him with this legislation.

Designating this particular trail is a fitting tribute because a few years ago, John was instrumental in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999.

Numerous plant species and wildlife, including the Marbled Murrelet, dwell in this Reserve. The Reserve also protects rivers and streams that provide habitat essential for threatened salmon.

For his service to the people of California and his essential role in protecting the priceless parcel of California land, I am proud to introduce the John
L. Burton Trail Act. Through this small action, we recognize and honor a great man and his great work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table.

SA 810. Mr. SCHUMER 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 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) 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 812. Mr. SCHUMER 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 813. Mr. SCHUMER 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 814. Mr. BYRD 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 816. Mr. CORZINE 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 817. Mr. HAGEL (for himself, Mr. PYYK, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MUKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFORDS 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 819. Mr. TALENT (for himself and Mr. JOHNSON) 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 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ENOFRE, and Ms. LANDRIEU) 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 821. Mr. KYL 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 822. Mr. VOINOVICH (for himself and Mr. Dwine) 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 823. Mr. JEFFORDS 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 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) 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 825. Mr. KERRY 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 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, supra.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 833. Mr. KOHL (for himself, Mr. DINEAN, Mr. LIEBERMAN, Mr. LUSTGARTEN, and Mr. REID) 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 834. Ms. SNOWE 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 835. Mrs. CLINTON (for herself and Mr. ALLARD) 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 836. Mr. BAUCUS 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 837. Mr. BAUCUS 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 838. Mr. MCCONNELL 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 839. Mrs. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) 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 840. Mr. SMITH (for himself and Mrs. LINCOLN) 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 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; 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. MANHATTAN PROJECT FOR ENERGY INDEPENDENCE.

(a) FINDINGS. The President finds that—

(1) the welfare and security of the United States require that adequate provision be made for activities relating to the development of energy-efficient technologies; and

(2) those activities should be the responsibility of, and should be directed by, an independent establishment exercising control over the development and promotion of energy-efficient technologies sponsored by the United States.

(b) PURPOSE. The purpose of this section is to establish Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.

(1) DEPARTMENT OF ENERGY

(1) ADMINISTRATION. The term ‘‘Administration’’ means the Energy Efficiency Development Administration established by subsection (d)(1).

(2) ADMINISTRATOR. The term ‘‘Administrator’’ means the head of the Administration appointed under this section (d)(3)(A).

(3) ADVISORY COMMITTEE. The term ‘‘Advisory Committee’’ means the Policy Advisory Committee established by subsection (f)(3).

(4) ENERGY-EFFICIENT TECHNOLOGY ACTIVITY. The term ‘‘energy-efficient technology activity’’ means an activity that improves the energy efficiency of any sector of the economy, including the transportation, building design, electrical generation, appliance, and power transmission sectors.

(5) INCLUSION. The term ‘‘energy-efficient technology activity’’ includes an activity that produces energy from a sustainable biomass, wind, small-scale hydroelectric, solar, geothermal, or other renewable source.

(d) ENERGY EFFICIENCY DEVELOPMENT ADMINISTRATION.

(1) ESTABLISHMENT. There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.

(2) MISSION. The mission of the Administration shall be to reduce United States imports of oil by—

(A) 5 percent by 2008; (B) 20 percent by 2011; and (C) 50 percent by 2015.

(3) ADMINISTRATOR; DEPUTY ADMINISTRATOR.

(1) ADMINISTRATOR. (a) APPOINTMENT. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(b) PAY. The Administrator shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) DEPUTY ADMINISTRATOR. (a) APPOINTMENT. There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) PAY. The Deputy Administrator shall be headed by a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES. The Deputy Administrator shall—

(I) exercise all powers and perform all duties of the Administrator; and

(II) have authority over all personnel and activities of the Administration.

(4) LIMITATION ON RULEMAKING AUTHORITY. The Administrator shall not modify any energy-efficiency standards or related standards in effect on the date of enactment of this Act that would result in the reduction of energy efficiency in any product.

(B) DEPUTY ADMINISTRATOR.

(1) APPOINTMENT. There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) PAY. The Deputy Administrator shall—

(I) exercise all powers and perform all duties of the Administrator during the absence or disability of the Administrator.

(4) TRANSFER OF FUNCTIONS.

(1) DEFINITION OF FUNCTION. In this paragraph, the term ‘‘function’’ means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(2) TRANSFER OF FUNCTION. (i) IN GENERAL. There are transferred to the Administrator—

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(1) all functions previously exercised by the Assistant Secretary of Energy for Efficiency and Renewable Energy; and
(2) appoint and fix the compensation of such officers and employees as are necessary to carry out the functions of the Administrator;
(3) establish the entrance grade for scientific personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel in the General Schedule (within the meaning of section 5104 of title 5, United States Code) and fix the compensation of the personnel accordingly, as the Administrator considers necessary to recruit specially qualified scientific, environmental, and industry-related expertise;
(4) acquire, construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, and such other real and personal property or interests in real and personal property, as the Administrator determines to be necessary for the performance of the functions of the Administration;
(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary in the performance of the duties of the Administrator with an agency or instrumentality of the United States;
(6)(A) with the consent of Federal and other agencies, with or without reimbursement, use the services, equipment, personnel, and facilities of those agencies; and
(B) cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities;
(7) establish within the Administration such offices and procedures as the Administrator considers appropriate to provide for the greatest possible coordination of the activities of the Administration with related scientific and other activities of other public and private agencies and organizations.

(5) DUTIES.—

(A) IN GENERAL.—The Administrator shall—
(i) plan, direct, and conduct energy-efficient technology activities; and
(ii) disseminate appropriate dissemination of information concerning the activities of the Administration and the results of such activities.

(B) OBJECTIVES.—The energy-efficient technology activities of the United States carried out from the Administrator or carried out with financial assistance by the Administrator shall be conducted so as to contribute significantly to or more of the following objectives;

(i) Expansion of knowledge about energy-efficient technologies and the use of those technologies.

(ii) Improvement of existing energy-efficient technologies or development of new energy-efficient technologies.

(iii) Identification of mechanisms to introduce energy-efficient technologies into the marketplace.

(iv) Conduct of studies of—

(I) the potential benefits gained, such as environmental protection, increasing energy independence, and reducing costs to consumers; and

(II) the problems involved in the development and use of energy-efficient technologies.

(v) The most effective use of the scientific resources of the United States, with close cooperation among all interested agencies of the United States so as to avoid duplication of effort, facilities, and equipment.

(e) POWERS.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, submit to Congress a personnel plan for the Administration that—

(A) specifies the initial number and qualifications of employees needed for the Administration;

(B) describes the functions and General Service classification and pay rates of the initial employees; and

(C) establishes how the Administrator will adhere to or deviate from the civil service system;

(bb) should be further explored by the Administrator;

(D) STAFF.—The Advisory Committee may appoint not more than 24 employees to assist in performing the duties of the Advisory Committee, of whom—

(i) 8 shall report to the members appointed under subparagraph (B)(i)(I); and

(ii) 8 shall report to the members appointed under subparagraph (B)(i)(II); and

(iii) 8 shall report to the members appointed under subparagraph (B)(i)(III).

(E) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) OFFICE OF ADMINISTRATION.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Administration shall be an Assistant Deputy Administrator for Administration, to be appointed by the Administrator.

(C) PUBLIC INFORMATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration a Public Information Division.

(ii) DUTIES.—The Public Information Division shall serve as a liaison between the Administration, the public, and other entities.

(D) ENERGY EFFICIENCY ECONOMICS DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Energy Efficiency Economics Division.

(ii) STAFF.—The Energy Efficiency Economics Division shall be composed of economists and individuals with expertise in energy markets, consumer behavior, and the economic impacts of energy policy.

(iii) DUTIES.—The Energy Efficiency Economics Division shall study the effects of existing and proposed energy-efficient technologies on the economy of the United States, with an emphasis on assessing—

(I) the impacts of those technologies on consumers; and

(II) the contributions of those technologies on the economic development of the United States.

(E) INCENTIVES DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Incentives Division.

(ii) DUTIES.—The Incentives Division shall—

(I) conduct a study of economic incentives that would assist the Administration in—

(aa) developing energy-efficient technologies; and

(bb) introducing those technologies into the marketplace; and

(II) submit to Congress a report on the results of the study conducted under subclause (I).

(F) EDUCATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Education Division.

(ii) DUTIES.—The Education Division shall provide—

(I) to the public, information concerning—

(aa) how to conserve energy, including—

(AA) what type of products are energy-efficient; and

(bb) where such products may be purchased; and

(bb) the importance of conserving energy; and

(II) to provide to building owners, engineers, contractors, and other businesspersons training in energy-efficient technologies.

(G) LEGISLATIVE COUNSEL DIVISION.—There is established in the Office of Administration a Legislative Counsel Division to provide legal assistance to the Administrator.
OFFICE OF POLICY, RESEARCH, AND DEVELOPMENT.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Policy, Research, and Development to establish the organizational structure of the Administration relating to the project development and engineering activities of the Administration.

(B) POWERS.—In establishing the organizational structure under subparagraph (A), the Office of Policy, Research, and Development shall be an Assistant Deputy Administrator for Policy, Research, and Development, to be appointed by the Administrator.

(C) REPORT.—As soon as practicable after the date of enactment of this Act, but not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report—

(A) assessing the potential for the technologies described in paragraph (1) to contribute to the goals of the Administration; and

(B) describes the plans of the Administration to develop the technologies under paragraph (1).

(Sec. 180) SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Recognizing the potential for widespread use of the technology in commercial markets;

(C) time and costs of efforts needed to bring the technology to full implementation; and

(D) the potential of the technology to contribute to the goals of the Administration.

(3) MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code is amended by—

(1) in subsection (b), by striking —(d) NATIONAL TIREE FUEL EFFICIENCY PROGRAM. and inserting —(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks. and

(2) by adding at the end the following:

(2) The program shall include the following:

(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

(3) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and CE requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

(4) Minimum fuel economy standards for tires manufactured after March 1, 2012, shall be—

(A) $5,000,000,000 for each of fiscal years 2012 through 2016;

(B) $6,000,000,000 for fiscal year 2017; and

(C) $7,500,000,000 for each of fiscal years 2018 through 2020.

(5) The program shall include the following:

(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires.

(7) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a tire with a normal rim diameter of 12 inches or less; or

(C) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(8) In this subsection, the term ‘fuel economy’ with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30123(b) of title 49, United States Code, is amended in paragraph (1) by striking —(d) NATIONAL TIREE FUEL EFFICIENCY PROGRAM. and inserting —(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks. and

(2) by adding at the end the following:

(2) The program shall include the following:

(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

(3) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and CE requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

(4) Minimum fuel economy standards for tires manufactured after March 1, 2012, shall be—

(A) $5,000,000,000 for each of fiscal years 2012 through 2016;

(B) $6,000,000,000 for fiscal year 2017; and

(C) $7,500,000,000 for each of fiscal years 2018 through 2020.

(5) The program shall include the following:

(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires.

(7) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire; or

(C) a tire with a normal rim diameter of 12 inches or less; or

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(8) In this subsection, the term ‘fuel economy’ with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(9) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire; or

(C) a tire with a normal rim diameter of 12 inches or less; or

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(10) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire; or

(C) a tire with a normal rim diameter of 12 inches or less; or

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(11) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire; or

(C) a tire with a normal rim diameter of 12 inches or less; or

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(12) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually; or

(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire; or

(C) a tire with a normal rim diameter of 12 inches or less; or

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.
On page 755, after line 25, add the following:

SEC. 1329. CONSOLIDATION OF GASOLINE INDUSTRY

(a) In General.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the following objectives:

(b) Contents.—The study conducted under subsection (a) shall include an analysis of the impact on:

(1) the retail price of gasoline;  
(2) small business ownership;  
(3) other corollary effects on the market economy and local distribution;  
(4) local communities; and  
(5) other market impacts of the consolidation.

(c) Submission to Congress.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress the study conducted under subsection (a).

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to title II of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

SEC. 347. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or dispossession under the public land laws; and  
(2) disposition under all laws relating to oil and gas leasing.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to title II of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XV (as agreed to) add the following:

Subtitle G—High Gas Price Relief

PART I—RELIEF FOR RURAL COMMUTERS

SEC. 1581. EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.

(a) In General.—Section 132(f)(5) (defining qualified fringe benefit) is amended by adding at the end of subsection (a) the following new subparagraph:

(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer’s residence and place of employment.

(b) Limitation on exclusion.—Section 132(f)(5) (relating to limitation on exclusion) is amended by striking “and” at the end of the following new subparagraph:

“and” at the end of subsection (b) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) $50 per month in the case of the benefit described in subparagraph (D).”

(c) Eligible Rural Commuter.—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

“(F) Eligible rural commuter.—The term ‘eligible rural commuter’ means any employee—

(i) who resides in a rural area (as defined by the Bureau of the Census),  
(ii) who works in an area which is not accessible by a system of streets primarily to provide daily work trips within a local commuting area, and

(iii) who is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1).”

(d) Effective date.—The amendments made by this section and by inserting after subsection (n) the following new subsection:

“(o) Assessment of economic substance doctrine.—For purposes of this title, if a transaction described in subparagraph (D) is treated as a transaction described in subparagraph (A), by striking the period at the end of the date of the enactment of this Act and before January 1, 2006.

PART II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 1582. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701 is amended by redesignating paragraph (A) as paragraph (p) and by inserting after paragraph (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE.Doctrine; Etc.—

“(1) General rules.—

“(A) In General.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

“(B) Definition of economic substance.—For purposes of subparagraph (a), the term ‘economic substance’ means—

“(i) General rules.—

“(1) In General.—A transaction has economic substance only if—

“(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer’s economic position, and

“(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

“In applying subclause (I), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

“(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

“(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

“(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

“(c) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (R)(ii).

“(2) Special rules for transactions with tax-indifferent parties.—

“(A) Special rules for financing transactions.—In the case of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party, the deduction for fees and other expenses attributable to transactions

(b) NONECONOMIC SUBSTANCE TRANSACTION

For purposes of this title, a transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

(1) depreciation,  
(2) any tax credit, or  
(3) any other deduction as provided in guidance by the Secretary, and

(ii) clause (B) of paragraph (1)(B) shall be disregarded in determining whether any such benefit shall be included.

“(2) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as modifying or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(3) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.

“(d) Effective date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1583. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 66 is amended by inserting after section 6662A the following new section:

“SEC. 6662A. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

“(a) Imposition of Penalty.—If a taxpayer has an economic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

“(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting ‘20 percent’ for ‘40 percent’ with respect to the portion of any non-economic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

“(c) Non-Economic Substance Transaction Understatement.—For purposes of this section—

“(1) In general.—The term ‘non-economic substance transaction understatement’
means any amount which would be an understatement under section 6662(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

(2) Noneconomic Substance Transaction.—The term ‘‘noneconomic substance transaction’’ means any transaction if—

‘‘(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or
‘‘(B) the transaction fails to meet the requirements of any similar rule of law.

(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

‘‘(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

‘‘(2) APPLICABLE RULES.—The rules of paragraphs (1) and (3) of section 6607A(a)(1) shall apply for purposes of paragraph (1).

‘‘(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, any deficiency to which this section shall be in addition to any other penalty imposed by this title.

(f) CROSS REFERENCES.—

‘‘(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

‘‘(2) For reporting of penalty imposed under this title in connection with claims under the Securities and Exchange Commission, see section 6707A(e).

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

‘‘(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ‘‘and without regard to items with respect to which a penalty is imposed by section 6662B’’ before the period at the end.

‘‘(2) Subsection (c) of section 6662A is amended—

‘‘(A) in paragraph (1), by inserting ‘‘and noneconomic substance transaction understatements’’ after ‘‘reportable transaction understatements’’ both places it appears,
‘‘(B) in paragraph (2)(A), by inserting ‘‘and a noneconomic substance transaction understatement’’ after ‘‘reportable transaction understatement’’,
‘‘(C) in paragraph (2)(B), by inserting ‘‘6662B or’’ before ‘‘section 6662B’’,
‘‘(D) in paragraph (2)(C)(i), by inserting ‘‘or section 6662B’’ before the period at the end,
‘‘(E) in paragraph (2)(C)(ii), by inserting ‘‘andsection 6662B’’ after ‘‘This section’’,
‘‘(F) in paragraph (3), by inserting ‘‘or noneconomic substance transaction understatement’’ after ‘‘reportable transaction understatement’’, and
‘‘(G) by adding at the end the following new paragraph:

‘‘(4) Noneconomic Substance Transaction Understatement.—For purposes of this section, the term ‘‘noneconomic substance transaction understatement’’ has the meaning given such term by section 6662B(c).’’.)

(3) Subsection (e) of section 6707A is amended—

‘‘(A) by striking ‘‘or’’ at the end of subparagraphe(B), and
‘‘(B) by striking subparagraph (C) and inserting the following new subparagraph:

‘‘(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or
‘‘(D) is required to pay a penalty under section 6662B(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B, .’’.

(c) CLOSEOUT AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

‘‘Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc. .’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1584. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 6707A(m)(8) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

‘‘(1) by striking ‘‘attributable’’ and all that follows and inserting the following: ‘‘attributable to—

‘‘(i) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is prescribed .’’,

‘‘(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)) .’’,

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—ENERGY AND CLIMATE CHANGE

SECTION 1501. SHORT TITLE

This title may be cited as the ‘‘Energy and Climate Change Act of 2006’’.

Subtitle A—National Strategy

SEC. 1511. DEFINITIONS.

In this subtitle—

‘‘(1) CLIMATE-FRIENDLY ENERGY TECHNOLOGY.—The term ‘‘climate-friendly energy technology’’ means energy supply, transmission, or end-use technology that, based on a range of emission scenarios (including worst-case scenario as evaluated by the Intergovernmental Panel on Climate Change) and taking into account the need for actions by others; and

‘‘(2) expanded climate-related technology research, development, demonstration, and commercial application activities, including—

‘‘(A) a national commitment to double research and development on climate-friendly energy technologies by public and private sectors in the United States; and
‘‘(B) domestic and international demonstration and deployment of breakthrough technologies (including climate-friendly energy technologies) that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States; and
‘‘(C) adaptation research that—

‘‘(i) assesses the sensitivity, adaptive capacity, and vulnerability of natural and human systems to natural climate variability, climate change, and the potential impacts of the variability and change; and
‘‘(ii) identifies potential strategies and actions that can reduce vulnerability to natural climate variability and climate change and damage resulting from impacts of climate change; and
‘‘(D) climate science research that—
(A) continually builds on existing scientific understanding of the climate system; and
(B) focuses on resolving the remaining scientific and economic uncertainties with respect to the causes, impacts from, and potential responses to climate change.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Interagency Task Force, shall submit to Congress a report that includes:

(1) a description of the Strategy and the goals of the Strategy, including the manner in which the Strategy addresses each of the elements outlined in subsection (b);
(2) an inventory and evaluation of Federal and non-Federal programs and activities intended to carry out the Strategy;
(3) a description of the manner in which the Strategy will serve as a framework for climate change response actions by all Federal agencies, including a description of coordination mechanisms and interagency activities;
(4) a description of the manner in which the Strategy is consistent with other energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;
(5) a description of the manner in which the Strategy—
   (A) does not result in serious harm to the economy of the United States;
   (B) makes market-oriented mechanisms; and
   (C) minimizes any adverse short-term and long-term social, economic, national security, and environmental impacts;
(6) a description of the manner in which changes in energy supply (including a full range of energy sources and technologies) could reduce greenhouse gas emissions;
(7) a description of the manner in which changes in energy end-use (including demand-side management) could reduce greenhouse gas emissions;
(8) a description of the manner in which the Strategy will minimize potential risks associated with climate change to public health and safety, private property, public infrastructure, biological diversity, ecosystems, and domestic food supply and commodities, while not diminishing the quality of life in the United States;
(9) a description of the manner in which the Strategy was developed with participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;
(10) a description of Federal activities that promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues; and
(11) recommendations for legislative or administrative changes to Federal programs or activities to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities.

(d) Update.—Not later than 4 years after the date of submission of the initial report on the Strategy, the President shall submit to Congress an updated version of the Strategy, along with an updated report under subsection (c).

(e) National Academy of Sciences Review.—

(1) In General.—Not later than 90 days after the date of publication of the Strategy under subsection (c) and each update under subsection (d), the Director of the National Science Foundation, on behalf of the Director and the Interagency Task Force, shall enter into Force and coordinate with the National Academy of Sciences to conduct a review of the Strategy or update.

(2) Criteria.—The review by the National Academy of Sciences shall include, as appropriate, the goals and recommendations contained in the Strategy or update, taking into consideration:

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the Strategy;
(B) the adequacy of the budget and the effectiveness with which each participating Federal agency is carrying out the responsibilities of the Federal agency;
(C) current scientific knowledge regarding climate change and the impacts of climate change;
(D) current understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;
(E) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;
(F) current understanding of economic costs and benefits of mitigation or adaptation activities;
(G) the existence of alternative policy options that could achieve the Strategy goals at lower economic, environmental, or social cost; and
(H) international activities and the actions taken by the United States and other nations to achieve the long-term goals of the Strategy.

(f) Savings Provision.—Nothing in this section creates a new legal obligation for any person or other entity (except for preexisting obligations with respect to the development, updating, and review of the Strategy).

(g) Conforming Amendment.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2801 note; Public Law 100–204) is amended by inserting “, the Department of Energy, and other Federal agencies as appropriate” after “Environmental Protection Agency”.

SECTION 1513. DIRECTOR OF CLIMATE CHANGE POLICY.

(a) Appointment.—The President shall ap- point a qualified individual within the Executive Office of the President, by and with the advice and consent of the Senate, to serve as the Director of Climate Change Policy.

(b) Duties.—The Director shall carry out climate change policy activities and shall—

(1) coordinate the development and periodic update of the Strategy;
(2) facilitate the work of the Interagency Task Force and serve as the primary liaison between Federal agencies in developing and implementing the Strategy;
(3) coordinate the submission of Federal agency strategies as needed to carry out interagency programs and policies necessary to meet the goals of the Strategy;
(4) advise the President concerning—
   (A) necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change activities;
   (B) the extent to which existing or newly created tax, trade, or foreign policies and energy, transportation, industrial, agricultural, forestry, building, and other relevant sector programs are capable of achieving the Strategy individually or in combination; and
   (C) the extent to which any proposed international treaties or components of treaties that have an influence on activities that affect greenhouse gas emissions are consistent with the Strategy;
(5) establish and maintain a process to ensure the participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of climate change-related advice to be provided to the President; and
(6) provide public awareness, outreach, and information sharing to further the understanding of climate change-related issues.

(c) Personnel.—

(1) In General.—The Director may employ a professional staff of not more than 10 individuals to carry out the responsibilities and duties prescribed in this section.

(2) Other Agencies and Institutions.—In addition to the personnel employed under paragraph (1), the Director may obtain staff for a limited term from Federal agencies, State agencies, institutions of higher education, nonprofit institutions of a scientific or technical character, or a National Laboratory, pursuant to—

(A) section 3374 of title 5, United States Code;
(B) section 114(a)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(a)(2)); or

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Executive Office of the President for the Director to carry out the duties under this section $5,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.
the rate of domestic and international demon-
stration and deployment of energy tech-
nologies that reduce, avoid, or sequester
emissions of greenhouse gases;
(5) participate in the development and as-
sements of domestic and international poli-
to determine the effects of the policies on the
duction, avoidance, and sequestration of greenhouse gases from activities related to
mitigation and use of energy; and
(7) help develop national climate change strategy by—
(A) fostering the development of tools, data, and capabilities that the United
States has a robust capability for evaluating alternative climate change re-
sponse scenarios and that the Office can pro-
vide long-term analytical continuity on cli-
mate change issues; and
(B) providing technical support, on re-
quest, to the President, interagency groups,
or other Federal agencies;
(8) carry out programs to raise public awareness of climate change, the relation-
ship of climate change to energy production and use, and means to mitigate human-induced climate change through changes in energy production or use;
(9) at the direction of the Secretary or an-
other appropriate officer of the Department,
serve as the representative of the Depart-
ment for interagency and multilateral policy
discussions relating to global climate change,
including the activities of:
"(A) The Committee on Earth and Environ-
mental Sciences established by section 102 of the
Global Change Research Act of 1990 (15 U.S.C. 2652) and any successor committee; and
(B) other interagency committees coordi-
nating policies or activities relating to glob-
 al climate change; and
(10) in accordance with law administered by
the Secretary and other applicable Fed-
eral law and contracts (including patent and
intellectual property laws) and in further-
ance of the United Nations Framework Con-
vention on Climate Change, done at New
York on May 9, 1992:
(A) identify for, and transfer, deploy, dif-
fuse, and apply to, parties to the Convention (including the United States) any tech-
nologies, practices, or processes that reduce,
void, or sequester emissions of greenhouse gases if the technologies, practices, or pro-
cesses have been developed with funding from the Department or any of the facilities or
laboratories of the Department; and
(B) support reasonable efforts by the par-
ties to the Convention (including the United
States) to identify and remove legal, trade,
financial, and other barriers to the use and
application of any technologies, practices, or pro-
cesses that reduce, avoid, or sequester emissions of greenhouse gases.
(b) CONFORMING AMENDMENTS.—
(1) Section 1603 of the Energy Policy Act of
1992 (42 U.S.C. 13383) is repealed.
(2) The table of contents for the Energy
Policy Act of 1992 (42 U.S.C. prec. 13201) is
amended by striking the item relating to
section 1603.
(3) The table of contents for the Depart-
ment of Energy Organization Act (42 U.S.C.
711) (as amended by section 562(b)(1)(B) is
amended by adding at the end of the title
the following:
"Sec. 217. Office of Climate Change Tech-
ology."
"SEC. 1610. CLIMATE CHANGE TECHNOLOGY PROGRAM.

"(a) Establishment.—There is established within the Office of Climate Change Technology of the Department a program to support accelerated research and development projects on energy technologies that—

"(1) reduce potential to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from the atmosphere;

"(C) remove and sequester greenhouse gases from the atmosphere;

"(2) are not being addressed significantly by other Department programs;

"(3) would represent a substantial advance beyond currently available technology; and

"(4) are not expected to be applied commercially before 2030.

"(b) Program Plan.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to Congress a 10-year program plan to guide activities to be carried out under this section.

"(2) Updates.—After the initial preparation and submission of the plan, the Secretary shall biennially update and resubmit to Congress the program plan, including—

"(A) a description of progress toward meeting the goals of the comprehensive strategy of the Department for energy research, development, demonstration, and commercialization to implement the National Climate Change Strategy;

"(B) an evaluation of the contributions of all energy technology programs of the Department to the National Climate Change Strategy; and

"(C) recommendations for actions by the Department and other Federal agencies to address the components of energy-related strategies of the Department and other Federal agencies to meet the goals of the comprehensive strategy of the Department for energy research, development, demonstration, and commercialization to implement the National Climate Change Strategy;

"(d) CENTERS.—

"(1) IN GENERAL.—The Secretary may fund 1 or more centers to—

"(A) methods of climate monitoring and prediction;

"(B) climate modeling; or

"(C) quality and dissemination of climate data from Department or other Federal climate change programs.

"(2) LOCATION.—In reviewing proposals for centers under competitive procedures, the Secretary shall consider geographic regions that face significant climate-related ecosystem challenges.

"(e) PROCUREMENT AUTHORITY.—The Office of Climate Change Technology may use any of the authorities available to the Department—

"(1) to solicit proposals for projects under this section; and

"(2) to encourage partnerships that will increase the likelihood of success of the project.

"(f) RELATIONSHIP TO DEPARTMENT PROGRAMS.—Each project funded under this section shall be—

"(1) initiated only after consultation by the Office of Climate Change Technology with 1 or more appropriate offices in the Department that support research and development in areas related to the project; and

"(2) either—

"(A) managed directly by the Office of Climate Change Technology; or

"(B) managed by an appropriate office (or by a cross-functional team from several offices) in the Department that supports research and development in areas related to the project, with funds transferred by the Office of Climate Change Technology.

"(g) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each project under subsection (a) shall be subject only to such cost-sharing requirements as the Office of Climate Change Technology may provide.

"(2) PUBLICATION.—Each cost-sharing agreement under this subsection shall be published in the Federal Register by the Office of Climate Change Technology.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for fiscal year 2006 and $400,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

"SEC. 1611. CLEAN ENERGY TECHNOLOGY EXPO- NENTIAL PROGRAM.

"(a) Definitions.—In this section:

"(1) CLEAN ENERGY TECHNOLOGY.—The term ‘clean energy technology’ means an energy supply or end-use technology that, over the life cycle of the technology and compared to a similar technology already in commercial use in any developing country or country with an economy in transition—

"(A) results in reduced emissions of greenhouse gases; and

"(B) may substantially lower emissions of air pollutants; or

"(ii) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

"(2) COUNTRY WITH AN ECONOMY IN TRANSITION.—The term ‘country with an economy in transition’ means a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, with the notation that the country is 1 of the ‘Countries that are engaging the process of transition to a market economy.’

"(3) DEVELOPING COUNTRY.—The term ‘developing country’ means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(4) INTERAGENCY WORKING GROUP.—The term ‘interagency working group’ means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

"(b) INTERAGENCY WORKING GROUP.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, the Secretary of Commerce, and the Administrator of the United States International Trade Commission shall jointly establish an Interagency Working Group on Clean Energy Technology Exports.

"(2) COMPOSITION.—The interagency working group shall—

"(A) be jointly chaired by representatives appointed by the agency heads under paragraph (1); and

"(B) include representatives from—

"(i) the Department of State;

"(ii) the Department of the Treasury;

"(iii) the Environmental Protection Agency;

"(iv) the Export-Import Bank;

"(v) the Overseas Private Investment Corporation;

"(vi) the Trade and Development Agency; and

"(vii) other Federal agencies determined to be appropriate by all 3 agency heads under paragraph (1).

"(3) SUBSIDIARY WORKING GROUPS.—The interagency working group may establish such subsidiary working groups as are necessary to carry out this section.

"(4) PROGRAM.—The interagency working group shall develop a program, consistent with the requirements of the Trade Organization, to open and expand energy markets and transfer clean energy technology to those developing countries and countries with an economy in transition that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, other international agreements, and relevant Federal efforts.

"(5) DUTIES.—The interagency working group shall—

"(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

"(B) investigate issues associated with—

"(i) building capacity to deploy clean energy technology in developing countries and countries with an economy in transition, including energy sector reform;

"(ii) creation of open, transparent, and competitive markets for clean energy technologies;

"(iii) the availability of trained personnel to deploy and maintain the clean energy technology; and
(iv) demonstration and cost-buoyant mechanisms to promote first adoption of the technology;

(C) examine relevant trade, tax, inter-

national and regulatory issues that assess what policies would help open markets and improve United States clean energy technology

exports in support of—

(i) enhancing innovation and co-

operation, including energy sector and mar-

ket reform, capacity building, and financing

measures;

(ii) improving energy end-use efficiency

technologies, including buildings and facili-

ties, vehicle, industrial, and cogeneration

technology initiatives; and

(iii) enhancing supply technolo-

gies, including fossil, nuclear, and re-

newable energy technologies;

(D) establish an advisory committee in-

volving the private sector and other inter-

ested groups on the export and deployment of clean energy technology;

(E) establish a single coordinated mecha-

nism for information dissemination to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities;

(F) monitor the progress of each agency represented in the interagency working group towards meeting goals in the 5-year strategy submitted to Congress pursuant to section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(G) make recommendations to heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of each agency in the international development, demonstration, and deployment of clean energy technology;

(H) make assessments and recommenda-

tions on distinct technical, market, regional, and stakeholder challenges necessary to carry out the program; and

(I) recommend conditions and criteria

that will help ensure that United States funds promote sound energy policies in par-

ticipating countries while simultaneously opening the markets of the participating countries and exporting United States clean energy technology.

(c) FEDERAL SUPPORT FOR CLEAN ENER-

GY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities described in paragraph (a) of this section, including a mechanism described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), has the function of—

(i) construct an energy production facil-

ity outside the United States for the produc-

tion of energy to be consumed outside the United States;

(ii) improve the efficiency of energy use

outside the United States, if the energy is also generated and consumed outside the United States; and

(iii) that, when deployed, results in a greenhouse gas reduction per unit of energy produced or used (when compared to the technology that would otherwise be deployed) of—

(1) 20 percentage points or more, in the case of a unit or energy-efficiency measure placed in service before January 1, 2010;

(2) 40 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2009, and before January 1, 2020; or

(3) 50 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, and before January 1, 2030.

(d) QUALIFIED INTERNATIONAL ENERGY DE-

PLOYMENT PROJECT.—The term ‘qualified international energy deployment project’ means an international energy deployment project that—

(A) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

(B) meets the criteria of section 1608(k), and uses technology that has been success-

fully developed or deployed in the United States;

(C) is selected by the Secretary without regard to the country in which the project is located, with notice of the selection being published in the Federal Register and

(D) complies with such other terms and conditions as the Secretary establishes by regulation.

(e) STATE.—The term ‘State’ means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(f) UNITED STATES.—The term ‘United States’, when used in a geographical sense, means all of the States.

(g) PILOT PROGRAM FOR FINANCIAL ASSIS-

TANCE.—

(I) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, provide for a pilot program that provides financial assistance for qualifying international energy deployment projects.

(II) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—For each qualifying international energy deployment project selected by the Secretary to participate in the pilot program, the Secretary shall make available a loan or loan guarantee for not less than 50 percent of the total cost of the project, to be repaid at an interest rate equal to the rate for Treasury obligations then issued for periods of comparable maturity.

(B) DEVELOPED COUNTRIES.—A loan or loan guarantee made available for a project to be carried out in a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

(C) DEVELOPING COUNTRIES.—A loan or loan guarantee made for a project to be carried out in a developing country shall require at least a 10 percent contribution towards the total cost of the loan or loan guar-

antee by the host country.

(D) CAPACITY BUILDING RESEARCH.—

(I) IN GENERAL.—A proposal made for a project to be carried out in a developing country may include a research component intended to build technological capacity within the host country.

(II) RESEARCH.—The research shall—

(A) be related to the technologies deployed; and

(B) involve both an institution in the host country and a participant from the United States that is either an institutional entity, an institution of higher education, or a National Laboratory.

(E) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this sec-

tion and that is not a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

(f) REPORT AND RECOMMENDATION.—

(1) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President a report on the results of the pilot projects con-

ducted under this section.

(2) RECOMMENDATION.—Not later than 60 days after receiving the report, the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary, concerning whether the financial assistance program under this section should be continued, ex-

panded, reduced, or eliminated.

(g) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary is authorized to be appropriated to the Secretary to carry out this section $100,000,000 for each of fiscal years 2006 through 2013, to remain available until expended.

(b) DEFINITION OF NATIONAL LABORATORY.—

Section 2 of the Energy Policy Act of 1992 (42 U.S.C. 13201) is amended to read as follows:

SEC. 2. DEFINITIONS.

In this Act:
"(1) NATIONAL LABORATORY.—The term ‘National Laboratory’ means any of the following laboratories owned by the Department of Energy:

(A) Lawrence Berkeley National Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Accelerator Laboratory.

(E) Idaho National Engineering and Environmental Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Stanford Linear Accelerator Center.

(F) Thomas Jefferson National Accelerator Facility.

(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

(c) CONTENTS.—The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended—

(1) by striking the item relating to section 1522(c) to operate and administer the database.

(2) CARBON DIOXIDE EQUIVALENT.—The term ‘carbon dioxide equivalent’ means, with respect to each greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(D) DATABASE.—The term ‘database’ means the national greenhouse gas emissions database established under section 1532(b).

(4) DESIGNATED AGENCIES.—The term ‘designated agencies’ means—

(A) the Department of Energy;

(B) the Department of Commerce; and

(C) the Environmental Protection Agency.

(5) DIRECT GREENHOUSE GAS EMISSIONS.—The term ‘direct greenhouse gas emissions’ means greenhouse gas emissions directly emitted from a facility that is owned or controlled by the reporting entity, including emissions from—

(A) production of electricity, heat, or steam; and

(B) physical or chemical processing of materials;

(C) equipment leaks, venting from equipment or facilities, or other types of fugitive emissions (such as emissions from piles, pits, and cooling towers); and

(D) combustion of fuels in transportation vehicles or equipment.

(6) ENTITY.—The term ‘entity’ means—

(A) a person; or

(B) an agency or instrumentality of the Federal Government or State or local government.

(7) FACILITY.—The term ‘facility’ means a building or other structure on property owned by or leased to any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) FARMING OPERATION.—The term ‘farming operation’ means the term in section 101(21) of title 11, United States Code.

(9) GREENHOUSE GAS.—The term ‘greenhouse gas’ means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ‘indirect greenhouse gas emissions’ means emissions that—

(A) are a consequence of activities of a reporting entity; but

(B) do not occur from a source controlled by another entity.

(11) LEAD AGENCY.—The term ‘lead agency’ means the lead agency selected under section 1532(a).

(12) REPORTING ENTITY.—The term ‘reporting entity’ means an entity that submits a report under subsection (a) or (b) of section 1533.

(13) SEQUESTRATION.—The term ‘sequestration’ means the long-term separation, isolation, or containment of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(14) STATE.—The term ‘State’ means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(15) UNITED STATES.—The term ‘United States’, when used in a geographical sense, means all of the States.

SEC. 1532. NATIONAL GREENHOUSE GAS EMISSIONS DATABASE.

(a) DESIGNATION OF LEAD AGENCY.—The President shall select a lead agency from among the designated agencies for the purpose of implementing this subtitle.

(b) ESTABLISHMENT.—The head of the lead agency, in consultation with the other designated agencies, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gases, shall establish a national greenhouse gas emissions database to collect emissions information reported under section 1533 and emission reduction information reported under section 1534.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of the lead agency shall enter into a contract with a nonprofit institution to—

(A) design and operate the database;

(B) establish an advisory body with broad representation from industry, agriculture, environmental groups, and State and local governments to guide the development and management of the database;

(C) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Secretary under section 1535(a); and

(D) certify organizations independent of reporting entities to verify the data submitted by reporting entities, and audit the plans and performance of certifying organizations.

(2) SELECTION.—

(A) IN GENERAL.—The head of the lead agency shall award an initial 5-year contract to the institution under paragraph (1), subject to the procurement regulations of the lead agency.

(B) CONSIDERATIONS.—In determining which institution to award a contract under subsection (A), the head of the lead agency shall consider—

(i) the technical expertise of each institution; and

(ii) the ability of each institution to work with a broad and diverse group of interested parties.

(C) RENEWABILITY.—A contract under this paragraph may be renewed for additional terms, based on the satisfactory performance of the institution as determined by the head of the lead agency.

(d) AVAILABILITY OF DATA TO THE PUBLIC.—The head of the lead agency shall ensure that the administering institution publishes all information in the national greenhouse gas emissions database (including in electronic format on the Internet), except with respect to facility-level emission data in any case in which publishing the information would disclose—

(1) information vital to national security; or

(2) confidential business information that—

(A) cannot be derived from information that is otherwise publicly available; and

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(B) would cause competitive harm if published.

ed (e) RELATIONSHIP TO OTHER GREENHOUSE GAS DATABASES OR REPORTING REQUIREMENTS.—To the maximum extent practicable, the head of the lead agency shall ensure coordination between the national greenhouse gas emissions database and existing and developing Federal and State greenhouse gas databases and registries.

(i) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this section affects any existing requirements for reporting of greenhouse gas emission data or other data relevant to calculating greenhouse emissions.

(g) REPORT TO CONGRESS.—If reporting is required under section 1533(b)(2), the head of the lead agency shall, not later than 180 days after the date on which the reporting is required, submit to Congress a report that describes the need for harmonization of legal requirements for reporting of greenhouse gas emissions in the United States, and a strategy and plan for implementation.

SEC. 1533. GREENHOUSE GAS EMISSION REPORTING.

(a) VOLUNTARY REPORTING.—

(1) IN GENERAL.—After the establishment of the greenhouse gas emissions database under section 1532 and publication of protocols under section 1535, no entity must voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emissions in the United States, and a strategy and plan for implementation.

(b) REVIEW OF PARTICIPATION.—

(1) IN GENERAL.—On the date that is 4 years after the date of enactment of this Act, the Director of Climate Change Policy shall determine, after notice and public comment, whether the provisions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(2) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director determines pursuant to paragraph (1) that emissions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(3) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director determines pursuant to paragraph (1) that emissions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(4) CONTENT OF REPORTS.—Each greenhouse gas report under this section shall—

(A) express greenhouse gas emissions in metric tons of each greenhouse gas and in metric tons of the carbon dioxide equivalent of each greenhouse gas;

(B) report emissions from a facility with shared ownership or control based on the control of the facility, consistent with the treatment of the facility by the entities for financial reporting purposes under generally accepted accounting principles of the United States;

(C) contain any adjustments to greenhouse gas emissions reports from prior years to take into account—

(A) errors that significantly affect the quantity of greenhouse gases in the prior greenhouse gas emissions report;

(B) changes in protocols or methods for calculating greenhouse gas emissions under section 1535(a);

(C) the need to maintain data comparability from year to year in the event of significant structural changes in the organization of the reporting entity; or

(D) any owner or control of 1 entity from the control of 1 entity to another;

(5) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(6) VOLUNTARY REPORTING OF EARLIER EMISSIONS.—An entity that submits a greenhouse gas emission report under this section may voluntarily include in the report, for calendar years prior to 2006, for purpose of improving the report so that the entity with respect to 1 or more calendar years prior to 2006, if the report meets the requirements of subsections (c) and (d) and section 1534.

(b) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(1) IN GENERAL.—An entity submitting a report under this section may voluntarily include in the report, for calendar years prior to 2006, for purpose of improving the report so that the entity with respect to 1 or more calendar years prior to 2006, if the report meets the requirements of subsections (c) and (d) and section 1534.

(2) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(3) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(4) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(5) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(6) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(7) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

SEC. 1534. GREENHOUSE GAS EMISSION REDUCTIONS AND SEQUESTRATION REPORTING.

(a) IN GENERAL.—After the establishment of the greenhouse gas emission database under section 1532, and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects carried out by the entity during the preceding year for—

(1) reduction of direct greenhouse gas emissions; or

(2) sequestration of a greenhouse gas.
(b) DATE OF SUBMISSION.—Each report shall be submitted by the July 1 that follows the end of the calendar year described in the report.

(c) PROJECT TYPES.—Projects referred to in subsection (a) may include projects relating to—

(1) fuel switching;
(2) energy efficiency improvements;
(3) use of renewable energy;
(4) use of combined heat and power systems;
(5) management of cropland, grassland, or grazing land;
(6) a forestry activity that increases forest carbon stocks or reduces forest carbon emissions;
(7) methane recovery;
(8) reduction of natural gas venting or flaring; or
(9) carbon capture and sequestration.

(d) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report under subsection (a) in the database, the administering institution shall—

(1) verify the completeness and accuracy of the report using information provided under section 1535(b)(1); and
(2) require the verification of the completeness and accuracy of the report by a certified person under section 1535(b)(2).

(e) ACCOMPANYING INFORMATION.—An entity that submits a report under subsection (a) shall include sufficient information to verify under section 1535(b) that the report represents—

(1) in the case of a report of direct greenhouse gas emission reductions—
(A) actual reductions in direct greenhouse gas emissions of the entity—
(i) relative to historic emissions levels of the entity; and
(ii) accounting for any increases in direct or indirect greenhouse gas emissions of the entity; or
(B) in the case of a reported reduction that exceeds the entity-wide net reduction of direct greenhouse gas emissions, adjusted as not to exceed the net reduction; and
(2) in the case of a report of greenhouse gas sequestration, actual increases in net sequestration, taking into consideration the total systems use of materials and energy in carrying out the sequestration.

(3) OBJECTS PRIOR TO PUBLICATION PROTOCOLS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than July 1 of the calendar year following the end of periods under section 1535, an entity may submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects, carried out by the entity during the period beginning January 1, 1990, and ending on the date of publication of the protocols for—

(A) reduction of direct greenhouse gas emissions; or
(B) sequestration of a greenhouse gas.

(2) CONDITIONS FOR ENTRY.—The information from a report under this subsection shall be entered into the database only if the report meets the requirements of subsections (c) and (d).

(g) IDENTIFICATION AND TRACKING OF GREENHOUSE GAS REDUCTION PROJECTS.—For each verified project entered in the database under this section, the administering institution shall provide to the entity reporting the project a unique identifier to allow for—

(1) verification of project boundaries and activities associated with the project, in a quantity not to exceed the entity-wide net emission reductions of the entity reporting the project during the same period;
(2) the transfer of those reductions through voluntary private or other transactions; and
(3) tracking of transfers under paragraph (2).

SEC. 1535. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The lead agency, after taking into account the recommendations of the administering institution, shall, by rule, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on greenhouse gas emissions and emission reductions submitted to the database that include—

(A) accounting and reporting standards for greenhouse gas emissions and greenhouse gas emission reductions;
(B) standardized methods for calculating greenhouse gas emissions in specific industries from other readily available and reliable information, such as energy consumption, materials consumption, production data, or other relevant activity data;
(C) standardized methods of estimating greenhouse gas emissions (along with information on the accuracy of the estimations), for cases in which the head of the lead agency determines that methods under subparagraph (B) are not applicable;
(D) methods to avoid double-counting of greenhouse gas emissions, or greenhouse gas emission reductions, within a single major category of entities such as direct greenhouse gas emissions;
(E) protocols to prevent an entity from avoiding the reporting requirements of this section by shifting reductions to multiple entities or by outsourcing operations or activities that emit greenhouse gases;
(F) protocols for verification of data on greenhouse gas emissions, and greenhouse gas emission reductions, by reporting entities and verification organizations independent of the administering institution; and
(G) protocols necessary for the database to maintain valid and reliable information on baselines of entities so that, in the event of a future action by Congress to require entities, individually or collectively, to reduce greenhouse gas emissions, Congress will be able—
(i) to take into account that information; and
(ii) to avoid enacting legislation that penalizes entities for achieving and reporting reductions.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices that have the greatest support of experts in the field.

(3) OUTREACH PROGRAM.—The administering institution shall conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

(b) VERIFICATION.—

(1) INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall—

(A) provide information sufficient for the administering institution to verify, in accordance with the protocols and methods developed under subsection (a), that the greenhouse gas emissions or greenhouse gas emission reductions, of the reporting entity have been completely and accurately reported; and
(B) ensure the submission or retention of data sources, information on internal control activities, information on assumptions used in reporting emissions, uncertainty analyses, and relevant data to facilitate the verification of reports submitted to the database.

(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain verification of the completeness and accuracy of the greenhouse gas emissions report, or greenhouse gas emissions reduction report, of the reporting entity from a person independent of the reporting entity that has been certified according to the standards issued under section 1536.

(3) CERTIFICATION OF INDEPENDENT VERIFICATION ORGANIZATIONS.—

(A) IN GENERAL.—The head of the lead agency shall, by rule, establish certification and audit standards to be applied by the administering institution in certifying persons who verify greenhouse gas emission reductions, or greenhouse gas emission reductions reports, under paragraph (2).

(B) CONFLICTS OF INTEREST.—The standards established under subparagraph (A) shall prohibit conflicts of interest on the part of certified persons.

SEC. 1536. ANNUAL SUMMARY REPORT.

Not later than January 1, 2006, and annually thereafter, the head of the lead agency shall publish an annual summary report on the database that includes—

(1) a report on the quantity of the total greenhouse gas emissions and emission reductions included in the database, and the fraction of total greenhouse gas emissions in the United States reported to the database, relative to the year covered by the report (if applicable);
(2) analyses, by entity and sector of the economy of the United States, of the emissions and emission reductions in paragraph (1), including a comparison to total greenhouse gas emissions in the United States by all sectors of the economy;
(3) information on the operations of the database, including the development of protocols and methods during the year covered by the report; and
(4) a summary of the views of the advisory board under section 1532(c)(1)(B) on the operations and effectiveness of the database during the year covered by the report.

SEC. 1537. ENFORCEMENT.

The head of the lead agency may bring a civil action in United States district court against an entity that fails to comply with a requirement of this subtitle, or a rule promulgated under this subtitle, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

Subtitle D—Research Programs

CHAPTER 1—DEPARTMENT OF ENERGY PROGRAMS

SEC. 1541. DEFINITION OF SECRETARY.

In this chapter, the term “Secretary” means the Secretary of Energy, acting through the Office of Science of the Department of Energy.

SEC. 1542. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) In General.—The Secretary shall conduct a comprehensive research program—

(1) to increase understanding of the global climate system; and
(2) to investigate and analyze the effects of energy production and use on that system.

(b) PROGRAM ELEMENTS.—The program under this chapter shall include—

(1) research and development activities on the radiation balance from the surface of the Earth to the upper limit of the atmosphere, including the effects of aerosols and clouds;
(2) research and modeling activities—
(A) to investigate and understand the global carbon cycle, including the role of the terrestrial biosphere as a source or sink for carbon dioxide; and
(B) to develop, test, and improve carbon-cycle models;
(3)(A) research activities to understand the scales of response of complex ecosystems to environmental changes, including identification of the underlying causal mechanisms and pathways and the ways in which those mechanisms and pathways are linked; and
(B) research and modeling activities to develop integrated assessments of the economic, social, and environmental implications of climate change and policies relating to climate change, with emphasis on—
(1) developing and improving models for integrated assessments on a regional basis; and
(2) developing next-generation models and testing those models as pilots on selected regional areas (including States and territories of the United States in the Pacific, on the Gulf of Mexico, or in agricultural or forested areas of the continental United States); (C) developing and improving models for technology innovation and diffusion; and
(D) developing and improving models of the economic costs and benefits of climate change and policies relating to climate change; and
(5) development of high-end computational resources, information technologies, and data and information management. (A) to carry out the program under this chapter; (B) to make more effective use of large and distributed data sets and observational data streams; and
(C) to increase the availability and utility of climate change and energy simulations to researchers and policy makers.
(c) EDUCATION AND INFORMATION DISSEMINATION.—
(1) IN GENERAL.—The Secretary shall include education and training of undergraduate and graduate students as an integral part of the programs under this chapter.
(2) ANALYSIS CENTER.—The Secretary shall support a Carbon Dioxide Information and Analysis Center—
(A) to serve as a resource for researchers and others interested in global climate change; and
(B) to accommodate data and information requests relating to the greenhouse effect and global climate change.
SEC. 1541. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter, to remain available until expended—
(1) $150,000,000 for fiscal year 2006;
(2) $175,000,000 for fiscal year 2007;
(3) $200,000,000 for fiscal year 2008;
(4) $220,000,000 for fiscal year 2009; and
(5) $250,000,000 for fiscal year 2010.
(b) LIMITATION ON FUNDS.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or implementation of a technology to reduce, avoid, or sequester greenhouse gas emissions.
CHAPTER 2—DEPARTMENT OF COMMERCE PROGRAMS
SEC. 1551. DEFINITION OF SECRETARY.
In this chapter, the term “Secretary” means the Secretary of Commerce.
SEC. 1552. ABRUPT CLIMATE CHANGE RESEARCH AND DEVELOPMENT
(a) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this section, the term “abrupt climate change” means a change in the climate system occurring on a time scale of decades or less, or on a time scale that is naturally rapid and unpredictably large, such that human or natural systems have difficulty adapting to the climate as changed.
(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish in the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.
(c) PURPOSES OF PROGRAM.—The purposes of the program are—
(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;
(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;
(3) to incorporate the mechanisms into advanced geophysical models of climate change; and
(4) to test the output of the models against an improved global array of records of past abrupt climate changes.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—
(1) $20,000,000 for fiscal year 2006;
(2) $22,000,000 for fiscal year 2007;
(3) $24,000,000 for fiscal year 2008;
(4) $26,000,000 for fiscal year 2009; and
(5) $28,000,000 for fiscal year 2010.
SEC. 1553. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION.
(a) IN GENERAL.—The Secretary shall establish in the Department of Commerce a National Climate Vulnerability and Adaptation Program for regional impacts related to climate change and climate variability, sea level rise, and coastal erosion and migration.
(b) COORDINATION.—In designing the program described in subsection (a), the Secretary shall consult with appropriate Federal, State, tribal, and local government entities.
(c) REGIONAL VULNERABILITY ASSESSMENTS.—The program shall—
(1) evaluate, based on information developed under this subtitle, the National Climate Change and Adaptation Program for regional impacts related to increased concentrations of greenhouse gases in the atmosphere and climate variability.
(2) evaluation, based on information developed under this subtitle, the National Climate Change and Adaptation Program for regional impacts related to increased concentrations of greenhouse gases in the atmosphere and climate variability.
(3) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;
(4) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;
(5) to test the output of the models against an improved global array of records of past abrupt climate changes.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—
(1) $20,000,000 for fiscal year 2006;
(2) $22,000,000 for fiscal year 2007;
(3) $24,000,000 for fiscal year 2008;
(4) $26,000,000 for fiscal year 2009; and
(5) $28,000,000 for fiscal year 2010.
SEC. 1554. COASTAL VULNERABILITY AND ADAPTATION.
(a) IN GENERAL.—The Secretary shall submit to Congress the National Coastal Adaptation Plan, a report to Congress on the progress made in implementing the plan, and an evaluation of the effectiveness of the plan.
(b) PREPARATION.—In preparing the regional assessments, the Secretary—
(1) to improve resilience to hazards; and
(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change, climate variability, sea level rise, and coastal erosion and migration.
(c) COASTAL ADAPTATION PLAN.—
(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targeted coastal protection strategies for coastal areas and the Central, Western, and South Pacific regions.
(2) EVALUATION.—The national coastal adaptation plan shall be developed with the participation of other Federal, State, tribal, and local government agencies that are critical in the implementation of the plan at the regional level.
(3) REGIONAL PLANS.—The regional plans covered by the national coastal adaptation plan shall—
(A) be based on the information contained in the regional assessments; and
(B) identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions.
(4) RECOMMENDATIONS.—The national coastal adaptation plan shall recommend both short- and long-term adaptation strategies, including recommendations regarding—
(A) Federal flood insurance program modifications; and
(B) areas that have been identified as high risk through mapping.
(c) MITIGATION INCENTIVES.—Incorporating mitigation incentives, including rolling easements, strategic retreat, Federal or State acquisitions in fee simple or other instruments, in land, construction standards, and zoning;
(D) land and property owner education;
(E) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(F) funding requirements and mechanisms.

(3) A coastal adaptation program if the project

(a) establishes a coordinated program to provide technical planning assistance and products to coastal State and local governments as the coastal States and local governments develop and implement adaptation or mitigation strategies and plans.

(b) State and local plans.

State and local governments to develop State and local plans to address coastal management and adaptation to coastal and land use changes related to global climate change or climate variability; and

(c) project.

The Secretary shall establish, through the Coastal Services Center of the National Oceanic and Atmospheric Administration, a program of grants for competitively awarded 3-year pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

The Federal funding share for that project; and

(4) $20,000,000 for fiscal year 2008;

(3) $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 1555. FORECASTING PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, including $500,000 for the Pacific El Nino–Southern Oscillation Applications Center; and

(b) COOPERATION.—Research activities under this section shall be conducted in cooperation with other nations of the Pacific region.

There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until September 30, 2010.

(1) $2,000,000 to the National Oceanic and Atmospheric Administration, $3,000,000 for each of fiscal years 2006 through 2010.

(2) The National Institute of Standards and Technology (15 U.S.C. 271 et seq.) is amended—

(1) in paragraph (21), by striking “and” at the end; and

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

“(22) perform research to develop enhanced measurements, calibrations, standards, and measurement technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and”.

SEC. 1557. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.

(a) ESTABLISHMENT, FUNCTIONS, AND ACTIVITIES.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by striking “and” at the end;

(2) by redesigning paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

“(22) perform research to develop enhanced measurements, calibrations, standards, and measurement technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until

SEC. 1558. UNITED STATES PACIFIC RESEARCH AND COOPERATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change.

(2) COOPERATION.—Research activities under this section shall be conducted in cooperation with other nations of the Pacific region.

There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until

SEC. 1559. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, including

(2) $1,500,000 to the National Aeronautics and Space Administration.
National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundation.

SECTION 5.—INTERAGENCY PROGRAMS

SEC. 1561. GLOBAL CHANGE RESEARCH.

(a) FINDINGS.—Section 101(a) of the Global Change Research Act of 1990 (15 U.S.C. 2931(a)) is amended by adding at the end the following:

"(7) The present rate of advance in research and development, and the application of those advances, is inadequate and new developments must be incorporated rapidly into services for the benefit of the public;"

"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.";

(b) UPDATING AUTHORIZATION FOR COMMITTEE STRUCTURE.—


(A) in paragraph (1), by inserting before the semicolon the following: "or a successor committee"; and

(B) in paragraph (2), by inserting before the semicolon the following: "or a successor body".

(2) COMMITTEE ON EARTH AND ENVIRONMENTAL SCIENCES.—Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2922) is amended—

(A) in subsection (b), by striking the last sentence and inserting "The representatives shall be appointed by the Secretary on the recommendation of the Senate Committee on Commerce, Science, and Transportation of the Committee on Commerce, Science, and Transportation of the House of Representatives a plan of action for a National Climate Service that contains recommendations and funding estimates for";

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

"(2) the design, deployment, and operation of an adequate national climate observing system that builds on existing environmental monitoring systems and closes gaps in coverage by existing systems;

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a longer-term and short-term time schedule and at a range of spatial scales;

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, tribal, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both in the United States and internationally.";

(c) NATIONAL CLIMATE SERVICE PLAN.—Title I of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.) is amended by adding at the end the following:

"SEC. 109. NATIONAL CLIMATE SERVICE PLAN.

"Not later than 1 year after the date of enactment of the Energy and Climate Change Act of 2005, the Secretary of Commerce, after review by the Interagency Task Force on Climate Change established under section 108 of that Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a plan of action for a National Climate Service that contains recommendations and funding estimates for";

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;"

"(2) the design, deployment, and operation of an adequate national climate observing system that builds on existing environmental monitoring systems and closes gaps in coverage by existing systems;"

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a longer-term and short-term time schedule and at a range of spatial scales;"

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;"

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;"

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, tribal, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both in the United States and internationally.".

Subtitle E—Forests and Agriculture

SEC. 1571. DEFINITIONS.

In this subtitle:

(1) ADVISORY PANEL.—The term "Advisory Panel" means the Soil and Forestry Carbon Sequestration Panel established under subsection (a).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term "eligible forest carbon activity" means a forest management activity that—

(A) is conducted on forested lands that have been underproducing or understocked for more than 5 years;
(B) maintains natural forest under a permanent conservation easement;
(C) provides for protection of a forest from nonforest use;
(D) demonstrates permanence of sustainable management alternatives;
(E) maintains or improves a watershed or fish and wildlife habitat; or
(F) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term ‘‘forest carbon reservoir’’ means carbon that is stored in aboveground or underground soil and other forms of biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term ‘‘forest carbon sequestration program’’ means the program established under subsection 1572(a).

(5) FOREST LAND.—
(A) IN GENERAL.—The term ‘‘forest land’’ means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term ‘‘forest land’’ includes—
(i) land on which forest cover may be naturally or artificially regenerated; and
(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest growth.

(6) FOREST MANAGEMENT ACTION.—
(A) IN GENERAL.—The term ‘‘forest management action’’ means an action that—
(i) applies forestry principles to the reestablishment of forest cover;
(ii) establishes or maintains permanent conservation easement;
(iii) maintains the ecological sustainability of the forests or protects natural forests under a permanent conservation easement;

(B) INCLUSIONS.—The term ‘‘forest management action’’ includes—
(i) permanent conservation easement;
(ii) a transition zone between a forested area and nonforest area; and
(iii) natural forest under a permanent conservation easement.

(7) REFORESTATION.—
(A) IN GENERAL.—The term ‘‘reforestation’’ means the reestablishment of forest cover on nonforest land.

(B) INCLUSIONS.—The term ‘‘reforestation’’ includes—
(i) forest cover on agricultural land;
(ii) forest cover on agricultural land under a permanent conservation easement; and
(iii) forest cover on agricultural land under a transition zone.

(8) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term ‘‘soil carbon sequestration program’’ means the program established under section 1573(a)(1).

(10) STATE.—
(A) IN GENERAL.—The term ‘‘State’’ means—
(i) a State; and
(ii) the District of Columbia.

(B) INCLUSION.—The term ‘‘State’’ includes a political subdivision of a State.

(11) WILLING OWNER.—The term ‘‘willing owner’’ means a State or local government, Indian tribe, private entity, or other person or nonfederal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

SEC. 1572. FOREST CARBON SEQUESTRATION PROGRAM

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program to help prevent carbon emissions from forest management actions and agricultural best management practices.

(b) ASSISTANCE TO STATES.—
(1) IN GENERAL.—The Secretary shall provide assistance to States to enter into cooperative agreements with 1 or more States, enter into cooperative agreements with willing owners to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain an eligible forest carbon reservoir.

(2) REFINEMENT.—As a condition of receiving assistance under paragraph (1), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(c) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Idaho, Oregon, Montana, and Washington may apply for funding from the Bonneville Power Administration to fund a cooperative agreement that—
(i) meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.); and
(ii) meets the objectives of this section.

SEC. 1573. SOIL CARBON SEQUESTRATION PROGRAM

(a) ESTABLISHMENT.—
(1) IN GENERAL.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall carry out a soil carbon sequestration program in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out at least 4 pilot programs to—
(A) develop, demonstrate, and verify the best management practices for soil carbon sequestration on agricultural land; and
(B) evaluate and establish standardized monitoring and verification methods and protocols.

(2) CRITERIA.—The Secretary shall select a pilot program for—
(A) the merit of the proposed program; and
(B) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(b) REQUIREMENTS.—A pilot program carried out under this section shall—
(1) involve agricultural producers in—
(A) the development and verification of best management practices for carbon sequestration; and
(B) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(2) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(3) analyze the effects of the adoption of the best management practices on—
(A) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and
(B) the full life cycle greenhouse gases; and

(4) use the results of the research conducted under the program to—
(A) develop best management practices for use by agricultural producers;

(B) encourage agricultural producers to adopt the best management practices; and

(C) provide a comparison of the costs and net greenhouse effects of the best management practices.

(5) VACANCIES.—An individual may serve an initial term of 2 years.

(6) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—
(1) 1 member appointed under each of paragraphs (2), (4), and (6) of subsection (b), as determined by the Secretary, shall serve an initial term of 1 year; and

(2) 1 member appointed under each of paragraphs (1), (3), (5), and (7) of subsection (b), as determined by the Secretary, shall serve an initial term of 2 years.

(7) VACANCIES.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(c) TERMS.—
(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Advisory Panel shall be appointed for a term of 3 years.

(2) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—
(1) 1 member appointed under each of paragraphs (2), (4), (6), and (8) of subsection (b), as determined by the Secretary, shall serve an initial term of 1 year; and

(2) 1 member appointed under each of paragraphs (1), (3), (5), and (7) of subsection (b), as determined by the Secretary, shall serve an initial term of 2 years.

(3) VACANCIES.—An individual may serve an initial term of 2 years.

(4) VACANCIES.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(5) PROPLOTE.—An individual may serve an initial term of 2 years.
(d) **EXISTING COMMITTEES.**—The Secretary may use an existing Federal advisory committee to perform the tasks of the Advisory Panel if—

(1) representation on the advisory committee, the terms and background of members of the advisory committee, and the responsibilities of the advisory committee reflect those of the Advisory Panel; and

(2) those responsibilities are a priority for the advisory committee.

**SEC. 1575. STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.**

(a) **ACCURATE MONITORING, MEASUREMENT, AND REPORTING.**—In general—

(1) the appropriate committees of Congress shall—

(A) develop standardized measurement protocols for—

(i) carbon sequestered in soils and trees; and

(ii) impacts on other greenhouse gases;

(B) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(C) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(2) **CONTENTS OF REPORT.**—A report under paragraph (1)(C) shall describe—

(A) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(B) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(b) **EDUCATIONAL OUTREACH.**—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, and in consultation with the National Agricultural Statistics Service, the Department of Agriculture, and the Environmental Protection Agency, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon dioxide, without threat to the social and economic well-being of communities.

(c) **PERIODIC REVIEW.**—At least once every 2 years, the Secretary shall—

(1) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verifying of carbon storage from forest management and soil sequestration actions; and

(2) issue, as necessary, revised recommendations for reporting, monitoring, and verifying carbon storage from forest management actions and agricultural best management practices.

**SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for other workers in secure, affordable, and reliable energy; which was ordered to lie on the table; as follows: **

**SEC. 175. REACTOR DEMONSTRATION PROGRAM.** (Not later than 120 days after the date of enactment, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 97–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor immediately upon the Secretary’s taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to maintaining and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary’s obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this section shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary’s contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under Section 106 of this Act.

(2) As a condition to the Secretary’s taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver against the United States as provided in this section.

(3) Nothing in this section shall limit the Secretary’s existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

**SA 817. Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, to ensure jobs for other workers in secure, affordable, and reliable energy; which was ordered to lie on the table; as follows: **

**TITLe XvI. CLIMATE CHANGE SUBTITLE a. NATIONAL CLIMATE CHANGE TECHNOLOGY DEPLOYMENT**

**SEC. 1501. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY STRATEGIES.** Title XV of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

Title XVI, Climate Change

Subtitle A. National Climate Change Technology Deployment

**SEC. 1610. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY STRATEGIES.** (a) **DEFINITIONS.**—In this section:

(1) CARBON SEQUESTRATION.—The term ‘carbon sequestration’ means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

(2) COMMITTEE.—The term ‘Committee’ means the Interagency Coordinating Committee on Climate Change Technology established under subsection (c)(1).

(3) DEVELOPMENT.—The term ‘developing country’ has the meaning given the term in section 108(m).

(4) GREENHOUSE GAS.—The term ‘greenhouse gas’ means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(G) GREENHOUSE GAS INTENSITY.—The term ‘greenhouse gas intensity’ means the ratio of greenhouse gas emissions to economic output.

(H) NATIONAL LABORATORY.—The term ‘National Laboratory’ means a laboratory owned by the Department of Energy.

(I) WORKING GROUP.—The term ‘Working Group’ means the Intergovernmental Technology Working Group established under subsection (f)(1).

(d) **OFFICE OF SCIENCE AND TECHNOLOGY POLICY STRATEGY.**—In general.—Not later than 18 months after the date of enactment of this section, the Director of the Office of Science and Technology Policy shall, based on applicable legislation and practices developed through research and development programs conducted by the National Laboratories, other Federal research facilities, universities, and private sector industry—

(1) determine the priority areas of climate change science research and related activities, including—

(A) assessments of the state of knowledge on climate change;

(B) carrying out supporting studies, planning, and analyses of the science of climate change;

(C) CLIMATE CHANGE SCIENCE PROGRAM.—Not later than 180 days after the date on which the strategy is submitted under subsection (b)(1), the Committee shall permanently establish within the Department of Commerce the Climate Change Science Program to assist the Committee in the interagency coordination of climate change science research and related activities, including—

1. The term ‘greenhouse gas intensity’ means the ratio of greenhouse gas emissions to economic output.
subsection (b)(1), the Secretary, in cooperation with the Committee, shall permanently establish within the Department of Energy, the Climate Change Technology Program to assist the Secretary in the interagency coordination of climate change technology research, development, demonstration, and deployment to reduce greenhouse gas intensity.

‘‘(e) TECHNOLOGY INVENTORY.—

‘‘(1) IN GENERAL.—The Secretary shall conduct an inventory and evaluation of greenhouse gas intensity reducing technologies that have been developed, or are under development, by: (A) Federal research facilities, universities, and the private sector to determine which technologies are suitable for commercialization and deployment.

‘‘(B) REPORT.—Not later than 180 days after the completion of the inventory under paragraph (1), the Secretary shall submit to the Committee of Commerce and Congress a report that includes the results of the completed inventory and any recommendations of the Secretary.

‘‘(3) USE.—The Secretary, in consultation with the Secretary of Commerce, shall use the results of the inventory as guidance in the commercialization and deployment of greenhouse gas intensity reducing technologies.

‘‘(4) UPDATED INVENTORY.—The Secretary shall—

‘‘(A) periodically update the inventory under paragraph (1); and

‘‘(B) make the updated inventory available to the public.

‘‘(f) CLIMATE CHANGE TECHNOLOGY WORKING GROUP.—

‘‘(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish within the Department of Energy a Climate Change Technology Working Group to identify statutory, regulatory, economic, and other barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices in the United States.

‘‘(2) DURATION.—The Working Group shall be composed of the following members, to be appointed by the Secretary, in consultation with the Committee:

‘‘(A) 1 representative shall be appointed from each National Laboratory;

‘‘(B) 3 members shall be representatives of energy-producing trade organizations;

‘‘(C) 3 members shall represent energy-intensive trade organizations;

‘‘(D) 3 members shall represent groups that represent end-use energy and other consumers;

‘‘(E) 3 members shall be employees of the Federal Government who are experts in energy technology, intellectual property, and tax;

‘‘(F) 3 members shall be representatives of universities with expertise in energy technology development that are recommended by the Advisory Committee of Engineers, and

‘‘(3) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Working Group shall submit to the Committee a report that describes—

‘‘(A) the findings of the Working Group; and

‘‘(B) any recommendations of the Working Group for the removal or reduction of barriers to commercialization, deployment, and increasing the use of greenhouse gas intensity reducing technologies and practices.

‘‘(4) COMPENSATION OF MEMBERS.—

‘‘(A) NON-FEDERAL EMPLOYEES.—A member of the Working Group who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Working Group.

‘‘(B) FEDERAL EMPLOYEES.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the performance of the duties of an officer or employee of the Federal Government.

‘‘(C) TRAVEL EXPENSES.—A member of the Working Group shall be allowed travel expenses, subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home in the performance of business of the member in the performance of the duties of the Commission.

‘‘(g) GREENHOUSE GAS INTENSITY REducing TECHNOLOGY DEPLOYMENT.—

‘‘(1) IN GENERAL.—Based on the strategy developed under subsection (b)(1), the technology inventory conducted under subsection (e)(1), and the greenhouse gas intensity reducing technology study report submitted under subsection (e)(2), the Committee shall develop a program for implementation by the Climate Credit Board established under section 1611(b)(2)(A) that would provide for the removal of domestic barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices.

‘‘(2) REQUIREMENTS.—In developing the program under paragraph (1), the Committee shall consider in the aggregate—

‘‘(A) the cost-effectiveness of the technology;

‘‘(B) fiscal and regulatory barriers;

‘‘(C) statutory and other barriers; and

‘‘(D) intellectual property issues.

‘‘(3) REPORT.—Not later than 18 months after the date of enactment of this section, the Committee shall submit to the President and Congress a report that—

‘‘(A) identifies, based on the report submitted under subsection (f)(3), any barriers to, and commercial risks associated with, the deployment of greenhouse gas intensity reducing technologies; and

‘‘(B) includes any criteria for carrying out eligible projects with Federal financial assistance under section 1611.

‘‘(4) PROCEDURES FOR CALCULATING, MONITORING, AND ANALYZING GREENHOUSE GAS INtENSITY.—

‘‘(1) IN GENERAL.—The Committee, in collaboration with the Administrator of the Energy Information Administration and the National Institute of Standards and Technology, shall develop and propose standards and best practices for calculating, monitoring, and analyzing greenhouse gas intensity.

‘‘(2) CONTENT.—The standards and best practices proposed under paragraph (1) shall be issued as final regulations by the Secretary of Commerce under section 354 of the National Institute of Standards and Technology Act of 1988 (15 U.S.C. 276a–193).

‘‘(3) PUBLICATION.—To provide public with an opportunity to comment on the standards and best practices proposed under paragraph (1), the standards and best practices shall be published in the Federal Register.


‘‘(5) ELIGIBLE PROJECT COST.—The term ‘eligible project cost’ means the term ‘eligible project cost’ means any amount incurred for an eligible project that is paid by, or on behalf of, an obligor, including the costs of—

‘‘(A) construction activities, including—

‘‘(i) the acquisition of capital equipment; and

‘‘(ii) construction management;

‘‘(B) acquiring land (including any improvements to the land) relating to the eligible project; and

‘‘(C) financing the eligible project, including—

‘‘(i) providing capitalized interest necessary to meet market requirements;

‘‘(ii) Federal Government; and

‘‘(iii) other carrying costs during construction.
"(6) Federal financial assistance.—The term 'Federal financial assistance' means any credit-based financial assistance, including a direct loan, loan guarantee, a line of credit, a loan by a lender as standby default coverage or standby interest coverage, production incentive payment under subsection (g)(1)(B), or other credit-based financial assistance mechanism for an eligible project that is—

(A) authorized to be made available by the Secretary for an eligible project under this section; and

(B) provided in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(7) Investment-grade rating.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher as prescribed in subparagraph (D) will be adequate to repay project financing provided under this section; and

(v) associated with energy efficiency gains, in the case of other energy projects; and

(vi) associated with advanced climate technologies and systems; or

(vii) associated with energy efficiency gains, in the case of other energy projects; and

(viii) associated with advanced climate technologies and systems; or

(ix) associated with energy efficiency gains, in the case of other energy projects; and

(x) associated with advanced climate technologies and systems; or

(xi) associated with energy efficiency gains, in the case of other energy projects; and

(xii) associated with advanced climate technologies and systems; or

(xiii) associated with energy efficiency gains, in the case of other energy projects; and

(xiv) associated with advanced climate technologies and systems; or

(xv) associated with energy efficiency gains, in the case of other energy projects; and

(xvi) associated with advanced climate technologies and systems; or

(xvii) associated with energy efficiency gains, in the case of other energy projects; and

(xviii) associated with advanced climate technologies and systems; or

(xix) associated with energy efficiency gains, in the case of other energy projects; and

(xx) associated with advanced climate technologies and systems; or

(16) Standby interest coverage.—The term 'standby interest coverage' means a pledge by the Secretary to provide to an obligor, at a future date and on the occurrence of 1 or more events, a direct loan, the proceeds of which shall be used by the obligor to maintain the current status of the obligor on interest payments due on 1 or more loans or other project obligations issued by an obligor and funded by a lender for an eligible project.

(17) Subsidy amount.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument issued by the Secretary to an eligible project, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(18) Substantial completion.—The term 'substantial completion' means that an eligible project has been determined by the Board to be in, or capable of, commercial operation.

(b) Duties of the Secretary.—

(1) In general.—The Secretary shall make available to eligible project developers and eligible project owners, in accordance with this section, such financial assistance as is necessary for private sector financing for eligible projects.

(2) Climate credit board.—

(A) In general.—Not later than 180 days after the date of enactment of this section, the Board shall establish within the Department of Energy a Climate Credit Board composed of—

(i) the Under Secretary of Energy, who shall serve as Chairperson;

(ii) the Chief Financial Officer of the Department of Energy;

(iii) the Assistant Secretary of Energy for Policy and International Affairs; and

(iv) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and

(v) such other individuals as the Secretary determines to have the experience and expertise necessary to carry out the duties of the Board.

(B) Duties.—The Board shall—

(i) implement the program developed under section 1610(g)(1) in accordance with paragraph (3);

(ii) issue regulations and criteria in accordance with paragraph (4);

(iii) conduct negotiations with individuals and entities interested in obtaining assistance under this section; and

(iv) recommend to the Secretary potential recipients and amounts of grants of assistance under this section; and

(v) establish metrics to indicate the progress of the greenhouse gas intensity reducing technology deployment program and individual projects carried out under the program toward meeting the criteria established by section 1610(h)(2).

(3) Greenhouse gas intensity reducing technology deployment program.—Not later than 1 year after the date of enactment of this section, the Board, with the approval of the Secretary, shall implement the greenhouse gas intensity reducing technology deployment program developed under section 1610(g)(1).

(4) Regulations and criteria.—

(A) In general.—Not later than 1 year after the date of enactment of this section, the Board, in coordination with the Secretary, shall establish within the Department of Energy a Climate Credit Board composed of—

(i) the Under Secretary of Energy, who shall serve as Chairperson;

(ii) the Chief Financial Officer of the Department of Energy; and

(iii) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and

(iv) such other individuals as the Secretary determines to have the experience and expertise necessary for private sector financing for eligible projects.

(B) Duties.—The Board shall—

(i) implement the program developed under section 1610(g)(1) in accordance with paragraph (3);

(ii) issue regulations and criteria in accordance with paragraph (4);

(iii) conduct negotiations with individuals and entities interested in obtaining assistance under this section; and

(iv) recommend to the Secretary potential recipients and amounts of grants of assistance under this section; and

(v) establish metrics to indicate the progress of the greenhouse gas intensity reducing technology deployment program and individual projects carried out under the program toward meeting the criteria established by section 1610(h)(2).

(C) Determination of eligibility; project selection.—To be eligible to receive assistance under this section, an eligible project shall, as determined by the Board—

(A) be supported by an application that contains all information required to be included by, and is submitted to and approved by the Board in accordance with, the regulations and criteria issued by the Board under section 1610(g)(1); and

(B) be nationally or regionally significant by—

(i) reducing greenhouse gas intensity;

(ii) contributing to economic growth and development; and

(iii) increasing energy and technology diversity in the energy economy of the United States;

(D) Conditions for provision of assistance.—The Board shall provide financial assistance under this section if the application demonstrates to the satisfaction of the Board that the dedicated revenue sources described in subparagraph (A) will be adequate to repay project financing provided under this section; and
“(F) reduce greenhouse gas intensity on a national, regional, or company basis.

“(2) LIMITATIONS.—Except as otherwise provided in this section—

“(A) selection by the Secretary of an eligible project provided Federal financial assistance under this section shall be not less than 40,000,000;

“(B) the Federal share of an eligible project provided Federal financial assistance under this section shall not be more than 25 percent of eligible project costs;

“(C) not more than $300,000,000 in Federal financial assistance shall be provided to any individual eligible project; and

“(D) an eligible project shall not be eligible for financial assistance from any other individual eligible project; and

“(3) SELECTION AMONG ELIGIBLE PROJECTS.—

“(A) ESTABLISHMENT OF SELECTION CRITERIA.—The Board, in consultation with the Secretary and the Interagency Coordinating Committee on Climate Change Technology established under section 1610(c)(1), shall, in accordance with the regulations issued under subsection (c), establish criteria for selecting which eligible projects will receive assistance under this section.

“(B) REQUIREMENTS.—The selection criteria shall be determined by the Board of the extent to which—

“(i) the eligible project reduces greenhouse gas intensity beyond reductions achieved by technology alone to the extent of October 15, 1992;

“(ii) financing for the eligible project has appropriate security features, such as a rate covenant, to ensure repayment;

“(iii) assistance under this section for the eligible project would foster innovative public-private partnerships and attract private debt or equity investment;

“(iv) assistance under this section for an eligible project would enable the eligible project to proceed at an earlier date than would otherwise be practicable; and

“(v) the eligible project uses new technologies that enhance the efficiency, reduce greenhouse gas intensity, improve the reliability, or improve the safety, of the eligible project.

“(C) FINANCIAL INFORMATION.—An application for assistance for an eligible project under this subsection shall include such information as the Secretary determines to be necessary concerning—

“(i) the existing and budget authority required to fund the Federal credit instrument requested for the eligible project;

“(ii) the estimated construction costs of the project;

“(iii) estimates of construction and operating costs of the eligible project;

“(iv) projected revenues from the eligible project;

“(v) any other financial aspects of the eligible project, including assurances, that the Board determines to be appropriate.

“(D) RATING OPINION LETTER.—The Board shall require each applicant seeking assistance for an eligible project under this section to provide a preliminary rating opinion letter from at least 1 credit rating agency indicating that the senior obligations of the eligible project have the potential to achieve an investment-grade rating.

“(E) RISK ASSESSMENT.—Before entering into any agreement to provide assistance for an eligible project under this section, the Board, with the advice of the Director of the Office of Management and Budget, and each credit rating agency providing a preliminary rating opinion letter under subparagraph (D), shall determine and maintain an appropriate capital reserve subside amount for each line of credit established for the eligible project, taking into account the information contained in the preliminary rating opinion letter.

“(F) INVESTMENT-GRADE RATING REQUIREMENT.—

“(1) IN GENERAL.—The funding of any assistance under this section shall be contingent on the senior obligations of the eligible project receiving a rating from at least 1 credit rating agency.

“(2) INVESTMENT-GRADE RATING REQUIREMENT.—

“(i) In general.—The funding of any assistance under this section shall be contingent on the senior obligations of the eligible project receiving a rating from at least 1 credit rating agency.

“(ii) Considerations.—In determining whether an investment-grade rating is appropriate, the credit rating agency shall take into account the availability of Federal financial assistance under this section.

“(3) MAXIMUM AVAILABLE CLIMATE CREDIT SUPPORT.—Notwithstanding any assistance limitation under any other provision of this section, the Secretary shall not provide energy credit support to any eligible project in the form of a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or other credit-based financial assistance under subsection (h), the combined total of which exceeds 25 percent of eligible project costs, excluding the value of standby default coverage under subsection (i) and standby interest coverage under subsection (j), as determined by the Secretary.

“(4) STANDBY DEFAULT COVERAGE.—

“(d) STANDBY DEFAULT COVERAGE.—

“(1) AGREEMENTS; USE OF PROCEEDS.—

“(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(B) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(1) IN GENERAL.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(2) STANDY DEFAULT COVERAGE.—

“(A) AGREEMENTS; USE OF PROCEEDS.—

“(1) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(B) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

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“(B) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(2) STANDY DEFAULT COVERAGE.—

“(A) AGREEMENTS; USE OF PROCEEDS.—

“(1) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(B) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(1) IN GENERAL.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

“(B) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(C) USE OF PROCEEDS.—The proceeds of standby default coverage made available under this subsection shall be available to reimburse all or part of the debt obligation for an eligible project issued by an obligor and funded by a lender, plus all or part of obligor equity, in the event that, because of a regulatory failure or default specified by the Secretary pursuant to this section, an eligible advanced climate technology or system for an eligible project fails to receive an operating license by such deadline.

“(D) RIGHTS OF THIRD-PARTY CREDITORS.—In carrying out this section, the Secretary shall establish—

“(i) the Federal Government shall become the sole owner of the eligible project, with all rights and appurtenances to the eligible project; and

“(ii) the Secretary may assign all or part of the standby default coverage for an eligible project to 1 or more lenders or to an obligor on behalf of the lender.

“(E) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—If standby default coverage is exercised by the obligor of an eligible project, the Secretary may impose such other conditions and requirements in connection with any insurance provided under this subsection (including requirements for audits) as the Secretary determines to be appropriate.

“(F) STANDY INTEREST COVERAGE.—

“(1) IN GENERAL.—

“(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to make standby interest coverage available to 1 or more obligors in the form of loans for advanced climate or energy technologies or systems to be made by the Board at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

“(B) USE OF PROCEEDS.—Subject to subsection (c)(3), the proceeds of standby interest coverage made available under this subsection shall be available to pay the debt service on project obligations issued to finance eligible project costs of an eligible project.
project if a delay in commercial operations occurs due to a regulatory failure or other condition determined by the Secretary.

(2) Terms and limitations.—

(A) Interest rate.—The standby interest coverage under this subsection with respect to an eligible project shall be made on such terms and conditions (including a requirement for a standby interest payment) as the Secretary determines appropriate.

(B) Maximum amounts.—

(i) Total amount.—The total amount of standby interest coverage for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs.

(ii) 1-year draws.—The amount drawn in any 1 year for an eligible project under this subsection shall not exceed 25 percent of the total amount of the standby interest coverage for the eligible project.

(C) Period of availability.—The standby interest coverage for an eligible project shall be available during the period—

(i) beginning on a date following substantial completion of the eligible project that regulatory approval to operate a facility under the eligible project is suspended as a result of regulatory failure or other condition determined by the Secretary; and

(ii) ending on a date that is not later than 5 years after the eligible project is scheduled to commence commercial operations.

(D) Cost of coverage.—Subject to subsection (c)(4)(E), the cost of standby interest coverage under this subsection shall be borne by the Secretary. 

(E) Draws.—Any draw on the standby interest coverage for an eligible project shall—

(i) represent a loan;

(ii) be made only if there is a delay in commercial operations after the substantial completion of the eligible project;

(iii) be subject to the overall credit support limitations established under subsection (c)(5).

(F) Interest rate.—

(i) In general.—Subject to clause (ii), the interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall be established by the Secretary. 

(ii) Minimum interest rate.—The interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall not be less than the average market yield on outstanding marketable obligations of the United States with a maturity of 10 years on what the standby interest coverage is obligated.

(G) Security.—The standby interest coverage for an eligible project—

(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

(ii) shall require security for the project obligation and—

(iii) may have a lien on revenues described in clause (i), subject to any lien security features.

(H) Borrowers of a third-party creditor.—

(i) In general.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements with 1 or more third-party creditors to provide for an eligible project.

(ii) Period of availability.—The Board may enter into a contract with the owner or operator of an eligible project to provide for an eligible project.

(iii) Use of excess revenues.—At the discretion of the Board, the proceeds of a secured loan for an eligible project under this subsection shall be made available to pay for eligible project costs.

(3) Repayments.—The Board shall establish a repayment schedule and terms and conditions for each loan for eligible project costs.

(4) Security.—Subject to subsection (c)(5), the total amount of the secured loan for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

(5) Period of availability.—The Board may enter into a contract with the owner or operator of an eligible project to provide a secured loan during the period—

(i) beginning on the date that the financial structure of the eligible project is established; and

(ii) ending on the date of the start of construction of the eligible project.

(6) Cost of coverage.—Subject to subsection (c)(4)(E), the cost of standby interest coverage for an eligible project under this subsection shall be borne by the Secretary.
‘‘(ii) INTEREST.—Any payment deferred under clause (i) shall—

‘‘(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

‘‘(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).’’

‘‘(B) TERMS AND CONDITIONS.—The terms and conditions under which a loan is secured shall be consistent with the terms for a secured loan, under this subsection if the Board shall be subject to such terms and conditions, including any covenant, representation, warranty, and requirement (including a requirement for an audit) that the Secretary determines to be appropriate.

‘‘(C) SECURITY.—The secured loan—

‘‘(i) shall be secured subject to whole or in part, from dedicated revenue sources generated by the eligible project; and

‘‘(ii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

‘‘(D) ASSIGNMENT.—An assignor shall assign production incentive payments to 1 or more lenders or to a trustee on behalf of the lenders.

‘‘(E) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

‘‘(F) INTEREST.—Any interest rate paid on a loan shall be equal to 25 percent of the value of—

‘‘(i) the energy produced or transmitted by the eligible project during the applicable year; or

‘‘(ii) any gains in energy efficiency achieved by the eligible project during the applicable year.

‘‘(3) INTEREST.—Any interest due under this subsection shall be paid to the lender to the extent permitted by law.

‘‘(4) SALE OF SECURED LOANS.—In making a sale or reoffering under subparagraph (A), the Board may sell a secured loan for the eligible project if the Board determines that the sale or reoffering can be made on favorable terms.

‘‘(5) LOAN GUARANTEE.—

‘‘(A) IN GENERAL.—The Board may provide a loan guarantee to a lender, in lieu of making a secured loan, under this subsection if the Board determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

‘‘(B) TERMS.—

‘‘(I) IN GENERAL.—Except as provided in clause (ii), the terms of a guaranteed loan shall be subject to the terms for a secured loan under this subsection.

‘‘(II) INTEREST RATE; PREPAYMENT.—The interest rate on the guaranteed loan and any prepayment features shall be established by negotiations between the obligor and the lender, with the consent of the Board.

‘‘(6) PRODUCTION INCENTIVE PAYMENTS.—

‘‘(A) SECURED LOAN.—

‘‘(i) SECURED LOAN.—The Secretary may enter into an agreement with 1 or more obligors to make a secured loan for an eligible project selected under subsection (c)(4) that employs 1 or more advanced climate technologies or systems.

‘‘(ii) PRODUCTION INCENTIVE PAYMENTS.—

‘‘(I) IN GENERAL.—Amounts loaned to an obligor under paragraph (A) shall be made available in the form of a series of production incentive payments provided by the Board to the obligor during a period of not more than 10 years, as determined by the Board, beginning after the date on which commercial project operations start at the eligible project.

‘‘(II) AMOUNTS.—Production incentive payments under clause (i) shall be for an amount equal to 25 percent of the value of—

‘‘(i) the energy produced or transmitted by the eligible project during the applicable year; or

‘‘(ii) any gains in energy efficiency achieved by the eligible project during the applicable year.

‘‘(B) TERMS AND CONDITIONS.—

‘‘(A) IN GENERAL.—A secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of similar maturity; as of the date on which the agreement under paragraph (1)(A) is executed.

‘‘(B) SECURITY.—The secured loan—

‘‘(i) shall be secured subject to whole or in part, from dedicated revenue sources generated by the eligible project; and

‘‘(ii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

‘‘(C) ASSIGNMENT.—An assignor shall assign production incentive payments to 1 or more lenders or to a trustee on behalf of the lenders.

‘‘(D) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

‘‘(E) INTEREST.—Any interest rate paid on a loan shall be equal to 25 percent of the value of—

‘‘(i) the energy produced or transmitted by the eligible project during the applicable year; or

‘‘(ii) any gains in energy efficiency achieved by the eligible project during the applicable year.

‘‘(F) INTEREST.—Any interest due under this subsection shall be paid to the lender to the extent permitted by law.

‘‘(3) INTEREST.—Any interest due under this subsection shall be paid to the lender to the extent permitted by law.

‘‘(4) SALE OF SECURED LOANS.—In making a sale or reoffering under subparagraph (A), the Board may sell a secured loan for the eligible project if the Board determines that the sale or reoffering can be made on favorable terms.

‘‘(5) LOAN GUARANTEE.—

‘‘(A) IN GENERAL.—The Board may provide a loan guarantee to a lender, in lieu of making a secured loan, under this subsection if the Board determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

‘‘(B) TERMS.—

‘‘(I) IN GENERAL.—Except as provided in clause (ii), the terms of a guaranteed loan shall be subject to the terms for a secured loan under this subsection.

‘‘(II) INTEREST RATE; PREPAYMENT.—The interest rate on the guaranteed loan and any prepayment features shall be established by negotiations between the obligor and the lender, with the consent of the Board.

‘‘(6) PRODUCTION INCENTIVE PAYMENTS.—

‘‘(A) SECURED LOAN.—

‘‘(i) SECURED LOAN.—The Secretary may enter into an agreement with 1 or more obligors to make a secured loan to the obligor for eligible projects selected under subsection (c)(4) that employ advanced climate technologies or systems.

‘‘(ii) PRODUCTION INCENTIVE PAYMENTS.—

‘‘(I) IN GENERAL.—Amounts loaned to an obligor under paragraph (A) shall be made available in the form of a series of production incentive payments provided by the Board to the obligor during a period of not more than 10 years, as determined by the Board, beginning after the date on which commercial project operations start at the eligible project.

‘‘(II) AMOUNTS.—Production incentive payments under clause (i) shall be for an amount equal to 25 percent of the value of—
(B) Maximum Amount.—Subject to subsection (c)(5), the total amount of the secured loan under this subsection shall not exceed 50 percent of the reasonably anticipated eligible project costs.

(C) Period of Availability.—The Board may enter into a contract with the obligor to provide credit-based financial assistance to an eligible project during the period—

(i) beginning on the date that the financial structure of the eligible project is established; and

(ii) ending on the date of the start of construction of the eligible project.

(D) Agreement Costs.—Subject to subsection (c)(4)(E), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Board.

(E) Interest Rate.—

(1) In General.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be determined by the Board.

(i) Minimum Rate.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the secured loan agreement.

(ii) Security.—The secured loan—

(A) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations;

(C) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

(G) Payment Provisions.—

(1) Against Federal Government.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

(ii) Assignment.—An obligor may assign payments made pursuant to an agreement to provide credit-based financial assistance under this subsection to 1 or more lenders or to a trustee on behalf of the lenders.

(iii) Security.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

(iv) Open-Ended Status.—A secured loan under this subsection shall be non recourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

(v) Termination.—The Board may establish fees at a level sufficient to cover all or part of the costs to the Federal Government of providing credit-based financial assistance under this subsection.

(3) Repayment.—

(A) Schedule and Terms and Conditions.—The Board shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from eligible project revenues.

(B) Prepayment.—Scheduled loan repayments of principal or interest on a secured loan under this subsection shall—

(i) commence not later than 5 years after the date of substantial completion of the eligible project; and

(ii) be completed, with interest, not later than 35 years after the date of substantial completion of the eligible project.

(C) Sources of Repayment Funds.—The sources of funds for scheduled loan repayments under this subsection shall include—

(i) the sale of electricity or generating capacity;

(ii) the sale or transmission of energy;

(iii) revenues associated with energy efficiency gains; or

(iv) other dedicated revenue sources, such as carbon sequestration.

(D) Deferred Payments.—

(1) Authorization.—If, at any time during the 10-year period beginning on the date of the start of commercial operations of the eligible project, the Secretary determines that the obligor is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(2) Interest.—Any payment deferred under clause (1) shall—

(i) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

(ii) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

(E) Prepayment.—

(1) Use of Excess Revenues.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements of the eligible project obligations and secured loan, and all deposit service requirements under the terms of any trust agreement, shall be paid, with interest, to the capital markets a secured loan for the eligible project obligations, may be applied annually to prepay a secured loan under this subsection without penalty.

(2) Use of Proceeds of Refinancing.—A secured loan under this subsection may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(3) Sale of Secured Loans.—

(A) In General.—Subject to subparagraph (B), as soon as practicable after the start of commercial operations of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project under this subsection if the Secretary determines that the sale or reoffering can be made on favorable terms.

(B) Consent Required.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(4) Federal, State, and Local Regulatory Requirements.—The provision of Federal financial assistance to an eligible project under this section shall not—

(i) relieve any recipient of the assistance of any obligation to obtain any required Federal, State, or local regulatory requirement, permit, or approval with respect to the eligible project;

(ii) limit the right of any unit of Federal, State, or local government to approve or regulate any rate, toll, or other rate incentive invested in the eligible project; or

(iii) otherwise supersede any Federal, State, or local law (including any regulation) applicable to the construction or operation of the eligible project.

(F) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010, to remain available until expended.

Title II—Climate Change Technology Deployment in Developing Countries
SEC. 511. CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

The Global Environmental Protection Assistance Act of 1989 (Public Law 101-240; 103 Stat. 2521) is amending by adding at the end the following:

PART C—TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES
SEC. 731. DEFINITIONS.

In this part:

(1) Carbon Sequestration.—The term ‘‘carbon sequestration’’ means the capture of carbon dioxide through terrestrial, geological, or oceanic storage, which prevents the release of carbon dioxide into the atmosphere.

(2) Greenhouse Gas.—The term ‘‘greenhouse gas’’ means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(3) Greenhouse Gas Intensity.—The term ‘‘greenhouse gas intensity’’ means the ratio of greenhouse gas emissions to economic output.

SEC. 732. REDUCTION OF GREENHOUSE GAS INTENSITY.

(A) Lead Agency.—

(1) In General.—The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

(2) Reports.—

(A) Initial Report.—Not later than 180 days after the date of enactment of this part, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress a report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the greenhouse gas emitters, including for each country—

(i) an estimate of the quantity and types of emissions;

(ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

(iii) a description the progress of any significant projects undertaken to reduce greenhouse gas intensity;

(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

(vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

(B) Update.—Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

(C) Use.—

(i) Initial Report.—The Secretary of State shall use the initial report submitted under subparagraph (A) to establish base lines for the developing countries identified in the report with respect to the information provided under clauses (1) and (2) of that subparagraph.

(ii) Annual Reports.—The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the developing countries with respect to reducing greenhouse gas intensity.

(B) Projects.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, or any other international, bilateral, or private development institutions) provide assistance
to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

(1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;

(2) increase private investment in projects and activities to reduce greenhouse gas intensity; and

(3) expedite the deployment of technology to reduce greenhouse gas intensity.

(c) Focus.—In providing assistance under subsection (b), the Secretary of State shall focus on—

(1) promoting the rule of law, property rights, contract protection, and economic freedom; and

(2) increasing capacity, infrastructure, and training.

(d) Priority.—In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under section 732(a)(2)(A).

SEC. 733. TECHNOLOGY INVENTORY FOR DEVELOPING COUNTRIES.

(a) In General.—The Secretary of State shall, in coordination with the Secretaries of Energy and Commerce and the United States Trade Representative, conduct an inventory of greenhouse gas intensity reducing technologies and practices that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization by the developing countries identified in the report submitted under section 732(a)(2)(A).

(b) Report.—Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

(1) includes the results of the completed inventory;

(2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;

(3) includes results from previous Federal reports related to the inventoried technologies; and

(4) includes an analysis of market forces related to the inventoried technologies.

SEC. 734. TRADE-RELATED BARRIERS TO EXPORTS OF GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGIES.

(a) In General.—Not later than 1 year after the submission of the report required by subsection (a) of the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements) and—

(1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 732(a)(2)(A); and

(2) negotiate with foreign countries for the removal of those barriers.

(b) Annual Report.—Not later than 1 year after the submission of the report required by subsection (a), and annually thereafter, the United States Trade Representative shall submit to Congress a report that includes a summary of the actions taken with respect to removing the barriers identified by the United States Trade Representative under subsection (a).

SEC. 735. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY EXPORT INITIATIVE.

(a) In General.—There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

(1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;

(2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 732(a)(2)(A);

(3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 734; and

(4) identify previous efforts to export energy technologies to learn best practices.

(b) Working Group.—The working group shall be composed of—

(1) the Secretary of State, who shall act as the head of the working group;

(2) the Administrator of the United States Agency for International Development;

(3) the United States Trade Representative;

(4) a designee of the Secretary of Energy; and

(5) a designee of the Secretary of Commerce.

(c) Performance Reviews and Reports.—Not later than 180 days after the date of enactment of this part and each year thereafter, the interagency working group shall—

(1) conduct a performance review of actions taken and results achieved by the Federal Government and each of the agencies represented on the interagency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and

(2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for the export of the technologies and practices.

SEC. 736. TECHNOLOGY DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of State, in coordination with the Secretaries of Energy and Commerce, and the United States Agency for International Development, shall encourage the adoption of technologies and practices that reduce greenhouse gas intensity in developing countries in accordance with this section.

(b) Demonstration Projects.—

(1) In General.—The Secretary of State shall plan, coordinate, and carry out, or provide assistance for the planning, coordination, and carrying out of, demonstration projects under this section in at least 10 eligible countries, as determined by the Secretary of State and the Administrator.

(2) Eligible Countries.—A country shall be eligible for assistance under this subsection if the Secretary and the Administrator determine that the country has demonstrated a commitment to—

(A) just governance, including—

(i) promoting the rule of law;

(ii) respecting human and civil rights; and

(iii) protecting private property rights; and

(B) economic freedom, including economic policies that—

(i) encourage citizens and firms to participate in global trade and international capital markets;

(ii) promote private sector growth and the sustainable management of natural resources; and

(iii) strengthen market forces in the economy.

(3) Selection.—In determining which eligible countries to provide assistance to under paragraph (1), the Secretaries and the Administrator shall consider—

(A) the opportunity to reduce greenhouse gas intensity in the eligible country; and

(B) the opportunity to generate economic growth in the eligible country.

(4) Types of Projects.—Demonstration projects under this section may include—

(A) projects to reduce coal liquefaction, coal gasification, and clean coal projects;

(B) carbon sequestration projects;

(C) cogeneration technology initiatives;

(D) renewable projects; and

(E) lower emission transportation.

SEC. 737. FELLOWSHIP AND EXCHANGE PROGRAMS.

The Secretary of State, in coordination with the Secretaries of Energy, Commerce, and the Administrator of the Environmental Protection Agency, shall carry out fellowship and exchange programs under which officials from developing countries visit the United States to acquire expertise and knowledge of best practices to reduce greenhouse gas intensity in their countries.

SEC. 738. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this part (other than section 736).

SEC. 739. EFFECTIVE DATE.

Except as otherwise provided in this part, this part takes effect on October 1, 2005.
(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in a power shortage or other emergency;
(II) reduce the use of resources by the building; or
(III) enhance worker productivity; and
(b) On days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).  

SA 819. Mr. TALENT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

SEC. 312. FUEL USE CREDITS.

(1) IN GENERAL.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

(a) DEFINITIONS. —In this section:

(1) BIODIESEL.—The term ‘‘biomass’’ means any plant or animal material which has been processed to fuel, whether or not the plant or animal material was a renewable energy resource.

(2) QUALIFYING VOLUME.—The term ‘‘qualifying volume’’ means—

(A) 450 gallons; or

(B) the Secretary determines by rule that the average annual alternative fuel use with respect to a fleet or covered person exceeds 450 gallons or gallon equivalent, in which case the amount of biodiesel defined as a qualifying volume under subparagraph (A) is increased by the number of gallons or gallon equivalent used by such entity in the 24-month period ending before the date of enactment of this Act.

(4) TREATMENT UPON ABANDONMENT.—If any property to which a delay rental payment relates is retired or abandoned during the taxable year, the amount paid or incurred in connection with the development of oil or gas wells or the production of oil or gas shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

(b) AMORTIZATION OF DELAY RENTAL PAYMENTS.—For purposes of section 312, the term ‘‘alternative fuel’’ (as defined in section 638) shall be allowed as paid or incurred on the mid-point of any calendar year after 2009, the rate of such payment, with respect to which such tentative amount is $10,000,000.

(c) APPLICABLE CREDIT AMOUNT. —In the case of any decedent dying in a calendar year after 2010, the dollar amount in paragraph (1) shall be increased by an amount equal to—

(A) such dollar amount, multiplied by—

(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘‘calendar year 2009’’ for ‘‘calendar year 1992’’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

(d) ESTATE TAX FLAT RATE EQUAL TO CAPITAL GAINS RATE.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to the flat rate for estate tax) is amended to read as follows:

(1) RATE OF TENTATIVE TAX. —In the case of estates of decedents dying, and gifts made, in any calendar year after 2009, the rate of the tentative tax is the rate specified in section 2010A(c)(1) for such year.

(e) EFFECTIVE DATE. —The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

(MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such Act, had never been enacted.

(2) SUNSET NOT TO APPLY.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ‘‘the Act’’ and all that follows thereunder.

(B) Subsection (b) of such section 901 is amended by striking—

(1) ‘‘The Internal Revenue Code of 1986’’ and—

(2) ‘‘the Act’’ and all that follows thereunder.

(C) Subsection (c) of such section 901 is amended by striking—

(1) ‘‘The Internal Revenue Code of 1986’’ and—

(2) ‘‘the Act’’ and all that follows thereunder.

(3) CONFORMING AMENDMENT.—Subsection (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such section, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendment had never been enacted.

SA 822. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

SEC. 313. INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT AGAINST ESTATE TAX. REDUCTION IN ESTATE TAX RATE TO CAPTIAL GAINS RATE.

(a) INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

(1) APPLICABLE CREDIT AMOUNT.—

(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount. For purposes of the preceding sentence, the applicable exclusion amount is $10,000,000.

(b) ESTATE TAX FLAT RATE EQUAL TO CAPITAL GAINS RATE.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to the flat rate for estate tax) is amended to read as follows:

(1) RATE OF TENTATIVE TAX. —In the case of estates of decedents dying, and gifts made, in any calendar year after 2009, the rate of the tentative tax is the rate specified in section 2010A(c)(1) for such year.

(c) EFFECTIVE DATE. —The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.
future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 14. FUEL-EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) In General.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement with a person to carry out a multiyear engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) Performance Objectives.—The fuel efficiency performance objectives for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(I) advanced concepts, alternate propulsion, and power configurations, including hybrid/fuel cell powered systems; and

(II) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to assure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20. On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(I) investigate the option to evaluate the full potential of existing energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources; and

(ii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the following:

(I) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(II) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) increase worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 556, between lines 9 and 10, insert the following new section:

SEC. 972. ABSTRACTION FROM LOCAL CLIMATE AND SEA LEVEL CHANGE PROGRAM.

(a) Establishment of Program.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) Purposes of Program.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) Abrupt Climate Change Defined.—In this section, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2006 through 2008, to remain available until expended, $10,000,000 to carry out the research program required under this section.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 238, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) Small Business Producer Energy Emergency Disaster Loan Program.—

(1) Disaster Loan Authority.—Section 7(k) of the Small Business Act (15 U.S.C. 636(h)) is amended by inserting after paragraph (3) the following:

(4A) In this paragraph—

(I) the term ‘‘disaster area’’ means a county in which the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

(II) the term ‘‘closing unit price index’’ means the most recent closing unit price, as published by the New York Mercantile Exchange, for heating oil, natural gas, gasoline, or propane, for the 10 most recent trading days, for contracts that mature in the subsequent calendar month, commonly known as the ‘‘front month’’; and

the term ‘‘significant increase’’ means—

(1) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

(2) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

(B) The Administration may make such loans, either directly or in cooperation with other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, or kerosene occurring on or after January 1, 2005.

(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

(D) No loan may be made under this paragraph, either directly or in cooperation with other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under subparts (A) and (B) exceeds $500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, at its discretion, may waive the $500,000 limitation.

(E) For purposes of assistance under this paragraph—

(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; and

(ii) no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration shall make such loans as would have been available under this paragraph if a disaster declaration had been issued.

(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.

(2) Conforming Amendments.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ‘‘, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene after ‘‘civil disorder’’; and

(B) by inserting ‘‘other’’ before ‘‘economic’’.

SA 826. Mr. ERSKINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 321, after subsection (a)—
the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary. (B) In general.—(i) In general, by inserting before the period at the end of the following ‘‘or by an energy emergency declared by the President or the Secretary’’; and (C) the fourth sentence—(i) by inserting ‘‘or natural disaster’’ each place that term appears; and (ii) by inserting ‘‘or declaration’’ after ‘‘emergency designation’’. (2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters. (c) GUIDELINES AND RULEMAKING.— (1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance. (2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 632(b)(4)(A)(iii)(II)), as added by this section. (d) REPORTS. (1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance provided under section 7(b)(4) of the Small Business Act, as added by this section, including— (A) the number of small business concerns that obtained a loan under section 7(b)(4) and the number of those that received such loans; (B) the dollar value of those loans; (C) the States in which the small business concerns that received such loans are located; (D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and (E) recommendations for ways to improve the assistance provided under section 7(b)(4), if any. (2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that— (A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and (B) contains recommendations for ways to improve the assistance provided under such section. (3) EFFECTIVE DATE.— (e) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section. (f) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SA 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION IV—CLIMATE STEWARDSHIP AND INNOVATION

SEC. 403. SHORT TITLE.

This division may be cited as the ‘‘Climate Stewardship and Innovation Act of 2005’’.

SEC. 402. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 401. Title.
Sec. 402. Table of contents.
Sec. 403. Definitions.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

Sec. 401. National Science Foundation fellowships.
Sec. 403. Research grants.
Sec. 404. Abrupt climate change research.
Sec. 405. Impact on low-income populations.
Sec. 406. NIST greenhouse gas functions.
Sec. 407. Development of new measurement technologies.
Sec. 408. Environmental measurements and standards.
Sec. 409. Technology development and diffusion.
Sec. 410. Agricultural outreach program.

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

Sec. 420. National greenhouse gas database and registry established.
Sec. 421. Inventory greenhouse gas emissions for covered entities.
Sec. 422. Greenhouse gas reduction reporting.
Sec. 423. Monitoring and verification.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

Sec. 430. Covered entities must submit allowances for emissions.
Sec. 431. Compliance.
Sec. 432. Borrowing against future reductions.
Sec. 433. Limitations on use of tradable allowances.
Sec. 434. Exemption of source categories.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

Sec. 435. Establishment of tradable allowances.
Sec. 436. Determination of tradable allowance allocations.
Sec. 437. Allocation of tradable allowances.
Sec. 438. Ensuring target adequacy.
Sec. 439. Initial allocations for early participation and accelerated participation.
Sec. 440. Bonus for accelerated participation.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

Sec. 451. Establishment.
Sec. 452. Purposes and functions.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

Sec. 453. Sequestration accounting.
Sec. 454. Penalties.

TITLE IV—INNOVATION AND COMPETITIVENESS

Sec. 460. Findings.

SUBTITLE A—INNOVATION INFRASTRUCTURE

Sec. 471. Technology transfer opportunities.
Sec. 472. Government-sponsored technology investment program.
Sec. 473. Federal technology innovation personnel incentives.
Sec. 474. Interdisciplinary research and commercialization.
Sec. 475. Climate innovation partnerships.
Sec. 476. National medal of climate stewardship innovation.
Sec. 477. Math and science teachers’ enhancement program.
Sec. 478. Patent study.
Sec. 479. Lessons-learned program.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

Sec. 481. Transportation.
Sec. 482. Agricultural sequestration.
Sec. 483. Geological storage of sequestered greenhouse gases.
Sec. 484. Energy efficiency audits.
Sec. 485. Adaptation technologies.
Sec. 486. Advanced research and development for safety and non-proliferation.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

Sec. 491. Government-industry partnerships for first-of-a-kind engineering design.
Sec. 492. Demonstration programs.

PART II—FINANCING

Sec. 493. Climate Technology Financing Board.
Sec. 494. Responsibilities of the Secretary.
Sec. 495. Limitations.
Sec. 496. Source of funding for programs.

PART III—DEFINITIONS

Sec. 497. Definitions.

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

Sec. 498. Climate technology challenge program.

SEC. 403. DEFINITIONS.

In this Act: (1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ‘‘baseline’’ means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—
(A) regulations promulgated under section 2021(c)(1); and

(B) relevant standards and methods developed under this title.

(2) USE OF CARBON DIOXIDE EQUIVALENTS.—The term ‘‘carbon dioxide equivalents’’ means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to warming as one metric ton of carbon dioxide, as determined by the Administrator.

(3) COVERED SECTORS.—The term ‘‘covered sector’’ means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(a) GENERAL.—The term ‘‘covered entity’’ means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or operates a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from a single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit, or

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(b) DATABASE.—The term ‘‘database’’ means the national greenhouse gas database established under section 2021.

(c) DIRECT EMISSIONS.—The term ‘‘direct emissions’’ means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(d) FACILITY.—The term ‘‘facility’’ means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(e) GREENHOUSE GAS.—The term ‘‘greenhouse gas’’ means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(f) SOURCETYPE EMISSIONS.—The term ‘‘sourcetype emissions’’ means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(g) INVENTORY.—The term ‘‘Inventory’’ means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5.

(h) LEAKAGE.—The term ‘‘leakage’’ means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(i) PERMANENCE.—The term ‘‘permanence’’ means the extent to which greenhouse gases that are sequestered will not later be released to the atmosphere.

(j) REGISTRY.—The term ‘‘registry’’ means the registry of greenhouse gas emission reductions established under section 2021(b)(2).

(15) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Commerce.

(16) SEQUETRATION.—The term ‘‘sequstration’’ means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(A) IN GENERAL.—The term ‘‘sequstration’’ includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(B) INCLUSIONS.—The term ‘‘sequstration’’ does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term ‘‘source category’’ means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term ‘‘stationary source’’ means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

(19) LEAKAGE.—The term ‘‘leakage’’ means—

(A) any conversion of, or negative impact on, a native ecosystem; or

(B) any introduction of non-native species.

(20) GREENHOUSE GAS.—The term ‘‘greenhouse gas’’ means generally any source of greenhouse gases that make a contribution to global warming as one metric ton of carbon dioxide, as determined by the Administrator.

(21) CONTRIBUTION TO GLOBAL WARMING.—The term ‘‘contribution to global warming’’ for each greenhouse gas, the amount of each greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit, or

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimateology, consequences, and adaptation.

SEC. 102. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation, adaptation, and technology deployment.

SEC. 103. RESEARCH GRANTS.


(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

‘‘(c) RESEARCH GRANTS.—

‘‘(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

‘‘(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

‘‘(3) FUNDING THROUGH NSF.—

‘‘(A) Authorization.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research on climate change adaptation and mitigation strategies and programs for developing countries and low-income populations and assess the impact of those strategies and programs on developing countries and on low-income populations in the United States; and

‘‘(B) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $2,000,000 to carry out this section, this sum to remain available until expended.

‘‘(d) IMPACT ON LOW-INCOME POPULATIONS RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct research on the climate change impact on low-income populations everywhere in the world.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee a report on climate change adaptation and mitigation programs.

(1) by striking ‘‘and’’ after the semicolon in paragraph (21); and

(2) by redesignating paragraph (22) as paragraph (23).

(3) by inserting after paragraph (21) the following:

‘‘(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 to carry out the research required by subsection (a).’’
(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase removal of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and

SEC. 107. DEVELOPMENT AND IMPLEMENTATION OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section 202, the Secretary shall initiate a program to develop and implement, with technical assistance from, appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions from land use practices or calculated or reported greenhouse gas technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes research programs, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gas emissions. The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection, the Director shall cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.

(b) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate agencies, including such centers within NRCS and the Cooperative State Research Education and Extension Service.

(c) NATIONWIDE GREENHOUSE GAS DATABASE.

Not later than 2 years after the date of enactment of this Act, the Administrator shall develop and implement a system for greenhouse gas emissions reporting, inventoring, and reductions registration.

(1) REGISTRATION.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the rules promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than one reporting entity; and

(ii) to provide for corrections to errors in data submitted to the database;

(C) for adjustment to data by reporting entities that result from significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) for adjustments to reflect new methodologies and measures for greenhouse gas emissions or emission reductions; and

(E) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(ii) to incorporate new methods for calculating and reporting greenhouse gas emissions or emission reductions.

(F) for the verification of submitted emissions reductions registered under section 204;

(G) for the provision of unique serial numbers to identify the registered emission reduction credits made by an entity relative to the baseline of the entity; and

(H) for the tracking of the registered reductions associated with the serial numbers; and

(2) AGRICULTURAL OUTREACH PROGRAM.

The Secretary of Agriculture, acting through the Global Change Education and Outreach Initiative Program, the National Agricultural Extension Service, shall develop and implement a system that provides—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts; and

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change education and outreach within such centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).


SEC. 201. NATIONAL GREENHOUSE GAS DATABASE.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventoring, and reductions registration.

(1) REGISTRATION.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the rules promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than one reporting entity; and

(ii) to provide for corrections to errors in data submitted to the database;

(C) for adjustment to data by reporting entities that result from significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) for adjustments to reflect new methodologies and measures for greenhouse gas emissions or emission reductions; and

(E) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(ii) to incorporate new methods for calculating and reporting greenhouse gas emissions or emission reductions.

(F) for the verification of submitted emissions reductions registered under section 204;

(G) for the provision of unique serial numbers to identify the registered emission reduction credits made by an entity relative to the baseline of the entity; and

(H) for the tracking of the registered reductions associated with the serial numbers; and

(2) REQUIREMENTS.—The Administrator shall develop and implement a system that provides—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts; and

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change education and outreach within such centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).
SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) In General.—Not later than July 1st of each calendar year after 2006, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 6031(b); and

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that were sold or imported by the entity when these products are used for transportation in United States, as determined by the Administrator under section 6031(b); and

(b) Requirements.—The information referred to in subsection (a) is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration of greenhouse gases; and

(1) an activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration of greenhouse gases; and

(2) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that were sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 6031(b); and

(3) other categories of emissions that the Administrator determines in the regulations promulgated under section 6021(c)(1) may be practicable and useful for the purposes of this division, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under this Act.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) In General.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) (as reported at the facility level), with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration of the greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in United States, as determined by the Administrator under section 6031(b); and

(2) such other categories of emissions as the Administrator determines in the regulations promulgated under section 6021(c)(1) may be practicable and useful for the purposes of this division, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under this Act.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) Standards.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, and the Secretary of Agriculture, in consultation with the Administrator, the Secretary of Commerce, and the Secretary of the Treasury, shall promulgate standards under section 6021(c)(1) and implementing the data systems in effect as of the date of enactment of this Act, the Secretary of Energy, and the Secretary of Agriculture, in consultation with the Administrator, the Secretary of Commerce, and the Secretary of the Treasury, shall promulgate standards under section 6021(c)(1) and implementing the data systems in effect as of the date of enactment of this Act.

(2) VERTICAL REPORTING.—An entity described in subsection (a) may—

(A) establish a baseline; and

(B) submit the report described in subsection (c) to the Administrator.

(c) REPORTS.—In the report submitted under paragraph (2), the entity shall include—

(1) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(2) the greenhouse gas reduction and sequestration measurement and reporting methods and standards applied in other countries, as applicable or relevant;

(3) the extent to which available fossil fuels, greenhouse gas emissions, greenhouse gas production and importation data are adequate to implement the database; and

(4) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases; and

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the report.

SEC. 205. INDEPENDENT THIRD-PARTY VERIFICATION.

(a) Standards.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.
(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, as well as

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this division by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(F) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a); and

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining the services described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—(1) SUBMISSION OF ALLOWANCES.—Except as provided in paragraph (2), beginning with calendar year 2010, each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in subparagraph (B).

(2) DETERMINATION OF TRADEABLE ALLOWANCES.—(A) the Secretary determines that the entity has met the requirements of this section.

(b) USE OF TRADEABLE ALLOWANCES.—The Administrator may make available to any covered entity allowances for any portion of the deposited greenhouse gas emissions reduction, as registered in the database, during any service described in paragraph (1), and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(c) DETERMINATION OF HYDROFLUOROCARBON, PERFLUOROCARBON, AND SULFUR HEXAFLUORIDE AMOUNT.

(1) SUBMISSION OF ALLOWANCES.—On or before May 1, 2008, each covered entity shall submit one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is emitted from stationary sources, measured in units of carbon dioxide equivalents, to the Administrator under subsection (b), when used for transportation.

(2) DETERMINATION OF TRADEABLE ALLOWANCE AMOUNT.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(3) SUBMISSION OF CREDITS OBTAINED FROM THE IMPLEMENTATION OF REFORMS.—(A) the Administrator may make available to any covered entity credits obtained from the implementation of reforms described in paragraph (1), and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(4) SUBMISSION OF CREDITS OBTAINED FROM THE IMPLEMENTATION OF REFORMS.—(A) the Administrator may make available to any covered entity credits obtained from the implementation of reforms described in paragraph (1), and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(5) SUBMISSION OF CREDITS OBTAINED FROM THE IMPLEMENTATION OF REFORMS.—(A) the Administrator may make available to any covered entity credits obtained from the implementation of reforms described in paragraph (1), and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(b) DETERMINATION OF TRADEABLE ALLOWANCE AMOUNT.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(c) COMPLIANCE.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation’s market in greenhouse gas emissions if—

(i) the Secretary determines that the other nation’s system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(ii) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(iii) the covered entity certifies that the tradeable allowance has been retired unused in the other nation’s market.

(2) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity or

(3) submitting credits obtained from the implementation of reforms contained in section 303.

(c) BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this division for the current calendar year, subject to the limitation imposed by section 302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE AMOUNT.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(c) COMPLIANCE.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation’s market in greenhouse gas emissions if—

(i) the Secretary determines that the other nation’s system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(ii) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(iii) the covered entity certifies that the tradeable allowance has been retired unused in the other nation’s market.

(2) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity or

(3) submitting credits obtained from the implementation of reforms contained in section 303.

(c) BORROWING AGAINST FUTURE REDUCTIONS.—(A) the Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this division for the current calendar year, subject to the limitation imposed by section 302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE AMOUNT.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(c) COMPLIANCE.—(A) the Administrator shall determine whether each covered entity has met the requirements of this section.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation’s market in greenhouse gas emissions if—

(i) the Secretary determines that the other nation’s system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(ii) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(iii) the covered entity certifies that the tradeable allowance has been retired unused in the other nation’s market.

(2) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity or

(3) submitting credits obtained from the implementation of reforms contained in section 303.
§331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to:

(1) 5,896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from covered entities.

(b) SERIAL NUMBERS.—The Administrator shall allocate each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In any year in which the term "non-covered entity" means an entity that:

(1) owns or controls a source of greenhouse gas emissions in the electric power, industrial, commercial, and transportation sectors of the United States economy as defined in the Invention, refineries or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(2) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

§332. DETERMINATION OF TRADEABLE ALLOCATION ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine:

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 0351; and

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by not later than March 15 beginning after the current year, allocate each year, at no cost, allowances in the following manner:

(1) the percentage of the total amount of tradeable allowances established under this Act for that year, to the sources of greenhouse gas emissions within that sector; and

(2) the number of years beginning after the current year.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances to the covered entity for that year shall be increased by the amount of greenhouse gas emissions within that sector that are associated with that covered entity for that year.

(d) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(e) ALLOCATIONS TO RURAL ELECTRIC CO-OPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation established under section 0351; and

(f) ALLOCATIONS TO FEDERAL AGENCIES.—The Administrator shall allocate the tradeable allowances for the allocation to the Climate Change Credit Corporation established under section 0351; and

(g) early auction for tradeable allowances within the transportation sector.

(h) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then:

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined by the Administrator to achieve the required reduction for that year.

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements.

(3) the covered entity may not use credits under this section to meet the increased requirements.

§304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) COVERAGE.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 0301.

(c) CLIMATE CHANGE CREDIT CORPORATION.—The Climate Change Credit Corporation established under section 0351 may sell tradeable allowances allocated to it under section 0301 to any covered entity or to any investor, broker, or dealer in such tradeable allowances.

(d) BANKING OF TRADEABLE ALLOCATIONS.—Notwithstanding the requirements of section 0301, the Administrator shall use all proceeds from such sales in accordance with the provisions of section 0332.

§305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption under this section to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure greenhouse gas emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator grants a source category an exemption under subsection (a), the Administrator shall reduce the total tradeable allowances under section 0301(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may grant an exemption under subsection (a) to a covered category on the basis of such tradeable allowances produced from fossil fuel.

§315. ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to

(1) 5,896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall allocate each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In any year in which the term "non-covered entity" means an entity that:

(1) owns or controls a source of greenhouse gas emissions in the electric power, industrial, commercial, and transportation sectors of the United States economy as defined in the Invention, refineries or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(2) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

§322. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine:

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 0351; and

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall allocate each year, at no cost, allowances in the following manner:

(1) the percentage of the total amount of tradeable allowances established under this Act for that year, to the sources of greenhouse gas emissions within that sector; and

(2) the number of years beginning after the current year.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances to the covered entity for that year shall be increased by the amount of greenhouse gas emissions within that sector that are associated with that covered entity for that year.

(d) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(e) ALLOCATIONS TO RURAL ELECTRIC CO-OPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation established under section 0351; and

(f) ALLOCATIONS TO FEDERAL AGENCIES.—The Administrator shall allocate the tradeable allowances for the allocation to the Climate Change Credit Corporation established under section 0351; and

(g) early auction for tradeable allowances within the transportation sector.

(h) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then:

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined by the Administrator to achieve the required reduction for that year.

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements.

(3) the covered entity may not use credits under this section to meet the increased requirements.

§304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) COVERAGE.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 0301.

(c) CLIMATE CHANGE CREDIT CORPORATION.—The Climate Change Credit Corporation established under section 0351 may sell tradeable allowances allocated to it under section 0301(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances.

(d) BANKING OF TRADEABLE ALLOCATIONS.—Notwithstanding the requirements of section 0301, the Administrator shall use all proceeds from such sales in accordance with the provisions of section 0332.

§305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption under this section to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure greenhouse gas emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator grants a source category an exemption under subsection (a), the Administrator shall reduce the total tradeable allowances under section 0301(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may grant an exemption under subsection (a) to a covered category on the basis of such tradeable allowances produced from fossil fuel.
auction, together with any funds received as reimbursements under subtitle C of title IV of this division, to support the programs established by that subtitle until the secretary of Energy and the Corporation jointly determine that the purposes of those programs have been accomplished. The Corporation shall also use the proceeds of the auction to support the programs established by subtitle D of title IV of this division until 2010.

(2) DETERMINATION OF ALLOCATION.—In determining the amount of tradeable allowances to be allocated under the Climate Change Credit Corporation under this subsection, the Administrator shall consider—

(A) the expected market value of tradeable allowances for purposes of paragraph (1);

(B) the annual funding required for the programs established by subtitle C of title IV;

(C) the repayment provisions of those programs; and

(D) the allocation factors in section 6332(b).

(3) LIMITATION.—In allocating tradeable allowances under paragraph (1) the Administrator shall take into account the purposes of section 6331 and the impact, if any, the allocations under paragraph (1) may have on achieving those purposes.

(b) ALLOCATION TO COVERED ENTITIES IN STATES ADOPTING MANDATORY GREENHOUSE GAS EMISSION REDUCTION PROGRAMS.—For a covered entity operating in any State that has adopted a legally binding and enforceable program to achieve and maintain reductions in greenhouse gas emissions that are more stringent than, reductions mandated by this Act, and which requirements are effective prior to 2010, the Administrator shall consider such binding state actions in making the final determination of allocation to such covered entities.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) In General—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section 6331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most current available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration limitation gases, to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under subsection (a) of this section and report a plan on his review, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

(a) Before making any allocations under section 6331, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 6331(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under which it agrees to reduce its level of greenhouse gas emissions by a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(A) provide additional tradeable allowances to that entity when allocating allowances under section 6334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(B) allow that entity to satisfy 20 percent of its requirements under section 6301 by—

(i) submitting tradeable allowances from another nation’s market in greenhouse gas emissions under the conditions described in section 6312(b)(1); and

(ii) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 6301, and as adjusted by the appropriate sequestration discount rate established under section 6371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 6301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

SEC. 351. ESTABLISHMENT.

(a) In General.—The Climate Change Credit Corporation is established as a non-profit corporation without stock. The Corporation shall be regarded to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time shall be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 6333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances un-used.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this division. The requirements shall—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISPLACED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to displaced workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to provide opportunities for low-income populations identified in the report submitted under section 6105(b) as having particular needs in addressing the impact of climate change.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The Corporation shall allocate by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) ADAPTION AND MITIGATION ASSISTANCE FOR LOW-INCOME PERSONS AND COMMUNITIES.—The Corporation shall allocate at least 10 percent of the proceeds derived from its trading activities to funding climate change adaptation and mitigation programs to assist low-income populations identified in the report submitted under section 6105(b) as having particular needs in addressing the impact of climate change.

(5) ADAPTATION ASSISTANCE FOR FISH AND WILDLIFE HABITAT.—The Corporation shall fund efforts to strengthen and restore habitat that improves the ability of fish and wildlife to adapt to climate change. The Corporation shall deposit the proceeds from no less than 10 percent of the total allowances allocated to it in the Wildlife Conservation and Restoration Account established under section 3 of the
(1) Innovation, the process that ultimately provides new and improved products, manu- facturing processes, and services, is the basis for technological progress. This techno- logical advancement is a key element of sus- tained economic growth.

(2) The innovation economy is fundamen- tally different from the industrial or even the knowledge economy. It requires a new vision and new approaches.

(3) Changing innovation processes and the evolution of the relative contribution made by the various public sectors have em- phasized the need for strong industry-science linkages.

(4) Patent regimes play an increasingly important role in the process, dis- seminating scientific and technical knowl- edge, and enhancing market entry and firm creation.

(5) Increasing participation and maintain- ing quality standards in tertiary education in science and technology are imperative to meet growing demand for workers with sci- entific and technological knowledge and skills.

(6) Research, innovation, and human cap- ital are our principal strengths. By sus- taining United States IM economic growth, research and finding collaborative arrange- ments to leverage existing resources and funds in a scarce budget environment, we en- sure that America will be the forefront of scientific and technological capability.

(7) Technology transfer of publicly funded research is a critical mechanism for optimiz- ing the return on taxpayer investment, particularly where other benefits are not measurable at all or are very long-term.

(8) Identifying metrics to quantify program effectiveness is of increasing importance because the entire innovation process is con- tinuing to evolve in an arena of increasing global competition. Metrics need to take into account the number of steps in a high- ly complex process, as well as the ultimate product or service, but should not constrain the continued evolution or development of new technology transfer approaches.

(9) The United States lacks a national in- novation strategy and agenda, including an aggressive public policy strategy that en- gages the environment for national innova- tion, and no Federal agency is responsible for developing national innovation policy.

**SEC. 372. PENALTIES.**

(a) Sequestration Accounting.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section —0001 for any year, that covered en- tity shall submit information to the Admin- istrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methodology standards created under section —0001, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, that covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calendar year following that determination.

(b) Regulations Required.—The Secre- tary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations estab- lishing the sequestration accounting rules for all classes of sequestration projects.

(c) Criteria for Regulations.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range. If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is less than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(3) The regulations shall include proce- dures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in excess of that which would have oc- curred if this Act had not been enacted.

(d) Updates.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

**SEC. 373. PENALTIES.**

Any covered entity that fails to meet the requirements of section —0001 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the mar- ket value (determined as of the last day of the year) of the tradeable allowances that would be necessary for that covered en- tity to meet those requirements on the date of the emission that resulted in the viola- tion.

**TITLE IV—INNOVATION AND COMPETITIVENESS**

**SEC. 401. FINDINGS.**

The Congress finds the following:

(1) Innovation, the process that ultimately provides new and improved products, manu- facturing processes, and services, is the basis for technological progress. This techno- logical advancement is a key element of sus- tained economic growth.

(2) The innovation economy is fundamen- tally different from the industrial or even the knowledge economy. It requires a new vision and new approaches.

(3) Changing innovation processes and the evolution of the relative contribution made by the various public sectors have em- phasized the need for strong industry-science linkages.

(4) Patent regimes play an increasingly important role in the process, dis- seminating scientific and technical knowl- edge, and enhancing market entry and firm creation.

(5) Increasing participation and maintain- ing quality standards in tertiary education in science and technology are imperative to meet growing demand for workers with sci- entific and technological knowledge and skills.

(6) Research, innovation, and human cap- ital are our principal strengths. By sus- taining United States IM economic growth, research and finding collaborative arrange- ments to leverage existing resources and funds in a scarce budget environment, we en- sure that America will be the forefront of scientific and technological capability.

(7) Technology transfer of publicly funded research is a critical mechanism for optimiz- ing the return on taxpayer investment, particularly where other benefits are not measurable at all or are very long-term.

(8) Identifying metrics to quantify program effectiveness is of increasing importance because the entire innovation process is con- tinuing to evolve in an arena of increasing global competition. Metrics need to take into account the number of steps in a high- ly complex process, as well as the ultimate product or service, but should not constrain the continued evolution or development of new technology transfer approaches.

(9) The United States lacks a national in- novation strategy and agenda, including an aggressive public policy strategy that en- gages the environment for national innova- tion, and no Federal agency is responsible for developing national innovation policy.

**SEC. 421. THE INNOVATION ADMINISTRATION.**

(a) In General.—Section 5 of the Steven- son-Wydler Technology Innovation Act of 1995 (15 U.S.C. 5061) is amended by striking “a Technology” in sub- section (a) and inserting “an Innovation”; by striking “The Technology” in sub- section (a) and inserting “an Innovation”; by striking “of Technology” in sub- section (a)(3) and inserting “of Innovation”; by striking “Technology” each place it appears in subsection (c) and inserting “Innovation”; by inserting “(1) In General.—” before the “Secretary” in subsection (c) and redesign- ing paragraphs (1) through (15) as sub- paragraphs (A) through (O); and

(b) Specific Innovation-Related Du- ties.—

(1) In General.—The Secretary, through the Under Secretary, shall—

(i) provide advice to the President with respect to the policies and conduct of the In- novation Administration, including ways to improve research and development con- cerning carbon dioxide and the methods of collecting and disseminating findings of such research;
SEC. 422. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) In general.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial and industrial sectors, reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) Business opportunities study.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary’s findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The report shall assess the purposes set forth in subsection (b), with particular focus on the new and emerging issues surrounding deployment of climate change technologies. The report shall present, as appropriate, available data on research, education, workforce, financing, and markets. The report shall include recommendations for policy change.

SEC. 423. GOVERNMENT-SUPPORTED TECHNOLOGY INVESTMENT PROGRAM.

(a) Purposes.—The purpose of this section to provide financial support for the development, through private enterprise, of technology that has potential application to climate change adaptation and mitigation.

(b) Financial support.—The Secretary of Commerce may establish a nonprofit government-sponsored enterprise for the purpose of promoting and otherwise supporting technologies that show promise for climate change adaptation and mitigation applications.

(c) Terms; conditions; transparency.—The Secretary shall report within 30 days after the end of each calendar quarter to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on its operations during that preceding calendar quarter.

SEC. 424. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

SEC. 425. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) In general.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall (1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific investigation; and (2) include the area of emerging service sciences.

(b) Report to Congress.—The Director shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) Service science defined.—In this section, the term “service science” means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. 426. CLIMATE INNOVATION PARTNERSHIPS.

(a) In general.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies modeled by a particular region in adapting or mitigating the impacts of climate change;
(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project that exceeds 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 427. NATIONAL MEDAL OF CLIMATE STEWARDSHIP INNOVATION.

(a) IN GENERAL.—There is established a National Medal of Climate Stewardship Innovation, which shall be of such design and materials, and bear such inscription, as the President shall prescribe. The President shall award the medal on the basis of recommendations submitted by the National Science Foundation and the Secretary of Commerce to the President, and shall also award the medal to persons who, in the judgment of the President, are deserving of special recognition by reason of their outstanding contributions to knowledge in the field of climate change.

(b) CRITERIA.—The medal shall be awarded in accordance with the following criteria:

(1) ANNUAL LIMIT.—No more than 20 individuals may be awarded the medal in any calendar year.

(2) CITIZENSHIP.—No individual may be awarded the medal unless at the time the award is made, the individual is—

(A) a citizen or other national of the United States; or

(B) an alien lawfully admitted to the United States for permanent residence who—

(i) has filed a petition for naturalization in the manner prescribed by section 339 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(ii) is not permanently ineligible to become a citizen of the United States.

(3) NO POSTHUMOUS AWARD.—In general.—(A) A medal may be awarded posthumously to an individual who, at the time the award is made, met the conditions set forth in paragraph (2).

(B) 5-YEAR LIMITATION.—Notwithstanding paragraph (A), the medal may not be awarded posthumously to an individual after the fifth anniversary of that individual’s death.

(c) INSCRIPTION AND CERTIFICATE.—Each medal shall be suitably inscribed. Each individual awarded the medal shall also receive a citation descriptive of the award.

(d) INCORPORATION INTO PROGRAM.—The Secretary shall by regulation incorporate the presentation of the medal into the program established under this section.

SEC. 429. MATH AND SCIENCE TEACHERS’ ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish within the Foundation a climate change science and technology enhancement program for teachers.

(b) PURPOSE.—The purpose of the program is to provide for professional development of mathematics and science teachers at elementary, middle, and secondary schools (as defined in section 3101 of title 20) including improving the education and skills of those teachers with respect to—

(1) teaching strategies;

(2) subject-area expertise; and

(3) the understanding of climate change science and technology and the environmental, economic, and social impacts of climate change on commerce.

(c) PROGRAM AREAS.—In carrying out the program under this section, the Director shall—

(1) scientific measurements;

(2) tests and standards development;

(3) industrial competitiveness and quality;

(4) manufacturing;

(5) technology transfer; and

(6) any other area of expertise that the Director determines to be appropriate.

(d) APPLICATION PROCEDURE.—The Director shall prescribe procedures and selection criteria for participants in the program.

(e) AWARD.—The Director shall award grants to the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practice in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, when a majority of foreign, and secondary schools are not in classes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for carrying out this section—

(1) $2,500,000 for fiscal year 2006; and

(2) $2,500,000 for fiscal year 2007.

SEC. 429A. PATENT STUDY.

(a) IN GENERAL.—The Director of the Patent and Trademark Office, in consultation with representatives of interested parties in the private sector, shall conduct a study to determine to what extent changes to the United States Patent system are necessary to increase the flow of climate change-related technologies. The study shall address—

(1) the balance between the protection of the inventor and the disclosure of information;

(2) the role of patents in innovation within the covered sectors;

(3) the extent to which patents facilitate increased investments in climate change research and development;

(4) the international deployment of United States developed climate change related technologies on the United States patent system;

(5) ways to leverage databases as innovation tools;

(6) best practices for collaborative standard setting; and

(7) any other issues the Director deems appropriate.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Director shall transmit a report setting forth the findings and conclusions of the study to the Congress.

SEC. 439. LESSONS-LEARNED PROGRAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Energy shall establish a national lessons-learned and best practices program to ensure that lessons learned and best practices concerning energy efficiency and greenhouse gas emission reductions are available to the public. The program shall contain consumer awareness initiatives including product labeling and campaigns to raise public awareness. The Secretary shall determine the processes and frequency by which the information is provided.

(b) PROGRAM CONTENT.—The program—

(1) may include experiences realized outside of the covered sectors; and

(2) shall include criteria by which entries in the program are determined;
(d) **DUTIES.**—The Interagency panel shall—

(1) develop discounted default values for the avoided greenhouse gas reductions produced by adoption of improved land management technologies and practices; and

(2) (A) develop greenhouse-gas emission factors and climate change mitigation technology factors; and

(B) develop monitoring and verification and uniform methodologies for establishing the permanence of greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground geologic formations; and

(3) develop methods for computation of additionality discounts for prospective greenhouse gas reductions; and

(4) develop methods for computation of additionality discounts for prospective greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground geologic formations.

(ii) **IN GENERAL.**—The Interagency panel shall—

(1) develop greenhouse-gas emission factors and climate change mitigation technology factors; and

(2) develop monitoring and verification and uniform methodologies for establishing the permanence of greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground geologic formations.

(iii) **REPORT.**—Not later than 1 year after the date on which the assessment is completed, the appropriate committees of Congress shall submit to the appropriate committees of Congress and the President a report that describes the findings of the assessment.

(5) The Secretary of Energy shall complete an assessment of the range of costs and benefits of underground geologic storage of carbon dioxide that would be competitive with the range of costs and benefits that would be competitive with the range of costs and benefits of alternative methods of carbon capture and sequestration.

(b) **ADDITIONALITY.**—In this section the term ‘additionality’ means emissions reductions and climate change mitigation technology factors that result in atmospheric benefits that would not have otherwise occurred.

(3) **GEOSPATIAL ACTIVITIES.**—The Secretary of Energy, in consultation with the Director of the U.S. Geological Survey, shall—

(1) develop local and regional databases on existing practices and technologies for greenhouse gas injection in underground aquifers; and

(2) develop methods for computation of additionality discounts for prospective greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground geologic formations.

(4) **DEVELOPMENT AND TESTING OF ASSESSMENT METHODOLOGY.**—

(i) **IN GENERAL.**—The Director shall develop and test methods for the conduct of a national assessment of geological storage capacity for carbon dioxide.

(ii) **OBSERVATION AND COMMENT.**—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the date on which the Secretary completes the assessment under clause (1), the Director shall provide the Secretary for the Department of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Minerals Management Service, the Director of the Bureau of Land Management, the heads of other Federal land management agencies, the heads of State land management agencies, and other interested parties with an opportunity to review and comment on the proposed methodologies.

(2) **ASSESSMENT.**—

(i) **IN GENERAL.**—The Director shall conduct the assessment during the period beginning on the date on which the development and testing of the assessment is completed under subparagraph (A) and ending 4 years after the date of enactment of this Act.

(ii) **AVAILABILITY OF INFORMATION.**—The Director shall establish an Internet database accessible to the public that provides the results of the assessment, including a detailed description of the data collected under the assessment.

(iii) **REPORT.**—Not later than 1 year after the date on which the assessment is completed, the Secretary shall submit to the appropriate committees of Congress and the President a report that describes the findings of the assessment.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal years 2006 through 2008.

SEC. 454. ENERGY EFFICIENCY AUDITS.

(a) **IN GENERAL.**—The Secretary of Energy shall establish a program to reduce greenhouse gas emissions through the deployment of energy efficiency improvements by appropriate technologies, by large commercial customers by providing energy audits. The program shall provide incentives for the use of electric or natural gas to obtain an energy audit.

(b) **COMPONENTS.**—The energy audit shall provide users with an inventory of potential energy efficiency measures, including appropriate technologies, and their cost savings over time, along with financing options to initiate the project.

(c) **REIMBURSEMENT OF AUDIT COSTS.**—If any of the recommendations of an energy audit are implemented and result in cost savings greater than 5 times the cost of the original audit, then the facility owner shall reimburse the Secretary for the cost of the audit.

SEC. 455. ADAPTATION TECHNOLOGIES.

(a) **IN GENERAL.**—The Director of the Office of Science and Technology Policy shall establish a program on adaptation technologies as part of the Climate Technology Challenge Program. The Director shall perform an assessment of the climate change technological needs of various regions of the country. This assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives not later than 6 months after the date of enactment of this Act.

(b) **REGIONAL ESTIMATES.**—The Director of the Office of Science and Technology Policy, in consultation with the Secretaries of Transportation, Homeland Security, Agriculture, Housing and Urban Development, Health and Human Services, Defense, Interior, Energy, and Commerce, the Administrator of the Environmental Protection Agency, the Director of the Minerals Management Service, the Director of the Geological Survey, and other such Federal offices as the Director deems necessary, along with relevant State agencies, shall perform regional inventories to assess the United States, and a national cost assessment, to provide estimates of the range of potential energy efficiency measures, including appropriate technologies, and their cost savings over time, along with financing options to initiate the project.
costs that should be anticipated for adaptation to the impacts of climate change. The Director shall develop those estimates for low, medium, and high probabilities of climate change, and potential impacts. The assessments shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within a year after the date of enactment of this Act.


The Secretary of Energy shall establish, operate, and report biannually to Congress the results of—

(1) a plan that research and development focused on advanced once-through fuel cycles;

(2) a Nuclear System Modeling project to carry out the analysis, research, simulation, and collection of engineering data needed to evaluate all fuel cycles with respect to cost, inherent safety, waste management and proliferation avoidance and resistance; and

(3) an Advanced Diversified Waste-Disposal Research Program for deep-bore hole disposal options, alternative geological environments, and improved engineered barriers.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

SEC. 471. GOVERNMENT-INDUSTRY PARTNERSHIPS FOR FIRST-OF-A-KIND ENGINEERING DESIGN.

(a) IN GENERAL.—The Corporation may provide funding for a cost-sharing program to address first-of-a-kind engineering costs inherent in building the first facility of a substantially new design that generates electricity with low or no net greenhouse gas emissions, including Integrated Gasification Combined Cycle Advanced Coal power generating facilities using carbon capture technology with geological storage of greenhouse gases, advanced reactor designs, large scale biofuels facilities that maximize the use of cellulosic biomass, and large scale solar concentrating power facilities.

(b) PROJECT SELECTION.—The Secretary of Energy in coordination with the Corporation shall establish criteria to be supported, in terms of reducing greenhouse gas emissions, demonstrating a new technology, meeting high attainment of goals, generating economic benefits, contributing to energy security, contributing to fuel and technology diversity, maintaining price stability, attaining cost effectiveness and economic competitiveness.

(c) COST-SHARING LIMITATIONS.—

(1) CORPORATION’S SHARE OF COSTS.—Costs for the program shall be shared equally between the Corporation and the builder of such first facilities.

(2) NUCLEAR REACTORS.—Funding under this subchapter shall not be available to any individual project and

(A) may not exceed $200,000,000 for an individual project; and

(B) shall be available for no more than 1 of each of the 3 designs certified by the Nuclear Regulatory Commission.

(d) REIMBURSEMENT OF COSTS.—For any subsequently-built facility that uses a design supported by the cost-sharing program under this section, the Secretary of Energy and the Corporation shall specify an amount to be paid to the Corporation in order for the Corporation to reimburse the Corporation incurred in connection with the design, considering the program’s objectives, including the costs of promoting the development and economic competitiveness of nuclear power, and the building of new nuclear power plants.

(i) REIMBURSEMENT FOR DELAY.—If the construction of such a facility of a substantially new design is not started within 10 years after the date on which a commitment to implement is made by the Secretary, then the industry partner shall reimburse the Corporation for any costs incurred by the Corporation under the program.

(j) JURISDICTION.—

(1) NUCLEAR REGULATORY COMMISSION.—Nothing in this Act shall affect the jurisdiction of the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 5801 et seq.).

(2) REGULATORY AGENCIES.—Nothing in this Act affects the jurisdiction of any Federal, State, or local government regulatory agency.

SEC. 472. DEMONSTRATION PROGRAMS.

(a) NUCLEAR REGULATORY COMMISSION LICENSING PROCESS.—

(1) DEMONSTRATION PROGRAM.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a demonstration program to reduce the first-time regulatory costs of the current Nuclear Regulatory Commission licensing process incurred by the first applicant using an advanced reactor design.

(2) PERMITS; LICENSES; COST-SHARING.—

(A) The demonstration program shall—

(i) address the Early Site Permit applications and the combined construction and operating license applications, and

(ii) be jointly funded by the Department of Energy and the applicant.

(B) The Secretary shall work with the applicant to determine the appropriate permit and license application decisions and the applicant shall provide.

(3) REIMBURSEMENT FOR LICENSE TRANSFERS.—If an applicant wishes to transfer a permit granted by the Commission under the program to another entity, the applicant shall reimburse the Department for its costs in obtaining the permit.

(B) RETOOLING OF ADVANCED VEHICLE MANUFACTURING.—

(1) IN GENERAL.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a demonstration program to demonstrate the effectiveness of retooling an existing vehicle or vehicle component manufacturing line to produce advanced technology vehicles or components that result in reduced greenhouse gas emissions from vehicles and increased competitiveness of advanced technology vehicle production facilities.

(B) FUNDING.—The program shall be jointly funded by the private sector and the Department of Energy. Secretary of Energy shall work with participating entities to determine the appropriate percentage of costs that each shall provide.

(c) ELIGIBLE ACTIVITIES AND ACTIVITIES.—

The Secretary, in coordination with the Adminis
tor of the Environmental Protection Agency and the Secretary of Transportation, shall establish in consultation with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Transportation, criteria for selecting the activity that will best support the program.

(d) ELIGIBLE COSTS.—Costs eligible to be incurred by the Secretary under this subtitle shall include the cost of—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that are capable of qualifying components or advanced technology vehicles.

(3) LIMITATION.—No more than 2 facilities may receive financial assistance under the program for re-equipment and expansion or for engineering integration.

(4) ADVANCED TECHNOLOGY VEHICLE DE
demonstration program for re-equipment and expansion or for engineering integration that meets the following additional performance criteria:

(A) The vehicle shall meet the Tier II Bin 5 emission standard established in regulation and described by the Administrator under that Act.

(B) The vehicle shall meet any emissions standard for fine particulate matter prescribed by the Administrator under that Act.

(C) The vehicle shall achieve at least 125 percent of the base year city fuel economy for its weight class.

PART II—FINANCING

SEC. 481. CLIMATE TECHNOLOGY FINANCING BOARD.

(a) PURPOSE.—The Climate Technology Financing Board shall work with the Secretary of Energy to make financial assistance available to joint venture partnerships and promote private sector participation in financing eligible projects under this subtitle.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish within the Department of Energy, a Climate Technology Financing Board, which shall be responsible for assisting the Secretary in carrying out this subtitle.

The Climate Technology Financing Board shall be comprised of—

(A) the Secretary of Energy, who shall serve as chair; and

(B) 6 additional members appointed by the Secretary, including—

(1) the Chief Financial Officer of the Corporation; and

(2) not less than 12 months after the date of enactment of this Act, the Climate Technology Financing Board shall provide the Federal government’s interest in all negotiations with project developers interested in forming joint venture partnerships and obtaining secured loans or loan guarantees under this subtitle.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, through the Climate Technology Financing Board, the Secretary of Energy shall publish in the Federal Register such final regulations as may be necessary to implement section 482 of this title.

(2) PROJECT SELECTION CRITERIA.—In selecting eligible projects for financial assistance under this subtitle, the Board shall consider, among other relevant criteria—

(A) the extent to which the project reduces greenhouse gas emissions, demonstrates a new technology, creates jobs that produce advanced technology vehicles, meets other clean air attainment goals, creates economic benefits, contributes to energy security, and contributes to fuel economy; and

(B) maintains price stability, cost effectiveness, and economic competitiveness;
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(B) the extent to which assistance under this subtitle would foster innovative public-private partnerships and attract private equity investment;

(C) the likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed without such assistance;

(D) the extent to which the project represents the construction of the first generation of facilities that use substantially new technologies and processes;

(E) any other criteria deemed necessary by the Secretary for the promotion of long-term cost effective climate change-related technologies; and

(3) MANDATORY REGULATORY PROVISIONS.—The regulations required by paragraph (1) shall include the following:

(A) The general terms and conditions under which non-recourse financial assistance will be provided. Those terms shall include:

(i) a debt-to-equity ratio of up to 80 percent debt from the Corporation, approved by the Secretary, and no less than 20 percent equity from the project developer;

(ii) a pledge of the eligible project’s assets to the project developer to secure their respective loan and equity contributions; and

(iii) all loan terms and conditions under which loan guarantees will be provided, which shall be consistent with section 483(c).

(B) The procedures by which project owners and project developers may request such financial assistance.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer shall negotiate commercially reasonable terms consistent with terms generally available in the United States power generation industry regarding cost, construction schedule, and other conditions under which the project developer shall acquire the loan from the joint venture partnership and repay the secured loan and acquire an undivided interest in the eligible project when the project achieves commercial operation. Terms prescribed under this subparagraph shall include—

(i) a defined right of the joint venture partnership to terminate the loan agreement upon a joint venture partnership request; and

(ii) may not refer to the Federal Acquisition Regulations.

(E) Provisions to retain independent third-party engineering assistance, satisfactory to the Climate Technology Financing Board, the project developer, and the joint venture partnership, to verify and validate construction costs and construction schedules, to monitor construction, and authorize draws on construction cost; and construction is consistent with generally accepted utility practice, and to make recommendations as to the cause of delay or cost increases should such delays or cost increases occur.

(F) Provisions to ensure—

(i) continued project development and construction even if a delay is attributable to commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) the joint venture partnership’s and the project developer’s obligations under the contracts in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligations under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

(4) COMPREHENSIVE IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Climate Technology Financing Board shall prepare and transmit to the President and Congress a comprehensive plan for implementation of this subtitle.

(e) PROGRESS REPORTS.—Not later than 12 months after the comprehensive plan required by subsection (d) is transmitted to the President and the Congress a report summarizing progress in satisfying the requirements established by the subtitle.

SEC. 482. RESPONSIBILITIES OF THE SECRETARY.

(a) FINANCIAL ASSISTANCE.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 651 et seq.), the Secretary, in coordination with the Corporation, may make available to joint venture partnerships or eligible projects such Federal financial assistance as the Climate Technology Financing Board determines is necessary to enable access to, or to supplement, private sector financing for projects if the Secretary determines that projects are needed to reduce greenhouse gas emissions, contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary, in coordination with the Corporation, shall prescribe such terms and conditions for financial assistance as the Secretary deems necessary or appropriate to protect the financial interests of the United States.

(b) REQUIREMENTS.—Approval criteria for financial assistance under subsection (a) shall include—

(1) the creditworthiness of the project;

(2) the extent to which Federal financial assistance would encourage public-private partnerships, attract private-sector investment, and demonstrate safe and secure nuclear energy generation or fuel production technology; and

(3) the likelihood that Federal financial assistance would hasten commencement of the project;

(4) in the case of a nuclear power plant, whether the project developer has provided reasonable assurance to the Secretary that the project developer can successfully manage nuclear power plant operations;

(5) that the project will demonstrate safe and secure reduced or zero greenhouse gas emissions using electric generating or fuel production technology; and

(6) any other criteria the Secretary deems necessary or appropriate.

(c) RESERVE AMOUNT.—Before entering into any agreements under this subtitle, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for any loan or loan guarantee provided by the agreement. The Secretary, in consultation with the project developer, shall determine the appropriate type of Federal financial assistance to be provided for a specific project under the contract.

(d) CONFIDENTIALITY.—The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a joint venture partnership to be commercially sensitive.

(e) FULL FAITH AND CREDIT.—All loans or loan guarantees provided by the Secretary under this section shall be considered obligations of the United States backed by the full faith and credit of the United States.

SEC. 483. LIMITATIONS.

(a) SECURED LOANS.—

(1) IN GENERAL.—The financial assistance provided by this subtitle for secured loans or loan guarantees shall be —

(A) available for up to 25 years, or 40 years in the case of nuclear power plants, renewable fuel production facilities, or fuel production facilities, including—

(i) facilities that use substantially new technology; and

(ii) facilities that use substantially new technology; or

(B) available for up to 25 years, or 40 years in the case of nuclear power plants, renewable fuel production facilities, or fuel production facilities, including—

(iii) facilities that use substantially new technology; or

(iv) facilities that use substantially new technology.

(2) GOVERNMENT-CAUSED DELAYS.—Paragraph (1)(B) of this subsection does not apply if—

(A) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change, and the changed conditions result in project delays or changes in project scope after the start of construction that are attributable to the project developer; or

(B) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change, and the changed conditions result in project delays or changes in project scope after the start of construction that are attributable to the project developer; or

(C) the extent to which assistance under this subtitle shall be general obligations.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer prior to issuance of the loan and commencement of construction.

(3) ADDITIONAL ASSISTANCE.—If paragraph (1) of this subsection applies for reasons described in paragraph (2), then the financial assistance payable to the project developer shall include additional capital costs of project development, consisting of the project developer to the extent that the project developer to the extent that the project developer to the extent that the project developer to the extent that the project developer.

(F) Provision to ensure—

(i) continued project development and construction even if a delay is attributable to commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) the joint venture partnership’s and the project developer’s obligations under the contracts in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligations under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

H. The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

I. All loans or loan guarantees provided by the Secretary under this section shall be considered obligations of the United States backed by the full faith and credit of the United States.

SEC. 483. LIMITATIONS.

(a) SECURED LOANS.—

(1) IN GENERAL.—The financial assistance provided by this subtitle for secured loans or loan guarantees shall be —

(A) available for up to 25 years, or 40 years in the case of nuclear power plants, renewable fuel production facilities, or fuel production facilities, including—

(i) facilities that use substantially new technology; and

(ii) facilities that use substantially new technology; or

(B) available for up to 25 years, or 40 years in the case of nuclear power plants, renewable fuel production facilities, or fuel production facilities, including—

(iii) facilities that use substantially new technology; or

(iv) facilities that use substantially new technology.

(2) GOVERNMENT-CAUSED DELAYS.—Paragraph (1)(B) of this subsection does not apply if—

(A) with respect to a nuclear power plant—

(i) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change, and the changed conditions result in project delays or changes in project scope after the start of construction that are attributable to the project developer; or

(B) with respect to an advanced coal power plant, a fossil fuel power plant, a solar power plant, or other eligible facility—

(i) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change, and the changed conditions result in project delays or changes in project scope after the start of construction that are attributable to the project developer; or

(C) the extent to which assistance under this subtitle shall be general obligations.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer prior to issuance of the loan and commencement of construction.

(3) ADDITIONAL ASSISTANCE.—If paragraph (1) of this subsection applies for reasons described in paragraph (2), then the financial assistance payable to the project developer shall include additional capital costs of project development, consisting of the project developer.

(F) Provision to ensure—

(i) continued project development and construction even if a delay is attributable to commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) the joint venture partnership’s and the project developer’s obligations under the contracts in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligations under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

H. The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

I. All loans or loan guarantees provided by the Secretary under this section shall be considered obligations of the United States backed by the full faith and credit of the United States.
on the date of execution of the loan agreement.

(5) A secured loan for an eligible project under this subtitle shall be non-recourse to the borrower, subject to subparagraphs (A), (B), and (C).

(o) Loan Guarantees.—(1) In general.—A loan guarantee shall apply only when a project developer defaults on a loan solely as a result of the regulatory actions, directly applied to the project, of a State, Federal or local government.

(2) Limitation.—Nothing in this subsection shall affect the Corporation or Secretary to provide payments in the event of a default that results from a project developer’s mismanagement of the construction or operation of the project, or from conduct or circumstances unrelated to the regulatory actions of any governmental entity.

(p) Escrow.—The corporation shall hold in escrow the amounts necessary for payments in the event of a default by the project developer in accordance with the terms of this subsection.

SEC. 484. SOURCE OF FUNDING FOR PROGRAMS.

Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section 0333(g) of this division, subject to the limitation in section —0333(g)(3).

PART III—DEFINITIONS

SEC. 486. DEFINITIONS.

In this subtitle:

(1) Advanced Reactor Design.—The term “advanced reactor design” means any reactor design certified by the Nuclear Regulatory Commission.

(2) Cellulosic Ethanol.—The term “cellulosic ethanol” means ethanol produced from plant material other than starch or sugar.

(3) Commercial Operation.—The term “commercial operation” means a complete plant designed and built by a lender.

(h) Operating Funds.—Beginning with fiscal year 2010, the Climate Change Credit Corporation, shall develop and carry out a Reverse Auction for Technology Dissemination Program.

(a) In General.—The Secretary of Energy, in coordination with the Climate Change Credit Corporation, shall develop and carry out a program in fiscal years 2006 through 2015 to encourage the use of Carbon Technology Challenge Program. The Secretary shall award funding through the program to stimulate innovation in development, demonstration, and deployment of carbon technologies that have the greatest potential for reducing greenhouse gas emissions. The program shall be conducted as follows:

(1) The Secretary shall post a request for or low greenhouse gas energy services or products along with a suggested level of funds for each competition.

(2) The Secretary shall award the funding to the lowest bidder in each competition who meets all other qualifications in a form of a public incentive to reduce greenhouse gas emissions.

(A) The requested services for a specified period of time; or

(B) The requested product within a specified period of time.

(b) Funding.—

(1) Source.—Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

(2) Operating Funds.—Beginning with fiscal year 2010, the Climate Change Credit Corporation shall offer the Climate Change Credit Corporation using funds generated under section —0332 of this division.

(c) Program Requirements.—

(1) Competitive process.—Recipients of awards under the program shall be selected through competitions conducted by the Secretary.

(2) Advertisement of competitions.—The Secretary shall widely advertise any competition under the program.

(3) Categories of competitions.—The Secretary shall conduct separate competitions under the program for each of the following areas of energy and fuel production and services:

(A) Advanced coal (including integrated gasification combined cycle) with carbon capture and storage

(B) Renewable electricity.

(C) Energy efficiency (including transportation).

(D) Advanced technology vehicles.

(E) Transmission fuels.

(F) Carbon sequestration and storage.

(G) Zero and low emissions technologies.

(H) Adaptation technologies.

(i) The Secretary may also conduct competition for a general category to stimulate additional, unanticipated advances in technology.

(4) Evaluations and criteria for competition.—

(A) Panel of experts.—The Secretary shall establish a separate panel of experts to evaluate proposals submitted under each competition.

(B) Competition criteria.—The Secretary, in consultation with other relevant Federal agency heads, shall set minimum criteria, including performance and safety criteria, for each competition. Proposals shall be evaluated on the ability to reduce, avoid, or sequester greenhouse gas emissions at a given price.
(C) Full Life Cycle.—All proposals within a competition shall compete on full life cycle avoided greenhouse gas emissions (as weighted by global warming potential) per dollar of incentive.

(5) Report of Awards.—In 2009 and every 5 years thereafter the Secretary shall issue a report on the awards granted by the program. The report shall include information on greenhouse gas emissions avoided or sequestered.

(6) Program Evaluation.—The Secretary, in coordination with the National Academies of Sciences, shall evaluate the continued necessity of the program and future funding needs after fiscal year 2009. The evaluation shall be submitted 6 months before the end of fiscal year 2009 to the Congress and the Climate Change Credit Corporation.

(7) Review and Revision by Corporation.—The Climate Change Credit Corporation shall review and revise the awards program every 5 years starting in 2009, issuing new guidelines for the next 5 years of Climate Technology Challenge Program by the end of the fiscal year in which the evaluation in paragraph (6) is reported. The Climate Change Credit Corporation shall assess and adjust the categories of competitions as described in paragraph (3) to ensure new developing technologies that reduce, avoid, or sequester greenhouse gases and are in need of financial assistance. Launch development and employment are the focus of the awards program.

(8) Budgeting and awarding of Funds.—

(1) Availability of Funds.—Any funds appropriated to carry out this section shall remain available until expended, but for not more than 4 fiscal years.

(2) Deposit and withdrawal of Funds.—When an award is offered, the Secretary shall deposit the total amount of funding made available for an award in the Climate Technology Challenge Trust Fund. If funding expires before an award is granted, the Secretary shall deposit additional funds in the account to ensure the availability of funding for all awards. If an award competition expires before its goals are met, the Secretary may redesignate those funds for a new challenge, but any redesignated funds will be considered as newly deposited for the purposes of paragraph (3). All cash awards made under this section shall be paid from that account.

(3) Maximum Award.—No competition under the program may result in the award of more than $100,000,000 without the approval of the Secretary.

(4) Post-2010 Funding.—Funding for the competitions after fiscal year 2010 shall be taken from the Climate Change Credit Corporation.

(e) Registration; assumption of risk.—

(1) Registration.—Each potential recipient of an award in a competition under the program shall submit this section shall register for the competition.

(2) Assumption of Risk.—In registering for a competition under paragraph (1), a potential recipient shall assume any and all risks, and waive claims against the United States Government and its related entities (including contractors and subcontractors), suppliers, users and dealers, cooperating parties, grantees, investigators, and detaillees), for any injury, death, damage, or loss of property, revenue, or program, of all kinds, excepting and excluding any pre-existing condition, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in willful misconduct.

(f) Relationship to other Authority.—The Secretary, in consultation with the Climate Change Credit Corporation in this section in conjunction with or in addition to any other authority of the Secretary to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects that promote reduced greenhouse gas emissions.

SEC. 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:


Paragraphs (2), (5), (6), (7), and (9) of section 45D of the Internal Revenue Code of 1986, as amended by title XV, are amended by striking "2009" each place it appears and inserting "2011".

SEC. 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end appropriate place insert the following:

SEC. 10. Expansion of Credit for Residental Energy Efficiency Property to Include Electric Thermal Storage Units.

(a) In General.—Section 25C(b) of the Internal Revenue Code of 1986 (relating to limitation, as added by title XV), is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ".", and

(3) by adding at the end the following new paragraph:

"4) $250 for any electric thermal storage unit.

(b) Electric Thermal Storage Unit.—

Section 25C(c)(2)(A) of such Code, as so added, is amended—

(1) by striking "or" at the end of clause (1),

(2) by striking the period at the end of clause (ii) and inserting ", or", and

(3) by adding at the end the following new clause:

"(iv) an electric thermal storage unit which converts low-cost, peak-off electricity to heat and stores heat later for use in specially designed ceramic bricks.".

(c) Effective date.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SEC. 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 22, strike "." and insert the following: 

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

(D) identifying financing options for energy efficiency upgrades.

The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Small Business Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufactoring and the Manufacturing Extension Partnership Program.".

SEC. 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 726, line 21, insert "in consultation with the Administrator of the Environmental Protection Agency," after "Secretary".

SEC. 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 726, line 21, insert ".", in consultation with the Administrator of the Environmental Protection Agency," after "Secretary".

SEC. 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 12, insert before "shall enter" the following: ".", in consultation with the Administrator of the Environmental Protection Agency.

On page 726, line 10, insert before "shall report" the following: "the Administrator of the Environmental Protection Agency".

On page 726, line 14, strike "Secretary's agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency".

SEC. 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Small Business Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufactoring and the Manufacturing Extension Partnership Program.".

SEC. 834. Ms. SOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 52, line 24, strike "efficiency;" and all that follows through page 53, line 8 and insert the following: "efficiency;"

"(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

"(D) identifying financing options for energy efficiency upgrades.

The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Small Business Management Agency and the Department of Agriculture.
“(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration for advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

“(4) The Administrator is authorized to be appropriated in fiscal year 2006, such sums as may be necessary to carry out this subsection, which shall remain available until expended.”

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 2. NATIONAL PRIORITY PROJECT DESIGNATION.—
(a) Designation of National Priority Projects.—
(1) In general.—There is established the National Priority Project Designation (referred to in this section as the “Designation”) that shall be evidenced by a medal bearing the inscription “National Priority Project.”
(2) Design and materials.—The medal shall be inscribed and fashioned in and bear such additional inscriptions as the President may prescribe.
(b) Making and presentation of designations.—
(1) In general.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—
(A) advanced the field of renewable energy technology and contributed to North American energy independence; and
(B) been certified by the Secretary under subsection (e).
(2) Presentation.—The President shall designate projects with such ceremonies as the President may prescribe.
(c) Use of designation.—An organization that receives a Designation under this section may publicize the Designation on its web site and advertising.
(d) Categories in which the designation may be given.—Separate Designations shall be made to qualify projects in each of the following categories:
(A) Wind and biomass energy generation projects.
(B) Photovoltaic and fuel cell energy generation projects.
(C) Energy efficient building and renewable energy projects.
(D) First-in-Class projects.
(e) Selection criteria.—
(1) In general.—Certification and selection of projects to receive the Designation shall be based on criteria established under this subsection.
(2) Wind, biomass, and building projects.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will not install less than 3 megawatts of renewable energy generation capacity.
(3) Solar photovoltaic and fuel cell projects.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will not install less than 3 megawatts of renewable energy generation capacity.
(4) Energy efficient buildings and renewable energy projects.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—
(A) comply with third-party certification standards for high-performance, sustainable buildings;
(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;
(C) use renewable energy for at least 50 percent of the energy consumption of the project;
(D) comply with applicable Energy Star standards; and
(E) include at least 5,000,000 square feet of enclosed space.
(5) First-in-class use.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—
(A) represents a First-In-Class use of renewable energy; or
(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.
(f) Application.—
(1) Initial applications.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.
(2) Contents.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).
(g) Certification.—
(1) In general.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certified projects that are reasonably expected to meet the criteria established under section (c).
(2) Certified projects.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—
(A) provide each certified project with guidance in meeting the criteria established under subsection (c);
(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and
(C) ensure that knowledge and transfer of the most current technology between the applicable states of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.
(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 346, between lines 19 and 20, insert the following:

SEC. 1237. KENTUCKY PILOT PROGRAM.
(a) Equitability with respect to area and population in state territory.—
(1) In general.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of the amendment made by this section, including differing costs to electricity consumers in the Commonwealth of Kentucky.
(b) Study and report.—
(1) Study.—
(A) In general.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of the amendment made by this section, including differing costs to electricity consumers in the Commonwealth of Kentucky.
(B) Inclusion.—In conducting the study under subparagraph (A), the Comptroller General shall evaluate the potential costs and benefits of granting the Federal Energy Regulatory Commission jurisdiction over the entire Tennessee Valley Authority grid with respect to sales and purchases of electricity by the Tennessee Valley Authority.
(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the findings of the study under paragraph (1).

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future
with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

**TITLE—SAVE CLIMATE SCIENCE**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Save Climate Science Act,” and includes, in addition to the provisions specified herein, the authority for—and any, that is accessible by the public both the findings, or recommendations of the Executive Office of the President that summarize or synthesize a scientific title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific the same page with equal prominence, or in the preparation of the underlying scientific reports or studies. (2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies. (3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

**SEC. 03. PUBLICATION REQUIREMENT.**

(a) In general.—Within 48 hours after an executive officer (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

**SEC. 04. ENFORCEMENT**

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section 02—62 shall be considered a failure to file a report required by section 162 of the Ethics in Government Act of 1978 (5 U.S.C. App. 1).

**SEC. 05. ANNUAL REPORT BY COMPTROLLER GENERAL.**

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section 02—62 shall be considered a failure to file a report required by section 162 of the Ethics in Government Act of 1978 (5 U.S.C. App. 1). (a) In general.—Subparagraphs (A) and (B) of section 232(b)(6) of title 5, United States Code, are amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by adding “or” at the end; and

(3) by inserting after clause (ii) the following:

“(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;”

(b) Conforming amendments.—(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking “regulation, or gross” and inserting “regulation, gross;” and

(B) by adding at the end the following: “or tampering with the conduct of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;”

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by inserting “or” at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

“(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;”

and

(B) in paragraph (2)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking “safety;” in subparagraph (B) and inserting “safety; or”;

and

(C) by inserting after subparagraph (B) the following:

“(D) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;.”

**SA 840. Mr. Smith (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. 48E. NEW DIESEL TECHNOLOGY CREDIT.**

A taxpayer may elect to treat the cost of any qualified truck (as defined in section 48E) as an expense which is not chargeable to a capital account or any qualified loss. The election is allowed as a deduction for the taxable year in which the qualified truck is placed in service.
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 the hearing previously scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources for Tuesday, June 28, 2005 at 3 p.m. has been cancelled.

The purpose of the hearing was 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.

For further information, please contact Kellie Donnelly 202-224-9360 or Steve Wasklewicz at 202-224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 28, 2005, at 9:30 a.m., to receive a classified briefing regarding improvised explosive devices (IEDs).

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2005, at 10 a.m., to conduct a hearing on “The Consideration of Regulatory Relief Proposals.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 9:30 a.m. to hold a hearing on Russia.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 2:30 p.m., to hold a hearing on nominations.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 21, 2005, at 9:15 a.m., for a hearing titled, “Juvenile Diabetes: Examining the Personal Toll on Families. Financial Costs to the Federal Health Care System, and Research Progress Toward a Cure.”

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 21, 2005, at 10 a.m., to conduct a hearing to examine the issue of voter verification in the Federal election.

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

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Tuesday, June 21, 2005, on Coast Guard’s Revised Deepwater Implementation Plan at 10 a.m., in SR-253.

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

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I further ask consent that Eric Loewen of my staff be granted floor privileges during consideration of the Energy bill.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Max Frances Moran of my office be granted floor privileges during the debate on the Energy bill.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that Douglas Rathan be granted the privilege of the floor for the duration of debate on H.R. 6.

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

AMENDING COMMUNICATIONS SATELLITE ACT OF 1962

Mr. DOMENICI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1282 that was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1282) to amend the Communications Satellite Act of 1962 that the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1282) was read the third time and passed, as follows:

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

SECTION 1. FINANCIAL INTERESTS OF OFFICERS, MANAGERS, OR DIRECTORS.

Section 621(5)(D) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(D)) is amended—

(1) by striking “(I)” in clause (ii);

(2) by striking “signatories, or (II)” in clause (ii) and all that follows through “mechanism;” and inserting “signatories; and”;

(3) by striking “organization; and in clause (iii) and inserting “organization;” and;

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.


SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF GMDS.

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDS.

“The United States shall preserve the space segment capacity of the GMDS. This section is not intended to alter the status that the GMDS would otherwise have under United States laws and regulations of the International Telecommunication Union with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDS services.”

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(b) CONTENT.—The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets; and

an analysis of what a competitive market is effective competition in the market for domestic and international satellite services; and

(2) an analysis of what a competitive market is effective competition in the market for domestic and international satellite services; and

(3) an analysis of what a competitive market is effective competition in the market for domestic and international satellite services; and

(4) an analysis of what a competitive market is effective competition in the market for domestic and international satellite services; and

(5) an analysis of what a competitive market is effective competition in the market for domestic and international satellite services; and
(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

MEASURE PLACED ON THE CALENDAR—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JUNE 22, 2005

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 22. 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 that when the Senate resumes consideration of the Energy bill, Senator FEINSTEIN be recognized to offer an amendment as provided under the previous order.

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, as we have just indicated, Senator FEINSTEIN will offer a liquefied natural gas amendment in the morning, under 1-hour time agreement. Following that debate, the Senator from West Virginia, Senator BYRD, will offer an amendment regarding rural gas prices. It is my hope that we will be able to stack the votes in relation to the Feinstein amendment with additional votes tomorrow morning. Senators should expect at least 1 vote prior to lunch.

For the remainder of the day, we will continue working through the amendments on the bill.

We reached an agreement tonight with respect to the McCain-Lieberman climate change amendment. We expect to dispose of the amendment tomorrow afternoon. We will consider additional amendments tomorrow, and Senators should expect rollcall votes throughout the day and into the evening.

Finally, I remind Senators we just filed cloture on the bill. That cloture vote will occur on Thursday, as we try to complete the bill this week.

As a reminder, under the provisions of rule XXII, the first-degree amendments must be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, June 22, 2005, at 9:30 a.m.
HUMAN RIGHTS WATCH’S REPORT ON THE MJAHEDIN E-KHALQ

HON. THOMAS G. TANCREDO OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. TANCREDO. Mr. Speaker, I would like to bring to Congress’s attention the following letter to COL David Phillips, “Griffin-6” of the 89th Military Police Brigade, sent on May 27, 2005, to Mr. Kenneth Roth, Executive Director of Human Rights Watch, regarding Human Rights Watch’s recent report on human rights abuses within the Mujahedin e-Khalq (MEK).

“I am the commander of the 89th Military Police Brigade and in that role was responsible for the safety and security of Camp Ashraf from January–December 2004. Over the year long period I was apprised of numerous reports of torture, concealed weapons and people being held against their will by the leadership of the Mujahedin e-Khalq. I directed my subordinate units to investigate each allegation. In many cases I personally led inspection teams on unannounced visits to the MeK/PMOI facilities where the alleged abuses were reported to occur. At no time over the 12 month period did we ever discover any credible evidence supporting the allegations reported in your recent report. I would not have tolerated the abuses outlined in your report, nor would I have sanctioned any acts on the part of the MeK/PMOI to hold people against their will. Each report of torture, kidnapping and psychological deprivations were investigated. The MeK/PMOI in fact notified us on a routine basis of people who desired to leave the organization and then transported them to our gate. At your request, I can explain in detail specific allegations and the subsequent investigations by my units. To my knowledge, as the senior officer responsible for safeguarding and securing Camp Ashraf throughout 2004, there was never a single substantiated incident as outlined in your report. I am with the leadership of the MeK/PMOI and personally know many of the 3000+ protected people. I’ve visited male and female units on a routine basis. Sometimes they were announced, but most frequently they were unannounced inspections. My subordinate units would randomly select billets, headquarters, warehouses and bunkers for no-notice inspections. Not one time did they discover any improper conduct on the part of the MeK/PMOI. Also, the MeK/PMOI never denied entry to any of their facilities.

I believe that your recent report was based on unsubstantiated information from individuals without firsthand knowledge or for reasons of personal grievances. I personally spent a year of my life in Iraq with the responsibility for Camp Ashraf. I have very extensive first hand knowledge of the MeK/PMOI and the operations at Camp Ashraf. These inspections are based on a full year of on location experience. I look back with satisfaction knowing that my unit did an exemplary job and maintained the safety and security of not only the coalition forces at Ashraf, but also the 3000+ protected people.

I have spoken to large groups of MeK/PMOI members and have had the privilege of one private conversations with individual members. At no time did any member, ranging from young male and females to the very senior leadership, express the type conduct outlined in your recent report.

Iraq was very dangerous throughout 2004. In my opinion, Camp Ashraf was the safest place within my area of responsibility. There was not one incident or combat injury to my forces at Camp Ashraf. I personally felt safe even when surrounded in a room by hundreds of Mujahedin. We always had open dialog and debated difficult subjects. I was exceptionally impressed with the dedication of the female units. These units were professional and displayed strength, freedom, democracy and equality for women. The dedication of these female members was inspirational. In the entire year only four female members asked to depart the MeK/PMOI. In one case a young woman requested to leave the MeK/PMOI, but first wanted to complete her responsibility as a singer in one of the holiday festivities. One of my subordinate commanders encouraged her to depart immediately as opposed to returning to her unit. She emphasized that she wanted to participate in a music festival and would then depart from the organization in order to return home to her mother. Several days after the festival we were notified by the MeK/PMOI that the young woman was ready to leave and we picked her up at a hotel type facility. The other three females also voluntarily departed the MeK/PMOI. I never discovered that the female or male was held in the organization against their will. I observed a total freedom of choice on the part of the members to either remain or depart the MeK/PMOI.

As I previously mentioned, I was very impressed specifically by the all female units. I would like my own daughters to someday visit these units for the cultural exchange. Would it not for the ongoing insurgency throughout Iraq, I would sanction my daughter to travel to Camp Ashraf and meet these very dedicated and professional female members of the Mujahedin e-Khalq.

Thank you for taking the time to read my comments. I am deeply concerned about the professionalism of my unit. We maintained the safety and security of Camp Ashraf and can look back in years to come being satisfied knowing that we made a difference.

Respectfully,

COL. DAVID PHILLIPS, ‘‘Griffin-6,’’ 89th Military Police Brigade.’’

CONGRESSIONAL TRIBUTE: RETIREMENT OF PAUL BLEWETT

HON. BART STUPAK OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Paul Blewett, a public school teacher who has served the young people of the Bark River Harris School District in Michigan’s Upper Peninsula for the past 42½ years and has made a significant contribution to his professional organization.

Paul Blewett was born in Ishpeming, Michigan on January 21, 1940 to the late Fred and Evelyn Blewett. He graduated from Ishpeming High School in 1958 and received his BA and Masters Degree from Northern Michigan University in Marquette, Michigan. After being awarded his Professional Teaching Certificate in 1963, he entered the teaching and rewarding field of teaching in the Bark River Harris Public School System in Bark River in Michigan’s Upper Peninsula.

Mr. Blewett’s first position at Bark River Harris Schools began a very long and successful career as a true commitment to his community. Mr. Blewett taught Algebra I and II, General Math, Geometry, and Advance Mathe- matics for over 42 years to students in the Bark River Harris High School along with being the driver education instructor for 40 of those years. He was also involved in the Political Action Committee of the Michigan Education Association for three years, a delegate to National Education Association Representative Assembly and a delegate to the State Representative Assembly for over 30 years. He was also involved in the Political Action Committee of the Michigan Education Association. While doing all of this, Mr. Blewett held many other roles within his professional educational organization.

With so much time contributed to his teaching community and professional development, Mr. Blewett extended family was his students and colleagues until he met a lovely nurse from Wisconsin. In April of 2003 he married Vera and gained a wonderful stepson, Lyndon. Mr. Blewett made time to pursue his love for photography. As a special project, he made a photographic record of many events in school to capture current student life with the intent of preserving history. In addition to exploring his craft through creative means, his natural talent made him in-demand for weddings and social events.

Mr. Speaker, it is time to say “Thank You” and recognize this teacher for his dedication to his students and his professional involvement with the Michigan Education Association and his professional organization made a difference in the delivery and development of public education for the Upper Peninsula and the State of Michigan. We thank Paul for his participation, his friendship, and we wish him and his wife Vera the best in retirement.

Mr. Speaker, it is time to say “Thank You” and recognize this teacher for his dedication to his students and his professional involvement with the Michigan Education Association and we wish him the best in retirement.
E1300

CONGRATULATING MAYOR FRANK PAGANO UPON BEING NAMED PRESIDENT OF THE NEW YORK CONFERENCE OF MAYORS

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Village of Fredonia Mayor Frank Pagano, a colleague and a friend, whose leadership has recently earned him the position of President of the New York State Conference of Mayors (NYCOM).

At NYCOM’s recent annual meeting in Saratoga, New York Attorney General Eliot Spitzer administered the oath of office as Mayor Pagano was sworn in to lead the Conference of Mayors.

Founded in 1910, NYCOM’s mission is to collaborate and advocate on behalf of the municipalities across New York State. Originally composed of 42 mayors, the group’s membership has grown to include 570 small cities and villages.

Mr. Speaker, for years Mayor Pagano has been delivering outstanding public service to the residents of Fredonia and all of Chautauqua County. The Mayors and residents of New York State will be well served by having Mayor Pagano as an aggressive activist and leader in the New York Conference of Mayors.

It is an honor to recognize him here today and it will be a privilege to work with him to fight for the best interests of cities and villages in New York State.

IN HONOR OF DR. JOSE PROTACIO RIZAL AND THE ORDER OF THE KNIGHTS OF RIZAL, CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Jose Protacio Rizal and the Order of the Knights of Rizal, Cleveland Chapter. The accomplished life and works of Dr. Rizal remains a great source of inspiration for the people of the beautiful island of the Philippines. His heroic and poignant writings and efforts continue to inspire and energize the people of the Philippines, and Filipinos Americans as well.

During the 1800’s Filipinos began expressing their anger and frustration over colonial rule. Intellectuals, poets, artists and writers became the spiritual leaders in the Filipino quest for freedom and independence from Spain. It was the vital works by an unknown, young doctor from Laguna Province, Jose Rizal, which set fire to the independence movement. Dr. Rizal’s explosive first novel, “Noli Me Tange” (“Touch Me Not”), shattered the facade of colonial rule and shed light on the destructive limitations forced upon the Filipino people. The novel, though immediately banned by the Spanish rulers, was disseminated with other highly charged passages by Dr. Rizal and others.

In Manila, 1892, Rizal founded the independence movement, Luga Filipina. By 1898, an armed struggle for independence had begun, and government officials accused Dr. Rizal of leading the charge. Following the circus-like spectacle of an unjust trial, Rizal was found guilty. On the evening of December 30, 1896, Dr. Rizal was executed by firing squad in what is now known in Manila as Rizal Park.

The night before his scheduled execution, he wrote ‘Mi Ultimo Adios,’ a heartrending and poignant poem as a last offering to the country and people he so loved.

Mr. Speaker and Colleagues, please join me in honor and celebration of the influential life of the as Dr. Jose Rizal rose from the quiet life of a village doctor to become a beloved and courageous national hero of the Philippines—a man whose words blazed a trail of freedom throughout the Philippines. I also want to honor and recognize the leaders and champions of the Order of the Knights of Rizal, Cleveland Chapter, for keeping the significant spirit of Dr. Jose Rizal alive for each new generation to know and understand. The life of Dr. Jose Rizal reflects an innately quest for freedom for all people, and highlights the ideology that despite the seemingly endless struggle, justice and liberty will rise.

AN AFRO-CARIBBEAN VIEW OF INTERNATIONAL RELATIONS FROM THE JAMAICAN PRIME MINISTER

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the advice of a wise individual in international relations and a champion of the issues of Afro-descendant groups across the world—the Prime Minister of Jamaica, Mr. P.J. Patterson. He is the leader of the Jamaican People’s National Party and the longest-serving Prime Minister in Jamaican history.

Prime Minister Patterson is an individual with a unique history that speaks directly to many of the problems of the developed and developing worlds. As a proud Jamaican, he knows the struggles of individuals of African descent and is pioneering ways of overcoming those challenges. Campaigning on a platform that stressed recognition of minority rights and government responsibility, Prime Minister Patterson has built a coalition of national support that has popular appeal and speaks to the hearts and minds of the Jamaican people.

Throughout his life, he has seen the challenges of poor families and individuals in rising above their economic position and achieving prosperity. He thus has used his positions in government to champion actions to the benefit of the poor. Jamaica, like much of the Caribbean and Latin America, has struggled to overcome the effects of a global hegemony and the scourge of slavery on its people. It has seen the fights of the poor, the uneducated, and the disenfranchised for an equal chance in society. Prime Minister Patterson has worked to address the harmful and devastating effects of poverty, HIV/AIDS, and globalization, the tiny, but proud, island-nation of Jamaica.

Under the leadership of people like Prime Minister Patterson, Jamaica has stood as a principled defender of justice and equality for all individuals. He is currently the chair of Group of 77 and leads its efforts to expand debt relief for poor nations. He is profoundly concerned with creating a fair system of international governance for all countries. His actions in government and behavior in life demonstrate his commitment and conviction.

Mr. Patterson is an important voice on global affairs and the importance of a global commitment to justice. His advice is often wise and insightful and it is important that this Congress hear the advice of this noble gentleman as we confront the challenges of Afro-descendant populations in the Caribbean.

I therefore submit for the RECORD a Carib News op-ed written by the Prime Minister of Jamaica, P.J. Patterson on his views of the connections between slavery and globalization and the exploitation of the Afro-descendant populations.

FROM THE FIGHT AGAINST SLAVERY, RACISM AND COLONIALISM TO HIV/AIDS, SOURCING AND ADVERSE EFFECTS OF GLOBALIZATION
June 21, 2005 — For almost 500 years, the Atlantic slave trade forcibly removed over 100 million Africans to destinations in the Americas.

This mass relocation has wreaked permanent and enormous damage to our ancestors and their descendants on every continent bordering the Atlantic. It led to the depopulation and stifling of creativity and production, and was the genesis of a dependency relationship with Europe.

The resulting negative perception of persons of African ancestry is one we are still struggling to overcome. Undeniably, the slave trade was the first step toward modern Africa’s current status as a region where development has lagged far behind that of the more industrialized nations. We in the Caribbean also suffer from this legacy.

When slavery was eventually abolished, authoritarian regimes were structured to keep us still in bondage so as to maintain and increase wealth for the colonial and imperial masters. The shift in Europe toward industry during the late 18th century heralded new and increasing challenges for continent and Diaspora alike.

Movements such as Pan Africanism grew out of our need to overcome these obstacles. We cannot overlook the seminal contributions of Marcus Garvey whose concern for the problems of Black people led him to found the Universal Negro Improvement Association (UNIA) in 1914. Its main objectives were to promote the spirit of racial pride, to foster worldwide unity among people of African descent and to establish the greatness of the African heritage. The inspirational teachings of this influential Black leader in the 1920’s were a springboard to those in securing civil liberties for Blacks worldwide.

We cannot speak about African liberation without reference to our sons of South Africa and a towering spirit of our times. I refer to Nelson Mandela, who for decades was engaged in resistance to the evil system of apartheid. Like Mahatma Gandhi, his unwavering resolve made it possible for a nation to throw off the shackles of oppression. He is a living legend for human compassion and the capacity to forgive. He reminds us of another truly great African who lived many centuries ago—St. Augustine.

I, for one, am proud of the contributions of Jamaica and the Caribbean to the struggle against colonialism and apartheid in Africa through the works of our writers, musicians, orators, and artists. The messages of Bob Marley, of Peter Tosh, and Jimmy Cliff have inspired Africans and non-Africans alike to not only recognize the continuation of the
struggle for liberation and social justice, but to champion the international movements against colonialism and neo-colonialism. Songs such as “War” and “Zimbabwe” inspired freedom fighters and became anthems for change.

Nor should we overlook the refusal of our outstanding cricketers, Clive Lloyd, Sir Vivian Richards, Michael Holding and their colleagues who refused the lure of money to play in racist South Africa.

The year 1994 represented the culmination of the movement towards the liberation in Africa. The victory over apartheid was the outcome of the activist struggle of those who were oppressed. The contribution of the global anti-apartheid movement was critical to this outcome. Jamaica is proud of having sustained its commitment to the struggle against apartheid. Under Norman Manley, we were second only to India in declaring sanctions against South African products.

Jamaicans of my generation could not bring ourselves to consume any product from a package marked “made in South Africa.” Successive Jamaican administrations, from both sides of the political fence, have continued this struggle.

The hegemony of western nations has, however, over the years sparked conflicts in Rwanda, the Democratic Republic of Congo, Liberia, and Sierra Leone. Within the Caribbean context, Haiti, the first independent Black nation, has experienced 200 years of under-development. Small wonder that the message of solidarity and redemption is of much significance today, in this, the 21st century, as in any other period in recent history.

In addition to the adverse effects of globalization, with its trade constraints and rapidly changing information and communication and communication technology, the survival of our traditional communities is further threatened by the scourge of the HIV/AIDS pandemic. Notably, sub-Saharan Africa is the region most affected with the disease, followed by the Caribbean. Our womenfolk are at great risk and our orphans threaten to multiply. This epidemic acts as a significant brake on economic growth and development. Its social and economic consequences are already being widely felt in education, industry, agriculture, transport, and human resources.

There are those of us in political life who have never concealed our unwavering commitment to equity and social justice, between nations and within our domestic borders. For this, we were once branded ideological heretics.

Today, it is conceded that the force of globalization and the building of a market economy will not by themselves bridge the disparities between the developed and developing world. Nor will it result in the reduction of poverty, ignorance, and disease.

DEPARTMENT OF DEFENSE APPROPRIATION ACT, 2006

SPEECH OF
HON. DIANA DeGETTE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union 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.

Ms. DeGETTE. Mr. Chairman, despite its claims to the contrary, the Bush Administration continues to be dishonest with the American people about the situation in Iraq. First, it leads our country into war with Iraq under false pretenses—a war that has already cost more than 1,700 American lives and thousands more Iraqi lives. The Administration refuses to admit that it does not have a viable plan to keep the peace in Iraq and possesses no strategy for a withdrawal of United States troops. And most recently, while the President campaigns as a so-called “War President,” he refuses to request funding for military operations in Iraq in his own budget, instead funding it through the emergency appropriations process, a tactic that allows the President to keep the high costs of war out of his budget.

Although today Congress has the opportunity to insert some much-needed accountability into the funding process, it will—like it has so many other times—function as a rubber stamp and approve another large funding bill—$45 billion—for Iraq without demanding answers from the Administration. Once this is approved, total funding for the military operations in Iraq and Afghanistan will reach a mind-boggling $322 billion. And this certainly won’t be the last of it. In fact, at current expenditure rates, the $45 billion will only cover the first six months of 2006, which means that Congress will be forced to approve tens of billions more in funding for Iraq in a matter of months.

I believe it is critical that our country properly fund the operations in Iraq to ensure that our soldiers in the field have the equipment, munitions, and protection they need and the health and welfare they deserve when they return home. The majority of the $45 billion will go directly to support our troops in the form of equipment, body armor, increased pay and improved benefits for them and their families. While I will vote for this $45 billion funding package, I am concerned that the Majority in Congress has once again rebuffed efforts to require the Administration to be honest with the people about the situation in Iraq. To date, despite repeated requests from members of Congress, the Administration refuses to provide a report of timeline or cost for the withdrawal of United States troops, will not account for much of the current funding to Iraq, and resists coming clean about the full cost of future military efforts in Iraq.

At the same time the Administration and the Republican Majority in Congress unabashedly spend billions of dollars in Iraq without question, they make cuts to crucial domestic programs in the name of fiscal responsibility—cuts, which compared to the budget for Iraq, have a negligible impact on our country’s deficit. In fact, funding for the war so far significantly dwarfs funding for domestic programs that if we were to take just a fraction of this spending package for Iraq, we could fully fund No Child Left Behind, the Small Business Administration loan program, Head Start, Medicaid, and numerous other programs that make a daily difference in the lives of Americans.

I find it truly ironic that Congress will spend a good portion of this week discussing the alleged lack of accountability at the United Nations, but refuses to acknowledge the abrogation of all accountability and responsibility that has been allowed to occur for too long in its own backyard—at 16th and Pennsylvania. It is time that the Administration owns up to the situation it has needlessly thrust our country in—it needs to formulate and disseminate a strategy for an eventual U.S. withdrawal from Iraq and must be upfront with Congress and the American people about the future costs of military operations in Iraq.

PERSONAL EXPLANATION
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. GRAVES. Mr. Speaker, on Friday June 17, 2005 I was unavoidably delayed and thus missed roll call votes Nos. 282, 280, 279, 278, 277, 276, 275, 274. Had I been present, I would have voted “yea” on Nos. 282, 280, 279, 278, 277, 276, 275, 274 and “nay” on No. 281.

PERSONAL EXPLANATION
HON. KATHERINE HARRIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Ms. HARRIS. Mr. Speaker, I encountered plane difficulties Monday, June 20, 2005, that caused me to miss floor votes regarding H.R. 2863, the Department of Defense Appropriations Act for Fiscal Year 2006. Since this bill is one that I believe is vital to our Nation, I am very dismayed that I was unable to participate. I would have voted “nay” on the Obey, Doggett, Velázquez, and DeFazio Amendments. Additionally, I would have voted “yea” on the Hunter Amendment and for final passage of H.R. 2863.

150TH ANNIVERSARY OF THE SOO LOCKS

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. STUPAK. Mr. Speaker, I rise today to celebrate a historic symbol of exploration and commerce in my district. On Friday, June 24th the City of Sault Ste. Marie, Michigan will kick-off a summer of activities to honor the 150th Anniversary of the Soo Locks.

Hundreds of years ago settlers established the oldest city in Michigan and third oldest in the United States, Sault Ste. Marie, named by French explorer Father Jacques Marquette in honor of the Virgin Mary. The area, rich with fur trading and fishing, was difficult to travel by water because of the rapids or “Bawating” as referred to by the local Anishnabe Native American Tribe. As a voyager entered the St. Mary’s River to sail from Lake Superior to Lake Huron the rapids dropped 21 feet and was too treacherous to traverse. Voyagers, explorers and tradesmen were forced to portage their canoes, unloading and reloading their cargo via the land trail along side the rapids to complete their travels.

The Northwest Fur Company engineered the first locks on the Canadian side of Sault Ste. Marie in the late 1700’s. The system involved moving a ship into a channel of water,
or a lock, and then raise or lower the water level to be even with the body of water they wished to traverse. This first set of locks was unfortunately destroyed in the War of 1812 and travelers were once again forced to carry their cargo by land. The present day lock system, mimicking the original design, was developed by civil engineers in 1850.

In 1852, Congress offered a large public land deal as payment to any company that would construct the new lock designed to continue commerce between the lakes. The Fairbanks Scale Company agreed to the proposal in 1853 because of its mining interests in the Upper Peninsula. On May 31st 1855, two 350 foot long locks were given to the State of Michigan. The State instituted a small toll in the early years of the lock for maintenance but in 1877, when commerce exceeded the capability of the locks, the State recognized that a new set of locks was necessary.

In 1881, the locks were transferred to the Federal government under the U.S. Army Corps of Engineers. Since that time, the Soo Locks have operated toll-free with two canals and four locks that included the Davis, Poe, MacArther and Sabin locks.

The value of the Soo Locks was never fully appreciated until World War II. As the United States was attacked, it became necessary for United States to build the arsenal of democracy during world wars and the economic feasibility for the steel, coal and grain industry to continue the future. From the Anishnabe Tribe of Native Americans to the men and women who first explored, built and operated the locks; to the City of Sault Ste. Marie and her people; to a Nation at war, to tomorrow’s commerce that follows and into the future, the Soo Locks have stood the test of time by meeting the demands of a great Nation, to traverse the “rapids” of history always opening its lock to a brighter future for America. Once again with the help of the United States Congress, we are about to continue the legacy of the Soo Locks by providing the resources to build another super lock that will ensure another successful 150 years of waterborne commerce by and through the Soo Locks located at Sault Ste. Marie, Michigan.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the historic engineering marvel we call the Soo Locks as they celebrate 150 years of exploration, commerce and trade. This engineering wonder has provided a proud past of innovation to evolve into the critical link to deliver the arsenal of democracy during world wars and the economic feasibility for the steel, coal and grain industry to continue the future.

As the war’s demand for iron ore was at its greatest, Congress authorized a new Soo Lock capable of handling the 640 foot ships loaded with up to 17,500 tons of iron ore during the 1942 Maritime Class. America worked around the clock to build the new lock to hold the iron ore boats that stoked the war machine.

With the end of World War II, the importance of the Soo Locks did not diminish. As trade and steel demand increased a new even larger lock was needed. In 1965, Congress authorized a new 1000 foot Super Lock. As with all the locks, the new lock was named after the engineer in charge of the Soo Lock. General Orlando M. Poe, also known for his eight lighthouses that grace Michigan’s waterways.

The Poe Lock is the largest lock in the Western Hemisphere and the busiest lock in the world. Each year, 80 to 90 million tons of freight move through the Soo Locks. Still today, more than 70 percent of the raw materials needed to make steel pass through the locks, as does low sulfur coal and grain exports. The Great Lakes shipping industry has sustain thousands of jobs in mining construction, steel making and a multitude of support industries. In fact, shipping is so important to our economy that just one 1000 foot ore boat can deliver enough iron ore to build 60,000 cars.

Currently, ¾ of all freight is restricted to the 32-year-old Poe lock, which is the only lock capable of handling 1000 foot ore boats. Without this lock, the steel, coal and grain industries would be helpless. Recognizing this, Congress authorized construction of another “Poe” size lock in 1986. Over the last eight years, I have been proud to secure funding for preconstruction, planning, engineering and design for the new lock. Since 2003 alone, over $100 million has been directed toward the construction of this new lock. I am pleased that the States of Michigan, Illinois and Pennsylvania recognize the economic importance of this additional lock by contributing their non-Federal cost shares to the project and encouraging the other Great Lakes States to join us in securing the necessary funding to build this new lock.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the historic engineering marvel we call the Soo Locks as they celebrate 150 years of exploration, commerce and trade. This engineering wonder has provided a proud past of innovation to evolve into the critical link to deliver the arsenal of democracy during world wars and the economic feasibility for the steel, coal and grain industry to continue the future. From the Anishnabe Tribe of Native Americans to the men and women who first explored, built and operated the locks; to the City of Sault Ste. Marie and her people; to a Nation at war, to tomorrow’s commerce that follows and into the future, the Soo Locks have stood the test of time by meeting the demands of a great Nation, to traverse the “rapids” of history always opening its lock to a brighter future for America. Once again with the help of the United States Congress, we are about to continue the legacy of the Soo Locks by providing the resources to build another super lock that will ensure another successful 150 years of waterborne commerce by and through the Soo Locks located at Sault Ste. Marie, Michigan.

COMMENDING LULA TAYLOR AS THE RECIPIENT OF THE WOMAN OF ACHIEVEMENT AWARD

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Lula Taylor, a resident of the Chautauqua County town of Jamestown, upon the occasion of her receiving the Woman of Achievement Award. Lula Taylor graduated from Newton Central High School in Newton, North Carolina. After graduation, she attended cosmetology school and ran her own beauty shop. Lula met and married her husband Vivian, and they moved to Jamestown where she attended Jamestown Community College. They have a son and a daughter and two grandchildren, Michael and Claudine.

Throughout her entire life Lula has been a woman to go against the flow and break down barriers. This is evident in her career and her social life. Lula was the first African-American woman to be hired at Proto Tool Division of Ingersoll Rand Corporation in 1964 and worked there until her retirement. She is the first African-American woman to be elected to any county legislature in New York. These two achievements have paved the way for others to follow their dreams and not give in to adversity.

Lula is a woman who never stops working for the things she believes in. She serves on the County Human Service Committee, Chautauqua County Board of Health, Chautauqua County Health Network Inc. Advisory Board, Office for the Aging Advisory Board, County Home Advisory Board, Safe House Committee, and is an AIDS Awareness Advocate. When it comes to her heritage Lula works tirelessly. She has created numerous displays on African-American History, led tours for the Underground Railroad Tableau Steering Committee, Chautauqua County Black History Committee and is a founder of the Ebony Task Force. She is a member of the Blackwell Chapel, A.M.E. Zion Church. In the 1980’s she stood up against adversity to coach and manage the Love School girl’s softball team. This allowed girls to work as a team in a multi-ethnic situation. In 1989, she was instrumental in planning the first Martin Luther King Jr. celebration. Since then the celebration has grown considerably each year. On May 7, 2005, Lula and her husband Vivian were recognized by the New York State Democratic Rural Training Forum and the 2004 Chautauqua Democrats of the Year.

Lula is a woman of very strong conviction. Whenever there is something negative rearing its ugly head she is the first one to take a stand and put a positive spin on it. A perfect example of this was when her Nushawn Williams case sent Jamestown into a hot bed of negative publicity. Lula took that and turned it into a positive educational experience for everyone. She has worked so hard to lessen any racial tensions that exist. She has successfully brought together a very multiethnic team of girls in softball and has left her own voice be heard loudly in a predominantly Swedish and Italian community. Lula Taylor is an amazing woman and I am proud, Mr. Speaker, to have an opportunity to honor her today.

IN HONOR AND RECOGNITION OF U.S. MARINE STAFF SERGEANT DAN PRIESTLY

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of United States Marine Sergeant Dan Priestly of Parma, Ohio, as we unite as a community to offer him our deepest gratitude for his dedicated service, and extend to him a warm welcome home.

Sergeant Priestly bravely and selflessly heeded the call to duty in Iraq, where he endured immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country.

Sergeant Priestly bravely and selflessly heeded the call to duty in Iraq, where he endured immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country. On May 7, 2005, he was severely wounded when a roadside bomb exploded near his vehicle. Sergeant Priestly sustained immense personal sacrifice on behalf of our country.

Sergeant Priestly bravely and selflessly heeded the call to duty in Iraq, where he endured immense personal sacrifice on behalf of our country.

As he journeys forward in his medical recovery, Sergeant Priestly consistently displays an unwavering resolve to heal—a determination energized and strengthened by the love of his family and friends. Sergeant Priestly lives his life with great integrity and a deep sense of giving. His courageous spirit has bolstered his well-being and continues to be a source of inspiration for all.
Mr. Speaker and Colleagues, please join me in honor and recognition of United States Marine Sergeant Dan Priestly, and join me in offering him a warm welcome home. Sergeant Priestly's steadfast courage, immense sacrifice, and dedicated service to our country will be remembered always by our community and our Nation. Mr. Speaker, Sergeant Dan Priestly, his wife Lisa Priestly and their children Garrett and Tyler, an abundance of health, happiness and peace, today and in the future.

TRIBUTE TO PETER RODINO

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 20, 2005

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in paying tribute to a truly exceptional former member of this chamber. Congressman Peter Rodino was an extraordinary man in extraordinary times. The significance and importance of this great individual is immediately evidenced by the words, praises, and acclamations from his colleagues here today.

I have the privilege of serving as a member of the House Judiciary Committee under his chairmanship for several years and then experienced the defining moment for his career as he led us through the consideration of articles of impeachment against President Richard Nixon. His obvious integrity and steady leadership of the Committee during this period were reassuring to a Nation recoiling from the complexity of a President in the perpetration of criminal acts.

When the Nation needed a guiding hand in this national crisis, Peter Rodino steered us with diligence, respect, and thoughtfulness. He is best known for presiding over the impeachment trial of President Nixon. This was not a task that he took lightly nor pursued with great venom. He led the Judiciary Committee cautiously through its deliberation and consideration of the issue. He knew that a partisan approach would be divisive to the country and that Congress should act with all seriousness when reversing the public will. As the chairman, Mr. Rodino ensured that the Judiciary Committee behaved responsibly. He brought his personal gravitas and respect to the hearings and guaranteed that the proceedings were respected by all.

When the Congress needed a leader to meet the challenge posed by the Civil Rights Movement, Peter Rodino in his classic style stood up for the civil rights of all Americans. In the 1960s, when the country faced an energized black constituency determined to fulfill the promises of the Constitution, Peter Rodino stood up to defend their civil rights. He was one of the primary sponsors of the Civil Rights Act of 1964 and the Voting Rights Act of 1964. From the Civil Rights Act to the Equal Rights Amendment, he supported every significant piece of civil rights legislation that emerged during his tenure in office. He was a supporter of the equality of every citizen and fought to ensure that justice was not denied to any group.

Peter Rodino's life was not confined to Congress. He was a proud Italian-American and a dutiful public servant who repeatedly and selflessly gave of his time, experience, and wisdom. Prior to entering Congress, he fought in Italy and Africa during World War II, earning a Bronze Star, and later served with the Italian military, receiving a Knight of Order of Crown. After retiring from Congress, he taught and inspired future lawyers at Seton Hall University Law School. Then, the Peter Rodino Law Society continues his legacy of activism, responsibility, and duty and stands as a sign of his commitment to guiding future generations.

I am proud to have served with Peter Rodino for 20 years in this chamber. He led by example and engaged with each member and person he met. He was a member who regularly engaged in both political and personal conversations with members on both sides of the aisle. He was a product of this time—a time where civility and respect formed the public character and members regularly chatted with one another about the best interests of this country and their personal lives. As a congressional leader, Peter encouraged Republicans and Democrats alike to interact more, debate the issues of the day, and work towards solving the problem.

I am glad that this chamber is taking the time to recognize the importance of this wonderful man. I will miss Peter Rodino for all of these reasons and many more. He was clearly an extraordinary man who represented the very best of this Nation. Sometimes I wish there were more Rodinos in this chamber and in our public life.

HONORING LOCAL 34 FEDERATION OF UNIVERSITY EMPLOYEES, UNITE-HERE INTERNATIONAL UNION AS THEY CELEBRATE THE 20TH ANNIVERSARY OF THE SIGNING OF THEIR FIRST CONTRACT

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many who have gathered to join Local 34 Federation of University Employees, UNITE-HERE International Union as they celebrate the 20th Anniversary of the Signing of their First Contract.

HONORING DAN JOHNSON

HON. ZACH WAMP
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. WAMP. Mr. Speaker, a husband, father, businessman, accountant, and community leader. Dan Johnson is a man of values and integrity. He is a steady thoughtful leader who has been giving back to the community for more than three decades.

Born and raised in Tennessee, Dan John- son graduated from the University of Ten- nessee at Knoxville with a degree in accounting. After faithful service to his country in the U.S. Army, Dan came to Chattanooga, estab- lished himself through civic and political in- volvement and founded Johnson, Hickey and Murchison, PC in 1977.

Dan’s role as the CEO of the firm that bears his name has provided the platform for him to promote and encourage entrepreneurship and private investment. His contributions to job growth and economic development are signific- ant.

In his new capacity as Chief of Staff to Chattanooga’s Mayor Ron Littlefield, Dan offers seasoned political and legislative expertise, which will serve our citizens very well. Dan exemplifies the words in the Jaycee Creed, “Service to humanity is the best work of life.”

Dan’s selfless contributions have been rec- ognized by our community and state: He re- ceived the Public Service Award from the Ten- nessee Society Of Certified Public Accounts
in 1997, the 2004 Benefactor Award by The Tennessee Council for Resource Development and the 2005 Tennessee Board of Regents Chancellor’s Award for Excellence in Philanthropy—just to name a few.

Dani’s affiliations and leadership positions include being president of the Chattanooga Jaycees and the Jaycee Future Corporation and Jaycee Progress, Inc., which built housing for the elderly in Chattanooga. He is also a board member and past chairman of Chattanooga’s public television station, WCCT Channel 45, member and past secretary of the Chattanooga Kiwanis Club, treasurer and co-founder of Blood Assurance, vice president and board member of the Chattanooga Chamber of Commerce, a member of the board of trustees at Erlanger Medical Center, vice president and board member of Orange Grove Center, past Chairman of the Hamilton County Republican Party, 1998 Chairman of the Year for the TN Society of Certified Public Accountants and my trusted campaign treasurer for more than a decade.

Dan’s wife of 43 years, Linda, live in Hixson. Their four children have blessed them with twelve grandchildren. The Johnsons have been active members of the First Baptist Church of Chattanooga for almost forty years. A great man! A great mind! And a big heart!

Thank you, Dan Johnson, for the example you set, your devotion to others and selfless service to mankind. We are all the better because of your dedication to our region, state and nation.

HONORING THE 100TH ANNIVERSARY OF ST. DOROTHEA’S CHURCH

HON. RUSH D. HOLT
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 20, 2005

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 100th anniversary of St. Dorothea’s Catholic Church in Eatontown, New Jersey.

The one hundred year history of St. Dorothea’s Church is rich in stories of individuals’ commitment to community service and helping others. The congregation was first established on October 1, 1905 in the small Quaker village of Eatontown made up of farmers, merchants and some professionals. Before enough funds were secured to build an actual structure, Mass was celebrated in the private homes of the few Catholics in the neighborhood. The first recorded Mass was celebrated in the “Buttonwood Cottage” on Main Street, on October 10, 1905.

Over the years, many pastors have served the community of St. Dorothea’s. Rev. James B. Coyle, who served the parish from 1960–1990, oversaw the construction of a new modern church in 1965, which offered more space for worship as well as youth and adult, educational programming and community activities. With the creation of the new building, St. Dorothea’s has provided to the local residents of Eatontown and the surrounding community in Monmouth County.

In recent years, Rev. G. Williams Evans has developed greater outreach and community service for St. Dorothea’s. Some of the many programs that he has established are ministries to several segments of the population, the Knights of Columbus chapter and a “Prayer Garden” located on the grounds of the church. Currently, Rev. Evans is supervising the publication of St. Dorothea’s one hundred year history, written by parishioner Gordon Bishop.

Some of the many community outreach programs that St. Dorothea’s runs are religious education classes, Vacation Bible School for young parishioners as well as a youth group that provides structured activities and events for teenagers. A group of volunteers provide pastoral and hospital care for the community’s sick and elderly, giving spiritual care to those in need. The parish continues to organize important events for fundraising and special occasions, and soon is commemorating its centennial anniversary with a series of events, including a picnic, parish trip, concert, mass, and dinner.

Mr. Speaker, I join Eatontown Mayor Gerald Tarantino and many others in recognizing St. Dorothea’s Church for its rich one hundred year history as the year the church was established in Eatontown. From the hard work of the original 18 parishioners in 1905 to the dedication of the over 1770 parishioners today, St. Dorothea’s has provided an outstanding ministry to the people of Central New Jersey.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF
HON. NATHAN DEAL
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union 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:

Mr. DEAL of Georgia. Mr. Chairman, I commend the following comments and questions, posed by the National League of Families of American Prisoners and Missing in Southeast Asia, to my colleagues as they consider relations between the aforementioned organization and the Defense POW/Missing Persons Office. I also ask that you note my June 20, 2005 floor colloquy with Mr. Young on this subject.

Congressional Requests

Prime Minister of Vietnam is visiting the U.S. June 21. The focus seems to be on economic issues. Mr. Young is a religious rights. What about accountability?

1. Vietnam is NOT cooperating in “full faith”. We have never had access to the Central Highlands since the War was over where hundreds of our Americans are Missing—no chance to interview witnesses who are dying who might have valuable information on crash and grave sights plus documents.

2. Two U.S. war ships have been allowed to come into Vietnamese ports but never a salvage ship that could recover remains from downed aircraft. We have asked to make this an educational venture but denied access.

Accountability should be a priority especially in a time of war—not just rhetoric but action. The families should be treated with respect.

Why does Jerry Jennings, head of the Defense POW/MIA Office still have a job? He has been under investigation for sexual harassment and hostile environment charges by his staff and alleged misappropriation of government funds. He has tried for over a year to undermine the family organizations. Three groups have released a vote of No Confidence in Jerry and his staffers.

The league is very concerned about policy being pursued by the office assigned the responsibility within the Defense Department, headed by DASD Jerry Jennings.

The President in 2002 and Secretary of State in 2004 defined criteria expected of the President. Namely, Secretary of State that Vietnam should take to be fully cooperative, including on cases of Americans missing in Laos and Cambodia controlled by Vietnamese forces during the war.

These present a unilateral provision of relevant archival records from ALL ministries and unilateral repatriation of remains that can’t be recovered in the field with joint operations, for example Last Known Alive (LKA) cases where Americans were captured on alive on the ground in immediate proximity to hostile forces.

If dead, their remains should be readily available to the Vietnamese, but could be sensitive in view of the many years withheld on manner of death, readily determined by the experts at CIL.

We’d appreciate your reading this “End-of-Year Policy Assessment,” prepared at our request by our Policy Advisor Richard Childress, a retired U.S. Army COL who served on President Reagan’s NSC staff as Director Political Military, then Director for Asian Affairs from 1981–1989.

League is not interested re-fighting the war or placing blame; we just want answers for the families, not recriminations, on all possible cases, and we base our expectations on USG intelligence and logic.

We’re also deeply concerned over Mr. Jennings’ handling of the U.S.-Russia Joint Commission on POW/MIA Affairs, a presidential commission that has been reduced in stature and effectiveness, despite having extremely talented staff within DPMO, the Joint Commission Support Directorate, or JCSD.

The league has great confidence in JCSD’s abilities, plus has best interest hard to get active Senate and House replacements for vacancies or positions held by inactive Members of the House and Senate.

Mr. Jennings succeeded in convincing Senator Saxby Chambliss to accept the Senate Republican position, but the Democrat Senator position is held by Senator John Kerry who has not participated at all in plenary or internal U.S. sessions.

The House Democrat position is held by Rep. Lane Evans, but we understand this time it is imperative to get the job done, and we need active committed Members to signal the Russians that the U.S. is serious. Mr. Jennings is appointed by the White House to assume the role of U.S. Chairman, an appointment that is too low level and without the prestige required for the Russian Government to take it seriously; they stated this fact in U.S. officials.

Mr. Jennings was the Commissioner representing DOD, and that was fine, but he is not the appropriate level to be a Presidential Envoy serving as U.S. Chairman; thus, we also oppose him in this second position.

The league has repeatedly filed complaints from DPMO staff members and we are VERY concerned about internal disruption, even implosion, of this organization that could not exist if not for the League’s efforts over the years that raised the priority.
A TRIBUTE TO VERNON PARKER

HON. MARYLIN N. MUSGRAVE
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to Vernon Parker. Little did I know as I sat in my Colorado history class in seventh grade my teacher, Mr. Vern Parker, was an extraordinary man.

The community where I grew up was small, and everyone knew everyone else. The school in Galetton was small, too. There were 17 students in my class. When we were in the seventh grade, one of our favorite classes was Colorado History. Evidently classroom space was limited, because we met in the music room and sat on folding chairs. It seemed a little odd not to have desks but we juggled our books on our laps and managed quite well.

My classmates and I liked him a lot, and we thought he had a good sense of humor. Recently, I acquired one of the textbooks we used in his class. Every time I come across the book, it brings back good memories and I always stop and thumb through it.

I am proud to have been a student of Vernon Parker, and I know Congressman FRANKS is as well. Mr. Speaker, I am very thankful for the positive influence Vernon Parker had on my life as my teacher and I am also thankful for the positive influence Vern Parker has made for our freedom and liberty. May God bless our teachers who positively influence young people, and may God bless our precious veterans who have made sacrifices on our behalf.

IN RECOGNITION OF THE COMPLETION OF THE WHEELCHAIR ACCESSIBLE TREEHOUSE AT CRADLE BEACH CAMP

HON. BRIAN HIGGINS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the completion of the state of New York’s first wheelchair accessible treehouse at Cradle Beach Camp. This 650 square foot structure that sits among the trees eleven feet above the ground is another important chapter in Cradle Beach Camp’s mission to provide rewarding and educational summer camp experience to children with disadvantages or special needs. This innovative treehouse will provide a valuable learning and recreational asset for wheelchair-bound campers.

Since 1888 Cradle Beach Camp has provided rewarding summer break fun and learning to disabled and underprivileged children who would often not be able to attend a camp. Now approximately 900 children every year are given an unforgettable experience, participating in energetic and entertaining activities.
while learning about themselves as well as
their new friends.

The activities of Cradle Beach Camp are or-
ganized to follow the 40 developmental assets
that have been identified by the Search Insti-
tute—an organization that provides resources
to promote healthy children. By focusing on a
child’s development, the Cradle Beach Camp
program helps their attendees learn about themselves and steer them away from dam-
aging and dangerous activities later in life.

Cradle Beach Camp has always looked for
challenges and innovative ways to enhance
the stay of their campers. Cradle Beach’s
newest project is no different. The camp has
overseen construction of a large treehouse cap-
able of allowing children in wheelchairs to
study and enjoy themselves in the treetops.
This large treehouse capable of fitting 25 peo-
ple will allow all campers to appreciate the
simple joy of spending time surrounded by na-
ture.

In closing Mr. Speaker, I wish to recognize
this great achievement by the inspirational
Cradle Beach Camp whose mission in its own
words is “to provide children with a chance to
learn more about themselves and their abili-
ties, instead of their limitations.” I would also
like to recognize the generosity of the people
of Western New York whose donations and
volunteer efforts have made this project pos-
sible. Just as it has done many times in the
past, the Cradle Beach Staff led by its presi-
dent, Jeannine L. Higgins, and many other
Western New Yorkers, have provided gener-
ously to help the mission of this wonderful
camp continue well into the future.

IN THE HOUSE OF REPRESENTATIVES

Mr. FORD. Mr. Speaker, I rise today to honor WDIA radio station in Memphis. The
station is celebrating nearly sixty years of
broadcasting with a new compact disc anthol-
dagy featuring the rhythm and blues, soul and
hip-hop classics that have made Memphis fa-

dable for an African-American audience, WDIA has introduced
programming by African-Americans for an Afri-
can-American community and has earned the title of
Goodwill Station.

This large treehouse capable of fitting 25 peo-
ple will allow all campers to appreciate the
simple joy of spending time surrounded by na-
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past, the Cradle Beach Staff led by its presi-
dent, Jeannine L. Higgins, and many other
Western New Yorkers, have provided gener-
ously to help the mission of this wonderful
camp continue well into the future.

Almost sixty years since its launch, WDIA
continues as a driving force in radio. From
Bobby O’Jay and the Fun Morning Team, to
the Bev Johnson Show to the Davis Brothers
in the afternoon, to Ford Nelson and Mark
Stansbury’s Gospel Sunday, WDIA is not only
the “Mother Station” for African-Americans, it
is stands as a symbol of entertainment, entre-
preneurship and philanthropy for our region
and the entire nation.

Mr. Speaker, it is in recognition of and ap-
preciation for WDIA’s nearly six-decade-long
history and its continued presence in the
Memphis community, I ask my colleagues to
join me in paying tribute to WDIA AM 1070,
The Goodwill Station.

PERSONAL EXPLANATION

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. DELAHUNT. Mr. Speaker, on June 8,
2005, I inadvertently voted in the negative on
rollcall 233 on H.R. 2744. It was my intention
to be recorded as “yes” on this measure and
I offer this clarification for the RECORD.

IN HONOR OF RAYMOND J. FATZ

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Mr. FARR. Mr. Speaker, I am extremely
proud to recognize an outstanding American
who retires from Federal civilian service after
37½ years. On July 1st, Mr. Raymond J. Fatz
of Herndon, VA, completes a long, and lus-
trous career in the Federal Government, which
began as a soldier in the United States Army
in 1967.

Mr. Fatz’ extraordinary leadership and ac-
complishments as the senior executive for the
Army’s environmental, safety and occupational
health programs have had a positive, direct,
and lasting impact on the Soldiers and on the
Army’s ability to complete its peacetime and
wartime missions—past, present and future.

I came to know Ray Fatz through his work
on clean-up issues at Fort Ord. To anyone
who has heard me preach about Fort Ord, you
know how deep into the details I am. Whether
it be cleaning up the UXO, filtering the con-
taminated water plume, or capping old land-
fills, I am passionate about getting clean up
right. Ray Fatz not only understood this, he
relished it. He went after Fort Ord clean up
with a spirit that speaks volumes of his com-
mmitment to public service and dedication to
Army environmental principles. Though Fort
Ord has been a tough nut to crack, I’m happy
to say that under Ray Fatz’s leadership, we
are on a path to getting Fort Ord clean, back
into the hands of civilians, and ready for an
economic boom.

It has been Ray’s collegial style and quiet
diplomacy that has enabled him to navigate
the difficult issues of military environmental
issues, address increasing budget pressures,
but increased demands, Ray has done a mas-
terful job of allocating resources where they
can do the most public good. In that respect,
we all should take a page out of Ray’s rule
book.

Today, I wish Ray Fatz the best in his well-
deserved retirement. He can now improve his
golf game, go fishing and spend more time
with his family.

I thank you, the Army thanks you, and
your country thanks you for your extraor-
dinary service.

RECOGNIZING STEVEN HAO

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 21, 2005

Ms. LOFGREN of California. Mr. Speaker, I
rise today to recognize Steven Hao for his se-
lection as a finalist in the USA Biology Olympi-
adi, sponsored by the Center for Excellence in
Education.

Steven was selected as one of twenty stu-
dents from more than 5,400 who will compete
in the National Finals. The four gold medalists
from the National Finals will represent the
United States at the International Biology Olympiad in Beijing, China. We hope that
these students will achieve the outstanding
success of the 2004 U.S. Team, who won an
unprecedented four gold medals, a feat ac-
complished for the first time in Biology Olympi-
ad history.

The Biology Olympiad promotes education
and creativity in a way that is vital to a youth’s
development. These types of activities encour-
gage students to explore the fields of science
and engineering. This kind of innovation will
drive the United States’ economy into the fu-
ture. As a Member of Congress from Silicon
Valley, I fully understand the importance and
impact that these studies have on America’s
prosperity.

I am proud to stand here today to recognize
Steven for his accomplishments at the USA
Biology Olympiad. Steven was also recently
recognized for winning a prize at the 56th Intel
International Science and Engineering Fair
Project for his project on “The Effects of Oxidative Damage on Protein Translation Effi-
ciency.” I urge him and all students to con-
tinue to take an interest in these fields, so that
the U.S. will continue to lead the world in sci-
entific research.

HENRY J. HYDE UNITED NATIONS
REFORM ACT OF 2005

IN THE HOUSE OF REPRESENTATIVES
Friday, June 17, 2005

The House in Committee of the Whole
on the State of the Union had under
consideration the bill (H.R. 2745) to reform
the United Nations, and for other purposes:

Mr. COSTELLO. Mr. Speaker, I rise today in
support of H.R. 2745, which focuses on reform
at the United Nations. I do so not because I
am against the mission of the U.N. To the
contrary, I support the U.N.’s role in facilitating diplomacy, mediating disputes, keeping the
peace and feeding the hungry. Moreover, I
continue to advocate for a much larger role for
the U.N. in Iraq as a means of bringing U.S. troops home.

However, I believe that on the heels of the Oil for Food scandal, we must send a strong signal that reform at the U.N. must proceed. I am voting yes today because the current structure and operations of the U.N. must be reviewed, and just about every speaker on the floor today has acknowledged. Even the U.N. leadership itself has acknowledged the need for reform and, to its credit, has put forward a number of useful proposals for consideration.

If many bills we consider in the House, I do not take lightly the prospect of this bill. I am particularly concerned for how it would affect peacekeeping activities. But this legislation importantly calls for a more focused and accountable U.N. budget, one that reflects what should be the true priorities of the organization. I am hopeful that the prospect of this bill will force the U.N. to implement the kinds of changes we all agree are necessary to make the body more effective and efficient.

Mr. Chairman, voting yes today sends a strong signal that we are serious about ensuring a strong U.N. for the nations of the future. I urge my colleagues to vote yes on H.R. 2745.

LITTLE RIVER COUNTY JUDGE CLYDE WRIGHT

HON. MIKE ROSS
OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ROSS. Mr. Speaker, today, I pay tribute to Little River County Judge Clyde Benton Wright. Judge Wright passed away on June 10, 2005 at the age of 63. I wish to recognize his legacy and lifetime of dedication to public service.

Judge Wright was born on October 30, 1941, in Little River County. Graduating from Foreman High School in 1959, he began a career in the United States Marine Corps with assignments that included Vietnam, Laos, and Cambodia. Judge Wright specialized in and instructed escape and evasion tactics and trained Navy Seals.

Following a distinguished career in the military, Judge Wright moved to Los Angeles and began a career that spanned over two decades with the Los Angeles Police Department, where he earned a prestigious Detective III rank. Following a special request from the government, Judge Wright also taught courses to new Federal Bureau of Investigation agents.

In 1984, Judge Wright returned with his family to Little River County. In 1988, he was elected to the post of Little River County Judge, and served in that post for more than eight consecutive terms. As Judge, he helped to secure funding for improvement of local roads and the hospital, and furthered industrial development in Little River County.

Judge Wright led a lifetime of devotion to his family, to public service, and to the betterment of the lives of others. I am honored to have known him and counted him as a friend.

I extend my deepest sympathies to his wife, Barbara Lampenfeld Wright, their sons, Lonnie Benton Wright of Little Rock and Marshall Alan Wright of Forrest City, their daughter-in-law, Kristen Collier Wright, and six-week old twin grandchildren, Collier and Syble, and his father, Bud Wright.

RECOGNIZING THE CONTRIBUTIONS OF JAIME CARDINAL SIN

HON. MADELEINE Z. BORDALLO
OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of Jaime Cardinal Sin, a leader of the Roman Catholic Church of the Philippines. Cardinal Sin was a great man, a strong leader, and a tireless fighter of injustice in his home country of the Philippines and throughout the world for decades. His passing is indeed a significant loss.

Born on August 31, 1928, Sin was ordained a priest in the Archdioceses of Jaro on April 3, 1954. He was appointed Coadjutor Archbishop of Jaro on March 15, 1972, and on October 8, 1972, he assumed the office of Archbishop of Jaro, thus assuming full control of the archdiocese. On January 21, 1974, Sin was appointed Archbishop of Manila, and on May 25, 1976, Sin became the youngest member of the College of Cardinals, a distinction which he held until 1983.

As the spiritual leader of the largest concentration of Catholics in Asia, Cardinal Sin held a great deal of influence over a substantial number of people. Rather than be content to simply influence the spiritual lives of his people, Cardinal Sin worked to affect change in the political and social arenas. Cardinal Sin was the central figure around whom the Filipino people rallied during both the People Power movement which restored democracy to the Philippines and the recent reformist movement. He was an outspoken critic, and his support of democratic reform helped to facilitate peaceful transition.

Despite his retirement on September 15, 2003, Cardinal Sin remained a popular and beloved figure in the Philippines. He was a leading voice against abortion and the death penalty. He was outspoken against inequality and immorality, and his three decades of service to the Philippine people have left an indelible mark in history.

Because of its geographic proximity and its large Filipino population, my district of Guam has traditionally held a very close relationship with the Philippines. I join the millions of Filipinos on Guam, in the Philippines, and throughout the world in mourning the passing of this great man.

INTRODUCTION OF LEGISLATION TO ESTABLISH AN INDEPENDENT COMMISSION TO REVIEW DETAINEE ABUSES

HON. HENRY A. WAXMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. WAXMAN. Mr. Speaker, it has been over a year since the photographs of prisoner abuse at Abu Ghraib shocked the nation and the world. Since then, the allegations of mistreatment, abuse, and torture of detainees in U.S. custody have multiplied.

In just the past few weeks, new evidence emerged of the desecration of the Koran at Guantanamo Bay, the involvement of Navy Seals in beating detainees in Iraq, and the gruesome, ultimately fatal torture of Afghans at the U.S. detention center at Bagram Airbase in Afghanistan.

The reports of detainee abuse are undermining one of our Nation’s most valuable assets: our reputation for respect for human rights.

And they are endangering our armed forces and inciting hatred against the United States. As Senator JOE BIDEN said, Guantanamo is the “greatest propaganda for the recruitment of terrorists worldwide.”

Our national interest demands a thorough independent review of the detention system. We need answers to basic questions: What happened? Who is responsible? And how do we move forward?

The Pentagon’s internal investigations certainly do not meet this standard. The resulting reports have contained conflicting conclusions, and some have been little more than whitewashes.

And in Congress, we have ignored our fundamental constitutional responsibility to investigate.

When the Abu Ghraib photos surfaced, the House held a mere five hours of public hearings. The Senate review was more extensive but stopped far short of assessing individual accountability up the chain of command. Our troops deserve better. Our nation deserves better.

Some of the allegations that have been replayed repeatedly around the world may not be true. President Bush calls them “absurd.” But we won’t know what’s true and what’s not true unless we investigate. And when we refuse to conduct thorough, independent investigations, the rest of the world thinks we have something to hide.

The independent commission established by the bill we are introducing today would address this huge oversight gap. It would establish a 10-member bipartisan commission modeled on the successful 9/11 Commission.

The Commission would conduct a thorough review of the extent of the abuses, what individuals are responsible for the abuses, and what policies facilitated the abuses. The Commission could also make recommendations on legislative and executive actions necessary to prevent future abuses.

The bill already has 172 cosponsors, and it has the support of key leaders in Congress like NANCY PELOSI, the Minority Leader; STENY HOYER, the Minority Whip; IKE SKELTON, the ranking Democrat on Armed Services; and JANE HARMAN, the ranking Democrat on Intelligence. I commend these senior members for their leadership.

And I urge my other colleagues to join us in demonstrating that our system of checks and balances still works and that we are a nation committed to respect for human rights.

CONGRATULATING MARGARET ELLOR ON RECEIVING THE CONGRESSIONAL AWARD GOLD MEDAL

HON. JUDY BIGGERT
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to honor Margaret Ellor, who has earned The
Congressional Award Gold Medal. On June 22, 2005, Ms. Ellor will receive the award, which honors individuals who have completed over 400 hours of community service in a two year span, 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration. The award is bestowed upon only the nation’s deserving of America’s youth. Based on her record of personal and community service, Ms. Ellor certainly deserves this honor.

Eighteen-year-old Margaret began volunteering for the Girl Scouts in Naperville, Illinois when her was five years old. Motivated by a desire to aid her fellow Americans living in rural West Virginia, she led a thirty-person crew into her community to collect donations, clothing, books, sporting goods, and other items for West Virginians in need. She then went to The Mountain State to personally deliver the items. She also spent one week in each of the past three summers remodeling and rebuiding homes in poor communities closer to home.

When not helping others, Margie has devoted her time to practicing her public speaking and musical abilities. In addition, she has undertaken intense training in Tae Kwan Do, swimming, and cross training. She undertook a three year study of the German language and culture, which included three weeks living abroad with a German family. She could have spent this time with friends or working in a local business. But instead, she sought to broaden her horizons while helping others.

Mr. Speaker, it is clear that Margaret Ellor is an exceptional young woman. Her warm heart and sharp mind have proven, at her young age, to be of great value to her fellow citizens. Her good deeds in her home town are the sign of a good spirit and an even better soul. As the late tennis champion Arthur Ashe once said, “True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others, at whatever cost.” I can think of no better example of that heroic ideal than Ms. Margaret Ellor of Aurora, Illinois. I congratulate her on receiving The Congressional Award Gold Medal and I look forward to watching where her career takes her in the months and years to come.

TRIBUTE TO RENOWNED SCIENTIST JACK ST. CLAIR KILBY

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great honor and profound sadness that I rise to pay tribute to the life of Jack St. Clair Kilby of Dallas, Texas. After living a remarkably accomplished life that spanned 81 years, Dr. Kilby passed away on June 20, 2005.

Nobel laureate Jack St. Clair Kilby who set off the high-tech revolution with his invention of the semiconductor chip in 1958, graduated from University of Illinois at Urbana Champaign in 1947 with a bachelor’s degree in Electrical Engineering.

Kilby joined Texas Instruments in 1958. That summer, the idea for the integrated circuit first came to him. Kilby and fellow TI officials put the first circuit to the test on September 12, 1958, marking the invention that transformed the industry.

Dr. Kilby held several engineering management positions at TI between 1960 and 1968 when he was named assistant Vice President. In 1970, he became Director of Engineering and Technical Support for Distinguished Prototypes, before taking a leave of absence to become an independent consultant. Kilby officially retired from TI in 1983, but continued to do consulting work with the company.

In addition to his TI career, Kilby held the rank of Professor of Electrical Engineering at Texas A&M University from 1978 to 1984. In 1990, he lent his name to the Kilby Awards Foundation, which commemorates “the power of one individual to make a significant impact on society.” In addition to the Nobel Prize, Kilby received numerous honors and awards for his contributions to science, technology and the electronics industry.

It has been said that the ultimate measure of a person’s life is the extent to which they made the world a better place. It is this measure of worth in life, Dr. Kilby’s family, colleagues and friends can attest to the success of the life he led.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Dr. Kilby. He touched our lives and our hearts, and he will be greatly missed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF
HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2005

The House in Committee of the Whole House on the State of the Union 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:

The Defense Appropriations bill for fiscal year 2006 funds our military operations in Iraq and Afghanistan, among many other things. It is very similar to the Defense Authorization bill that I supported in the Armed Services Committee and on the House floor.

In general, the bill fully funds military pay, benefits, the pay raise for the base force, and all military readiness programs, including all requested increases for Special Operations Forces.

The bill also includes $45.3 billion of unrequested emergency supplemental funding (the “bridge fund”) to cover contingency operations and personnel costs during the first six months of the fiscal year that begins on October 1st. This comes on the heels of the $75.9 billion FY05 supplemental funding bill that the Congress passed only a month ago.

I think this is realistic and necessary, because we must support our men and women in uniform, but I also believe the administration was misinformed about the full cost of the war in Iraq and consider these costs through the regular appropriations process. There is no “emergency” here—we know that since this bridge fund would take us only halfway through FY06, we should be expecting another request of about $40 billion before the year is over. The American people deserve greater candor from the administration about both the predictable costs as well as the anticipated benefits of our undertakings in Iraq and Afghanistan.

Once this bill is signed into law, defense spending in FY06 will total about 55 percent of the entire Federal discretionary budget. Overall defense spending, in real terms, will be more than 20 percent higher than the average Cold War budget. This needs to clearly recognize these realities and be open with the American people about its spending priorities.

I want to briefly discuss a few other specific parts of the bill.

I am pleased that the bill does not include funding for earth-penetrating nuclear weapons, which a recent National Academy of Sciences report found would destroy military targets underground but also cause massive casualties above ground. The bill strikes a compromise, providing $4 million for work on a conventional (non-nuclear) version of the bunker buster.

Importantly, it also includes cost-containment measures on a number of weapons systems that have yet to be fully funded. This is critical at a time when costs of our military operations in Iraq and Afghanistan are also increasing exponentially.

In the area of operation and maintenance, the bill provides important funding for added fuel costs and body armor, and $147 million for the Army National Guard recruiting. The measure contains $2.9 billion for various procurement accounts, including $170 million for up- armored Humvees, $20 million for bolt-on armor kits for trucks, and $35 million for roadside bomb jammers.

The bill also provides $8 billion in extra funding for military personnel accounts, including funds for incremental wartime costs of pay and allowances for active-duty and reserve personnel, for recruiting and retention, and for an expanded death gratuity.

I am pleased that the Appropriations Committee accepted and the House approved an amendment on the floor to lift the $500 million cap in the bill on training the Iraqi National Army. Since the timing of the draw-down of U.S. forces is linked to the ability of Iraqi troops to defend themselves and their country, we shouldn’t impose an arbitrary limit on this funding.

I am also pleased that the bill provides the president’s request of $416 million for the Cooperative Threat Reduction program, known as CTR or Nunn-Lugar, to assist in the demunuclearization and demilitarization of the states of the former Soviet Union. The total is $6 million more than the current level.

Finally, I would like to comment on amendments offered by Representatives DUNCAN HUNTER and DAVID OEXEY.

As it came to the floor, the bill included language approved by the full Appropriations committee expressing the sense of Congress that the expression of personal religious faith is welcome in the U.S. military, “but coercive or non-secular religious proselytizing at the U.S. military headquarters is prohibited.” The administration failed to comply with the new law.

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Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Dr. Kilby. He touched our lives and our hearts, and he will be greatly missed.
the academy.” The bill directed the Air Force to develop a plan to ensure that the academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing.

As a Coloradan and a Member of the Armed Services Committee, I have been following this matter closely and have noted that Lt. Gen. John Rosa, the Academy’s superintendent, has said that the problem is “something that keeps me awake at night,” and estimated it will take 6 years to fix.

The good news is that several reviews of the situation at the Academy are underway, and a task force report is due this week. I am also appreciative that the Academy has already begun taking steps to address the issue by holding classes on religious tolerance. But it is important to remember that an unwillingness to tolerate other cultures and faiths is not only inconsistent with our constitutional principles, but detrimental to the mission of the Air Force and of the military in general. Our men and women in uniform need to work together to be successful, and can only inspire others to serve and serve well if they are able to demonstrate tolerance toward all.

Representative HUNTER’s amendment removed the language calling for corrective action. His amendment appeared to downplay the seriousness of a problem that Air Force Academy officials themselves have acknowledged. In response, Representative OBSEY offered an amendment that slightly revised the language adopted by the Appropriations Committee but retained its essential elements.

I voted for that Obey amendment, and regret that it was not approved and that the Hunter amendment prevailed. I hope that the Air Force does not make the mistake of concluding that adoption of the Hunter amendment means that they should lessen their efforts to respond to the problem they have identified.

CONGRATULATING MRS. DEBORAH BENJAMIN ON HER 50TH BIRTHDAY

HON. GARY L. ACKERMAN OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to join the Benjamin family of Glen Head, New York in celebration of the 50th birthday of Mrs. Deborah Benjamin, which will be commemorated this Saturday, June 25th, 2005 at Gotham Hall in Manhattan.

Deborah Ann Coyle Benjamin was born on June 28, 1955, in Peninsula Hospital in Rockaway Beach, New York. Deborah is the eldest of Ken and Gladys Coyle’s three children. Her sister, Denise De Vita, and brother, Ken Coyle, Jr., both live on Long Island in New York.

Deborah spent her childhood and early adulthood in Rockville Centre, New York, where she attended Hewitt Grammar School, and graduated from South Side High School. After high school she attended Elizabeth Seton College in Westchester, New York.

In the years after college, Deborah worked for her father’s insurance company, the Wheatley Agency, for 20 years and retired in 2000 as Vice President of Group Insurance Sales.

In 2000, Deborah married her long-time best friend, Alvin Benjamin of Glen Head, New York. Alvin is the Owner/President of Benjamin Development in Garden City, New York. They currently reside in Glen Head, Manhattan, and Highland Beach, Florida.

Since her retirement, Alvin has devoted much of his energy to charitable organizations dedicated to improving the lives of children. She is most actively involved with the Fanconi Anemia Research Fund, which is dedicated to finding a cure for this rare, but serious blood disease. Additionally, Mrs. Benjamin has lent her support to Palm Beach County-based Kids In New Directions, which assists children in making positive life choices and developing leadership skills. Countless children in New York, Florida, and throughout our nation have benefited from Deborah Benjamin’s philanthropy and her generosity of time and spirit.

Al and Deborah Benjamin enjoy spending time with their families, friends, traveling, giving to charities in the New York and Florida area, and remain lovingly devoted to one another after 5 years of marriage.

Mr. Speaker, I ask the entire House of Representatives to join me now in thanking Debo rah Benjamin for her selfless contributions to society, in congratulating her on her 50th birthday, and in extending our best wishes for her future success and happiness as she marks this important and joyous milestone.

DEMAND FOR FREEDOM ALIVE IN PUNJAB, KHALISTAN

HON. EDOLPHUS TOWNS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. TOWNS. Mr. Speaker, I rise today to take note of the demonstrations in Punjab, Khalistan that surrounded the 21st anniversary of the Indian government’s attack on the Golden Temple. Groups such as Dal Khalsa and others marched through the streets of Amritsar, converging at the Golden Temple for a big rally, according to The Times of India. They carried posters of Sant Jarnail Singh Bhindranwale, a Sikh freedom leader killed in the Golden Temple attacks, as well as posters of the demolished Golden Temple.

As you know, the Indian government also attacked 125 other Gurdwaras—Sikh places of worship—at the same time. Over 20,000 Sikhs were killed. The Sikh holy book, the Guru Granth Sahib, was shot full of bullet holes. Sikh boys between the ages of 8 and 13 were shot on the premises.

Former Member of Parliament Simranjit Singh Mann said that the only way to assure the wounds of the attack is by freeing Khalistan, the Sikh homeland. Another speaker said that the movement to free Khalistan is peaceful. Khalistan declared its independence from India in 1997. That is now eight years ago.

Police and intelligence operatives were surp reitiously watching this peaceful demonstration. Apparently, 21 years after the Golden Temple attack, the Sikhs’ demand for freedom still frightens India.

India claims it is democratic, Mr. Speaker, yet it sends police to spy on a peaceful demonstration. In January, 35 Sikhs were arrested for raising the Sikh flag and making speeches. The Movement Against State Repression reports that over 52,000 Sikhs are political prisoners in “the world’s largest democracy.” More than a quarter of a million Sikhs have been murdered, according to figures compiled from Punjab State Magistrate reports.

Sikhs are only one of India’s targets. Other minorities such as Christians, Muslims, and others have also been subjected to tyrannical repression. More than 300,000 Christians have been killed in Nagaland, and thousands elsewhere in the country. Over 900,000 Kashmiri Muslims have been killed in Jammu and Kashmir, at least 2,000 to 5,000 Muslims in Gujarat, and thousands of other Muslims, have been victims of India’s tyranny. And tens of thousands of people in Assam, Bodoland, Manipur, and Tamil Nadu, and around the country, as well as countless Dalit “Untouchables” have been killed as well.

Mr. Speaker, this is unacceptable. We must take a stand for freedom for all, as the President committed us to doing in January. The time has come to stop all our aid and trade with India, to end our burgeoning military co operation, and to demand a peaceful resolution of the situation in South Asia through a free and fair plebiscite for all the national groups there.

Mr. Speaker, I would like to put the Times of India article about the demonstration into the RECORD at this time.

[From the Times of India, Jun. 6, 2005]

KHALISTAN DEMAND RAISED ON GENOCIDE DAY

(BY YUDHVI RANA)

Amritsar.—The pent up secessionist emotions of Sikh radicals whipped up on the Golden Temple Day observed as Ardas Divas at Akal Takht on Monday, as a large number of Sikhs were observed including women branding naked swords raised slogans for Sikh’s independent state Khalistan while passing provocative remarks against SAD-Badal president Parkash Singh Badal and SGPC president Bibi Jagir Kaur for not coming up to the aspirations of Sikhs and addressing their problems.

The ferocity of slogans multiplied after Sikh radical leader Simranjit Singh Mann, president of SAD (Amritsar) announced that Sikhs’s hurt feelings could only be assuaged when Sikhs independent state Khalistan comes into existence. He suggested that Khalistan could be created on the缓冲 zone between India and Pakistan.

Baba Harman Singh, 15th chief of Damdami Taksal joined Simranjit Singh Mann with his arms wielding supporters and announced to observe the martyrdom day of Sant Jarnail Singh Bhindranwale at Taksal’s headquarters at Gurdwara Gurdwara Parkash Chowk Mehta on June 12.

The radical activists including from Dal Khalsa, Dal Khalsa, SAD(A), Damdami Taksal, Sikh Students Federation (Bittu), Akal Federation jointly put up the board of Shaheedi Gallery at the gallery situated outside Akal Takht against the wishes of SGPC. A large number of Sikhs and converged at Akal Takht on the 21st anniversary of Operation Bluestar.

Supporters of demolished Akal Takht, Sikh militant leaders and pamphlet on the life of Jarnail Singh Bhinderanwale were distributed among Sikh sangat.

A large number of policemen in plain clothes and sleuths of various intelligence agencies were hovering around the Akal Takht and its surrounding. A police officer of DSP rank remarked as Sikh sangat sitting in front of Akal Takht during the ceremony.
Earlier Parkash Singh Badal and Bibi Jagir Kaur condemned Congress government for rubbing salt to the wounds of Sikhs. About the postponement of foundation stone laying ceremony of Yadgar-e-Shahsede, Badal said the foundation stone would be laid once its design was approved.

Justifying the demand of Khalistan, Jagjit Singh Chauhan, a Khalistan ideologue said that they would pursue their mission through peaceful democratic means.

Jathedar of Akal Takht, Giani Joginder Singh Vedanti presented siropa’s to Ishar Singh, Mata Pritam Kaur son and wife of Jarnail Singh Bhinderanwale and relatives of other martyrs. Earlier addressing the gathering he said it was unfortunate that even after 21 years of Operation Bluestar, the central government has not condemned the incident nor those responsible for the 1984 anti Sikh riots have been brought to books and Operation Bluestar was a black chapter in the history of Independent India. The Sikhs had laid down their lives under the aegis of Sant Jarnail Singh Bhinderanwale to protect the sanctity of gurdhams.

Meanwhile Damdami Taksal presented photographs of Jarnail Singh, Amrik Singh, Shubeg Singh and Thara Singh to Jathedar of Akal Takht Giani Joginder Singh Vedanti for displaying them in the gallery. Vedanti however asked them to contemplate over their request. Meanwhile chief spokesperson of Damdami Taksal, Bhai Mohkam Singh said that they also performed ardas at the gate of Sri Guru Arjun Dev Gurdwara.

On the other hand SAD(A) had demanded to display the photograph of Jarnail Singh Bhinderanwale at central Sikh Museum, handing over of personal belongings of Bhinderanwale by his family, Taksal and Army to panth without any conditions, naming the road between Sri Guru Arjun Dev Niwas to Sri Hargobind Niwas on Sant Jarnail Singh Marg, setting up of a Sant Jarnail Singh Dharmik Vidya Kendra and beginning of Shaheed Bhal Amrik Singh Award for those schools helping to check apostism among Sikhs and General Shubeg Singh Award to promote traditional sports.

Justice delayed. But justice finally served

Hon. Charles B. Rangel
Of New York
In the House of Representatives
Tuesday, June 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the memory of three heroic young men James Chaney, Andrew Goodman, and Michael Schwerner, brutally killed in Mississippi exactly 41 years ago today and to welcome today’s verdict of the Mississippi jury that found Edgar Ray Killen guilty of three counts of manslaughter in their deaths. I would have preferred the murder convictions sought by Neshoba County district Attorney Mark Duncan in the deaths of these three brave civil rights activists but I recognize the important step Mississippi has taken in finally convicting Killen of the crimes he proudly and publicly took credit for after a jury was deadlocked in his 1964 Federal Civil Rights trial.

Killen was a recruiter and organizer for the Neshoba County Chapter of the Ku Klux Klan during the “freedom summer” in 1964 when Goodman and Schwerner came from New York to work with James Chaney and other civil rights activists in Mississippi to register African-American voters. Schwerner had been in Mississippi but returned with Goodman when he heard of the burning of an African-American Church and beatings of members of the congregation. The night Chaney, Goodman and Schwerner died they had been jailed for speeding by Neshoba County Deputy Sheriff Cecil Price. By the time they were released at 10 p.m., the plan formulated by Killen to kill them and bury their bodies in an earthen dam was in place.

The Klan had used fear, intimidation and murder to brutally oppress over African-Americans who sought justice and equality and it sought to respond to the young workers of the civil rights movement in Mississippi in the same way. The murders of Chaney, Goodman and Schwerner were intended as a message to civil rights activists that the Klan was to be feared in Mississippi. It was a message to stay out of Mississippi. The failure of the State of Mississippi and the local district attorney’s office to charge a single person in the killings of Chaney, Goodman and Schwerner offered the same message and another even more chilling message. Not only was the state uninterested in killings of African-Americans, a fact well known in that state, but it was uninterested in the killings of white people trying to help them. The failure of the State of Mississippi to prosecute Killen and others was a sign of the influence of the Klan in the state.

Everyone involved in reopening and retrying this case should be proud of this success. I would particularly like to thank Representative Bennie Thompson of Mississippi for his leadership in the House on this issue. Hopefully, the parents and families of Chaney, Goodman and Schwerner will find solace in the fact that, in the end, justice has defeated intimidation and fear.

While the verdict is an important sign that this Nation can and will face the ugliness of its past, it is also a reminder that we have far to go in creating a just and equal society. The verdict today shows Mississippi is changing. I agree with Ben Chaney, brother of James Chaney, that today’s verdict is “recognition of the terrible thing that happened.” I hope, as he does, that this conviction helps “shine some light” on what has happened in Mississippi. However, I also agree with Rita Schwerner Bender, widow of Michael Schwerner when she said: “I would hope that this case is just the beginning and not the end.”

This Congress should lead the effort to reverse the centuries of discrimination and racism that has so long held us back and apart. We should close the inequalities in education, employment, civil rights and health care that impacts the poor and minorities of this country on a daily basis. We should not take another 41 years to achieve justice for all Americans.
**Daily Digest**

HIGHLIGHTS


House Committee ordered reported the following appropriations for Fiscal Year 2006: Foreign Operations, Export Financing, and Related Programs; and the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies.

**Senate**

**Chamber Action**

*Routine Proceedings, pages S6871–S6978*

Measures Introduced: Eleven bills were introduced, as follows: S. 1274–1284.  
*Pages S6909–10*

Measures Passed:

**INTELSAT:** Senate passed S. 1282, to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT.  
*Pages S6977–78*

**Energy Policy Act:** Senate continued 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:

- **Adopted:**
  - By 66 yeas to 29 nays (Vote No. 144), Hagel Amendment No. 817, to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems in the United States.  
  *Pages S6871–S6905*
  - DeWine/Kohl Amendment No. 788, to amend the Sherman Act to make oil-producing and exporting cartels illegal.  
  *Pages S6880–92*

- **Rejected:**
  - By 44 yeas to 52 nays (Vote No. 143), 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 S6871–78*

- **Withdrawn:**
  - Dayton Amendment No. 790, to require that gasoline contain 10 percent ethanol by volume by 2015.  
  *Pages S6878–80*

- **Pending:**
  - Wyden/Dorgan Amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.  
  *Page S6871*
  - Schumers 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.  
  *Page S6871*
  - McCain/Lieberman Amendment No. 826, to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States.  
  *Pages S6892–98*

- **Reid (for Lautenberg) Amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison.**  
  *Page S6904*

A unanimous-consent-time agreement was reached providing that Senator Feinstein be recognized to offer an amendment relating to liquified natural gas;
that there be 60 minutes equally divided for debate with no second-degree amendments in order prior to a vote in relation to the Feinstein amendment; that following debate on the Feinstein amendment, Senator Byrd be recognized to offer an amendment related to rural gas prices; that when the Senate resumes debate on the McCain/Lieberman Amendment No. 826 (listed above), there be three additional hours for debate with Senator McCain, or his designee, in control of 90 minutes, Senator Domenici in control of 30 minutes, and Senator Inhofe in control of the remaining 60 minutes, that following that debate, Senate vote in relation to the McCain/Lieberman Amendment No. 826 with no second-degree amendments in order prior to the vote.

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 23, 2005.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, June 22, 2005.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: Three record votes were taken today. (Total—145)

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:58 p.m. until 9:30 a.m., on Wednesday, June 22, 2005. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6978.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE/JUSTICE/SCIENCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies ap-

DEEPWATER IMPLEMENTATION PLAN
Committee on Commerce, Science, and Transportation: Subcommittee on Fisheries and the Coast Guard concluded a hearing to examine the Coast Guard’s revised deepwater implementation plan to secure America’s waterways, focusing on preliminary observations on the condition of deepwater legacy assets and acquisition management challenges, after receiving testimony from Admiral Thomas H. Collins, Commandant, and Rear Admiral Patrick M. Stillman, Program Executive Officer, Deepwater Program, both of the U.S. Coast Guard, Department of Homeland Security; Margaret T. Wrightson, Director, Homeland Security and Justice, Government Accountability Office; and Ronald O’Rourke, Specialist in National Defense, Congressional Research Service, Library of Congress.

U.S.-RUSSIA POLICY
Committee on Foreign Relations: Committee concluded a hearing to examine the United States policy toward Russia, focusing on the fate of democracy, human rights, and the rule of law, energy issues, economic investment, and the spread of HIV/AIDS, receiving testimony from Patricia M. Cloherty, The U.S. Russia Investment Fund, New York, New York; Frank A. Verrastro and Celeste A. Wallander, both of the Center for Strategic and International Studies, Washington, D.C.

NOMINATIONS
Committee on Foreign Relations: Committee concluded a hearing to examine the nomination 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, after the nominees testified and answered questions in their own behalf.

JUVENILE DIABETES
Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing 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, after receiving testimony from Allen M. Spiegel, Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Department of Health and Human Services; Mary Tyler Moore, Juvenile Diabetes Research Foundation (JDRF), New York, New York; Douglas Wick, Red Wagon Entertainment, Los Angeles, California; Gary Hall, Jr., Miami, Florida; and certain representatives of the JDRF Children’s Congress.

VOTING TECHNOLOGY
Committee on Rules and Administration: Committee concluded a hearing to examine the issue of voter verification in the Federal elections process, focusing on Direct Recording Electronic (DRE) voting machine security, and Voter Verifiable Paper Audit Trail (VVPAT), after receiving testimony from Senator Ensign; Conny McCormack, Los Angeles County Registrar Recorder, Norwalk, California; James C. Dickson, American Association of People with Disabilities, Washington, D.C.; David L. Dill, Stanford University Department of Computer Science, Stanford, California; and Ted Selker, Massachusetts Institute of Technology (MIT) Media Lab, Cambridge, on behalf of the Caltech/MIT Voting Technology Project.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 16 public bills, H.R. 3003–3009, 3011–3019; and 2 resolutions, H. Res. 335–336 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
H.R. 1492, to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, amended (H. Rept. 109–142);
H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and
Education, and Related Agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–143); and

H. Res. 334, providing for the consideration of H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006 (H. Rept. 109–144).

Speaker: Read a letter from the Speaker wherein he appointed Representative McMorris to act as Speaker pro tempore for today.

Recess: The House recessed at 9:09 a.m. and reconvened at 10 a.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the 100th anniversary of Farm-House Fraternity, Inc: H. Res. 207, recognizing the 100th anniversary of FarmHouse Fraternity, Inc;

Sense of the House in remembrance of the servicemen who perished in the April 24, 1980 rescue attempt of the American hostages in Iran: H. Res. 256, amended, 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;

Agreed to amend the title so as to read: expressing the sense of the House of Representatives in remembrance of the members of the Armed Forces who perished in the April 24, 1980, rescue attempt of the American hostages being held in Iran and commending all special operations forces personnel currently in service.


Recognizing the historical significance of Juneteenth Independence Day: 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, by a ¾ yea-and-nay vote of 425 yeas with none voting "nay", Roll No. 292; and

Supporting initiatives developed by the Firefighter Life Safety Summit: H. Con. Res. 180, to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fall-
Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of today and appear on pages H4840, H4857–58, H4858, H4859, and H4859–60. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:15 p.m.

Committee Meetings

FOREIGN OPERATIONS/TRANSPORTATION—TREASURY—HUD APPROPRIATIONS FISCAL YEAR 2006; SUBALLOCATIONS OF BUDGET ALLOCATIONS FISCAL YEAR 2006

Committee on Appropriations: Ordered reported the following appropriations for Fiscal Year 2006: the Foreign Operations, Export Financing, and Related Programs; and the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies.

The Committee also approved revised 302(b) Suballocations of Budget Allocations for Fiscal Year 2006.

MARINE CORPS FORCE PROTECTION

Committee on Armed Services: Held a hearing to review Marine Corps force protection. Testimony was heard from the following officials of the U.S. Marine Corps, Department of the Navy: GEN William L. N ylim, USMC, Assistant Commandant; and BG William D. Catto, USMC, Commanding General, Marine Corps Systems Command.

U.N. OIL-FOR-FOOD PROGRAM

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “The United Nations Oil-For-Food Program: A Review of the 661 Sanctions Committee.” Testimony was heard from Thomas A. Schweich, Chief of Staff, United States Mission to the United Nations, Department of State.

FAITH-BASED AND COMMUNITY INITIATIVE

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Authorizing the President’s Vision: Making Permanent The Faith-Based and Community Initiative—H.R. 1054, Tools for Community Initiatives Act.” Testimony was heard from Representatives Green of Wisconsin and Scott of Virginia; David Kuo, former Deputy Director of the White House Faith-Based Initiative; Bobby Polito, former Director, Center for Faith-Based Community Initiatives, Department of Health and Human Services; and public witnesses.

IRAG RECONSTRUCTION

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “The Development Fund for Iraq: U.S. Management of Iraq Oil Proceeds and Compliance with U.N. Security Council Resolution 1483.” Testimony was heard from the following officials of the Department of Defense: Stuart W. Bowen, Jr., Special Inspector General, Iraq Reconstruction; William Reed, Director, Defense Contract Audit Agency; COL Emmett H. Du Bose, Jr., Deputy Commander and Engineers, U.S. Army Corps of Engineers, Department of the Army; Joseph A. Benkert, Defense Reconstruction Support Office, Office of the Secretary; David Norquist, Under Deputy Secretary (Financial Management); and public witnesses.

OPEN-SOURCE INFORMATION—EFFECTIVE USE

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled “Using Open-Source Information Effectively.” Testimony was heard from public witnesses.

NUCLEAR MATERIAL DETECTION TECHNOLOGY

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing entitled “Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?” Testimony was heard from Gene Aloise, Director, Natural Resources Protection and Technology held a joint hearing entitled “Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?” Testimony was heard from Gene Aloise, Director, Natural Resources and Environment, GAO; Vayl Oxford, Acting Director, Domestic Nuclear Detection Office, Department of Homeland Security; Michael K. Evenson, Acting Director, Combat Support Directorate, DTRA, Department of Defense; David Huizenga, Assistant Deputy Administrator, International Materials Protection and Cooperation, National Nuclear Security Administration, Department of Energy; Richard L. Wagner, Jr., Senior Staff Member, Los Alamos National Laboratory; and Bethann Ronney, Manager, Port Security, Port Authority of New York and New Jersey; and a public witness.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe and Emerging Threats approved for full Committee action the following measures: H. Res. 326, amended, Calling on free and fair parliamentary elections in the Republic of Azerbaijan; H. Res. 328, amended, 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.

BRIEFING—MIDDLE EAST DEMOCRACY
Committee on International Relations: Subcommittee on the Middle East and Central Asia held a briefing on Democracy in the Middle East: Toward an Inter-Arab Democratic Charter. The Subcommittee was briefed by A. A. El-Eryani, former Prime Minister of Yemen.

OVERSIGHT—MUSIC LICENSING REFORM; FEDERAL CONSENT DECREE FAIRNESS ACT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Copyright Office Views on Music Licensing Reform. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress.

The Subcommittee also held a hearing on H.R. 1229, Federal Consent Decree Fairness Act. Testimony was heard from Representative Blunt; David Goetz, Commissioner, Department of Finance and Administration, State of Tennessee; and public witnesses.

OVERSIGHT—WORKSITE ENFORCEMENT AND EMPLOYER SANCTIONS
Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on the Lack of Worksite Enforcement and Employer Sanctions. Testimony was heard from Richard M. Stana, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS FISCAL YEAR 2006
Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill). The rule makes in order only those amendments printed in the report. The rule provides that amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Jo Ann Davis of Virginia, Flake, Baird and Tierney.

VETERAN’S ACCESS TO CAPITAL
Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Veteran’s Access to Capital. Testimony was heard from Bill Elmore, Associate Administrator, Office of Veterans Business Development, SBA; Patricia Kerr, Veterans Ombudsman, State of Missouri; and public witnesses.

UNION SALTING
Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs held a hearing entitled “Union Salting—Organizing Against Small Business.” Testimony was heard from Representative King of Iowa; and public witnesses.

OVERSIGHT—DEEPWATER IMPLEMENTATION
Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on Deepwater Implementation. Testimony was heard from VADM Thad W. Allen, USCG, Chief of Staff, U.S. Coast Guard, Department of Homeland Security.

OVERSIGHT—JUDICIARY’S SPACE NEEDS
Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on The Judiciary’s Ability to Pay for Current and Future Space Needs. Testimony was heard from Mark Goldstein, Director, Physical Infrastructure Issues, GAO; F. Joseph Moravec, Commissioner, Public Buildings Service, GSA; the following officials of the Judicial Conference of the United States: Jane R. Roth, Judge, U.S. Court of Appeals, Third Circuit, Chairman Security and Facilities; and Leonidas Ralph Mecham, Director, Administrative Office of the United States Courts, Secretary to the Judicial Conference.
VETERANS MEDICAL CARE REVENUE ENHANCEMENT ACT OF 2005

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations approved for full Committee action H.R. 2988, Veterans Medical Care Revenue Enhancement Act of 2005.

SOCIAL SECURITY—PROTECTING AND STRENGTHENING

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Protecting and Strengthening Social Security. Testimony was heard from Douglas Holtz-Eakin, Director, CBO; and public witnesses.

Hearings continue June 23.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 22, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on 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, 10 a.m., SR–328A.

Full Committee, to hold hearings to examine the Livestock Mandatory Reporting Act of 1999, 10:30 a.m., SR–328A.

Committee on 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, Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, 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, Émil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management, Time to be announced, S–116, Capitol.

Committee on 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, 10 a.m., SD–562.

Committee on Indian Affairs: to hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al, 9:30 a.m., SH–216.

Select Committee on Intelligence: to hold a closed briefing on certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to Review the Centennial of the USDA Forest Service, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on The Department of Homeland Security, hearing on U.S. Coast Guard, Deepwater Program, 10 a.m., 2362–A Rayburn.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on United Nations Task Force, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on Afghanistan: Operations and Reconstruction, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Budgeting in the Congress, Reflections on How the Budget Process Functions, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.


Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled “Combating Trafficking in Persons: An International Perspective,” 2 p.m., 2128 Rayburn.


Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure, Protection, and
Cybersecurity, hearing entitled “Ensuring the Security of America’s Borders through the Use of Biometric Passports and Other Identity Documents,” 11 a.m., 2257 Rayburn.

Committee on International Relations, hearing on Sudan: Consolidating Peace While Confronting Genocide, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing on The EU Constitution and U.S.-EU Relations: The Recent Referenda in France and the Netherlands and the U.S.-EU Summit, 2:15 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Water and Power, oversight hearing entitled “Environmental Regulations and Water Supply Reliability,” 10 a.m., 1324 Longworth.

Committee on Rules, to consider the Department of Labor, Health and Human Services, Education, and Related Agencies Appropriations for Fiscal Year 2006, 6 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, to mark up H.R. 2864, Water Resources Development Act of 2005, 11 a.m., 2167 Rayburn.

Subcommittee on Aviation, oversight hearing on Airline Pensions: Avoiding Further Collapse, 2 p.m., 2167 Rayburn.
Next Meeting of the SENATE
9:30 a.m., Wednesday, June 22

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 6, Energy Policy Act, where Senator Feinstein will be recognized to offer an amendment relative to liquified natural gas, with a vote to occur thereon; following which, Senator Byrd will be recognized to offer an amendment relative to rural gas prices, and the Senate then continue consideration of McCain/Lieberman Amendment No. 826, with a vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, June 22

House Chamber

Program for Wednesday: 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 (structured rule, two hours of debate). Consideration of H.R. 2985, Legislative Branch Appropriations Act for Fiscal Year 2006 (subject to a rule).

Extensions of Remarks, as inserted in this issue.

HOUSE

Ackerman, Gary L., N.Y., E1309
Biggert, Judy, Ill., E2387
Bordallo, Madeleine Z., Guam, E1307
Costello, Jerry F., Ill., E2306
Deal, Nathan Ga., E1304
DeGette, Diana, Colo., E1301
Delahunt, William D., Mass., E1306
DeLauro, Rosa L., Conn., E1303

Parr, Sam, Calif., E1306
Ford, Harold E., Jr., Tenn., E1306
Graves, Sam, Mo., E1301
Harris, Katherine, Fla., E1301
Higgins, Brian, N.Y., FL1300, E1302, E1305
Holt, Rush D., N.J., E1304
Johnson, Eddie Bernice, Tex., E1308
Kucinich, Dennis J., Ohio, E1300, E1302
Lofgren, Zoe, Calif., E1306
Musgrave, Marilyn N., Colo., E1305

Rangel, Charles B., N.Y., E1300, E1303, E1310
Ross, Mike, Ark., E1307
Stupak, Bart, Mich., E1299, E1301
Tancredo, Thomas G., Colo., E1299
Towne, Edolphus, N.Y., E1309
Udall, Mark, Colo., E1308
Wamp, Zach, Tenn., E1303
Waxman, Henry A., Calif., E1307

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