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No. 89

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATHAM).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 29, 2005.

I hereby appoint the Honorable TOM LATHAM to act as Speaker pro tempore on this day.

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

PRAYER

Reverend Michael O. Canady, Director, Missions and Ministries Division, Louisiana Baptist Convention, Alexandria, Louisiana, offered the following prayer:

Almighty God, Creator and Sustainer of the universe, how great and how majestic is Your Name in all the Earth. We give thanks to You for the gift of life and for Your loving grace that enables us to enjoy Your presence each day.

Heavenly Father, we thank You for President Bush, Vice President CHENEY, the Cabinet, Members of the House of Representatives and their families. We ask Your divine blessings upon each of them as they give direction to our country. Give them wisdom, strength, and courage to accomplish the task of leading our great Nation.

Lord, we ask You to bless our soldiers and members of the Armed Forces that are in harm's way. Please watch over them with Your protective hand and give them courage to face each day with resolve and strength, and bless their families with Your daily presence and love.

Father, we give thanks unto You, for You are good and Your mercy endures

forever. How majestic is Your Name in all the Earth.
Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of June 28, 2005, this is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

BETTY DICK RESIDENCE PROTECTION ACT

The Clerk called the bill (H.R. 432) to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

There being no objection, the Clerk read the bill as follows:

H.R. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Betty Dick Residence Protection Act".

(b) FINDINGS.—The Congress finds the following:

(1) Prior to their divorce, a married couple, Fred Dick and Marilyn Dick, owned as tenants in common a tract of land that included the property identified in section 2(b) of this Act.

(2) When Fred and Marilyn Dick were divorced, Marilyn Dick became the sole owner of the tract, but Fred Dick retained the right of first refusal to acquire it if Marilyn Dick ever chose to sell it.

(3) In 1977, Marilyn Dick sold the tract to the United States for addition to Rocky Mountain National Park, but Fred Dick, asserting his right of first refusal, sued to cancel the transaction.

(4) In 1980, the lawsuit was settled through an agreement between the National Park Service and Mr. Dick and his heirs, successors and assigns.

(5) Under the 1980 settlement agreement, Mr. Dick and his new wife, Ms. Betty Dick, were allowed to lease and occupy the 23 acres comprising the property identified in section 2(b) for 25 years.

(6) Mr. Dick died in 1992, but Betty Dick has continued to lease and occupy the property identified in section 2(b) under the terms of the settlement agreement.

(7) Betty Dick's right to lease and occupy the property identified in section 2(b) will expire on July 16, 2005, at which time Ms. Dick will have attained the age of 83 years.

(8) Ms. Dick wishes to continue to occupy the property for the remainder of her life, and has sought to conclude a new agreement with the National Park Service that would permit her to do so. However, the Park Service has not been willing to agree to such an arrangement and is demanding that she vacate the property by July 16, 2005.

(9) Since 1980, Betty Dick has consistently occupied the property identified in section 2(b) as a summer residence and has made it available for community events. During that period, she has been a good steward of the property. Her occupancy has not been detrimental to the resources and values of Rocky Mountain National Park and has not created problems for the National Park Service or the public.

(10) Under the circumstances it is appropriate for Betty Dick to be permitted to continue her occupancy of the property identified in section 2(b) for the remainder of her

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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natural life under the terms and conditions applicable to such occupancy since 1980.

(c) **PURPOSE.**—The purpose of this Act is to require the Secretary of the Interior to permit continued occupancy and use of the property identified in section 2(b) by Betty Dick for the remainder of her natural life.

SEC. 2. RIGHT OF OCCUPANCY.

(a) **IN GENERAL.**—The Secretary of the Interior shall permit continued occupancy and use of the property described in subsection (b) by Betty Dick for the remainder of her natural life, subject to the requirements of this Act.

(b) **IDENTIFICATION OF PROPERTY.**—The property referred to in subsection (a) are the lands and improvements within the boundaries of Rocky Mountain National Park identified as “residence”, “occupancy area”, and “barn” on the map entitled “Betty Dick Residence and Barn” dated January, 2005.

(c) **TERMS AND CONDITIONS.**—Occupancy and use of the property identified in subsection (b) shall be subject to the same terms and conditions as specified in the document entitled “Settlement Agreement” between the National Park Service and Mr. Fred Dick dated July 17, 1980, except that Betty Dick shall be required to annually pay to the Secretary of the Interior an amount equal to one twenty-fifth of the amount specified in section 3(B) of such agreement.

(d) **CONSTRUCTION.**—Nothing in this Act shall be construed to permit construction of any structure not in existence on November 30, 2004, or to apply to occupancy or use of the property described in subsection (b) by any person other than Betty Dick.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

AMERICA SUPPORTS YOU

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

Mr. PRICE of Georgia. Mr. Speaker, as our troops fight the war on terror, it is imperative that we show our appreciation for all of their sacrifices, their efforts and their courage. As Secretary Rumsfeld said, “Our country is proud of every member of our Armed Forces, and we are deeply grateful for those who have sacrificed for the cause of liberty.”

Many Americans want to thank our troops; they just do not know how. There is a great program that America should know about. It is called America Supports You. It is a nationwide program run by the Department of Defense to recognize and communicate support by citizens for our military men and women. The program highlights many ways that Americans can get involved and join in the support effort. By going to www.AmericaSupportsYou.mil, you can donate frequent flier miles to provide tickets to hospitalized soldiers and their families, provide prepaid phone cards so their family members can keep in touch or just write a letter of gratitude.

Mr. Speaker, it is time we showed the troops how much we care. With the 4th

of July approaching, let us take time to show our appreciation and give back to those who have made so many sacrifices for us and for our liberty.

AmericaSupportsYou.mil lets all Americans say thanks.

CORPORATE WELFARE DEMONSTRATES NEED FOR LOBBYING REFORM

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

Mr. EMANUEL. Mr. Speaker, on Monday, oil topped at \$60 a barrel, and yet the House energy bill contains more than \$8 billion in taxpayer funded giveaways to oil companies.

American taxpayers are being asked to subsidize big oil to do one thing: execute their business plan. So we pay twice, once at the gas pump and once on April 15. That is just business as usual here in Washington.

As USA Today points out today, corporate donors have given more than \$120 million to Republicans during the last election, and now they are receiving their reward for loyalty.

Tobacco companies gave more than \$40 million to Republicans, and they got a sweetheart deal from the Justice Department.

Pharmaceutical companies gave over \$100 million to the Republican party and got a prescription drug bill resulting in \$138 billion in additional profits.

To those industries, it is just good business: Invest a little now for a bigger return from Congress.

Special interests have attached themselves to Congress, and this is a parasitic relationship that is having a corrosive effect on the People's House. Congress has told corporate America to clean up their act. We have told professional sports to clean up their act, but when it comes to the People's House, things are squeaky clean.

The gentleman from Massachusetts (Mr. MEEHAN) and I have introduced lobbying reform legislation.

Mr. Speaker, when the gavel comes down, it should mark the opening of the People's House, not the auction house.

WHO TOOK MY HOME?

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

Mr. POE. Mr. Speaker, the Supreme Court has opened the gate of chaos by allowing local governments to forcibly seize private homes so they can sell to private developers for the greater tax revenues. The result of this land-grabbing decision, in violation of the Fifth Amendment of the Constitution, the protection of private property, is occurring now even in the remote New England town of Weare, New Hampshire.

A developer has filed necessary papers with the city to condemn a local

home, have it seized and destroyed so he can build a brand new hotel and museum. That will give the city greater tax revenue.

The Supreme Court should realize there are consequences for decisions that they make. They affect all Americans. The homeowner has no recourse, no place to turn.

So I say, to the homeowner, Supreme Court Justice David Souter who voted for the land-grabbing decision, your decision shows the Supreme Court has lost its way, and you may lose your home.

VAWA REAUTHORIZATION

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

Ms. SOLIS. Mr. Speaker, today I rise in support of a comprehensive reauthorization of the Violence Against Women Act.

Throughout my career and as chair of the Democratic Women's Working Group, I have been actively involved in advancing domestic violence legislation.

Although domestic violence is blind to race, ethnicity, racial and ethnic minority women, immigrant women especially, we face unique challenges to reporting and getting help for these victims.

The comprehensive reauthorization of VAWA includes provisions that address these concerns.

The bill includes language that would help communities establish specialized domestic violence courts in order to speed up the processing time of domestic violence cases. Also, the bill includes a provision that would help educate minority and immigrant communities on how to prevent domestic violence and provide services available to those victims.

Our efforts to educate the public about domestic violence must directly address factors like cultural differences, linguistic differences and immigration issues.

It is my hope that the reauthorization for the Violence Against Women Act is comprehensive and meets the needs of all women.

GITMO GETS THE DEMOCRATIC GO-AHEAD

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

Ms. FOXX. Mr. Speaker, I rise today to highlight comments published in Tuesday's edition of The Hill from Members of Congress who recently visited the U.S. naval base at Guantanamo Bay.

One Democratic Senator described the tour as “an eye-opening experience.”

“We found a well-run and well-organized camp,” he added. “Everything we heard previously was negative, but what we saw was much different from

what we had heard and read about. While there may have been some inappropriate interrogation efforts in the past, they are not ongoing, and closing the prison is not one of the things we should pursue."

A Democratic Representative agreed, saying that "the Guantanamo we saw today is not the Guantanamo we heard about a few years ago."

Another Democratic Senator noted the care taken to respect the prisoners' religious beliefs, "they are given Muslim prayer rugs and Korans. There are arrows everywhere pointing them to Mecca. We even witnessed a prayer call announcing to the terrorists that it was time for them to turn to Mecca and pray."

Mr. Speaker, these praises for the Guantanamo Bay facility do not come from its supporters. They all come from Democrats.

It is unacceptable for anyone who has not visited this facility to condemn it and attempt to defame the military personnel who serve there. Comparing the staff with murderers and criminals is worse than hyperbole—it is uninformed, hurtful nonsense!

As one Democratic Senator who visited the camp asked, "Did the Nazis respect the Jewish faith? Did Stalin and Pol Pot practice religious tolerance?" The answer: Absolutely not!

INCREASE THE FUNDING FOR THE VA BUDGET

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

Mr. FILNER. Mr. Speaker, the Republicans started off their 1 minutes today, as the President did last night, by saying it is time to show the troops how much we care. Show them how much we care, except when they come home!

How do we show how much we care?

We have cut the VA budget. The VA budget that was just announced is \$1 billion short this year, \$2.5 billion short next year.

Our troops come back with post-traumatic stress disorder, and can get no services. They come back with dental problems, and have to wait a year for an appointment. That is how much we show how much we support our troops!

Mr. Speaker, the Democrats tried through this whole appropriations process to raise the amount of money for our veterans. I asked for \$3 billion, which would have made up for this shortfall. I was ruled out of order.

Do my colleagues know what is out of order, Mr. Speaker? This administration is out of order. This Congress is out of order.

We have to show that we do support our troops by giving them the support they need when they come home to the veterans health system. We are not doing that today. Let us hope that we can add this money as the appropriations process proceeds.

HONORING THE LITHUANIAN KAIMAS FUND PROJECT

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

Mr. SHIMKUS. Mr. Speaker, I rise today as the co-chair of the Baltic Caucus to commend the work of the Lithuanian Kaimas Fund Project. The project provides children in rural areas of Lithuania with educational opportunities.

In just its third year, the project is having a positive impact on the lives of more than 2,000 young people in more than 60 rural villages across Lithuania. The Kaimas, which stands for countryside, Fund is a private-public partnership between the American Lithuanian Economic Development Council, the Lithuanian Ministry of Education and the Lithuanian Embassy in Washington, D.C., and local non-governmental organizations who provide services to young people in Lithuania.

During a 2-week summer program, community centers throughout Lithuania will provide opportunities for youth to participate in educational and athletic activities, including computer training. Because the project is supported by contributions from American donors, the project also demonstrates the generosity of Americans and all the shared values between our two countries.

Most importantly, I would like to encourage the young people and leaders of the community centers who are participating in this program in Lithuania this summer; they are helping to strengthen the special friendship between Lithuania and America. They are also a vital part of the future of the special relationship that our two countries share.

BIG BIRD IS NOT A BILLIONAIRE

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

Mr. BLUMENAUER. Mr. Speaker, last week, we were told that Big Bird was a billionaire and did not need Federal support. Not true on either account.

The Sesame Street Workshop, the nonprofit educational organization, supports children's activities in 120 countries around the world for less than \$100 million a year. Yet, Sesame Street, now in its 36th season, gets only \$17.5 million, about 10 percent of that, from Federal sources.

The Federal money helped make it possible for stations to operate and to buy the programming.

The bottom line is, Big Bird is not a billionaire, and taking away the Federal money, he would still be here, but it would diminish the program and make it harder or impossible for kids to watch him on local, free, non-commercial public television, especially in small cities and rural communities.

□ 1015

I urge my colleagues to visit their local stations during the summer break and find out the truth about Big Bird.

TEN EUROS FOR THE IRAQI RESISTANCE

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

Mrs. KELLY. Mr. Speaker, extremist groups in Europe are providing financial support to the insurgents in Iraq, and they will be openly gathering later this year on Italian soil to continue their plotting.

Shortly after the commencement of Operation Iraqi Freedom, they began a fund-raising campaign, asking people to donate "ten euros to the Iraq insurgency." The revolting image behind me, dramatizing a violent assault on a U.S. soldier, was taken from the Web site of a group actively supporting the 10-year-old campaign.

It seems to me it conveys accurately the murderous intentions behind this fund-raising initiative. When questioned as to whether the campaign would support terrorism in Iraq, a spokesman for the fund-raising effort said, "We support the armed struggle in Iraq. Our money is to help them. It doesn't matter to us if they use it to buy weapons, Kalashnikovs, or medicines for the people."

The group reportedly sent supplies to the Al Anbar province as recently as February of this year. Now they are notifying comrades of a conference this October in Rome to grow support for insurgents throughout the world.

My colleagues, we hold different opinions about our efforts in Iraq, but we should all stand together in fighting those who support the insurgents, killing Americans and innocent Iraqis.

VIOLENCE AGAINST WOMEN ACT

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, this week I and over 60 of my colleagues will introduce a comprehensive reauthorization of the Violence Against Women Act. VAWA is set to expire on September 30 of this year, so it is vital that this Congress quickly consider and pass the reauthorization.

Since its passage in 1994, VAWA has been a great success. It has provided over \$5.5 billion in Federal funding to improve our criminal and community responses to domestic violence. But the statistics remain alarming. One in every four women will experience domestic violence during her lifetime. Last year, California law enforcement received 198,000 domestic violence calls, with weapons involved in over 136,000 of those cases.

The reauthorization that we are putting forward this week will go a long

way to stop this troubling reality. And I want to acknowledge particularly the hard work of my colleagues who worked on this bill. It is truly a collaborative effort that includes prevention, not just response. And we must, we must approve reauthorization before the expiration on September 1. It needs to be broad, and it needs to be this bill.

SUPREME COURT DECISIONS

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

Mrs. BLACKBURN. Mr. Speaker, this week's Supreme Court decisions have been a mixed bag, and I did not like the eminent domain ruling which, in my view, is contrary to America's great tradition and respect for public property.

Why is it that Americans can be born poor and yet realize the American Dream? It is because Americans can dream and create and own and benefit from their labor.

I was glad to see the Court reinforce private property, at least when it comes to intellectual property. It is so important that our digital marketplace not become a place where anything goes and where pirates and robber barons rule the Information Highway.

As a Member of Congress from Tennessee, I have a great number of constituents, small business owners who write music, create television programming, films, radio content, people who write books and publish them and develop software. The creative community is alive and well and working hard in Tennessee.

I can tell my colleagues that illegal downloading has hurt our songwriters and our performers. And I am not talking about millionaires; I am talking about small business people. They are the backbone of the entertainment industry.

As cochairman of the Congressional Songwriters Caucus, I applaud the Grokster decision and hope that they will promote a fair and digital marketplace.

REMEMBERING INNOCENT LOST DURING SREBRENICA GENOCIDE

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

Mr. CARNAHAN. Mr. Speaker, I rise this morning to express my deepest sympathy for the thousands who lost their lives on this, the 10th anniversary of the Srebrenica genocide. We should remember all the innocent people who were brutally killed by honoring their lives and remembering their struggle for freedom during the 3-year conflict in Bosnia and Herzegovina.

In my district, I have the largest Bosnian population outside of Bosnia. Approximately 35,000 Bosnians reside

in the St. Louis, Missouri, region. Of these, upwards of 5,000 are survivors of the Srebrenica massacre.

As a representative of my Bosnian-American friends in St. Louis, I am proud and honored to be a co-sponsor of House Resolution 199 which passed the House this week. It aptly commemorates those who died, seeks to hold accountable those responsible, and honors those who survived.

It is important for us to remember this stark chapter in history and to learn from it for the benefit of our future generations.

MUCH WORK LEFT IN AFGHANISTAN

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

Mr. PITTS. Mr. Speaker, last week, the minority leader said that the war in Afghanistan is over. That is news to most people, and even more so to our men and women fighting the remnants of the Taliban in Afghanistan.

The comments were just the latest in a series of comments that show some people still do not get it. Her comments, like many others made recently by leaders of the opposition, demoralize American troops and incite our enemies. And, worse, they discount the great progress that our soldiers have made in the war on terror.

Fifty million people have received freedom and are fighting for the future of their nation in Iraq and Afghanistan. Just a few years ago, 50 million people lived in tyranny in Iraq and Afghanistan, and today they live in the dawn of freedom.

Much work is left, but writing off the efforts of our troops today, the sacrifice being made today, the Democratic leader writes off the quest for freedom and the necessity for us to support it. Why is that so hard to understand?

SOCIAL SECURITY

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

Mrs. MCCARTHY. Mr. Speaker, since 1935, Social Security has helped millions of our American families. It has helped them enjoy a secure retirement, and it has never been a day late or a dollar short.

Now, the Members of this body and the administration are pushing a plan that will cut benefits for nearly every American under 35. The administration has said in the past that Social Security is a bunch of IOUs. Now we are hearing that we have a surplus, and we are going to take that surplus and finance private accounts.

Where is the common sense in this? Social Security needs a solid source of funding, not a plan that drains trillions of dollars away from our American

families that need it. We must commit to improving, not dismantling, the Social Security programs.

We can and we must do better. And let no one forget that Social Security covers people with disabilities and those women and men who have become widows and widowers.

APPRECIATION OF NATION'S VOLUNTEER HONOR GUARDS

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

Mr. BOOZMAN. Mr. Speaker, I rise to express my deep appreciation for our Nation's volunteer honor guards. As the Greatest Generation continues to age, a number of our World War II heroes are passing on. Volunteer honor guards serve as ceremonial guards, flag detail, rifle squads, and pallbearer escorts at many of these funerals.

The men of these honor guards receive no pay for their service. They purchase their own uniforms and provide their own transportation. Many of them are over age 70.

I would like to take a moment to personally thank the 23 men of the Bella Vista Honor Guard who served at my brother's funeral earlier this year. The men of the Bella Vista Honor Guard serve at more than 100 funerals in Benton and Washington counties in the Third District of Arkansas. Sometimes they serve at two funerals a day.

They are so representative of the thousands who volunteer nationwide to ensure that our veterans are given the honor and remembrance they deserve.

Mr. Speaker, I know I speak on behalf of our entire Nation when I express my gratitude for the dedicated men of America's volunteer honor guards.

PRESIDENT'S SPEECH TO THE NATION

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

Mr. MCGOVERN. Mr. Speaker, the President of the United States misled this Nation to justify his invasion of Iraq. There were no weapons of mass destruction; there were no ties to al Qaeda. Our men and women are now engulfed in a violent quagmire and endless war. There is no strategy, only spin. Last night, in his speech to the Nation, the President shamelessly, in my opinion, invoked the terrible tragedy of September 11 to justify our continued occupation.

Mr. Speaker, the fact that Iraq has become a haven for terrorists is due to this President's failed policy in that country. Our continued massive presence fuels the insurgency and is a magnet for foreign fighters.

It takes no courage for a President or a Congressman to stand up and say "stay the course." It is not our lives

that are on the line. We owe our soldiers better.

It is time for the President to admit that this war was a mistake. It is time for us to begin an orderly withdrawal of U.S. troops from Iraq. It is time for President Bush to end his war.

PRIVATE PROPERTY PROTECTION ACT

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

Mr. REHBERG. Mr. Speaker, yesterday, I introduced the Private Property Protection Act, a companion bill to legislation in the Senate designed to correct the erroneous decision made by the Supreme Court on June 23. That decision redefined the Constitution's fifth amendment. That decision, *Kelo v. City of New London*, was a slap in the face of homeowners, small businesses, and, frankly, Americans.

Ordinary private property owners stand to suffer from the corrupting influence this sweeping legislation will have because government officials, because government officials can aggressively use the powers of eminent domain purely for economic reasons.

Our legislation establishes two important standards that must be met before government decides to exercise its power and take and transfer private property.

The first standard is that eminent domain should only be used for public use, as guaranteed by the fifth amendment. The second is that this power should be reserved only for true public uses, not simply to provide private economic development so government can make more tax revenue.

Let us stop the abuse of eminent domain before it happens. I urge the Members of this body to support this very necessary piece of legislation.

LETTING MTBE MANUFACTURERS OFF THE HOOK

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

Mrs. CAPPS. Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to the energy bill to hold MTBE manufacturers accountable for the groundwater contamination their product has produced. Many Members voted "no" because of some impending deal to address the issue once and for all. Now reports of the deal have leaked out. They are not pretty, and they will not address the MTBE contamination our constituents face.

This deal would provide full liability protection to the MTBE producers and establish an \$8 billion trust fund to address the contamination crisis. One big problem: the cleanup of MTBE contamination will cost between \$25 billion and \$33 billion. It could be as high

as \$85 billion, dwarfing the deal's clean-up fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? Manufacturers caused this problem, and they should clean it up. It is a deal written by industry for the industry.

No surprise that water districts, cities, and counties across the country do not support this deal. They are the people who have to deal with the contamination. I urge my colleagues to oppose the liability waiver of MTBE and any deal like this.

ONE-YEAR ANNIVERSARY OF COALITION PROVISIONAL AUTHORITY'S TRANSFER OF POWER

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

Ms. GRANGER. Mr. Speaker, today I rise to celebrate the 1-year anniversary of the Coalition Provisional Authority's transfer of power to the Iraqi people. Over the past 2 years, we have made great progress in Iraq. There are now 170,000 trained Iraqi security forces taking on increased security burdens. There are 2,400 schools that have been rehabilitated. Major roads and bridges have been rebuilt, and water and sewer treatment plants have been repaired.

On January 30, 8½ million Iraqis defied terrorist insurgents by coming out to vote for a free and democratic Iraq. That vote resulted in the election of the Iraqi National Assembly, which convened for the time in March.

The desire for freedom is universal, and the Iraqi people are no different from us. The 8½ million Iraqis who voted for democracy on January 30, and who are working tirelessly to rid their country of terrorist extremists, are evidence enough of their desire for freedom and democracy.

We must continue to support and pray for the Iraqis in their transition to democracy, and all the brave allied troops fighting and dying for Iraq and Afghanistan in the war on terror. Our continued support is critical to their success and our future security.

PRESIDENT'S SPEECH TO THE NATION

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

Mr. McDERMOTT. Mr. Speaker, last night we watched a very sad event. The President of the United States came out here to try and convince the American people to support him yet again.

□ 1030

The problem is that the President did not recognize while he was standing there that nobody trusts his judgment.

Nobody trusts the vice president's judgment, the man who says we are in

the last throes of the problems in Baghdad. Even Rumsfeld has come forward and said, "We are going to be there 12 years."

Now, Mr. Speaker, when the President comes and tries to sell us another 12 years and says things are going well, it just does not work. This was ill-conceived. It was ill-prepared for. It has been poorly executed by the management, not by the troops on the ground. They have done the best they could. But they are there because the President of the United States wanted them there.

This is George Bush's war. This is not a war on terrorism; this is a war of conquest by George Bush.

DOING WHAT IS REQUIRED IN IRAQ

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

Mr. PENCE. Mr. Speaker, Winston Churchill said, "Never, never, never believe any war will be smooth and easy, or that anyone who embarks on a strange voyage can measure the tides and hurricanes he will encounter."

Last night, the Commander-in-Chief addressed the Nation on the war in Iraq, laying out a clear strategy for victory built on the courage of our troops and the determination of the American people. The President reminded us that the war in Iraq is a central battlefield in the War on Terror that began the morning of September 11, and the President said, when Iraqi troops stand up, American forces will stand down.

President Bush reminded me of that great leader Winston Churchill, who also said, "It is not enough that we do our best; sometimes we have to do what is required."

Let us do what is required. Let us win the peace and democracy the good people of Iraq so richly deserve after decades of tyranny, and then, and only then, let us bring our troops home.

REPUBLICANS CANNOT HAVE IT BOTH WAYS ON SOCIAL SECURITY

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

Ms. WATSON. Mr. Speaker, Washington Republicans cannot have it both ways on Social Security. Since the beginning of this year, President Bush and House Republicans have been telling everyone who will listen that Social Security is going broke. President Bush went so far as to take a field trip to West Virginia to show the American people that there really is not a trust fund where all the surplus Social Security funds are kept.

Of course, the President was being dishonest. The vault is filled with Treasury bonds that must be paid back to Social Security in the years to

come. Regardless, he went to West Virginia and told the American people that the Social Security trust fund did not exist.

So now Congressional Republicans have come up with a brilliant idea: Create private accounts with the money that exists in the trust fund. Who are Congressional Republicans trying to fool? It is clear that the Congressional Republicans are determined to privatize Social Security, despite very little support for the idea.

H. RES. 340 AND THE NEW LONDON DECISION

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

Mr. GINGREY. Mr. Speaker, I rise today to speak in defense of one of the most fundamental guarantees afforded us by our Constitution, our right to own private property. Unfortunately, Mr. Speaker, by the narrowest of margins, the Supreme Court has, for all practical purposes, placed a for-sale sign on the doorstep of every American home or business and it reads, "for sale by government."

Mr. Speaker, by a vote of 5 to 4, these sacred property rights have been thrown out in the name of expediency and greed. Justice O'Connor stated it best in the minority's dissent when she called the majority's opinion "perverse."

Mr. Speaker, this perversity cannot stand. Therefore, I introduce House Resolution 340 to demonstrate this House's resolve and dedication to defend our constitutionally guaranteed property rights. I call on all Members of this Chamber on both sides of the aisle to speak in one voice in defense of the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). The Chair must remind all Members, and this does not refer to the immediately previous speaker, that they should not make derogatory statements toward the President.

THE SECURITY AND FINANCIAL EMPOWERMENT ACT

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentlewoman from California (Ms. ZOE LOFGREN) for including the Security and Financial Empowerment Act in her comprehensive VAWA bill.

Domestic violence, in addition to being a personal tragedy, costs employers millions of dollars in sick leave, absenteeism and loss of productivity, and it causes thousands of victims to lose

their job, forcing them to stay in an abusive relationship when unable to provide for themselves and their children.

The provisions of the SAFE Act protect the economic security of these victims by permitting up to 30 days of unpaid leave to see a doctor, go to court or find a safe place to live. Further, it prohibits insurers from dropping their coverage due to this violence, and it assures that women forced to leave their lives because of this abuse are eligible for unemployment compensation.

Finally, the bill creates a resource center for businesses seeking to help employees who suffer from domestic violence.

Mr. Speaker, the SAFE Act is an important bill that must be included in the reauthorization of VAWA. It helps employers to keep valuable employees, and it empowers victims of domestic violence to leave their abuser.

FAMILY BUDGET PROTECTION ACT

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

Mr. CHOCOLA. Mr. Speaker, every day families and businesses across America have to make tough decisions. They have to live within a budget and eliminate wasteful spending. The Federal Government should act no differently.

So I have joined my colleagues in re-introducing the Family Budget Protection Act in this Congress. It is legislation that gives the budget resolution the force of law. It limits the growth of spending. It places a premium on combating waste, fraud and abuse. And it forces us to honestly account for long-term funding obligations.

Together, these reforms will help balance the budget, promote more responsible spending and encourage Congress to make the same tough decisions that confront American families and small businesses every single day.

Mr. Speaker, I urge all of my colleagues to demonstrate our commitment to fiscal discipline and join me in supporting the Family Budget Protection Act.

ADMINISTRATION POLICIES IN IRAQ BASED ON FAILURE AND FALSEHOOD

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

Mr. INSLEE. Mr. Speaker, our proud troops in Iraq last night deserved an address that showed a President committed to effectiveness and truth. The sad fact is that these administration policies are based on failure and falsehood.

The failure is that, a full 2 years after the Iraq war started, we still have less than 15 percent, less than three battalions, that this administration

has effectively trained that are ready for combat operations to replace American military personnel and bring them home.

This is a spectacular record of failure. After 2 years of us here in this Chamber demanding that the President train these troops so that they can replace the American GIs and Marines, we have three battalions, and that is it; after 2 years?

This has happened because of the rose-colored glasses that this administration has worn, thinking we were going to be greeted like liberators in Paris. They were wrong. And it is based on falsehood, falsehood when the President stood right behind me and said that there was WMDs. There was not, and now he is trying to bait and switch.

THE TRUTH ABOUT SAVING SOCIAL SECURITY

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

Mr. SHAW. Mr. Speaker, I have never heard so many negative statements as we see coming from the other side of the aisle, with speaker after speaker, most of them scripted, making false accusations as to what the Republicans are doing with Social Security.

If they are going to criticize what the Republicans are doing to try to save Social Security, let them come forward with their plan. Everybody knows that Social Security is going to be going into the red beginning in 2017. Everybody who has done any research knows there is a \$26 trillion shortfall over the next 75 years in cash. So what are they doing? They are sitting there making false accusations about what we are trying to do.

One of the speakers just this morning said that we were going to diminish the trust fund by putting the Treasury bills into the individual accounts. Nothing could be more wrong.

I assume that these statements are being made out of ignorance and not out of knowledge of the truth, because we know what it is when you say something that you know is not true.

HONEST TALK, NOT GIMMICKS, NEEDED ON SOCIAL SECURITY REFORM

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

Mr. LEVIN. Mr. Speaker, I wanted to respond to the last one minute, indeed to set the record straight. The gentleman from Florida said the Republican plans do not make solvency worse. Read the DeMint plan. The only way that the Shaw-McCrery plan does not make it worse is by borrowing money and by counting the same money twice.

The gentleman talks about the urgency of the shortfall, but the

McCrery-Shaw-et al. plan does zero to address the shortfall. It avoids the issue. It is what the gentleman from Florida (Mr. SHAW) called a "no-pain plan." It is a "duck-the-issue plan."

Essentially what the Republican plan proposed by the gentleman from Louisiana (Mr. MCCREY) is, it is filled with gimmicks. We need honest talk, not more gimmicks.

IT IS TIME REPUBLICANS TAKE SOCIAL SECURITY PRIVATIZATION OFF THE TABLE

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

Mr. MELANCON. Mr. Speaker, let me just say, first, before I start, you are doing a wonderful job this morning.

Mr. Speaker, last week, we learned how determined the majority party is to approve any Social Security reform bill as long as it includes privatization. Despite the fact that the American people have already rejected President Bush's privatization proposal, it appears that the Congressional Republicans are not willing yet to let privatization die.

The American people should know that this latest proposal is similar to the President's plan in several respects:

First, the new proposal would divert payroll contributions that are now being held for future beneficiaries into these risky, private accounts. By merely diverting Social Security funds, the plan would still force large benefit cuts on today's seniors and tomorrow's beneficiaries. And, just like the President's plan, the Republican legislative proposal does nothing to address the real issue facing Social Security, and that is solvency.

Mr. Speaker, the American people have seen what can happen to pensions and the stock market and how important a guaranteed Social Security benefit is to their retirement security. It is time that our Republican colleagues realize that privatization just is not going to fly, no matter how you pack-age it.

MISGUIDED PRIORITIES AT THE VETERANS ADMINISTRATION

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

Ms. BERKLEY. Mr. Speaker, I was appalled to learn that a VA Undersecretary stated that the highest priority of the VA was to display a picture of the VA Secretary in every VA facility.

I was appalled, because that very day I also learned that the VA Secretary admitted that there was a \$1 billion shortfall in the veterans health care budget and that the administration knew this in April but presented their budget to Congress anyway, knowing that it was shamefully inaccurate and

inadequate to meet the health care needs of our veterans. They lied to Congress.

As a member of the Committee on Veterans' Affairs, I saw firsthand the administration mock the veterans service organizations when they testified that the VA needed an additional \$1.2 billion to provide health care to our veterans. They defended their numbers, knowing that they were \$1 billion short.

One VA official said, upon learning that the highest priority was putting the VA Secretary's photo in every VA facility, "And here we are trying to figure out where our next patient meal is coming from and what furniture to sell to buy drugs next year."

Talk about misguided priorities.

SUPPORT PRESIDENT'S PROPOSAL TO REFORM SOCIAL SECURITY

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

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the President's proposal to reform our Social Security system. I also rise in support of the Members of the House of Representatives that have put forward a plan which would allow each individual in this country that is covered under Social Security to make a decision to have part of their payroll taxes invested in government securities, in U.S. Treasury bonds.

There are two differences between this proposal and the current law. Under current law, the surplus in the Social Security fund is invested aggregately in what are called Social Security Trust Bonds. Those are government bonds, except they are not marketable, and they are not in any individual's names.

The proposal that some Members of the House of Representatives propounded this week is to allow an individual to take parts of their individual payroll tax and invest it in a government security, a U.S. Treasury security in their name, which would be a marketable security.

I think this proposal is long overdue, and I rise first in strong support of the President's proposal to reform our Social Security program and in the proposal that the Members of the House have put forward.

□ 1045

VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very proud to be an original cosponsor of the Violence Against Women Act reauthorization authored by the gentlewoman from California (Ms. ZOE LOFGREN).

I am very pleased to say that the Violence Against Women Act has been a success in terms of protecting women, but the statistics on domestic violence remain alarming. Nearly one in four women experiences at least one physical assault by a partner during her adulthood. It is important that we stand united in protecting women across America.

I am delighted that two of my provisions will be included in this legislation containing issues on DNA and trafficking. We can stand together to protect women around America, and I hope this Congress will be wise enough to move this legislation along quickly so that we can stamp out the devastation of violence against women.

As women are violated, children are impacted, and protecting families means protecting women; it means having strong laws.

Support the Violence Against Women reauthorization for it to be reauthorized and to be able to stand tall against violence and to stand for protecting the sanctity of the family and our children.

OPPOSE CUTS TO HOUSING PROGRAMS

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

Mr. CLEAVER. Mr. Speaker, later today, the House will consider the Transportation, Treasury, HUD, the Judiciary, District of Columbia, and Related Agencies Appropriations Act for 2006. While I commend the Committee on Appropriations for rejecting the President's Strengthening America's Communities Initiative, which would have transferred the Community Development Block Grant from HUD to the Department of Commerce for consolidation of 17 other programs, I am concerned with the gross underfunding of HUD programs in this bill.

The good and decent people around this Nation need to know that the Department of Housing and Urban Development's programs are primarily designed to address the housing and community development needs of disadvantaged communities. Unfortunately, the House bill slashed its funding for a number of vital Federal programs that have been central to the revitalization efforts underway in our Nation's cities, including Kansas City, Lee's Summit, and Independence, Missouri. The bill proposes to fund CDBG at \$250 million below fiscal year 2005 levels and provide zero funding for important programs such as section 108 loans, Youthbuild, Brownfields, Hope VI, and Empowerment Zones.

Mr. Speaker, I ask that my colleagues join me in opposing these cuts.

While we have all heard the Administration tout national homeownership rates, it is confusing because the House majority has proposed cutting programs that are designed to increase the homeownership rates for lower-income and minority households. These actions demonstrate that some in this legislative

body seem more interested in securing tax breaks for the wealthiest 2 percent than they are in closing the homeownership gap or the creation of affordable housing.

Mr. Speaker, I ask that my colleagues join me in opposing these cuts.

WAR IN IRAQ MAKES U.S. LESS SECURE

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

Ms. WOOLSEY. Mr. Speaker, as I listened to the President last night, I questioned just how much longer he will milk the tragedy of 9/11 to defend his actions in Iraq.

Maybe he does not know yet that the Iraq situation had nothing to do with 9/11, but the people of this Nation absolutely do know; and what we would want from the President and what we wanted last night was a promise to the troops, to their families, and to this country that he is putting together a plan to bring them home.

But, no. He continues to use 9/11 for his excuse for a preemptive war, a war that has made the United States less secure, not more secure.

REAUTHORIZING AND FULLY FUNDING THE VIOLENCE AGAINST WOMEN ACT

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

Mrs. MALONEY. Mr. Speaker, ending violence against women should be a concern not just for the victims; it should be a national priority.

In 1994, Congress moved violence against women from behind closed doors into national policy. The Violence Against Women Act was reauthorized in 2000, and it must be reauthorized and fully funded this year.

The Violence Against Women Act is a comprehensive program that strengthened legal sanctions against stalkers, batterers, and rapists. It established a toll-free national domestic hotline. It funded battered women's shelters, and it provided funding for programs to improve both prosecution and victim services.

Last year, Congress strengthened VAWA by passing the Justice For All Act, which included my legislation with the gentleman from Wisconsin (Mr. GREEN). Our legislation gave law enforcement tools to process the backlog of rape kits containing DNA evidence that could convict rapists.

But there is still much, much more that remains to be done. We must pass the reauthorization and fully fund it this year.

COMMUNICATIONS SATELLITE ACT OF 1962 AMENDMENTS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Com-

mittee on Energy and Commerce be discharged from further consideration of the Senate bill (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, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1282

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.

Subtitle B of title VI of the Communications Satellite Act of 1962 (47 U.S.C. 763 et seq.) is amended by striking section 623 (47 U.S.C. 763b).

SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF THE GMDSS.

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 GMDSS.

“The United States shall preserve the space segment capacity of the GMDSS. This section is not intended to alter the status that the GMDSS 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 GMDSS 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;
- (2) an analysis of whether there 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.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

TANF EXTENSION ACT OF 2005

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3021) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “TANF Extension Act of 2005”.

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH SEPTEMBER 30, 2005.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking “June 30” and inserting “September 30”.

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH SEPTEMBER 30, 2005.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. McDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, I rise today in support of H.R. 3021, the TANF Extension Act of 2005, as amended. This legislation will extend for 3 additional months certain welfare programs, including the Temporary Assistance For Needy Families and child care programs within the Committee on Ways and Means jurisdiction, so those programs would continue to operate at their current funding levels through September 30, 2005.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the Committee on the Budget and a member of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, and the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

Under the fiscal year 2006 budget resolution, it is necessary to offset the cost of the Transitional Medical Assistance extension, TMA. It is my understanding that the gentleman from California has agreed to extend TMA for an additional 3 months as part of this welfare extension bill. It is my further understanding that the gentleman has agreed to include this provision, with the understanding that the Committee on Energy and Commerce, which has jurisdiction over the TMA program, will bear the cost of this and any subsequent extensions.

I yield to the gentleman from California to determine whether or not that is his understanding.

Mr. THOMAS. Mr. Speaker, the gentleman is correct in his understanding. The Transitional Medical Assistance is an important work support for low-income families making the transition from welfare to work. Therefore, it is important that we are here today to continue this program.

Let me remind the House that the House has extended TMA nine times since the welfare reform law expired in 2002. In the course of these extensions, the Committee on Ways and Means has been charged with more than \$500 million in costs associated with extending the TMA program, which is, as the chairman correctly noted, under the jurisdiction of the Committee on Energy and Commerce.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I appreciate the gentleman's willingness to continue this important program as he has in the past.

I would like to ask the distinguished chairman of the Committee on Energy and Commerce to further clarify how this TMA extension and future TMA extensions will be handled by the House.

Is it the gentleman's understanding that the TMA extension and future

TMA extensions will be paid for with offsets under the jurisdiction of the Committee on Energy and Commerce that are in excess of the savings required under the budget resolution?

I yield to the distinguished chairman to find out if that is his understanding.

Mr. BARTON of Texas. Mr. Speaker, the gentleman's understanding is correct. This TMA extension and any further extensions will be offset with savings in addition to those required by reconciliation.

I would note that the proper place to address a TMA extension beyond the next 3 months would be in the context of Medicaid reform as part of reconciliation. However, the committee that I chair reserves the right to include these offsets in other legislative vehicles, as necessary.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I would like to thank both of these distinguished chairmen for their cooperation. I would commit, on behalf of the House Committee on the Budget, that when this bill and subsequent extensions of TMA are offset as part of the reconciliation or other legislation, the Committee on Ways and Means will be held harmless for the cost of this and any future extensions of TMA.

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

Mr. Speaker, this will be the 10th extension of these programs since the original authorization of the 1996 welfare reform law expired in 2002. That law produced remarkable results. Work among welfare recipients doubled. The poorest single-mother families reported a 67 percent increase in their real earnings between 1995 and 2002. Single mothers' real wages continued to increase during the 2000–2004 period, despite the 2001 recession and terrorist attacks.

Despite predictions of welfare reform opponents that the 1996 welfare bill would increase poverty, the number of children in poverty fell by more than 1 million. The black and Hispanic child-poverty rates hit record lows. Welfare caseloads fell 60 percent to their lowest levels since 1965. Welfare funds stayed constant, and child care funds grew, even as caseloads plummeted. Taxpayer resources per family on welfare more than doubled from \$7,000 per year to \$16,000 per year today.

In 2002 and 2003, the House passed comprehensive welfare reform legislation that would have extended these programs for a full 5 years. That legislation also included modest adjustments designed to encourage and support more work, higher incomes, stronger families, and less poverty. These House-passed bills offered up to \$4 billion over 5 years and added child care funding to support more work.

Unfortunately, our friends in the Senate did not follow suit, and so we have been forced to come to the floor with repeated short-term extensions.

Mr. Speaker, it is important that we continue these programs, and I urge all

Members to support this legislation. But while we mark time, we are missing out on many ways to help even more low-income parents and families leave welfare for work. We must do more to encourage States and local communities to support strong, healthy families.

The subcommittee I chair has, once again, approved legislation that tracks the comprehensive welfare reform bill of the House that the House passed before. I expect in the coming months the full committee on Ways and Means and this House will once again act on comprehensive welfare reform legislation as part of the budget reconciliation process. Regardless of the process, our goals remain the same: to encourage and support more work, less poverty, and stronger families.

Mr. Speaker, I believe this process of continued extensions of welfare programs is finally nearing an end. I look forward to working with our Members to get this done so more families can know the dignity of collecting paychecks instead of welfare checks.

□ 1100

In the meantime, I urge support of the legislation before us that continues these welfare programs in their current form.

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

Mr. McDERMOTT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, these are going to be the two classic glass-half-empty/glass-half-full speeches because the chairman has told you the good things that have happened, and there are some. But, today, we have two bad choices in front of us. The first is to support this BandAid approach that has temporarily continued the funding for TANF and the child care development block grants for yet another 3 months. The other alternative is to abandon our most vulnerable citizens until the Republican majority accepts its responsibility to chart a new course that provides a helping hand, not a slap on the wrist.

Now, I deplore these kind of crossroads at which we stand. Ten times in the last 3 years we have stood right here, as we do today, the lives and welfare of the disadvantaged hanging in the balance. At a time like this, America should shine. Instead, the Republican majority strains the needs of our most vulnerable citizens to the breaking point.

Ten temporary extensions over 3 years should send the House a clear and unmistakable message. We need to treat America's disadvantaged as first class citizens by charting a new course for the long-term reauthorization of the TANF program.

On this Republican watch, the House has taken up hopelessly divisive bills that have drawn the condemnation of mayors, governors, welfare directors, religious leaders and poverty experts.

Time and again, the Republicans have tried to terminate Federal responsibility by replacing State flexibility with unfunded mandates and changing the focus of welfare reform from real jobs to make-work. Nothing good comes from this approach.

Instead, this wrong path has led to legislative gridlock. Those who suffer most are those who most need our help. The disadvantaged need our compassionate ideas and commitment to promote reforms that will help them leave welfare and actually escape poverty. This goal is particularly important when you consider that an additional 4.3 million Americans have fallen into poverty over the last 3 years for which we have data. In 2003 alone, almost another 800,000 children fell into poverty. Now, that should be a rallying cry, driving us to act.

But, instead, the Republicans use the misfortune of some Americans to suggest that poverty is rising because welfare recipients are not working hard enough. That is just wrong. It is callous and cold-hearted. The problem is not the unwillingness of people on welfare to work. The problem is too many of those leaving welfare are not finding work, or they are finding jobs that do not lift them out of poverty. We could, of course, help by providing more child-care assistance, job training and a higher minimum wage, but the Republican leadership and the President have resisted such reforms. Instead, the Republicans try to sell the same worn-out threadbare suit of clothes again.

It happened again in March when the majority unveiled their new 3-year old idea from the Ways and Means Subcommittee on Human Resources. Nothing has happened since. Nothing, leaving many to believe the Republican leadership intends to include the welfare legislation as part of the upcoming budget reconciliation bill rather than considering it as a separate measure. Such a process will make it harder to provide the necessary investments in child care because Republicans know the budget reconciliation process is meant to cut programs, not improve them. And that is just fine by the Republican leadership because they do not believe working families deserve any more help for child care. Like so much from their leadership, the rhetoric does not match the reality.

According to data from their own HHS, Health and Human Services Department, only about a quarter of the children who are eligible for child-care subsidies under State eligibility criteria actually receive assistance. This fraction drops to roughly one out of seven, if you use the Federal eligibility standard for daycare assistance. The data does not lie. We are falling short in helping low-income families meet the challenges of raising a family and at the same time going to work.

President Bush's response to this problem is to make it even worse. His proposed 2006 budget shows the number

of people receiving child assistance will decline, decline by 300,000 over the next 5 years. So the administration is proposing even greater work requirements for welfare recipients at the same time that the President proposes cutting child care. So much for a helping hand.

My friends on the other side of the aisle suggest their bill is modestly more generous on child care than the administration's budget. However, that Republican package, in reality, underfunds child care assistance by \$10.6 billion over the next 5 years. That is their calculation.

Republicans want to outsource Federal responsibility to the States without a dime more to address a \$10 billion deficit. That leads nowhere except forcing States to face deep cuts in child-care assistance for the working poor.

Mr. Speaker, there is a better way. We have proposed legislation that gives the States the flexibility and the funding needed to move welfare recipients into real jobs and out of poverty. It is the right thing to do, and this is the right time to do it. And with that hope, I support this temporary extension of the current law. I will not abandon disadvantaged Americans at the very time they need us most.

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

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

I would like to remind the gentleman from Washington (Mr. McDERMOTT) that, during the last several years, we have passed out of this House two bills, both of which have offered as much as \$4 billion more for child care, both of which the gentleman from Washington opposed.

I might also mention that welfare case loads during this period of time of this legislation has fallen by 9 million, from 14 million recipients in 1994 to fewer than 5 million today. Again, the proof of the pudding is in the eating.

I think it is very clear how incredibly successful this program has been, and we need to move forward to make it even more successful.

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

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Washington (Mr. McDERMOTT) for yielding me this time.

Mr. Speaker, I must tell you, I am extremely disappointed. In 2002, the TANF law expired. This is the tenth temporary extension. These are missed opportunities. The Democrats believe that we should extend the TANF bill. But we should stop trying to micro-manage from Washington, one size fits all, and we should provide resources necessary for our States to be able to lift American families out of poverty.

Our objective in TANF reauthorization should be to lift families out of poverty, yet the bills that have passed this body that the chairman of the

committee has referred to fails to incorporate lifting families out of poverty as a core requirement of TANF.

We should be providing education and training to the mothers leaving welfare so that they can move up the economic ladder, yet the bills that have passed this body have restricted our States in their ability to provide education and training to the people on welfare.

We should be providing safe and affordable child care so that families can, in fact, move up the economic ladder and accept employment opportunities. Yet the bills that have passed this body have provided inadequate funds for child care. We have provided more mandates, \$11 billion more needed in child care alone, yet the bill that passed this body provides only \$1 billion, an unfunded Federal mandate. We can do better.

If we really want to lift families out of poverty, let us sit down now. Stop stalling. Let us work together, Democrats and Republicans, so that we can have a TANF reauthorization bill that will help American families out of poverty rather than the bills that have passed this body that will step backward.

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

I would like to remind, again, those who speak detrimentally of this legislation that, since their opposition to this, no additional \$4 billion for child care over the next 5 years has been able to have been offered. No assurance for full TANF funding through 2010 has been able to be available, that would be available in this legislation. No assurance of supplemental grants for low benefits in poor States. No assurance. And it goes on and on.

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

Mr. McDERMOTT. I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me just point out to the gentleman from California, we have worked together when he was chairman and I was ranking member. I would just urge the gentleman to sit down and try to work out a bill that represents the views of all people of this country and all 435 Members of this distinguished body.

I would point out very clearly that, the last time I checked, the Republicans controlled both the House and the Senate and the White House since 2002, and yet we have been unable to pass a TANF reauthorization bill.

Stop placing blame. Let us sit down and work together. Give us a chance to sit at the table, and you are going to have a much better bill that will help American families escape poverty and will give the resources necessary to the States so that they can get the job done and will provide safe and affordable daycare, child care for the families that need it.

In my own State of Maryland, the only way you can get child care is to go on welfare. That is the wrong message. Let us get it done right.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, here we go again. Instead of making the TANF law better, instead of giving welfare recipients the tools needed to move from welfare to self-sufficiency, we are once again extending a bill that has continuously moved people from welfare into permanent poverty.

Why are we not making education or training count as a work activity for welfare recipients so that individuals can receive the skills they need for jobs that actually pay a livable wage, jobs that pay above the poverty level?

Why are we not providing quality available child care that includes care for infants and for weekend and evening workers to help welfare parents keep their jobs and become self-sufficient, because if parents do not have a safe convenient place to leave their children, they cannot go to work? And if they do, they can really concentrate on their job. Believe me, I know because, over 35 years ago, I was a single mother with three small children. My children were 1, 3 and 5 years old, and their father financially abandoned us. Even though I was working full-time, I needed welfare to keep our lives together. But it was not until my mother moved to our town and I could have her take care of the children during the day that I could pay 100 percent attention to the work that I was doing. As soon as she moved into town, I was promoted to management in my company because I did not have one ear and eye home and one at the job. And then when I got home, I was 100 percent there for my children. But when I was at work, I was 100 percent at work.

So I was promoted to management, and later, I worked my way off welfare and off poverty. Eventually, I started my own business, and now I am a seven-term Member of the House of Representatives. Let me tell you, I am not sure any of that could have happened without the help and the leg up that I received from the welfare system. And believe me, I have paid back into the system many, many times over, and so have most of the women who have been given a chance for a higher education, who have been given the support of a good child care system to help them stay in the work force so that they can achieve.

So why are we wasting our time extending something that has moved welfare recipients, yes, out of welfare, but yes, into poverty with an idea they may never be able to move out of poverty because they have not gotten the assistance that they need? They will pay back to the system many times over, I promise you.

Mr. McDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

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

□ 1115

Mr. LEVIN. Mr. Speaker, as mentioned, this would be the 10th extension. And everyone has the right to ask, why another extension, instead of our buckling down and being able to pass a welfare reform bill.

There is an effort, I think, to blame the Senate. I do not think we forget who controls the Senate. But let us forget about that. Because I think the main problem is the approach of the House majority, and when it comes to this as has been true of so many other programs, it is their way or no way. And so far when it comes to further work on welfare reform, it has been no way.

Now, that may be better, and I think it is, than what they have proposed here; but still we should be able to, as I said, buckle down and tackle this issue. We have not done so.

There has been zero effort by the Republican majority in this House to sit down with Democrats and see where we go from here. Zero.

There has been success under welfare reform as we passed some years ago. There have been some successes. The rolls have been cut in half and the majority of those who are leaving welfare have worked since they left. And two-thirds now of the people receiving welfare or TANF are engaged in work. But the problem is that so many of them are not moving up the economic ladder.

These are the government figures: 60 to 70 percent of those who have moved from welfare to work, 60 to 70 percent are essentially earning at the poverty level or worse. In contrast, those who leave welfare and move into higher starting wages were 40 percent more likely to be working 2 years later, and those receiving child care assistance, the same way.

So some years ago we worked, President Clinton proposed it, there was passage by the House and Senate. He vetoed it twice because there was inadequate child care, inadequate health care. The Congress, with a number of us working on it, paid attention to those and it passed on a bipartisan basis. But there is no effort to move to another stage of welfare reform, and that is to make sure that it is structured so that people can move off welfare into jobs that do not lead them into poverty.

Instead, the Republican majority here has proposed not moving people off welfare into work that takes them out of poverty, but emphasizing or talking only really about those who are on welfare and moving into work regardless of the consequences. And we in the minority here have proposed bills that would continue State flexibility which would be taken away by the majority here and would reward States if they moved people off welfare into good-paying jobs. They would take

care of the technical problems with health care, transitional Medicaid and also would restore full funding to the Social Services block grant.

So in a word, I say to the chairman of the subcommittee, instead of simply extending this bill because you are unwilling to sit down on a bipartisan basis and work on further important welfare reform, I urge you to instead of just kind of stonewalling, sit down with us and see if we cannot do still better.

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

Mr. Speaker, it really speaks volumes that there is no one who wants to come out here and talk about what happens to ordinary people here in this country.

The last election was one in which people said the issue was whether people had values or not. The values that the Democrats have stood for for 70 years, really since the Depression, were a minimum income for everyone.

Now, let us start with the minimum wage. We have not raised the minimum wage in this House since 1997. We raised our own salary yesterday 2 percent or whatever it was. I do not know. But the people at the bottom have not had an increase since 1997.

We take a young woman who has got a kid and got out of high school and did not graduate, and we send her out and say, go get a job, go get a job; and she gets a job at minimum wage which amounts to about 50 percent of the poverty level. That is not a value that I support.

Housing is another value that we should be talking about. These people are struggling to find a place to live in the city close to their job. In Seattle you cannot find very many places inside the city. As we gentrify the centers of the city, the people have to move out farther and farther and farther to the point where the bus lines require a couple of hours to get into the city to work at a minimum-wage job.

Health care, another value. There should not have to be a colloquy over here about whether we are going to provide health care for these people. We know that we need a workforce that is healthy. We need people going to work who are healthy, and we need children who are healthy who can go to school and learn and become part of an educated workforce. To fail these children in their earliest years is to present ourselves with a problem. Maybe not us, because we will not be here when the kids who are on welfare today become a problem for the Congress, but 20 years from now people are going to say, why did we not have health care?

The reason we wound up with a school lunch program in this country was because when they went to drafting people in the Second World War, they had so many recruits that had nutrition-related diseases that they had

to reject them. And so, Mr. Truman, it was not some big-hearted thing, he started the school lunch program so that we would have healthy kids. And yet we are still questioning whether these youngsters, we are putting the pressure on the States to make cuts in welfare in every single jurisdiction.

The chorus of hollering is going to start when these bills start passing and State governments have to deal with what we have put out there as an insurmountable problem for them, a mandate from us that they have to find the money for.

Finally, education of kids. That is a value. You want kids to have an education. You want parents to have an education. Kids follow the model of their own parents. If we do not help these people on welfare get an education, if we make it an insurmountable task, the kids do not see their own mother or own father get an education.

My belief is we can do better than this, and I hope when we pass a permanent bill we will.

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

Mr. Speaker, in 2002 and 2003 this House passed long-term reauthorization legislation to encourage more work among welfare recipients and to provide more resources for States to assist low-income families. And I have heard several on the other side, my good friend from Washington, talk about values, talk about Democrat values, Republican values. He spoke about the amount of funding.

Let me just mention that under the Democrat values of the programs that we had twice as many who were on welfare than were on welfare today because caseloads were cut in half during our current legislation while Temporary Assistance to Needy Families, TANF, funds were fixed and child care funds grew, Federal funds per TANF families more than doubled. As a matter of fact, in 1996 the average family under the old Democrat plan had \$6,934 average approximate per family. In 2004 these same families had \$16,185 because the program was block granted, and it was an equal amount of funding coming in and it was not reduced.

This, Mr. Speaker, would be the 10th extension of these programs since 2002. However, I believe this process of continued extensions of welfare programs is finally nearing an end. I expect that the House will soon act on and pass comprehensive welfare reform legislation as part of the budget reconciliation process. But until that happens, it is important that we continue these programs and we do need to pass this bill today. Therefore, I urge all of my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3021, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3021.

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

There was no objection.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3058 and that I may include tabular material on the same.

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

There was no objection.

MAKING IN ORDER AMENDED VERSION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3058, pursuant to House Resolution 342, the amendment that I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and considered as the original text for purpose of further amendment.

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

The Clerk read as follows:

Amendment to H.R. 3058 offered by Mr. KNOLLENBERG:

Strike the dollar amount on page 176, line 26, and insert in lieu thereof "\$283,975,000".

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

There was no objection.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 342 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3058.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. McHUGH in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

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

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

Mr. Speaker, I am pleased to present to the House the Fiscal Year 2006 Transportation, Treasury, HUD appropriations bill which was passed out of committee via voice vote last week.

Before getting into the specifics of the bill, I want to commend the gentleman from California (Chairman LEWIS) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their tireless work to finish these bills by the end of this week.

Here we are on June 29 marking up the final of the 11 spending bills. I am sure that the gentleman from California (Chairman LEWIS) has been saving best for last.

Mr. Chairman, I must acknowledge the role that my ranking member, the gentleman from Massachusetts (Mr. OLVER), played in assembling this bill. I consider him a partner in creating the product before you because his input has been invaluable. We have found common ground more often than not, and what few differences remain are the result of honest disagreement.

□ 1130

He and I have had several conversations about almost every facet of this bill. The staff has met repeatedly, and information has been shared in a timely manner. I believe the bill is stronger because of the input the gentleman from Massachusetts (Mr. OLVER) has provided.

I also want to mention, of course, the staff which has contributed heavily and in mighty ways, extraordinary ways, to the completion of this bill. My clerk, Dena Baron, Cheryl Tucker, David Gibbons, David Napoliello, Steve Crane, Tammy Hughes, Kristen Jones; and on the minority side, Mike Malone, the clerk, and Michelle Burkett. They have done tremendous work.

As my colleagues know, this is the committee's first year with its current jurisdiction, and I believe the product before us is worthy of this body's

strong support. It is a fiscally responsible bill, funding high-priority programs and eliminating Federal funds for other programs that are duplicative or ineffective.

The bill before us is at our 302(b) allocation of \$66.9 billion in BA and provides total budgetary resources, including transportation obligation limitations and mandatory spending, of \$134.9 billion, an increase of \$7.2 billion over last year and \$8.8 billion over the request.

Let me be very clear here. These increases do not represent frivolous spending by the committee. The increases over the budget request and last year are due to House rules mandating certain funding levels for highways, transit and aviation programs, House rules that we voted for.

We also retained CDBG in the bill and were able to fund it at a level near last year's limit. As most of my colleagues know, the President proposed eliminating that program, but the response was overwhelming to keep it right here in HUD.

In transportation, we have met all of our guarantees for surface transportation and safety, and aviation infrastructure as included in TEA-LU and Vision-100. For FAA operations, we have provided funds for 595 new controllers, plus an additional \$8 million over the request for safety inspectors.

I realize there will be a lot of attention paid to Amtrak today. The bill provides \$550 million, \$190 million more than was included in the budget request, and \$657 billion below last year's enacted level. To that end, this bill prohibits Federal funds for any Amtrak route that requires a subsidy of \$30 or more per passenger, most of which, of course, are long-distance routes. The 24 routes that require a Federal subsidy of less than \$30 per passenger will continue to receive Federal aid, and those 24 routes account for more than 80 percent of Amtrak's annual ridership. Let me just repeat that: The 24 routes that will continue to receive the Federal subsidy make up more than 80 percent of the ridership.

Specifically, the bill permits Amtrak to use Federal funds to support operations for the following: All routes in the northeast corridor, including spurs that run from New York City to Albany, from New Haven, Connecticut, to Vermont, and from Portland, Maine, to Boston; routes running through Pennsylvania; most corridor routes in the Midwest; trains running from Portland, Oregon, to Vancouver; and corridor routes in California.

I want to also be clear that it does not prohibit Amtrak from using non-Federal resources to support other routes, nor does it mandate that any routes be shut down or truncated. We need to make it clear that Congress will no longer sanction the use of taxpayer dollars on such extremely unprofitable routes.

From the very first time I picked up the subcommittees gavel, I knew that

Amtrak would be a major issue of contention. I came in with an open mind and had no preconceived notions of an outcome. I instructed staff to follow the facts wherever they may lead, and Mr. Chairman, they have led us right here. The Amtrak proposal before the House is an honest one and worthy of our support.

In the Department of the Treasury, we fully funded the budget request for the Office of Foreign Assets Control and the Financial Crimes Enforcement Network. The Community Development Financial Institutions program fund is funded at last year's level of \$55 million.

The IRS is funded at a total of \$10.5 billion, an increase of \$313 million from last year and a decrease of \$130 million from the request. This funding level allows IRS to maintain the critical balance between taxpayer services and enforcement activities. While the IRS requested more funds for enforcement, the request relied on a Budget Enforcement Act provision that our Committee on the Budget did not adopt in the budget resolution.

Also included in Title II is an administrative provision that prohibits the IRS from closing taxpayer assistance centers until IRS submits a report outlining the impacts of the closures on taxpayer compliance and consults with stakeholders.

The committee had two priorities to meet for HUD in 2006. First and foremost was the protection of all extremely low-income families currently receiving Section 8 and public housing rental assistance, and to continue to restore facilities and rental assistance for low-income individuals that are severely disabled or have HIV/AIDS, all of which the administration proposed for major reductions. Failure to fully meet this commitment would have resulted in thousands of families losing their assistance and becoming homeless. To achieve this, the committee added more than \$2 billion over last year's funding level and more than \$700 million over the administration's proposals for these programs.

Our second priority is to retain and restore to the maximum extent possible the formula funding for cities and towns across America through the Community Development Block Grant. As my colleagues know, the administration proposed to terminate this program, which was funded at \$4.7 billion last year, but we were able to restore formula funding for CDBG to within 6 percent of the amounts provided in 2005.

To fund these high priorities, however, the committee had to do a broad sweep of duplicative and lower-priority programs throughout the Department, including boutique programs that have typically been funded by reducing the amounts in the formula CDBG program. It is never easy to stop funding a program once it gets started receiving Federal funds, but we have to make these decisions in order to meet our main funding objectives.

For the Judiciary, the bill provides sufficient funding to maintain current services of the Federal Judiciary, including rent and personnel increases. In addition, we fully fund the Judiciary's revised request for court security.

For the District of Columbia, we provided the budget request for Federal payments to the District, which includes tuition assistance, court costs and school improvement. As for the District's local budget, the bill appropriates the budget and financial plan by reference, and carries many of the same general provisions of the past.

We funded HIDTA, the High Intensity Drug Trafficking Areas Program at \$227 million. That is the same as last year, and it was \$77 million over the request. Other Executive Office of the President programs are funded at the requested levels.

As for the General Provisions, we recommend no substantive changes to the provisions carried in prior years.

All in all, after much hard work and discussion, I believe that we have a balanced bill before us. No, we did not fund every program, but we did fund the higher priorities under our jurisdiction that will deliver the best results to the most people, and that is our responsibility.

I would like to take a moment and talk about a few of the amendments which may be before us today. This is a large bill with a rather vast and disparate list of agencies under its title. When it comes to dividing up the 302(b) allocation, we really have to do a balancing act. Each agency has a responsibility to the citizens of this Nation and each has a role to play.

GSA has the responsibility for being the Federal landlord, for every citizen receiving Social Security or needing a passport or a visa, for every veteran needing his claim adjudicated, for every neighborhood waiting on an economic development grant, every citizen seeking justice in a Federal courtroom, or relying on the Department of Homeland Security to keep our borders safe. GSA provides those buildings to do its work, and the public, of course, to find the government. To view the Federal Buildings Fund as a bottomless offset for "program" spending is dishonest to the programs we propose to fund.

I do have an amendment to offer with the gentleman from Massachusetts, my friend, the ranking member of the subcommittee, that takes money from an unidentified project in GSA and moves it to CDBG for Youthbuild and tax law enforcement.

Other than that one amendment, I think it is a good bill. I urge its adoption quickly so we can move to other urgent business.

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

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

Mr. Chairman, I, too, want to congratulate the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Ranking Member OBEY) for managing to get us here before the end of June to the final bill. And with any luck at all, we will actually finish this final bill before the end of June.

For the second year in a row, last year as the Subcommittee on Transportation, Treasury and Independent Agencies, and this year now as the Subcommittee on Transportation, Treasury, House and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, this has been the last subcommittee to report. The reorganization does not seem to make much difference. We are still the last subcommittee to report to the floor, and I do not know what else can be said or inferred from that except that the best has been left for last.

First, I want to thank the gentleman from Michigan (Chairman KNOLLENBERG) for the positive and constructive relationship that we have forged thus far in this expanded and reorganized subcommittee.

Mr. Chairman, as the gentleman from Michigan (Chairman KNOLLENBERG) put the bill together, he listened to both majority and minority Members, the concerns that they might have, and worked to resolve a good many issues. That cooperative approach was not limited to subcommittees or even subcommittee members or even to full Committee on Appropriations members. He considered all Members concerned, and where he was able to help, he did that, even to the last 12 hours, as he has indicated in his remarks, the amendment that will be offered early on in the process, and I thank him for that.

I particularly want to commend the gentleman from Michigan (Chairman KNOLLENBERG) for his mark in regards to his thoughtful approach to our capital city's budget which is embodied in this bill.

I also want to take a moment to thank the excellent staff on both sides of the aisle for their hard work on this legislation. On the minority side, Mike Malone, Michelle Burkett, Matt Washington, Kathleen Harris on my staff, and Shalanda Young.

On the majority side, Dena Baron, the majority clerk, Cheryle Tucker, Steve Crane, Dave Gibbons, Tammy Hughes, David Napolielo and Kristen Jones.

This bill has become more complex than I think any of us realized it would, and I appreciate the efforts and the long hours of each and every one of those staff members.

Mr. Chairman, every dollar of budget authority allowed in the severely inadequate allocation where a subcommittee has been used, were I in charge of the distribution of that allocation, it would be different. However, there would be still the same volume of holes. So I stipulate that this inadequate allocation created problems.

On the one hand, I am very pleased to see significant increases for transportation funding because transportation investments are critical for a healthy, growing economy for our growing and shifting population. For example, the Federal Aviation Administration funding is 13.5 percent above the President's request at \$14.427 billion. The Federal Transit Administration is 9 percent above the President's request at \$8.482 billion. Federal Highway Administration's allotment here is 4.5 percent above the President's request at \$37.026 billion. Mr. Chairman, even the Federal Railroad Administration is 32 percent above the President's request at \$732 million. Mr. Chairman, as we can see, these are good levels for transportation funding.

On the other hand, I am very concerned about the impact that meeting the House TEA-LU levels was having on other agencies and accounts in the bill.

In Title I, the transportation title, Federal aviation, Federal highway, Federal transit are funded substantially above the fiscal year 2005 enacted level and way above the President's request for 2006.

□ 1145

That is driven by current authorization on FAA and the anticipated authorization, which we all fervently pray for within the next month or so of Federal highway and Federal transit through the TEA-LU bill.

The lone exception to adequate funding is Amtrak. The chairman uses an extremely blunt instrument on Amtrak, somewhat like the proverbial 2-by-4 between the mule's eyes. The bill terminates all Federal subsidy on 18 long-distance lines, which are the most heavily subsidized lines, thereby terminating the very concept of a national passenger rail system. Those 18 lines carry roughly 20 percent of Amtrak's passengers and provide the only passenger rail service in 23 States, represented by a lot of Members of the House and, incidentally, by 46 Members of the other body.

The shutting down of those lines would incur \$300 million in labor and contractual costs in fiscal year 2006 alone. That \$300 million, plus \$275 million in mandatory debt servicing, plus \$130 million of Federal subsidy to keep the remaining 24 inner-city lines operating is already \$150 million above the \$550 million provided in the bill, and that is before any allocation for capital improvements on the deteriorating northeast corridor trackage, wholly owned by Amtrak and carrying 50 percent of all Amtrak passengers.

Mr. Chairman, if this body funds Amtrak at \$550 million, it should be no surprise if there is no passenger rail service this time next year. And there will be one or more amendments offered to address that problem.

Mr. Chairman, there remain holes in title III, the HUD title. Section 8 and public housing accounts are relatively

well funded, but there are substantial reductions from 2005 enacted levels in the community development accounts, and that is largely because the committee wisely rejected the proposal by the President to move almost all of the community development accounts into a different department and a different piece of legislation. And in rejecting and bringing back that material, which has always been the material of the community development portion of housing and community development, the funding ended up not being high enough to be anywhere close to enacted levels from last year.

As examples, the CDBG formula grants, which go to virtually all of our communities around the country, are down below the 2005-enacted level by 6 percent, and the HOPE VI and Brownfields Development are defunded, defunded, just as examples. The YouthBuild program, which is operated successfully in so many districts, is not yet funded.

So, Mr. Chairman, our bill has some shortfalls. These shortfalls should not be allowed to remain in this bill as it becomes law.

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

Mr. KNOLLENBERG. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. SWEENEY), the vice chair of the subcommittee.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in strong, strong support of this very important bill. It is important in so many ways because it meets so many of the needs of our Nation, and it represents every year one of the significant milestones of the session. It represents that more so this year than almost any other.

And in saying that, I want to recognize the full committee chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), and congratulate them on what I think is not a small point, and that is that we will, as of the passing of this bill, have completed the work of the Committee on Appropriations initially here in this body.

That is important to the American people because it ensures for them, in an organized and reasonable manner, some transparency in order for us to really understand what the priorities are going to be. And as we go forward and focus more in conference and have discussions and debates with the other body about what the funding priorities are to be, the fact that we have gotten our work out of the way at this juncture is very important.

Secondly, I want to specifically recognize the chairman of the full committee for fulfilling a commitment to the American people to do something about the deficit. This appropriation process recognizes that we needed to symbolically, and maybe otherwise, make real commitments to ourselves and to the people of this Nation to reduce our spending habits. And in this

process we have made that strong statement, or will have made that strong statement in the body.

Now, I also want to congratulate the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), and my neighbor, the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their work on this bill and the staffs of the committee for the great work they have done on this bill. This particular bill represented a unique challenge because for the first time the bill includes funding for highway transit, aviation and Amtrak, as well as the Department of the Treasury, IRS enforcement, and Housing and Urban Development. In addition, the bill also provides funding for the District of Columbia.

The needs of all of these competing programs are staggering, and the chairman and the ranking member really have done a noble job, as well as the staffs on both sides of the aisle having done a really noble job of trying to listen to the needs of all Members.

Let us talk about what this bill accomplishes. The bill increases highway spending and funding for the FAA to help make our roads and skies safer. I am especially pleased at the commitment in this bill for airport improvement, \$3.6 billion and \$104 million for essential air services. I come from the 32nd largest rural district in the Nation. This is a key, key component. The bill also includes funding to hire and train 595 new air traffic controllers. I hope to avert some potential problems that we may have in that human resources area.

In terms of housing needs, the bill provides funding for section 8 vouchers and project-based rental assistance. Importantly, this bill rejects an administration proposal to undermine the Community Development Block Grant, CDBG, program. CDBG is critical to our local communities, and this bill preserves the program in its current state.

I also want to highlight the contributions this bill makes in the war against drugs by providing funding to the Office of National Drug Control Policy and the National Antidrug Media Campaign. The work achieved by the Media Campaign, in conjunction with the Partnership for a Drug-Free America, is incredible and greatly contributes to our efforts to keep kids from experimenting with drugs.

Mr. Chairman, I thank the gentleman from Michigan for allowing me to speak. This bill is not perfect. No bill ever is. No appropriation bill ever is. It moves the process along. In putting this bill together, I know the chairman faced a \$3 billion shortage in transportation guarantees and overall a \$1 billion shortage with the inclusion of all these additional programs. The gentleman has met that challenge in fulfilling some basic structural needs to move it along, and he has met many other needs; and I wanted to congratulate the chairman.

On Amtrak, let me say this. I recognize there are negotiations and decisions to be made. We need to move it further. We need to begin the process of reforming Amtrak. We need to get realistic, or more realistic, about what that Federal subsidy needs to be. But in this bill the fact that the chairman has targeted 80 percent of ridership is a pretty good foundation piece, and I really respect the decisions the chairman had to make and how he made them.

For my constituents, and those of us on the lines that are most dependent upon Amtrak use, this bill ensures, as these negotiations go forward, that the essential services we need will be maintained. But that is not good enough, Mr. Chairman. We have to make sure that in going forward, we are able to bring about changes and reforms in Amtrak, changes that have been talked about for more than a decade.

And to Mr. Gunn at Amtrak, and those people who run Amtrak, as one who has worked with him in the past, I am deeply, deeply disappointed in their failure thus far, frankly, of bringing about meaningful proposals, other than asking for more money. It puts those of us who are Amtrak allies in a distinctly disadvantaged position. Because other than fighting over money, we do not ensure any strengthening of the system, or any increase in the vibrancy of the system.

I am going to vote for and support this bill. I probably will end up supporting some other amendments that will help move the Amtrak debates further along. But we cannot get to the point that we need to unless the people who are running the system get more interactive with us and propose more of the changes that we need in order to finally resolve the longstanding problems of that system.

Again, Mr. Chairman, our chairman has done a noble and terrific job. His staff has as well, as has the staff of the other side. And the leadership on the other side, I want to congratulate them for that and vow that we will continue to work together to make improvements where we can.

Mr. OLVER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I want to thank the gentleman for yielding me this time, and let me simply say that I appreciate the fact that the gentleman from Michigan (Mr. KNOLLENBERG) has tried to do everything in his power to make this bill as acceptable as possible, given the circumstances. So I do not object to what he has done, but I do object to the circumstances.

I would simply say that the problem is that Chairman KNOLLENBERG has not been given the tools necessary to make this a desirable bill. It is sort of like giving a surgeon a spoon and telling him to go ahead and perform surgery. He needs more than that in order to get the job done.

This bill, I think, is an important failure in terms of our obligation to meet a number of national needs. As has been mentioned previously, we have a number of important HUD programs which are crunched and zeroed out. Brownfields, for instance. My community has had some wonderful successes in cleaning up polluted areas through the use of that program. That program, if this bill has its way, would be gone. We have other problems in the housing area which have already been discussed.

Amtrak. As my friends in this House know, I often quote my favorite philosopher, Archie the Cockroach. Archie said once: "Did you ever notice when a politician does get an idea, he gets it all wrong?" And I would say that this budget for Amtrak gets it all wrong.

Amtrak, frankly, does not impact my district to any significant degree, but the fact is it is an important national resource which should not be scuttled like it is an old World War I battleship. The fact is that it provides an important national service, and we ought to be able to preserve a national passenger rail system.

The idea that is wrong is the idea that somehow we ought to require passenger rail service in this country to show a profit. We do not require airlines to do that. The Federal Government pumps a lot of money into the budget in order to provide service to hard-to-serve areas in the country as far as air travel is concerned, and we need to treat rail transportation the same way.

We would not have a Federal highway system if we only built the routes that "paid for themselves." Most of rural America would be flat out of luck, especially the West, when it comes to highways, if we applied the same logic to highway construction that the House is trying to apply to railway transportation in this bill.

□ 1200

Another shortcoming, in my view, is the fact that it provides a \$250 million reduction to the Community Development Block Grant. I do not represent a city over 40,000 in my entire district, but those small-town mayors that I represent make terrific use of the money in this program in order to revitalize neighborhoods in ways that they otherwise would never be able to do.

I would also say, and this is no particular fault of the gentleman from Michigan (Mr. KNOLLENBERG) either, but this bill represents the last chance that we have to do something about the fact that the administration for 2 years has kept the truth from Congress about the needs of the veterans health care system in this country.

We have been trying for 2 years to get more money into the VA for veterans health care. We have steadily been told by the administration, No, no, no, the budget is fully adequate, we do not need any more money. Now we know it has all been baloney.

Yesterday, the administration finally broke down and admitted that they are more than a billion dollars short for this year, and for the coming year, they will be \$2.6 billion short. We have an obligation to do something about it. The Senate did something yesterday on the Interior bill. The Senate added \$1.4 billion as an emergency appropriation to deal with what is an emergency situation in the veterans health care agency.

This is the last appropriation bill that is going to go through here on a regular basis, and because we were not allowed to offer this amendment on the subcommittee bill where it should have been offered, we have no choice but to try to get it offered to this bill, unless this House wants to sit, as FDR used to say, "frozen in the ice of its own indifference." I would hope we would not do that and would respond to the challenge at hand.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of this bill. I commend the gentleman from Michigan (Mr. KNOLLENBERG) for presenting a fair bill. It provides for critical transportation and housing needs of our country, as well as funding for the Federal Judiciary and the District of Columbia. In the interest of time, I am just going to summarize my remarks.

I think one of the key elements to a strong economy in a Nation is an interstate highway system so we can move goods and people. I often think how wise President Eisenhower was when he started the interstate system. We cannot imagine the United States without the interstate system. So this bill, under the gentleman from Michigan (Mr. KNOLLENBERG), really focuses on transportation, and that is a key element of the Nation's economy. It is a key element of providing quality of life and jobs for people.

In addition to the Federal system, this bill provides \$37 billion for public roads, bridges and so on that deal with the safety issues. There is over \$14 billion to the FAA because, again, safety in our airports, safety in facilities to expand the aviation capability of the United States. Along with that is the money for the air traffic controllers. Again, there is a need for a growing number. Many air traffic controllers will be retiring, and this bill addresses that by making investments in new hiring and training for almost 600 new air traffic controllers. I think we forget when we are up in the sky in an airplane; we assume safety. But we are dependent on the air traffic controllers to ensure that.

Housing needs, again an essential part of the quality of life in a country. This bill addresses the section 8 programs.

I would particularly commend the gentleman from Michigan (Mr. KNOLLENBERG) for restoring funding to the community development fund. This gives the local communities an opportunity to meet the needs and requirements of their people. I think it is a great way of involving local government and the people who know what the needs of their community would be to ensure that there is a quality of life.

Lastly, the High Intensity Drug Trafficking Areas program is part of the National Drug Control Policy. We do a lot of drug control programs in the Labor-HHS bill, but this is also an important part of that. This is critical in the State of Ohio for the HIDTA program. It is critical for local communities as well as Federal responsibilities.

For all of these reasons and many more, and the qualities of this bill, I urge my colleagues to support this important funding measure.

Mr. Chairman, I rise today in support of the Transportation, Treasury, HUD Appropriations Bill for Fiscal Year 2006. As a member of the Subcommittee, I commend Chairman KNOLLENBERG for presenting a fair bill that provides for the critical transportation and housing needs of our country, as well as funding for the Federal Judiciary and the District of Columbia.

I would like to highlight several issues that make this a good bill that deserves the support of this House.

First, a strong interstate highway system is essential for a growing and healthy economy. I am pleased the bill increased funding to Federal-aid highways to \$37 billion to construct and improve our Nation's highways, public roads and bridges.

This represents an increase of nearly \$2 billion from last year's enacted level. The Federal Highway Administration (FHWA) partners with States to assist in financing the construction and preservation of nearly 1 million miles of highways and other key routes, connecting cities and towns across the country.

The bill also provides over \$14 billion to the Federal Aviation Administration (FAA); nearly 900 million over last year's level. This important funding supports the operations of a 24-hour a day national air traffic system and a continued commitment to safety and efficiency in our Nation's airways. I support the Chairman's increases of funding for the Airport Improvement Program to \$3.6 billion and for the Essential Air Service program to \$104 million. These important programs assist public use airports with costs of capital improvements and ensure that people living in small communities and rural areas have access to air service.

Air traffic controllers have the tremendous responsibility of providing for safety and security of our Nation's airways. With the expectation that 73 percent of controller work force will be eligible to retire over the next 10 years, I am pleased the committee directed \$25 million in responsible investments to hire and train 595 new air traffic controllers.

Addressing housing needs, the bill includes \$15.5 billion in funding for the Section 8 hous-

ing vouchers. This funding level represents a \$765 million increase over last year and allows for the renewal of all existing tenant-based vouchers. The bill assumes completion of the transition from a "unit-based" to a "budget-based" system so that Public Housing Authorities will now have a set amount of funding to work with each year. Recognizing that numerous Public Housing Authorities were adversely affected by the three-month snap shot period used last year to set the budget totals, the bill provides \$45 million to restore vouchers to those areas that need it most.

Section 8 housing vouchers are the safety net needed to help many low income working people provide a safe and secure home for their families.

I would like to commend Chairman KNOLLENBERG for restoring funding for the Community Development Fund to a level of \$4.151 billion and maintaining this community development program in the Department of Housing and Urban Development where it can best serve our local community needs. This critical program provides local governments with flexible funds, allowing them to address specific needs existing within their communities.

I would also like to note that this bill maintains funding for the High Intensity Drug Trafficking Areas Program (HIDTA) within the Office of National Drug Control Policy and does not move the program to the Justice Department. The bill provides \$227 million to fully fund the existing HDTAs and allows some expansion where needed.

This program is critical in the State of Ohio to allow local, State and Federal law enforcement agencies to coordinate and work together to reduce drug trafficking in the State.

With that I urge my colleagues to support this important funding measure.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I rise today in strong opposition to the irresponsible funding level of Amtrak in this bill. The funding level in this bill will kill Amtrak service. Among the 15 long-distance routes that will be eliminated is the Cardinal train, which connects my hometown of Indianapolis to Chicago and to New York City, serves over 88,000 passengers each year.

Also slated for elimination is Amtrak's Hoosier State train which connects my constituents to Chicago, serving about 18,000 passengers. In all, 100,000 Indiana passengers would be stranded without rail service. Over 1,000 Hoosier jobs will be threatened, including the 640 workers of Amtrak's Beech Grove heavy maintenance facility in my district.

This funding level is irresponsible. All transportation is subsidized by the government. When the airlines are in trouble, my colleagues do not hesitate to jump to their aid. Since Amtrak's creation, the Congress has subsidized air and highway transportation over \$1.89 trillion. That is 63 times what we would have spent on Amtrak.

Let us not forget, it was Amtrak trains that brought stranded Americans home in the aftermath of September 11. I commend the gentleman

from Ohio (Mr. LATOURETTE), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for bringing to the floor the amendment today that would raise Amtrak funding to \$1.2 billion.

In closing, let me remind my colleagues, there is not a rail service anywhere in the world that is not subsidized by the government. It is a service to consumers and should be maintained. I would appreciate unilateral, universal support of the amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding me this time and thank him for his support of the Community Development Block Grant program and for working so hard to find funds for CDBG in this bill. As the appropriation process continues and the bill moves to conference, will the chairman continue to work to find additional funds to offset the reduction in the CDBG for fiscal year 2006?

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

Mr. TURNER. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Ohio (Mr. TURNER) for working with me on CDBG and for his efforts to help fund this program.

Restoring the funds for CDBG was our highest priority after funding assistance for the neediest families in our society. Funding for CDBG remains one of our highest priorities, and I will do everything to return the program as close to the 2005 enacted level as possible.

That was my intent during the development of this bill, and it remains my intent as we continue to final passage of this appropriation act for 2006.

Mr. TURNER. Mr. Chairman, I thank the gentleman from Michigan (Mr. KNOLLENBERG) for his response, and I look forward to working with him on CDBG. I appreciate the success that he has accomplished on this bill.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I invite Members to return with me to the thrilling days of the Reverse Houdini. That is what we are seeing today on the floor.

Older Members will remember Harry Houdini who had an act. His act was to have other people tie him in knots and then appear before the public and get out of the knots.

What my Republican colleagues will show you today, as they did in the Labor-HHS bill and other bills, is the Reverse Houdini. Under the Reverse Houdini, you tie yourself in knots. Then you appear before the public and tell them how much you wish you could help them, but you cannot because you are all tied up in knots. You

do not mention that you tied the knots.

The gentleman from Michigan (Mr. KNOLLENBERG), in his capacity as chairman of the subcommittee, has done work which I admire and for which I am grateful. He rejected the shortsighted and thoughtless efforts by the administration to gut the CDBG program and to rearrange the section 8 program. And I admire and appreciate what they did. So given the very limited, indeed inadequate, resources with which the gentleman had to work, he did a very good job.

On the other hand, I must say to the gentleman from Michigan (Mr. KNOLLENBERG) and others on the other side, I admire what you did with inadequate resources, but I do not admire that you are the ones who made the resources inadequate. Members who voted for the tax cuts do not come to the floor with clean hands when they talk about the consequences of the tax cuts.

We will hear today, as we heard on the bill dealing with Labor, Health and Human Services and Education, laments. The gentleman said he wished he could do more for CDBG. Well, who is stopping him? What is stopping him is the budget he voted for. The budget he voted for was dictated by the tax cuts he voted for.

The President said last night that the war in Iraq will go on and on. He will not waver. No, he will not waver. Funding for all these important programs will waver. A month in the war in Iraq would have been more than enough to make unnecessary all of the apologies we will hear. We will hear the Reverse Houdini again and again and again.

Members of the Committee on Appropriations will come, and they will accurately say that, given the resources they were provided, they cannot adequately fund all of these programs. But we ought to make clear, it is their own decision that led to these inadequate decisions.

In the housing area where I have some involvement and jurisdiction, virtually no program is adequately funded. They did better than the administration would have had them do, and I appreciate that important programs like Youthbuild are going to be resuscitated from having been snuffed out; but we will still have too little in CDBG, the Community Development Block Grant program.

The CDBG is an excellent program, and we are being told, maybe, if we are lucky, we will get it back up to where it has been, in an era of massive tax cuts for the wealthiest and an ongoing war in Iraq. Community development will be going on much better in Mosul and Baghdad than it will be in Pittsburgh and Chicago. I do not mean to deny the needs of people there, but we should not have it come at the expense of people here.

The section 8 program is better, but it will still not be enough. Let us also

note that public housing, the entity that houses some of the poorest people in this country, will again not get what it ought to get. I would urge my colleagues, let us stop coming to the floor and apologizing for the consequences of your own actions. Let Harry Houdini rest in peace.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I note the committee's strong support for parallel electric hybrid buses. I agree, we must encourage the use of low-emission technologies as a way to reduce air pollution from our Nation's bus fleet.

I would like to point out that series-type hybrid systems, although they operate differently from parallel systems, strive to meet the same goals. Regardless of their operating systems, I believe there is value in these technologies and hope the chairman will join me in encouraging their use. I would welcome any comments the Chair might care to make.

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

Mr. BOEHLERT. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman raises a very important issue. I acknowledge that series-type hybrid systems have the same goals and encourage the Federal Transit Administration to increase the procurement of buses utilizing both types of systems.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his comments.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), our capital city.

□ 1215

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to thank the gentleman from Massachusetts (Mr. OLVER), ranking member, and the gentleman from Michigan (Chairman KNOLLENBERG) for their work on a bill that happens to include the District of Columbia in this new consolidated appropriation. The chairman and the ranking member are making their debut, and I want to congratulate them on being in on time on one of the most complicated bills because it has many unrelated issues, and yet they have worked very collegially together.

I want to speak only briefly to three items. The least important part of the bill for every Member but me is the District of Columbia section. I appreciate the gentleman from California (Chairman LEWIS) and the gentleman from Michigan (Chairman KNOLLENBERG), who was once Chair, both of whom worked with the Subcommittee on the District of Columbia and the gentleman from Michigan (Chairman KNOLLENBERG) as a recent past Chair, for the way they have worked with the

Committee on Rules to give us a rule that will just let this bill pass through as the least important part of what they are doing here today. I particularly respect the self-government respect they have shown to our city. The Mayor and the police chief were here yesterday. There will be a point of order regarding a matter on gun safety, and I think that that should simply take care of it.

On CDBG I was very pleased to hear the gentleman from Michigan (Chairman KNOLLENBERG) say he was trying to do what he can, because it must be hard to find a Member in this body who is not with us on this program, which has been so productive for large and small cities alone. All we see around us in the new economic development in the District of Columbia has been aided by the CDBG.

Amtrak is before us. It is perhaps the most controversial part of this bill. I am supporting the amendment to add funds and have myself, out of one of our authorizing bills, contributed funds out of one of our appropriations. That is just how important it is to me. But not just important to me, of course. Union Station is the second busiest behind New York. But what is important to Members of this House is the 500 stations and the 46 States that would essentially be left with the present level of funding with no Amtrak.

I ask Members to remember that no country in the world is able to run a railroad privately. This claptrap about the private sector and the States, I draw to their attention the only reason we have Amtrak at all is that in 1970 the private sector came and literally dumped it on the Congress, saying, We cannot run this; we lose too much money.

Railroads are first and foremost the responsibility of great nations. This is our responsibility. We cannot just hand it back to them. They cannot do it. If we cannot do it with a profit, why in the world do we think that the States, which are running to us screaming about Medicaid and other unfunded mandates, can do it?

I thank the gentlemen for all their work on this bill.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding me this time.

I would like to ask the gentleman to address in conference the Federal Transit Administration's "accounting problem" that has been created by the current law treatment that split-funds each Federal transit program 80 percent from the Mass Transit Account of the highway trust fund and 20 percent from the general fund.

Because of Office of Management and Budget accounting rules regarding the treatment of split-funded programs, every FTA program is spending down much faster than the actual outlays of these programs. In H.R. 3, or TEA-LU, we fix this accounting problem by

funding each transit program wholly from either the trust fund or from the general fund, while maintaining the agency's overall 80/20 split between the Mass Transit account and the general fund. Making this structural and funding source change will allow FTA programs to outlay at their actual programmatic rates.

I ask the gentleman to work in conference to make this change, as it will have no scoring impact on the appropriations bill. If we do not make this change now, in the budget year 2006 cycle, the Mass Transit account of the highway trust fund will have a negative cash flow by fiscal year 2007. If the appropriations bill does follow the program structure change in the TEA-LU authorization, the balances of the Mass Transit account will be stabilized and, in fact, will grow over the next few years because the trust fund will be spending out at the actual programmatic outlay rate.

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

Mr. PETRI. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I am aware of the accounting problem that split-funding the Federal Transit Administration program has created. I will work on this issue in conference and trust that there will be a long-term authorization in place by the time the House Committee on Appropriations and the Senate Appropriations Committee convene a conference.

Mr. PETRI. Mr. Chairman, reclaiming my time, I thank the gentleman for his response.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of providing sufficient funding for Amtrak so as to preserve Amtrak's incomparable service. It is a vital engine of America's economy, particularly for those of us living on the northeast corridor. As an Amtrak rider myself, I strongly support preserving this safe, reliable, and cost-effective way for America's commuters and families to travel throughout the country. This bill would deny them that option, an approach that flies in the face of common sense and even the President's stated goals of growing the economy.

The events of September 11, 2001, proved America relies on rail, and Amtrak in particular. As planes sat grounded everywhere, goods, services, and people continued to move, thanks in large part to Amtrak. This bill says that when it comes to passenger rail, we have not learned enough from that day. Abandoning Amtrak would discard a system that we have never fully funded or given the chance to operate at full capacity. We rank a lowly 25th on the list of countries that provide commuter rail funds, behind countries like Estonia, Belgium, and Slovenia. Amtrak deserves better than that.

We move 850,000 commuters a day on Amtrak, and they rely on it to get to and from work. Therefore, I urge all of my colleagues to preserve Amtrak as an affordable option for America's families well into the future.

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

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to congratulate the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER), ranking member, for the hard work they have done under this bill under very tight budget restraints.

I think that this is a good piece of legislation, although I do have some concerns about cuts in particular programs.

HOPE VI; the Empowerment Zone program; the Community Development Loan Guarantees; the HUD Brownfields program, a program close to my heart, which provides a second chance for reuse to many old industrial properties, all of which have been contaminated, we want to get them back on the tax rolls.

But perhaps most surprisingly the YouthBuild program, which provides a crucial second chance for a good life to thousands of disadvantaged young people in our Nation's urban communities, has been zeroed out in the legislation that we are debating today.

Mr. Chairman, I would like to describe to my colleagues today what I have learned about the tremendous success of YouthBuild in my years as mayor of the city of Paterson, New Jersey. In the work I have done with YouthBuild participants, I have heard scores of inspiring accounts from young kids who spent their lives struggling with poverty, dysfunctional or absent families, drug addiction and other forms of neglect and abuse. And be rest assured this program is not a handout. Through the challenging concrete task of building houses for the homeless, getting their hands dirty with demanding physical labor, these kids have been given the tools to begin to rebuild their own lives.

This is a model program that both sides of the aisle should enthusiastically support, a program that helps young people gain the self-esteem, self-reliance that come with a hard day's work in the service of another human being.

According to a recent study, an astounding 65 percent of the YouthBuild graduates say that they now expect to live an average of 32 years longer after YouthBuild experience than they expected to live before. Self-esteem is not the only thing that is raised through this program. Income potential and educational achievement have also soared. Seventy percent of YouthBuild graduates are either in post-secondary education or in jobs averaging \$10 per hour.

This program is unquestionably a winner for young people across our Nation. YouthBuild develops job skills, leadership potential, civic involvement, and creates a community of adults and youth committed to helping each other achieve success in life. And through the construction of affordable housing, it contributes to the revitalization of our poorest neighborhoods.

It is hard to believe that a compassionate President and a Congress would want to wipe out any of these programs which epitomize our oldest and most sacred American values: hard work, self-reliance, and limitless optimism about the future.

I urge the House to find ways to increase funding for the valuable community revitalization initiatives that have been cut from this legislation.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today to engage in a colloquy with the gentleman from Michigan, the chairman of the subcommittee, on the issue of flight attendant fatigue.

Mr. Chairman, 144 of our colleagues and I recently requested funding in the fiscal year 2006 Transportation-Treasury-HUD appropriations bill to continue studying the growing problem of flight attendant fatigue caused by work schedules that in some cases may provide as little as 5 hours for actual sleep. Sleep experts consistently warn that working long hours with little rest can impair a crew member's decision-making abilities and performance of critical safety duties.

As the chairman knows, the FAA's Civil Aeromedical Institute, or CAMI, is currently completing a study on flight attendant fatigue. While the Congress looks forward to the results of CAMI's study, 145 Members of Congress believe that CAMI may not have either the resources nor the time to complete a truly comprehensive study and that additional funding is necessary to study this life-threatening issue.

Accordingly, I ask the chairman's assistance in expediting the overdue CAMI study and ask him to consider the findings of that report.

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

Mr. HONDA. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, as the gentleman knows, we had included funding in last year's bill to study flight attendant fatigue. I understand the study was due to Congress on June 1, 2005, and I will be happy to work with the gentleman from California to determine the status of CAMI's current study and expedite its completion, if possible.

Mr. HONDA. Mr. Chairman, reclaiming my time, I thank the chairman for his willingness to work with me on this issue.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I certainly appreciate the opportunity to speak on this appropriation that is before us.

I am perplexed with how and why decisions are made, basically, by my friends on the opposite side of the aisle to do away with economic development. And as I look at what is happening, what is proposed, for example, to be transferred to Commerce, what is zeroed out, what I see is an attack on programs that could create some real initiative and self-reliance.

The YouthBuild program was just talked about. YouthBuild is an important program where young people are developing skills and attitudes to become independent. Why would we zero that out?

In addition to that, the section 108 loan guarantee program is an economic development program for cities that does job creation and helps to improve cities and build up the old towns. Many of our cities are using this; and for some of the little towns and cities, they absolutely depend on these kinds of economic development funds.

□ 1230

Mr. Chairman, I do not understand why the attack on these economic development programs, these programs that will help to make our young people self-reliant, and the block grant program that is being reduced by 21 percent, that goes into our cities to help us deal with not only senior problems, young people, the gangs, et cetera. I think we are undermining our efforts to strengthen America and to invest in human potential by cutting these programs and zeroing them out.

I would ask that reconsideration be given, if no place else, but in conference. I am going to come back later on today with an amendment on section 108 loan guarantee programs, because that will not be scored against the budget. These programs are kind of guaranteed by CDBG moneys, and you do not have to spend the money to get this economic development.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I want to thank the chairman for his efforts to preserve the HIDTA program, the High Intensity Drug Trafficking program, as well as the National media campaign under the Drug Czar's office.

There will be several amendments offered today by the gentlewoman from Oregon (Ms. HOOLEY) and by the gentleman from Washington (Mr. LARSEN) and myself, one related to ad campaign and one related to HIDTA to further increase those fundings.

We have a meth epidemic sweeping this country. It is absolutely critical that we address it in our national ad campaign, which has been substantially reduced over the years, and through the most aggressive law enforcement program and the most effective law enforcement program, the HIDTAs.

We held a hearing Monday in Minneapolis. If you do not have meth next door to you, it is coming soon. It started in the rural areas and the rural States, and everybody kind of ignored it. But as it moves to the suburbs and as it moves to the east, we are seeing an epidemic of proportions we have not seen since the first outbreak of the crack epidemic. We either get on it now, or we are in deep trouble.

In Ramsey County, St. Paul, Minnesota, between 80 and 90 percent of all children in Child Protective Services right now are coming from meth families. That is not a rural community; it is a big city. Next door, in Hennepin County, 50 percent of the women in treatment right now through the drug courts are because of meth.

Formally, this was just at the little towns, and we saw it, although we could ignore it. But this is a freight train. We have to grab it. And in the authorization bill that matches this appropriations bill, we will make sure the ad campaign is designated, that a percentage of it has to go to meth if we can get adequate dollars to run that campaign.

In the HIDTAs, we have the first meth HIDTA in Missouri. We are moving to more meth HIDTAs, because we must get control of this before it wrecks every family in this country. When people become addicted to this, they go crazy.

We have never seen a drug that is harder to treat, that is more violent, has more environmental damage, and this Congress has to start to grab hold of the meth problem before it chokes our country.

Mr. OLVER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have had a good general debate here for this hour that covered a lot of the different areas in the bill and certainly reflects some of the issues that we will be debating as the amendment process goes forward.

Again, I want to thank the chairman and the staff on the majority and the minority side for all the work that they have done. It has been a process which has gone a long way. It will go more in the next day or two. All of it should improve the bill.

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

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

Mr. Chairman, I, too, want to thank everyone that participated in this opening inning or two of activity. We have a long way to go. But I do think, with the work of the staff on both sides, who I think have done extraordinarily well to shape this product into what it is, I am very, very happy with where we are in terms of the kind of bill. I know there is going to be more debate, and we look forward to that.

Mr. HOYER. Mr. Chairman, I want to thank chairman KNOLLENBERG and ranking member OLVER for doing the best they could with the

limited resources that were made available to the subcommittee.

The allocation that we were given highlights this inescapable fact: the budget resolution passed by the republican majority has real consequences.

It is clear, for example, that the funding for Amtrak is simply not adequate.

It seems to be an effort to shut down national passenger rail in this country.

Make no mistake: if we fail to provide Amtrak the funds it needs to operate, we won't just be shutting down the few routes identified by the committee to be closed.

The resulting layoffs, inability to fund capital upgrades, and lack of funds to operate remaining routes will eventually lead to the shut down of national passenger rail permanently.

However, despite this and other problems with the bill, I believe that it contains many good provisions that deserve our support.

For example, I am pleased that the committee adopted the Hoyer-Wolf-Moran amendment, providing a 3.1 percent pay adjustment for Federal civilian employees—which is consistent with the pay adjustment proposed for our military personnel.

We must recognize the contributions made by both Federal civilian employees and military personnel to the safety and security of this Nation.

I am also pleased that the \$126.7 million that the president requested for the FDA consolidation was included in the bill. These funds will help relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities, and end the practice of extending costly leases for various FDA offices throughout the region.

Furthermore, I am pleased that the chairman recognized that the Federal Government has a responsibility to the general aviation airports in the metropolitan region that were shut down after 9/11—through no fault of their own.

In this bill, we reimburse those airports for their losses and the chairman has committed to working with me to increase that amount during conference to ensure full restitution.

That is fair. And, that is right.

Finally, I am pleased that this bill recognizes the important Federal role in helping States reform their election systems.

The bill sensibly provides \$15.8 million to the new Election Assistance Commission so it can fulfill the high expectations Congress intended when it passed the Help America Vote Act of 2002.

I also am personally gratified that the bill's accompanying report urges the EAC to set aside \$250,000 for the HAVA College Program, an innovative program that encourages college students all over the Nation to enlist as non-partisan poll workers.

To be sure, Congress has not carried out all its election reform obligations to the states. And, I am disappointed the bill does not provide the remaining \$800 million we owe the States to upgrade their voting machines, provide voter and pollworker training, and improve voting machine security.

I appreciate the committee's hard work on this bill. This legislation is not perfect. But it contains many important, needed provisions that deserve our support.

Mr. NUSSLE. Mr. Chairman, not since 1988—more than a decade and a half ago—has the Appropriations Committee passed all its bills out of the House before the Fourth of

July. This year the committee stands poised to do so—even though its subcommittees have been restructured, and it is the first year at the helm for the Committee's new Chairman, the gentleman from San Bernardino County. I applaud the Committee and the Chairman for the deliberate pace they have maintained.

The appropriations measure before us today provides funding for Transportation, Treasury, and Housing, as well as the Federal Judiciary and the District of Columbia. Under the reorganized subcommittee structure, this bill represents the first time Housing is matched with Transportation and Treasury in the same appropriations bill. I am pleased to report the bill is consistent with the levels established in H. Con. Res. 95, the House Concurrent Resolution on the budget for fiscal year 2006, which Congress adopted as its fiscal blueprint on April 28th.

THE BUDGET RESOLUTION

H.R. 3058 provides \$115.2 billion in discretionary budgetary resources. This is a 7 percent increase over fiscal year 2005. Even so, the bill is consistent with the allocation to the subcommittee, and therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays. The bill does not contain any emergency spending.

To meet their 302(b) limit, the bill rescinds \$549 in mandatory contract authority previously provided to the FAA. The bill also rescinds \$2.497 billion of previously enacted discretionary budget authority, all but \$4 million of the discretionary rescissions come from the Public and Indian Housing certificate fund.

The bill also complies with the provisions in the budget resolution concerning advance appropriations. The bill includes \$4.273 billion in such appropriations, all of them in accounts the budget resolution lists as eligible for advances. The House should be aware, however, these provisions—along with the \$18.885 billion in advances already passed in the Labor/HHS/Education appropriations bill—reach the ceiling of \$23.158 billion in total advance appropriations provided for in the budget resolution. Any further increase in advance appropriations would breach this limit and subject such legislation to a point of order.

PROGRAMMATIC PROVISIONS

The Department of Transportation is funded at \$61.959 billion, \$4,457 above the request. This includes \$36.3 billion for Federal Aid-Highways and \$14.4 billion for the Federal Aviation Administration. Treasury is funded at \$11.6 billion, \$358 million above 2005. Most of these funds—\$10.5 billion—go to the IRS. The Federal Judiciary is funded at \$5.4 billion, which represents a \$326 million (6 percent) increase over 2005. The District of Columbia Federal payments are \$603 million, \$48 million above 2005 and \$30 million above the President's request.

The bill addresses our critical housing needs by funding the Department of Housing and Urban Development [HUD] at \$33.5 billion, \$544 million above the 2005 level. The bill does not reflect the administration's proposal to move Community Development Block Grants [CDBGs] to the Commerce Department, instead keeping the program at HUD. Also, funding for Section 8 programs is split into two accounts to provide for better accountability and oversight.

CONCLUSION

Again, I commend the Chairman for balancing difficult priorities and delivering a bill within our agreed upon budget constraints. I express my support for H.R. 3058.

Mr. KILDEE. Mr. Chairman, for the last 2 years, the President's budget requests have failed to meet the housing needs of Indian Country. Native Americans continue to suffer from severe overcrowding in their homes and they have higher rates of homes with serious physical deficiencies than their counterparts. Some estimates indicate that Indian housing needs exceed \$1 billion.

The President's FY 2006 funding request for the Native American Housing Block Grant (NAHBG) is \$582.6 million, a decrease of \$40 million from the FY 2005 enacted level of \$622 million. But the real reduction to the NAHBG is even more drastic because the budget request calls for the \$57.8 million in Indian Community Development Block Grant (ICDBG) funding to come out of the NAHBG account, resulting in funding for the NAHBG to be a mere \$524.8 million. This is a reduction over a 3-fiscal year period of more than \$125 million. This erosion of Federal funding for Indian housing and community development is simply unacceptable.

I appreciate the work of the gentleman from Michigan who was working within very tight allocations. The Committee increased the funding for NAHBG to \$600 million, a \$17.4 million increase above the President's request. However, its support of the President's proposal calling for \$45 million in ICDBG funds to come out of the Community Development Block Grant (CDBG) account, would leave a total proposed allocation for NAHBG at a mere \$555 million. Appropriated funding for the NAHBG reached a high point in FY 2004 when it was funded at \$650 million.

I do not support the President's proposal to remove the ICDBG line item from the CDBG account. The ICDBG program has traditionally been furlded by the CDBG account through a 1 percent set-aside. As I just indicated, a change to this current funding scheme would further reduce NAHBG funding.

We have a moral responsibility to provide safe, decent, and affordable housing for our country's First Americans. Housing is the backbone of economic and community development. It creates jobs and drives tribal economies. It is a basic need that can strengthen progress in other areas like education and health care.

I look forward to working with both sides of the aisle on restoring the funding of the NAHBG account to the FY 2005 enacted level and addressing my concerns regarding the ICDBG program as the FY 2006 Transportation, Treasury, HUD, Judiciary and District of Columbia appropriations bill proceeds through the legislative process.

Mr. HOLT. Mr. Chairman, I rise today in support of funding for the Community Development Block Grant program. The proposed cuts to this vital program for individual community improvement growth must be withdrawn and full funding restored.

H.R. 3058 seeks to cut \$251 million from the Community Development Block Grant program, a 6 percent slash in funding and another reduction in a long string of cutbacks for the program. I stand strongly opposed to any effort to reduce funding to the CDBG program.

The nature of CDBG—funds for housing, economic development, public facilities, social

services, and land acquisition, to name a few—incorporates a significant amount of flexibility to appropriate funds at the discretion of each community. What this means for each community is their ability to use Federal funds for a wide range of initiatives as well as to prioritize local needs while supporting national objectives. This great characteristic, leaving specific appropriations for local decision making, does not warrant reductions in the program, which would prevent Federal funds from being used where they are needed most.

In FY 2004, the Community Development Block Grant program provided \$4.853 billion to communities across the Nation. In my home State of New Jersey, CDBG funds many important initiatives. In Trenton alone it supports childcare services, provides for job training programs, funds the food programs at local area soup kitchens, and is used towards building and repairing affordable housing in the city. Elsewhere, in Monroe Township the CDBG funds "A Friend in Need," a program which provides homeware to the elderly unable to afford it. It also aids the South Brunswick Citizens for Independent Living (CIL), which builds affordable housing for the disabled and provides training programs on financial independence. These are only a few local examples of this vital Federal program.

The 31-year history of this program has proven to us that investment in communities continues to benefit lower income persons in need of assistance. Most of the CDBG-funded programs have proved to be small in scale, neighborhood-based initiatives. Expenditures through the CDBG program for lower income individuals have repeatedly exceeded the minimums set by Congress.

The 6 percent reduction for the Community Development Block Grant program included in H.R. 3058 is much more damaging than it seems: due to the small nature of many of the programs CDBG funds, it would result in the complete cutting of numerous and invaluable local community projects. I firmly believe that the absence of these programs would neglect many pressing needs of the American people, negatively impact many communities, and, most importantly, prevent Federal funds from reaching those who need them most.

Mr. Chairman, I urge my colleagues to restore full funding for the Community Development Block Grant program as the bill moves to conference.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, and Housing and Urban Development, the

Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

AMENDMENT OFFERED BY MR. EDWARDS

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

The Clerk read as follows:

Amendment offered by Mr. EDWARDS:

On page 2, line 5 insert the following new title and renumber the succeeding titles accordingly:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$1,000,000,000, to be available for obligation upon the enactment of this Act and to remain available for obligation until September 30, 2006: *Provided*, That the amount provided under this heading is designated as making appropriations for the purpose set forth in subparagraph (A) of section 402(a)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006: *Provided further*, That amounts made available under this heading may be transferred to other accounts of the Department of Veterans Affairs to the extent necessary to reimburse those accounts for prior transfers to "MEDICAL SERVICES" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided further*, That the transfer authority in this paragraph is in addition to any other transfer authority available to the Department of Veterans Affairs.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. EDWARDS. Mr. Chairman, I believe we have a moral obligation to support our veterans, especially so during a time of war. This amendment is out of the regular order of business, but I could think of no better reason to waive the rules of the House, which we do on a daily basis here, than to support our veterans, that are being underfunded in their health care by over \$1 billion in this fiscal year.

Democrats tried during the budget resolution last year to add additional funding for VA health care because of the needs there. I tried an amendment in the Committee on the Budget this year, and we were voted down on a partisan basis. We tried an amendment in the Committee on Appropriations offered by the gentleman from Wisconsin (Mr. OBEY), and we were voted down on a partisan basis.

Now the Veterans' Administration leadership, part of the Bush adminis-

tration, has admitted we have more than a \$1 billion shortfall this year in VA health care funding. What that means, Mr. Chairman, is that every day that passes, there are veterans that are not receiving the VA health care they need and they deserve.

What I would like to ask, Mr. Chairman, is that, on a bipartisan basis, Members of the House and Senate, Members of the House, Republican and Democrat alike, recognize the need to fund this veterans health care. Let us do it today. Let us not wait until after a week-long vacation next week. Veterans do not delay in serving our country when we ask them to do their duty. We should not delay in fulfilling our moral obligation to provide quality health care for our veterans.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Let me simply say, I hate to say, we told you so, but we told you so. We warned the majority that, if you listened to the denials of the Veterans Administration, you would eventually be embarrassed because their request was inadequate to meet the needs of returning veterans.

We have now been told yesterday, finally the VA is telling us the truth, and the fact is, this is the only remaining appropriation vehicle that we can use to add the necessary funds. The Senate added \$1.4 billion yesterday to the Interior bill. That was not germane either, but the Senate did not let dunghill jurisdictional politics get in the way of dealing with the problems of veterans. I would urge the House to follow the lead of the Senate and to allow this amendment to be added so that we can take care of the problem.

We are not even adding the extra \$400 million that the Senate added yesterday. We are simply saying, take what the VA has already admitted they need for this year. We know it is going to be more for next year. But at least take the \$1 billion we know is needed now, so that we do not continue to listen to false promises from the VA.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDWARDS. Mr. Chairman, if no Member of the House objected to this amendment, if we accepted this amendment on a bipartisan basis, is there anything that would prohibit this amendment from becoming part of this appropriation bill, if no Member of the House objected, if on a bipartisan basis we accepted it?

The CHAIRMAN. If the gentleman's amendment were not to induce a point of order, it would come to a vote.

Mr. EDWARDS. Mr. Chairman, to be clear on the parliamentary inquiry, if we could on a good faith bipartisan basis, say, look, this is not the typical way we want to do business, but we did not get it done in the Committee on

the Budget or Committee on Appropriations, so we could do it now, without an objection today, we could pass in this bill \$1 billion in emergency funding for VA health care without objection. Is that correct?

The CHAIRMAN. The Chair would reiterate that, absent a point of order against the amendment, the amendment, as all amendments, would come to a vote.

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

Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not have a serious reservation to having this bipartisan discussion regarding the growing understanding of the shortfall that lies in veterans health care. My reservation, and it is a serious one, is that it is one thing to want to take credit for doing something about this problem, but we are attempting to do it in a bill that is not going to become law for 2 or 3 months.

The gentleman knows that the appropriate committee had an oversight hearing just yesterday morning to begin to draw in the administration, get information, et cetera, in order to lay the foundation for expediting this process. The way to solve this problem and truly in a bipartisan way deal with the challenge that we have in serving our veterans is to come together and move something quickly. Any appropriations bill is going to take longer than that.

So I do not want to be pretending today that we are doing something by passing an amendment, when regular order will allow us to move much more quickly. We are trying to lay the foundation for that. That is why we had an oversight hearing yesterday.

Mr. Chairman, I would think we ought to proceed with regular order. So in that connection, I have a reservation in terms of what is being done here today. It appears to be a "credit" business rather than real business. I would look forward to working with the gentleman in the days ahead.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

□ 1245

Further, the rule states, in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment includes an emergency designation and, as such, constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member seek recognition on the point of order?

Mr. EDWARDS. Mr. Chairman, very briefly, could I ask the Chair, or the gentleman from Michigan, for whom I have great respect, were there other points of orders against this bill that were waived in the rule that brought this bill to the floor?

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman will yield.

The CHAIRMAN. If the gentleman from Michigan will suspend, the gentleman may not yield on the point of order. The Chair will hear each member in turn.

Mr. EDWARDS. Mr. Chairman, I guess I would direct my question to the Chair. The point of order being raised now on my amendment to support veterans health care is that it is contrary to some of the process rules of the House. Could I inquire of the Chair as to whether there were other rules of the House that were waived in bringing this bill to the floor for debate today?

The CHAIRMAN. The Chair would advise that House Resolution 342 waived all points of order against consideration of the bill and certain points of order against provisions in the bill.

Mr. EDWARDS. So all points of order against the bill. Some points of order were waived, but apparently the majority is not going to allow us to waive a point of order to help us bring \$1 billion to veterans health care.

The CHAIRMAN. Do other Members wish to be recognized on the point of order?

Mr. OBEY. Mr. Chairman, I would simply state that the House is in a strange position today because, under the rules of the House, every item that is brought to the floor is supposed to be germane to the bill at hand unless the Committee on Rules has provided exceptions to that. My understanding of the rules is that notwithstanding the fact that the rule does not specifically allow for this amendment, if no Member objects, this amendment could be considered.

So I would simply ask every Member of the House, through the Chair, whether or not this matter is sufficiently important enough that a point of order not be lodged.

The gentleman from California suggested that this ought to be considered in some other venue. We would be happy to do that if someone had another suggestion; but right now, this is the only dog in the hunt. I am afraid that if the gentleman persists in his point of order, the gentleman from Texas and I would have to concede the point of order; but I would hope that we would not be pushed into that position.

The CHAIRMAN. Does any Member seek recognition on the point of order?

Mr. OLVER. Mr. Chairman, I am not sure whether this is on the point of order, but I would just like the body to know that there would be no objection on this side of the House to having this

item made in order. Notwithstanding the comments by the chairman here, if that manages to keep this issue in the forefront, even though he is suggesting and has suggested that the final actions on this legislation would not occur for 3 months, if that manages to keep the issue before the body, it is important enough that that in itself would be valuable, that it be kept there so that we do indeed find a fast way of dealing with the matter.

The CHAIRMAN. If no other Member seeks recognition on the point of order, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$84,913,000, of which not to exceed \$2,198,000 shall be available for the immediate Office of the Secretary; not to exceed \$698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$15,183,000 shall be available for the Office of the General Counsel; not to exceed \$11,680,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$7,593,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,052,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$23,139,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,910,000 shall be available for the Office of Public Affairs; not to exceed \$1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed \$697,000 shall be available for the Board of Contract Appeals; not to exceed \$1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$2,033,000 for the Office of Intelligence and Security; not to exceed \$3,128,000 shall be available for the Office of Emergency Transportation; and not to exceed \$11,895,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MR. KNOLLENBERG

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

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:
Page 2, line 10, after the first dollar amount, insert the following: "(increased by \$250,000)".

Page 2, line 13, after the dollar amount, insert the following: "(increased by \$250,000)".

Page 56, line 18, after the first dollar amount, insert the following: "(increased by \$38,750,000)".

Page 77, line 24, after the dollar amount, insert the following: "(increased by \$67,500,000)".

Page 77, line 26, after the dollar amount, insert the following: "(increased by \$17,500,000)".

Page 164, line 12, after the first dollar amount, insert the following: "(reduced by \$88,789,000)".

Page 164, line 12, after the second dollar amount, insert the following: "(reduced by \$67,789,000)".

Page 165, line 21, after the dollar amount, insert the following: "(reduced by \$67,789,000)".

Page 169, line 2, after the dollar amount, insert the following: "(reduced by \$21,000,000)".

Page 171, line 4, after the dollar amount, insert the following: "(reduced by \$17,711,000)".

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

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, this amendment provides an additional \$38 million for tax enforcement efforts at IRS. These funds will significantly enhance our ability to close the tax gap by more than \$400 million over 3 years.

Further, this amendment restores \$67.5 million to CDBG. Some of these funds may need to be used to provide some funding for the YouthBuild program if the program is not authorized under the Department of Labor by the time of final passage of the appropriations act.

The program, for the moment, has been left in suspension because the administration has not yet submitted the needed legislation, but I am assured that the legislation will be submitted very soon.

I want to thank the ranking member, the gentleman from Massachusetts (Mr. OLVER), for his diligence on these issues and for working with us.

Mr. Chairman, I urge the adoption of the Knollenberg-Oliver amendment.

Mr. OLVER. Mr. Chairman, I am pleased to cosponsor and endorse this amendment. This amendment represents exactly what I said an hour or so ago, that the gentleman from Michigan (Chairman KNOLLENBERG) has listened to both majority and minority Members' concerns and has worked to resolve all issues. He has considered all Members' concerns and, where he could help, he did; and I thank him for that.

With this amendment, the bill would now provide \$50 million for YouthBuild and will keep YouthBuild alive while

the authorizing committees figures out exactly where YouthBuild should best be authorized.

The YouthBuild program is a good program. Several other Members during general debate have talked about it. It is a program that serves young men and women in their late teens and early 20s who dropped out of high school, or graduates from high school who find 2 or 3 years later that they have no real job skills and poor prospects of a good job. Dropouts in this program get a GED and other key education for the construction industry. All participants get skills and experience in housing construction trades.

The program has been in place about a dozen years. Nearly 15,000 units of affordable housing have been built, and nearly 30,000 young people have learned the housing construction and building trades, thanks to the YouthBuild program. Many of these young people have gone on to college. Those who have been in trouble with the law earlier in life have a stunningly low recidivism rate after they have been in the YouthBuild program.

Each of the items in this amendment was included in my primary remarks at subcommittee markup and again at the full committee markup and in debate on adoption of the rule yesterday. I appreciate the gentleman from Michigan (Chairman KNOLLENBERG) listening and responding, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. Chairman, the worst construction accident in Federal transportation history in the city of Toledo, Ohio, took place on February 16, 2004 on the \$200 million I-280 Maumee River Crossing Bridge, affecting serious loss of life. Crushed to death on the job, as a launching gantry crane collapsed, were Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Jr., age 44. As I mentioned before, all iron workers. There were injuries sustained by many other workers.

Since that time, the Lucas County prosecutor has been investigating the accidents to determine if there may be criminal liability in these deaths. The prosecutor's office has been working with the Inspector General of the Department of Transportation, but has needs that go beyond the assistance that the Inspector General can provide. The prosecutor needs technical assistance in determining answers to engineering and other special issues. One might expect that such expertise resides within the Department of Transportation, perhaps specifically at the Federal Highway Administration.

Mr. Chairman, would the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Ranking Minority Member OLVER) be willing to work with me to determine what resources may be available throughout DOT, including the Federal Highway Administration, to provide technical expertise in the ongoing investigation and to ensure that such assistance is provided to the Lucas County prosecutor?

Additionally, if such assistance is not available directly from the Department, would the chairman work with us to determine if the Department can provide assistance to the Lucas County prosecutor in the hiring of appropriate outside experts?

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

Ms. KAPTUR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I can assure the gentlewoman that I will do everything I can to work with her to make sure that we do address this issue. So I thank the gentlewoman for bringing it up.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Michigan. It is greatly appreciated.

AMENDMENT OFFERED BY MR. LATOURETTE

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

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:
Page 2, line 10, after the first dollar amount, insert "(reduced by \$17,339,000)".

Page 2, line 19, after the dollar amount, insert "(reduced by \$2,052,000)".

Page 2, line 23, after the dollar amount, insert "(reduced by \$1,910,000)".

Page 2, line 24, after the dollar amount, insert "(reduced by \$1,422,000)".

Page 3, line 7, after the dollar amount, insert "(reduced by \$11,895,000)".

Page 3, line 17, after the dollar amount, insert "(reduced by \$60,000)".

Page 4, line 11, after the dollar amount, insert "(reduced by \$31,583,000)".

Page 6, line 22, after the dollar amount, insert "(reduced by \$25,000,000)".

Page 9, line 11, after the dollar amount, insert "(reduced by \$59,000,000)".

Page 29, line 10, after the dollar amount, insert "(reduced by \$26,325,000)".

Page 30, line 10, after the dollar amount, insert "(increased by \$626,248,000)".

Page 51, line 25, after the dollar amount, insert "(reduced by \$2,500,000)".

Page 164, line 12, after the first dollar amount, insert "(reduced by \$727,909,000)".

Page 164, line 12, after the second dollar amount, insert "(reduced by \$9,500,000)".

Page 165, line 22, after the dollar amount, insert "(reduced by \$9,500,000)".

Page 166, line 9, after the dollar amount, insert "(reduced by \$568,409,000)".

Page 166, line 18, after the dollar amount, insert "(reduced by \$133,417,000)".

Page 167, line 14, after the dollar amount, insert "(reduced by \$434,992,000)".

Page 169, line 2, after the dollar amount, insert "(reduced by \$150,000,000)".

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

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 40 minutes, equally divided and controlled by the proponent and myself as opponent, and that this limitation also apply to any amendments thereto, except one pro forma amendment each by the chairmen and ranking members of the Committee on Appropriations and its Subcommittee on TTHUD.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. LATOURETTE) is recognized for 20 minutes.

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent that half of our time, 10 minutes, be yielded to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and that he be permitted to yield time from that 10 minutes.

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

There was no objection.

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

Mr. Chairman, on the issue of Amtrak, the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) had an impossible task, and I know that we will hear that again and again and again. The original budget submission from the President talked about zero, and then we went up to \$360-some million, and now we find ourselves with a bill at \$550 million.

I am pleased to offer this bipartisan amendment with my colleague, the gentleman from Minnesota (Mr. OBERSTAR), as I said, the ranking member of the full Committee on Transportation and Infrastructure; and it ensures that we will maintain a little less than last year, but we will at least make sure that Amtrak can continue its valuable function. I want to thank my friend, the gentleman from Minnesota (Mr. OBERSTAR), for his guidance and leadership as we drafted this amendment, and for the assistance of his staff.

Unlike aviation, highways, and transit, there is no dedicated fund for investing in passenger rail development. These other modes all operate on predominantly federally owned or federally assisted infrastructure, and rely on government-supported security, research, and traffic controllers.

We are certainly willing to listen to reform proposals as they come forward. Already, as the chairman of the Subcommittee on Railroads, we have had two hearings dealing with difficulties of Amtrak. We are about to launch a series of hearings on reforms as we move into this next century, but this particular piece of legislation effectively strands millions of passengers and, I would assert, is irresponsible.

The funding levels of \$550 million would force Amtrak to shut down all operations and declare bankruptcy.

□ 1300

If H.R. 3058 is enacted as it is now, Amtrak would be forced to pay \$360 million in mandatory labor severance payouts for employees laid off from the elimination of the 15 long distance routes and three shorter routes in the bill, and \$278 million for debt service. Since that total of \$638 million is greater than \$550, Amtrak, the railroad would be forced to default on its debts, abandon its labor agreements and declare bankruptcy.

Mr. Chairman, the amendment in the bill, the amendment we had printed in the RECORD originally would have taken us back to the \$1.24 billion of last year. Due to some difficulties in scoring, this amendment would restore \$1.176 billion. That represents only about 2 percent of the DOT's budget of \$60 billion, whereas 50 percent of the Department's spending goes to highways; \$20 billion goes to air travel. America relies on this service. This is not the amendment that I think either the gentleman from Minnesota (Mr. OBERSTAR) or I would have wanted to bring to the floor with some of the off-sets we were required to choose. But that is the nature of the rules of the game. I think originally we talked about invading perhaps the F&E account and FAA, but thanks to some rather very clever authorizing work by the gentleman from Minnesota (Mr. OBERSTAR) in years past, we were prevented from doing that today.

This is a good amendment. I ask all of our colleagues to consider it.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds to express my gratitude to the gentleman from Ohio (Mr. LATOURETTE), one of our most principled Members and most thoughtful Members of this body for always seeking to do the right thing, policy-wise, and for the people.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORINE BROWN), the ranking member on our Rail Subcommittee, who has led the charge in support of Amtrak.

(Ms. CORINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORINE BROWN of Florida. Mr. Chairman, a recent poll showed that 81 percent of the American people said that this Congress does not stand with them on their priorities. There is no better example than what we are discussing here today. I fully support the amendment, but if the amendment is not adopted, I want Members to be clear that this will be the end of Amtrak. Today is a day where we are going to fish or cut bait. This is your opportunity to stand up for the people that sent you here.

Why is it that we constantly, in the House, hope the other body will rescue us?

The current funding issue concerning Amtrak brings up a fundamental question of where this Nation stands on public transportation. We have an opportunity to improve a system that serves the needs for passenger rail service, or we can just let it fall apart and leave this country's travelers and business 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 them to work each day waiting for a train that is not coming. We continue to subsidize highways and aviation, and by the way, one of the strongest vocal persons are Members against Amtrak. We have given aviation over \$20 billion. We give Iraq \$1 billion a week. That is \$4 billion a month. But we refuse to give Amtrak what is needed for 1 week. One week that we spend in Iraq will fund the entire Amtrak system for the entire country for an entire year. This is the day. You either fish or cut bait on Amtrak today, and the American people are watching you.

Mr. Chairman, I rise in full support of this amendment. The current funding issues concerning Amtrak brings up a fundamental question of where this Nation stands on public transportation. We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart, and leave this country's travelers and businesses with absolutely no alternative form of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get them to work each day, waiting for a train that isn't 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 so 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 providing service, we should be providing security 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. This administration sees nothing wrong with taking money from the hard working Amtrak employees who work day and night to provide top quality service to their passengers. These folks are trying to make a living for their families, and they don't deserve this shabby treatment from the President.

We're spending 1 billion dollars a week in Iraq, \$4 billion a month, but this administration zeroed out funding for Amtrak. Just one week's investment in Iraq would significantly improve passenger rail for the entire country for an entire year.

It's time for Congress to step up to the plate and make a decision about Amtrak based on what's best for the traveling public, not for the bean counters at OMB.

Some people think that the solution to the problem is to privatize the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes would be maintained, and

routes to Rural locations will be expensive and few.

I was in New York shortly after September 11th when the plane leaving JFK airport 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 this Nation to have alternative modes of transportation.

This isn't about fiscal policy, this is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve.

I strongly encourage my colleagues to support this amendment.

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

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I too recognize the difficult position that the Appropriations Committee has been put in with the cost of Amtrak and the ongoing costs. I just caution the Members of this body that there are States like myself. I represent an entire State. The distance of my district spans the distance of Washington, DC, to Chicago. Our cities were not established in Montana because of rivers and a port. We were established because of the rail. Rail in Montana is not an essential service; it is a critical service. In many cases, we have good bus service. It just does not happen to be in the area where Amtrak is. We have good air service. Unfortunately, it just does not happen to be in the area where the rail is. And so, in our particular case, where you have a large geographical area with very little population, it becomes a critical service to provide not only our products but our passengers as well.

The Empire Builder in Montana has as many as 500,000 people traveling on it. Do we recognize it is subsidized? Yes, we do. But I do not think the founding fathers and I do not think this Congress ever intended it to be run entirely like a business. We want good quality service. We want a cheap price. The problem is there cannot be competition because you cannot set up a rail next to the other. You cannot have two railroads competing against each other. So Amtrak is one of those entities that cannot entirely be run like a business. And so I hope you have listened to the gentleman from Ohio's amendment because what it does is it lays the foundation of implementing the beginning of a reform initiative within Amtrak that will make it run more like a business. It can be supported, and ultimately, we will have the rail service in States like Montana and the rest of the long lines that are so critical within our transportation system. I hope you will support the amendment.

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

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, first, I want to thank the gentleman from Michigan (Chairman KNOLLENBERG) for providing \$550 million more for Amtrak than was originally submitted in the budget. And I want to thank the gentleman from California (Chairman LEWIS) for getting us to this point of finishing the appropriations bills before July 4.

Lastly, I want to thank the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Minnesota (Mr. OBERSTAR) for their work on this amendment in an effort to preserve the long-distance Amtrak routes. In my district, the long-distance route is the Southern Crescent Route that goes from New York and stops in Charlottesville, Lynchburg and Danville, and I hope it will be the pleasure of this body to preserve the Crescent Route, the Cardinal Route and many other long-distances routes.

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

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the gentleman from Michigan whether he has a number of speakers, or is going to continue to reserve until our side has used all of our time. I think we would like to hear from those who would like to speak against us.

The CHAIRMAN. Does the gentleman yield time to the gentleman from Michigan (Mr. KNOLLENBERG) to respond to the inquiry?

Mr. OBERSTAR. Mr. Chairman, I yield 15 seconds to the gentleman.

Mr. KNOLLENBERG. Mr. Chairman, I continue to reserve my time, and I do not have at this point an additional speaker because there are a couple of things we are trying to work out right now.

Mr. Chairman, I continue to reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Chairman, Amtrak was there for America after 9/11. It performed beautifully. Its employees performed. This is delivering people, product, all over the United States of America. And if you look at the map, this is all wiped out, all in red. In red, mind you.

It is inexcusable that we are only funding half of what is needed for Amtrak. There could be no more illusion about the administration's desire to destroy Amtrak. The Federal Government took on the burden of passenger rail from the freight railroads in 1971, in a bill signed by President Richard Nixon. Read my lips. These private companies were relieved to be rid of what they knew was inherently a non-profit operation.

Federal subsidization for other transportation modes is nothing new. Each

year in New Jersey, 4 million New Jersey residents ride Amtrak. Pennsylvania, 5 million. And look at the investments in the many cities of Pennsylvania, and Amtrak, that they have invested capital improvements. We cannot accept half of a loaf.

Mr. Chairman, I rise in strong support of the amendment being offered by Chairman LATOURETTE and Ranking Member OBERSTAR which would give Amtrak a fighting chance to function next year.

It is inexcusable that the bill before us today contains only \$550 million for intercity passenger rail service, effectively bankrupting Amtrak. There can be no more illusions about the Administration's desire to destroy Amtrak once and for all.

The Federal Government took on the burden of passenger rail from the freight railroads in 1971 in a bill signed by President Richard Nixon. These private companies were relieved to be rid of what they knew was inherently a non-profit operation.

Federal subsidization for other transportation modes is nothing new. We have been subsidizing the money-losing airlines time and time again.

This Congress properly provides tens of billions every year for highways, public transit, aviation, and maritime transportation infrastructure and operations. Passenger rail is just as deserving of our support as the rest.

Each year, about 4 million New Jersey residents ride Amtrak.

200,000 commuters up and down the Northeast Corridor rely on Amtrak to maintain the NJ Transit system. Amtrak has tremendous impact on our regional economy in the Northeast. Amtrak relieves congestion throughout the Northeast on the roadways and airways.

Like so many of our States, my home State of New Jersey already has a severely strained State budget. Passing the buck of rail operations and maintenance onto already struggling State budgets is not a solution based in reality.

Funding Amtrak at last year's level is the very least we can do to keep the trains running that Americans count on nationwide.

We must support the LaTourette/Oberstar amendment. We must defeat this ill-conceived proposal. The Congress must provide the dollars that Amtrak needs to run efficiently and effectively.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I rise in strong support of this amendment to save Amtrak, and that is what this bill is about: \$550 million within the bill shuts down Amtrak entirely. It is not a scare tactic. It is not an exaggeration. It is a matter of hard financial truth. Amtrak would have nothing left basically to run its trains when it pays out its debt and its interest on its debt and its mandatory labor severance pay outs. And without Amtrak, for example, in the northeast corridor, 80,000 daily commuters in New Jersey and thousands more throughout other States would be stranded because many

transit systems in those States, your States, my colleagues, depend upon Amtrak to run their trains for their commuters and their citizens. This is about small and mid-sized businesses having intercity rail service to sell their goods and services, to send their sales forces. This is about putting the country and linking it together, the United States of America. And after September 11, my God, if we do not understand that this is about national security, we are waiting for the next disaster like in Madrid. Vote for Amtrak.

Mr. Chairman, I rise today in strong support of the LaTourette-Oberstar-Menendez amendment to save Amtrak. We've heard the facts about what this appropriations bill would do. We know that 550 million dollars will shut down Amtrak entirely. This is not a scare tactic. This is not an exaggeration. This is a matter of hard financial truth. With the interest it pays on its debt and the mandatory labor severance payouts for discontinued routes, Amtrak would have nothing left—nothing—to run trains. And without Amtrak maintaining the Northeast Corridor, 80,000 commuters in New Jersey and throughout the Northeast would be stranded, because many transit systems depend on Amtrak in order to run their own trains.

As I said, we've already heard these facts. But I want to focus on the fundamental problem: a combination of unrealistic expectations and insufficient support that Amtrak has struggled with since its creation. I hear these complaints all the time: We keep pouring money into Amtrak, and it keeps getting worse. So we give Amtrak barely enough to get by. And then Amtrak gets worse. It's a vicious cycle, and it does nothing to improve passenger rail in this country. We cannot have an Amtrak on a starvation diet. Do you want to see an efficient, effective intercity rail system? Give it the money that it ultimately deserves.

There are some other facts about Amtrak that people tend to forget. First, we spend more money on highways in this bill alone than we have on Amtrak in its entire history. Second, Amtrak was created when the railroads begged the government to take the passengers off their hands. The freight railroads didn't want the burden of these unprofitable lines, so expecting Amtrak to be profitable on these same lines with bare-bones funding levels is totally unrealistic.

In addition, no mode of transportation pays for itself. Not aviation, not mass transit, and not highways. We subsidize them because they improve the quality of our lives. And that's what transportation is about. It's not just getting from one place to another. It's about creating jobs, revitalizing neighborhoods, stimulating commerce, redeveloping underutilized land, and making us more secure. Amtrak is part of all of that. It is a crucial link for businesses up and down the Northeast Corridor. It provides mobility options for rural communities that don't have airports or inter-city bus service. And as we saw on September 11th, it is a crucial element of our transportation system when the airlines are grounded.

Mr. Chairman, people ride trains in this country when you give them good service. What we've seen in California in the past few years is that when you run more trains, more often, and you run them on time, people flock to the trains. We should be arguing seriously

about how to improve Amtrak. We should be making the commitment and the investment that we're willing to make for transit, highways, and aviation. We should be here talking about how to build a world-class intercity rail system, instead of trying to scrape together enough money so Amtrak can survive another year.

If you want to have a discussion about how to reform Amtrak, you have to have an Amtrak. This appropriations bill would kill it. Our amendment would save it. But it is still just enough to scrape by. Amtrak will continue to defer maintenance, and service will suffer. So we'll be back here again next year fighting the same fight. But we can do better than that. We can give Americans the intercity rail system they deserve. This amendment keeps Amtrak on life-support, but we need to start talking about rehabilitation and regrowth. I look forward to that discussion and urge my colleagues to support the LaTourette-Oberstar-Menendez amendment and keep Amtrak alive.

Mr. LATOURETTE. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in support of the amendment to restore funding for Amtrak. I appreciate the gentleman from Ohio's work on this effort, and I thank the gentleman from Michigan (Mr. KNOLLENBERG), the subcommittee chairman for his willingness to work with Members on this extremely important issue.

While I agree that reform is necessary, the administration's goal of ending Federal support for passenger rail is at best half-baked. Unlike aviation highways and transit, there is no dedicated fund for investing in passenger rail development. Although these other modes rely on user fees for a great deal of their funding, they still receive a large amount from the General Fund. In addition, these other modes all operate on predominantly Federally owned or Federally assisted infrastructure and rely largely on government supported security, research and traffic controllers.

Despite the fact that passenger rail has proven to be such an easy security target in other parts of the world, the TSA's fiscal year 2005 appropriation included only about \$12 million for passenger rail, compared to the \$4.32 billion that was allocated for aviation security, close to half of which comes from the General Fund, not aviation security user fees.

While the TSA is currently spending \$16 million a year on new uniforms for airport screeners, passenger rail relies on a total force of 342 Amtrak officers to protect 25 million yearly passengers traveling on 22,000 miles of track in 46 States. When you consider the fact that 20 percent of all Americans live in the northeast, and approximately 1,700 commuter trains travel the northeast corridor every day, we need to seriously consider the amount of congestion and overcrowding that would occur if these trains stopped running.

Passenger rail can be extremely effective in relieving congestion, cutting pollution and lowering our demand for oil while creating jobs and increasing

security. We have barely scratched the surface of passenger rail's potential, and a commitment from Congress to improving the viability of this system would lead to greatly expanded possibilities.

The facts are clear. Amtrak needs Federal support to survive just like highways, ports and airlines. America is a world leader in all other modes of transportation. When it comes to rail, we are quickly falling behind.

Mr. Chairman, many Americans depend on Amtrak for both business and pleasure. Instead of bankrupting the organization, we should work together to improve passenger rail. Pass this amendment.

Mr. Chairman, I rise in support of the amendment to restore funding for Amtrak. I appreciate Mr. LATOURETTE's work on this effort and I thank the Subcommittee Chairman for his willingness to work with Members on this extremely important matter.

The \$550 million provided by the subcommittee is \$650 million less than the funds appropriated for passenger rail in FY05. Based on the bill's instructions, Amtrak may use the funds to operate the North-East Corridor and short-distance trains, but will be prohibited from using funds to operate its 15 long-distance trains and 3 shorter distance routes. However, when you take into account Amtrak's considerable mandatory debt payments and the severance expenses that would result from shutting down these routes, there is a significant question as to whether anything would be left for operating expenses in the North-East.

While I strongly agree that reform is necessary, the Administration's goal of ending Federal support for passenger rail is at best half-baked. Unlike aviation, highways, and transit, there is no dedicated fund for investing in passenger rail development. Although these other modes rely on user fees for a great deal of their funding, they still receive a large amount from the general fund. In addition, these other modes all operate on predominantly federally owned or federally assisted infrastructure, and rely largely on government-supported security, research, and traffic controllers.

Despite the fact that passenger rail has proven to be such an easy target in other parts of the world, the TSA's fiscal year 2005 appropriation of \$5.15 billion included only about \$12 million for passenger rail—compared to the \$4.32 billion that was allocated for aviation security, roughly half of which comes out of the general fund—not aviation security user fees. While the TSA is currently spending \$16 million a year on new uniforms for airport screeners, passenger rail relies on a total force of 342 Amtrak officers to protect 25 million yearly passengers traveling on 22,000 miles of track in 46 states.

When you consider the fact that 20 percent of all Americans live in the North-East and approximately 1,700 commuter trains travel the Northeast Corridor every day, we need to seriously consider the amount of congestion and overcrowding that would occur if these trains stopped running. I-95 is already clogged and lines at airports are increasing. If this plan goes through, millions of travelers would be added to this already extremely congested transportation system.

The facts are clear; Amtrak needs Federal support to survive, just like highways, ports, and airlines. America is a world leader in all other modes of transportation. When it comes to rail, we are quickly falling behind.

I tend to believe that any successful plan to fix passenger rail will require vision and truly bipartisan collaboration. We need the foresight to ensure the survival of this system by improving the safety and efficiency of passenger rail. Putting Amtrak on the chopping block directly contradicts this goal. Dozens of reform proposals exist without jeopardizing the viability of Amtrak and they should be openly debated in Congress.

Mr. Chairman, many Americans, including thousands in my State, depend on Amtrak for both business and pleasure. Instead of bankrupting the organization, we should work together to improve Amtrak.

The Department of Transportation's Inspector General estimates that Amtrak needs at least \$1.4 billion to survive and the Amtrak Board recently put forward a strategic reform initiative that requires \$1.82 billion to make important improvements to the system. The funding included in this amendment would simply allow passenger rail to squeeze by in the short-term and provide Americans with effective transportation options.

Passenger rail can be extremely effective in relieving congestion, cutting pollution, and lowering our demand for oil while creating jobs and increasing security. We have barely scratched the surface of passenger rail's potential, and a commitment from Congress to improving the viability of this system could lead to greatly expanded possibilities.

Reform will take time and require cooperation. I know many of my colleagues, and the Chairman of the Rail Subcommittee on Transportation and Infrastructure, join me in my commitment to defining an appropriate reform strategy. In the meantime, supporting this amendment can help to sustain Amtrak for millions of Americans.

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

I rise in opposition to this amendment, which is a wholesale slash-and-burn attempt to restore funding for Amtrak. First, I want to state clearly that I want to reform Amtrak. It is a broken system that has siphoned billions of dollars from other priorities over the years.

□ 1315

For Members who agree that Amtrak needs to be reformed, this bill provides an excellent starting point. The bill preserves Federal funding for routes that are heavily utilized and that show signs of economic sustainability. It also preserves Federal subsidies for more than 80 percent of Amtrak riders, 80 percent. While the amendment proposes to leave the route limitation in place, I have little doubt that if it is successful another will follow to remove the limitation and return Amtrak to the status quo. I do not want to go to the status quo.

If that happens, Congress will again send the message to Amtrak that it is acceptable to run a route so unprofitable as to require a Federal subsidy of

\$466 per ticket. We have seen Amtrak's Federal subsidy grow from \$521 million in fiscal year in 2002 to \$1.2 billion in fiscal year 2005, and now Amtrak is asking for \$1.8 billion. When is it going to end?

Continuing to throw good money after bad to maintain the status quo is totally unacceptable to me. Amtrak is threatening to shut down again because it is unwilling to make changes to improve its profitability. This marks the sixth time since 2002 that Amtrak's CEO, the sixth time since 2002, that Amtrak's CEO has threatened a shutdown if we do not provide more money.

The flaw in the argument that \$550 million is not sufficient to operate trains is the assumption that Amtrak would have to shut down routes. There are cost-saving measures that Amtrak could adopt to continue long distance rail service, but it simply refuses to do so. Furthermore, the offsets to this amendment would cannibalize the Department of Transportation and important GSA facilities. These in effect would cause severe disruption to programs within the jurisdiction of the Committee on Transportation and Infrastructure.

First, the amendment proposes to completely eliminate several offices within the Office of the Secretary of Transportation.

Second, it cuts funding from the Transportation Planning, Research and Development account; \$20 million of that funding is for commuter rail in the event Amtrak cannot meet its financial obligations. And \$1.2 billion, if expanded to all routes, as I suspect will be offered, is according to Amtrak a "shutdown" number. So the amendment leaves commuter rail, particularly in the Northeast, in jeopardy.

Third, the amendment cuts funding from the DOT headquarters building. DOT's current lease runs out in June of 2007. If the building is not complete, significant rent increases on the old building will kick in, as will rent payments on the new one.

Fourth, the amendment eliminates railroad research and development which provide science and technology support for rail safety rulemakings. That means no funding for research on such things as grade crossing safety, derailment prevention, hazardous material transportation, like the chlorine tank cars that were involved in Graniteville, South Carolina, earlier this year, or simply passenger protection.

Fifth, the amendment cuts \$435 million in repairs and alterations to government buildings nationwide. Some may be in your State. This funding is critical, given that the backlog in repairs and maintenance currently stands at \$6.2 billion.

Six, the amendment takes funding from the Eisenhower Executive Office Building, which would delay completion of construction, including security-critical features and the cuts to

building operations, much of which are a part of that. The Committee on Transportation and Infrastructure has repeatedly stressed the importance of modern, safe facilities.

If GSA is impacted in this fashion, we will not be able to pay for utilities, for maintenance, or cleaning. These cuts are in direct conflict with that policy.

Seventh, the amendment would void the FAA's flight service station contract that would deliver tremendous benefits to the general aviation community and save the FAA \$2.2 billion over the next 10 years. Instead of realizing these savings, taxpayers will be on the hook for up to \$350 million in additional costs to the FAA in the form of termination penalties.

This contract has been years in the making. Congress should not step in after the fact to stop this contract and deny better services to more than 600,000 private pilots.

Eight, the amendment eliminates the air transportation stabilization program which issues credit instruments to air carriers.

I know the authors of this amendment feel strongly about Amtrak, and I appreciate their interest in the issue. And what I am trying to do is to make sure that we do keep a system in the short term and one that will develop into a long-term situation. But if you obliterate important safety and construction projects, that is no way to go about funding a railroad that desperately needs to be reformed.

For these reasons, I ask Members to vote "no."

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Chairman, this bill is a backdoor attempt to shut down Amtrak, to guarantee an Amtrak bankruptcy. We simply cannot allow it to happen.

Amtrak is one of our most efficient modes of transportation. It provides a vital alternative to our clogged highways. We need to finally start investing adequate resources in Amtrak to allow the railroad to provide stable, reliable service.

We spend approximately \$50 billion a year on highways and aviation, but only about \$1 billion on Amtrak. We hear that Amtrak funding should be cut because the railroad is not profitable or is inefficient or mismanaged. Amtrak has had its problems, but they are largely a result of being systematically underfunded for 30 years. Deliberately forcing Amtrak into bankruptcy, destroying it, should be unthinkable.

We do not require highways or the air transport system to be self-sufficient or profitable. No transportation system is self-sufficient, and we should

not require that of Amtrak either. It is an illusory goal. We should fund our transportation systems because they provide an important public service. They are critical to the economy and a vital part of national security.

On September 11, 4 years ago, Amtrak was the only mode of transportation into and out of New York City. Redundancy in transportation is key for national security. This amendment will restore Amtrak funding to close to last year's level and will avert a shutdown of the railroad. It ought to be adopted. I urge my colleagues to vote for it.

Mr. Chairman, I rise in support of the LaTourette-Oberstar amendment to restore funding for Amtrak.

The FY06 TTHUD Approps bill funds Amtrak at a paltry \$550 million—a cut of \$650 million from last year's level, which was barely enough to keep Amtrak running. This is simply a backdoor attempt to shut down the railroad—to guarantee an Amtrak bankruptcy. We simply cannot allow this to happen.

Amtrak is of particular concern to me given that my district contains Penn Station in New York City, the largest Amtrak Station in the country. In New York alone, Amtrak carries over 10 million passengers a year, employs over 2,000 New York residents, and contributes over \$96 million in wages a year.

Amtrak is one of the most energy efficient modes of transportation. It provides a vital alternative to our clogged highways. We need to finally start investing adequate resources in Amtrak to allow the railroad to provide stable, reliable service. We spend approximately \$50 billion a year on highways and aviation, but only about \$1 billion on Amtrak. We hear that Amtrak funding should be cut because the railroad is not profitable or is inefficient or mismanaged. Amtrak has had its problems but they are largely a result of being underfunded for about thirty years. Deliberately forcing Amtrak into bankruptcy—destroying it—should be unthinkable.

We don't require highways or the air transportation system to be self-sufficient or profitable, and we shouldn't require that of Amtrak either. We should fund our transportation systems because they provide an important public service, they are critical to our economy, and a vital part of our national security. On September 11, 2001 Amtrak was the only mode of transportation into, or out of, New York City. Redundancy is key for national security, and we must preserve all modes of transportation, including rail.

The LaTourette-Oberstar Amendment will restore Amtrak funding to close to last year's level and will avert a shutdown of the railroad. It is essential that this amendment pass, and I urge all my colleagues to support it.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, it is with great regret that I rise in opposition to this amendment offered by my good friend from Ohio.

I would like to remind my friend who is the immediate past chairman of the Subcommittee on Public Buildings, which has jurisdiction over the Federal buildings fund, of the negative impact this amendment would have.

By cutting \$750 million from public building projects, this amendment would endanger Federal workers nationwide by delaying and canceling fire and life saving projects, accessibility projects for disabled, perimeter and building security projects that protect against terrorist attacks, as well as preventing GSA from providing safe, secure, and functioning work space for Federal workers nationwide.

While I support his desire to increase funding for a reformed Amtrak, this is not the way to go about it. The gentleman's amendment cuts \$570 million from the repair and alterations account. This means a cut in funding for the repair of the Old Executive Office Building, which is immediately adjacent to the White House. These repairs are desperately needed because nearly a third of the building has been closed since September 11 due to security concerns.

Of even greater consequence would be the \$435 million cut from the general repairs and alterations account. This account provides funding for projects nationwide including buildings in nearly every State.

The amendment also cuts \$150 million from the building operations account which, in addition to paying for cleaning service, pays the salaries of the men and women who keep our Federal buildings running.

My colleagues from New Jersey and New York are going to have to go home and answer to the senior citizens and the veterans that go to a Federal building to get their problems solved on why the air conditioning is not working, on why the ramps and the different projects to upgrade and make easier access are not in place. They are going to have to answer to the Federal law enforcement officials, the FBI, and our court systems on why we are not able to do the necessary security upgrades that are required and necessary to keep these buildings safe.

So while I applaud the gentleman for his dedication to ensuring continued operation of Amtrak, I must oppose this amendment which comes at the expense of Federal workers and their ability to provide services for our constituents all across this country.

I urge all of my colleagues to vote "no" on the LaTourette amendment.

Mr. OBERSTAR. Mr. Chairman, how much time remains on all sides?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 11 minutes remaining. The gentleman from Ohio (Mr. LATOURETTE) has 2½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds to rebut a red herring raised recently in the gentleman's remarks regarding the Eisenhower Building. It was not authorized. It has not been considered in a prospectus by the committee. The issue is nonexistent.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I applaud the committee for its accomplishments in crafting H.R. 3058, including increasing funding to public transit and preserving the CDBG program. I join my colleagues in expressing my disappointment that Amtrak has not been adequately funded.

By providing only \$550 million for Amtrak, this bill would have the effect of pushing Amtrak into bankruptcy. Many people might think that \$550 million is an enormous amount. In fact, \$550 million is only 5 percent of the total amount that is provided in this bill for the air traffic control system, and it is \$323 million less than Congress has appropriated to support the redevelopment of transportation infrastructure in Iraq.

In addition to failing to adequately fund Amtrak, the committee inserted a provision in the bill that would have the effect of eliminating up to 18 different Amtrak routes, including six routes that travel through my district in Baltimore.

Mr. Chairman, it is time we bring to close the prolonged debate about the future of Amtrak by recommitting ourselves to the value of our national intercity passenger rail service. I have therefore joined with my colleagues, the gentlewoman from Florida (Ms. CORRINE BROWN), the gentleman from West Virginia (Mr. RAHALL), and the gentleman from New Jersey (Mr. MENENDEZ), in sponsoring an amendment that would save these 18 routes and preserve passenger rail service in 23 States. I urge my colleagues to keep Amtrak on track.

Mr. KNOLLENBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I want to compliment the chairman for a great bill and especially this provision of the bill.

Mr. Chairman, the numbers simply do not lie. The current model for Amtrak is simply unsustainable. This issue has perennially haunted this subcommittee. Amtrak refuses to take a good hard look at the facts, instead relying on an annual congressional bail out. They would rather lobby Congress than reform the system.

When I chaired this subcommittee, we included a series of reporting requirements and business practice modifications for Amtrak so the Congress and the American taxpayers would know the financial stakes involved.

These reporting requirements included developing a quarterly grant process, giving the Secretary of Transportation direct oversight into Amtrak decisions, separating out operating and capital expenses, and also requiring monthly financial reports and zero-based budgeting. And we insisted that Amtrak employ generally accepted accounting principles in order to control spending and eliminate waste.

These modifications have been carried forth and expanded in the last four appropriations bills, including this one. And what did we discover with those procedures? Amtrak's financial records reveal that for every \$1 Amtrak earns in food and beverage revenue, it spends about \$2, resulting in a \$245 million loss between the years 2002 and 2004.

□ 1330

Amtrak's on-time performance fell 74 percent in 2003, 71 percent in 2004. Service is not getting better. It is getting worse.

Amtrak's current 2005 revenue projection will be \$95 million short of its original estimate.

For the last 6 years, the average annual cash losses have exceeded \$600 million.

Most notably, they are carrying an estimated \$5 billion in what they need to repair and improve safety on the railroad.

The amendment that is before us does not address any of these problems; \$900 million, or 75 percent of these moneys, in this amendment would restore operating expenses and debt service on \$4.6 billion in accrued debt. No reform, no tough cost-cutting decisions, no recognition of the facts. This amendment simply kicks tough decisions down the track.

For too long, Amtrak has deferred critical maintenance on a system it simply cannot maintain. With this amendment, we simply increase the cost and increase the likelihood of a serious system failure.

The plan put forth by the chairman is a fair and equitable plan to limit the Federal contribution to routes that are simply imprudent. By capping the per-passenger subsidy at \$30, Amtrak is giving clear prioritization on its spending and forced to address supply-and-demand realities.

We simply cannot keep going on sending empty trains clear across the country with no riders. I would point out that on one of the crosscountry trains we are subsidizing every passenger by \$420 per person. I can buy you a first class, round-trip ticket to California for less on an airline. How can we sustain such a thing?

Cut out these wasteful, expensive, riderless trains and save Amtrak for the places where people want to ride the trains, the northeast, the Midwest, the West Coast. It makes no sense to run these empty trains across the country with nobody on them. Save that money. Put it into the northeast corridor. Put it into the Chicago area. Put it into the California trains and the West Coast trains, and let us reform Amtrak.

I urge the defeat of this amendment.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy.

This is the sixth time that we are approaching a shutdown, but it is not any failure of Amtrak. It is a failure of Congress.

There are people here who have a theological zeal that somehow Amtrak should be self-supporting, but they sit back as we lavish subsidies on the airline industry, which has not shown a profit in its passenger service for 75 years, despite \$14 billion in airport subsidies, \$11 billion in air traffic control. After 9/11, we gave them \$15 billion in loans and grants. In fact, Amtrak and its operation helps keep down airline ticket prices because it provides some competition.

What is the problem? Well, first of all, our Republican leadership friends will not allow us to bring to the floor our bipartisan legislation that would reauthorize Amtrak. If we would do that, Amtrak would have stability rather than playing hand-to-mouth. Investing in Amtrak is the cheapest way to buy airport capacity and road capacity.

Amtrak is not refusing. To the contrary, David Gunn and the management there are a breath of fresh air. They are being very cooperative with the Congress that changes signals, makes unrealistic demands, will not let it manage, and yet ignores subsidies in other areas and pretends that we should be the only Nation in the world with unsubsidized rail passenger service, a test that Congress will not apply to the airline industry. Well, they do not apply it to the airline industry because they should not. We should have balanced transportation.

Last but not least, this starvation of Amtrak ignores the huge shutdown costs that will mean for years to come we will still be paying more but more so that Amtrak can't operate. Approve the amendment, reauthorize Amtrak, and we will make sure that we have a balanced transportation system for the future.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me time.

During the last 35 years, congressional funding for Amtrak has amounted to roughly \$29 billion. It is \$29 billion from the taxpayers that were given for a system which we really do believe in, but back in 1997 with its reauthorization, Amtrak came to the table with an agreement that they would change their operations and become profitable.

Today, Members of Congress come to the floor to ask, once again, for Amtrak to do exactly that. We have heard, boy, there is not enough money there; we are going from hand to mouth. Yet, we know that there is \$83 million that Amtrak loses alone just in its food service on trains.

I would submit to this body that it is time now that we take additional steps

to do the right thing, to give Amtrak that necessary kick in the pants that allows it to be able to offer its service on a more efficient basis, a market-based way, and this will allow us the opportunity to end this large subsidy, to have Amtrak do something that the American public not only has confidence in but is run on market-based forces. I would submit to my colleagues, they will become a better transportation service.

I support what the gentleman from Michigan (Mr. KNOLLENBERG) is doing in his bill. The President of the United States is correct, and the gentleman from California (Mr. LEWIS), our Committee on Appropriations chairman, is right. It is time that we take on this unwieldy process of spending \$1 billion a year as a subsidy.

Mr. KNOLLENBERG. Mr. Chairman, I am just inquiring about the amount of time for each side.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 5 minutes remaining. The gentleman from Ohio (Mr. LATOURETTE) has 2 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1¼ minutes remaining.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 1½ minutes to the gentleman from Michigan (Mr. SCHWARZ).

(Mr. SCHWARZ of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SCHWARZ of Michigan. Mr. Chairman, no passenger rail system in the world that is worth its salt runs without subsidy.

After World War II, the entire rail system in Europe was destroyed, and they have built up from that time to the best passenger rail system in the world, France, Germany, the low countries, the UK, Italy, Spain. Spain, for God's sake, has a better passenger rail system than the United States.

The first four airlines in the United States are broke or going broke. If my colleagues have flown lately, and I know all of them have flown lately, they know what a great experience that is.

The gentleman from Oregon was correct in saying we are going to take traffic off the interstates. We are going to take passengers off the airplanes, especially east of the Mississippi and up and down the California coast, and put them on trains, but we cannot run this system unsubsidized. It is not possible, and our friends in Europe, our friends in Japan, that have the best rail passenger systems in the world, understand that.

I ask the body to fund Amtrak at the level suggested by the LaTourette amendment for another year. I also ask the body to appoint a commission to study Amtrak, to put together a plan to make Amtrak something that survives and is efficient, but my colleagues must know there will always be a subsidy. I find it an embarrassment that the passenger rail service in

the United States of America is in its present state, and something needs to be done about it. It needs to be preserved.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the chairman for the time.

Mr. Chairman, I have been on the Committee on Transportation and Infrastructure of the House for some 13 years, most of that time on the Subcommittee on Railroads, and I always hear that Amtrak reform is right around the corner.

For the benefit of the gentleman who just spoke, in 1997, we put an Amtrak Reform Council, ARC, in place for some 4 years to 1991. They came up with a recommendation, and Congress ignored the recommendation. Yes, the problem is Congress. No, the problem is not just putting more money into Amtrak, as this amendment would do.

My colleagues heard the gentleman from Kentucky (Mr. ROGERS), the Committee on Appropriations subcommittee chair, talk about the waste in Amtrak. The GAO just testified before our subcommittee again, for every dollar that we get in food and beverage service, every dollar, it costs us \$2. We lose \$2.

The service, if we had service, my colleagues heard the gentleman from Kentucky (Mr. ROGERS) talk about subsidizing routes, the sunset limited, \$466 per passenger. Now, it would not be bad if we paid that and, for example, the train got there on time. Do my colleagues know what its on-time performance was? 4.3 percent of the time it got there on time, an absolute disaster.

We had a hearing on the money that they lost in trying to put in high-speed service. We have neither high speed and we do not have service, an absolute farce, billions of dollars wasted, and no Acela high-speed service in the quarter.

Here is the GAO report. The President has called for this reform. The Amtrak Reform Council has called for this reform.

I am a critic of Amtrak, but I am a strong supporter. We need a nationwide system to supply an alternate transit system across the country, and we are behind countries. We are even behind Romania, which recently decided to privatize their railroad.

So I get letters. Here is a letter from an Amtrak employee. My colleagues heard some of the waste here. "There are so many other ways Amtrak squanders its money," he wrote me, and this is just one. He said, \$20,000 for a 7-week course of which most of the people never even completed. "I still witnessed my share of a finely tuned money pit." Amtrak West headquarters, the fifth floor of the Port of Oakland's luxury high-rise, the place is full of employees but what they all do is a mystery. Then he says, We have another office 20 miles away. He said, I started to wonder if Amtrak owns

stock in FedEx. They ship everything FedEx. He goes on and says they fly around the country on airline tickets, costing thousands of dollars each.

Here is the report of how we save money with Amtrak, not how we squander it.

Then we had the question of not just losing money but stealing money. Food service, over 135 employees were dismissed, resigned or disqualified for improper cash handling and 250 conductors stealing money. There is the report.

Give them more money. Go ahead, because we will be back here next year doing the same thing.

Mr. OBERSTAR. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 1¾ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for the purpose of making a unanimous consent request.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today in strong support of the LaTourette-Oberstar amendment aimed at keeping Amtrak on track.

This amendment restores funding for Amtrak to \$1.176 billion, an increase of \$626 million. This funding will save Amtrak from bankruptcy and allow the railroad to continue to operate in a safe and reliable manner.

No passenger railroad system in the world operates without some form of public subsidy. Yet, unfortunately, the bill before us would essentially end this country's passenger rail system as we know it.

Countries with well-developed passenger rail networks but much smaller populations such as Germany and Japan invest \$3 to \$4 billion annually on passenger rail, representing over twenty percent of their total transportation spending.

At five hundred and fifty million dollars, Amtrak would be forced to shutdown all operations, causing unnecessary disruption and hardship on millions of Americans that depend on this alternative mode of transportation.

Local economies and businesses that have benefited from Amtrak's service would also suffer. Amtrak's twenty thousand workers would be out on the streets looking for new jobs.

Last year Amtrak provided over eleven million dollars in wages for good paying jobs for Texas residents.

Bankruptcy is not the solution for Amtrak. The American people want and deserve a national passenger rail system.

All transportation is subsidized by American taxpayers.

Singling out Amtrak assumes wrongfully that taxpayers do want to invest in passenger rail and this just plain wrong.

Polls consistently show that Americans support federal funding for a national rail passenger system.

I urge my colleagues to renew this body's support for a national rail passenger system and vote yes on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from California (Mr. COSTA).

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

Mr. COSTA. Mr. Chairman, I, too, rise to support the amendment for increased Amtrak funding.

Mr. Chairman, the LaTourette/Oberstar Amendment will increase by \$626 million the annual funding to AMTRAK.

Mr. Chairman, the President's push to eliminate Federal support of AMTRAK is a shortsighted, poorly-conceived policy. Federal support of national transportation systems is a national priority that goes back to Abraham Lincoln, and to act in the face of such an American tradition is to do so at our own peril.

AMTRAK provides a great service to California, and is an extremely important tool for my constituents. In the State of California alone, AMTRAK operates 70 intercity trains and over 200 commuter trains per day. The San Joaquins line, which services Fresno and Bakersfield in my district, is the fifth-busiest passenger line in the country, and carries over 700,000 people annually. As a matter of fact, three of the Nation's top five busiest intercity corridors are in California.

California recognizes the importance of AMTRAK, and has invested heavily over time to maintain its presence in the State. Over the past 10 years, California has invested approximately \$100 million per year to work towards this goal. Many of the routes in California—including the San Joaquins—continue to experience double-digit ridership growth, demonstrating the importance AMTRAK has for my constituents and Californians.

While continued reform of AMTRAK is essential, it must be accomplished in a bipartisan fashion that reflects a post-9/11 view of the world. The United States requires an intermodal transportation system that has real interconnectivity, and protects our citizens' socio-economic needs in a flexible and cost-effective fashion. We must remember all forms of transportation in America have and continue to utilize some form of subsidy.

If this body chooses to not support Amtrak, it will ignore the needs of the citizens of this Nation. AMTRAK remains a vital and viable mode of transportation for many people in this Nation, and to undermine that service will go against a history of service this Nation has put into the national transportation network.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of time on our side.

Remarks have been made in all seriousness of purpose by people with genuine beliefs on all sides of this issue, but facts are stubborn. The cuts in GSA or the offsets, from cleaning and maintenance, security issues, that is provided by the Department of Homeland Security. We do not touch security at Federal buildings. The Federal Protective Service provides that.

Reference was made by the last speaker to comments of an Amtrak employee. Let me quote another Amtrak employee, the CEO, David Gunn who says that, with this funding level, Amtrak will close its doors and cease operations nationwide.

□ 1345

The Association of American Railroads, I want to say for those who are interested in their views, supports this amendment. "A shutdown of Amtrak will cost the freight railroads \$5.3 billion over the next 6 years."

I heard references to needing reform. Well, we passed a reform bill in 1997, a 5-year reform that concluded in 2002. Every year the appropriation bill imposes new restrictions on poor old Amtrak. Every month, under that reform, a business plan is submitted to the Congress.

Now, let us talk about the successes. The 5-year capital plan of Amtrak focused on restoring the northeast corridor to higher levels of reliability and safety, restoring the aging fleet of rolling stock, eliminated three long-distance routes, increased ridership from 22.5 million in 2000 to 25.1 million in 2004, and kept the cash operating requirement at or below \$570 million. There were 256,000 concrete ties installed, 104,000 wood ties replaced, 226 miles of rail infrastructure restored, and 50 undergrade bridges have been improved.

There have been improvements. Those dollars have been invested wisely in the capital facilities of Amtrak. Give it an opportunity. David Gunn is the best operator we have had. Give him an opportunity to run this railroad right.

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

Mr. Chairman, I rise in support of this amendment, and I want to just comment on a couple of things that were said by the distinguished subcommittee chairman during the debate. He described this amendment as being a "slash and burn amendment." Well, I want to suggest that what was "slash and burn" was the budget resolution which has enforced these kinds of reductions across the budget.

In my view, it is the budget resolution which slashed and burned when it wound up producing an education budget that left No Child Left Behind education programs \$800 million below last year. It was slash and burn which left the National Institutes of Health with 500 fewer medical research grants than they had 2 years ago. It was slash and burn that eliminated nine out of the 10 programs that were supposed to focus on the development of health professions in rural areas and in urban inner-cities. It was slash and burn which has caused this very bill to provide, in essence, a shutdown of Amtrak.

The gentleman from Oregon summed it up as well as anyone in the debate today when he pointed out the strange dichotomy that exists between believing that railroad transportation must show a profit, but airline transportation, passenger service at least, does not have to.

And I would add that there are hundreds of miles, thousands of miles in this country of interstate highway that in actuality have very few riders and

standing alone could not justify their construction in the first place. So it seems to me, as has been said, we need a balanced set of transportation alternatives in this country. And you do not balance your transportation system by putting one leg of that transportation system out of business, as this committee product essentially does.

Mr. Chairman, I would urge support for the amendment. I do not like the reductions in the offsets any more than many other persons in this Chamber like them, but the fact is they were forced by every single Member who voted for that Republican budget resolution. So like it or not, those are the choices you enforced, and we choose not to shut down one of the major transportation legs in this country.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have risen to strike the last word, first, because I want to express my deep appreciation to the chairman of the subcommittee and the ranking member of the subcommittee for a rather fabulous job done on this bill overall. In a time of short financial circumstances, they produced a very balanced bill that reflects a cross-section of very important issues to the country.

I rise also to specifically talk about the job the committee has done relative to Amtrak. It is not like Amtrak does not have problems, and it is not like the chairman is suggesting we ought to shut it down by way of his bill but, instead, to deal with the reality that Amtrak has been going over a cliff for some time now.

In the last 3 fiscal years, the subsidy has grown from over .5 billion to over \$1.2 billion. And, indeed, others in this town have decided its pathway is such we cannot afford it any longer, so recommendations were made to zero Amtrak. This subcommittee, in a very thoughtful way, in a very tough budget year, laid the foundation to eliminate the very expensive routes to support the northeastern corridor, the routes in the West, and at the same time try to make sense out of this process.

It is long past due that we reviewed this policy and put in place something that will work so we have a passenger rail system. If we continue on the path the way that we are, and the amendment presented by the gentleman from Ohio (Mr. LATOURETTE) essentially does that, takes us back to that pathway, eventually the train is going to go over the cliff and Amtrak will be no more.

I would suggest that the House recognize a rather fabulous job done by this subcommittee. I congratulate them for their work and in doing so urge my colleagues to vote "no" on the LaTourette amendment and to support the committee's product.

Mr. OLIVER. Mr. Chairman, I move to strike the last word, and I yield for the purpose of making a unanimous consent request to the gentleman from New Jersey (Mr. ROTHMAN).

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

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise in support of the LaTourette-Oberstar-Menendez amendment which would restore funding for AMTRAK.

As a member of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and District of Columbia Subcommittee, I want to thank Chairman KNOLLENBERG and Ranking Member OLVER for their work on this legislation.

I also want to acknowledge both the Majority and Minority staff for their dedication to the difficult task of crafting this legislation that incorporates such a broad spectrum of different agencies of our government.

Chairman KNOLLENBERG was given a difficult task with what I believe was an inadequate allocation. I have appreciated his willingness to work with both sides of the aisle to make sure that all members of the subcommittee had input into this final product. Mr. KNOLLENBERG has done the best job he could with what he was given.

I especially want to thank him for his help with Teterboro Airport in my District.

Unfortunately, though, I disagree with the allocation for AMTRAK in this bill. That is why I support this amendment.

The \$550 million provided for AMTRAK will certainly bring an end to passenger rail service as we know it.

Furthermore, this bill only funds the Capital Improvement Program for the Northeast Corridor line, which runs from Washington DC's Union Station to Boston's South Station, at \$50 million.

This amount is hundreds of millions of dollars below what is needed to keep the Northeast Corridor in good repair.

Just maintaining the tracks and making needed safety improvements in my home State of New Jersey will cost \$90 million. If AMTRAK were to uphold their agreement with the State of New Jersey to provide matching funds of \$45 million for track maintenance, that would only leave \$5 million left for the maintenance of the rest of the Northeast Corridor line.

I urge my colleagues to support this amendment to restore funding for AMTRAK to continue the stated goal of this bill to provide viable passenger rail service in the United States.

Mr. OLIVER. Reclaiming my time, Mr. Chairman, I support this amendment. I believe very strongly that we should have a national passenger rail system, and I want to see that that is a successful system and a system that we can modernize and make into one that is truly a part of our balanced transportation system.

Several people have come to the floor in opposition to the amendment and pointed out how much money is expended by Amtrak. Well, yes, indeed, each of the last 3 years has been over \$1.2 billion. One year, 3 years ago, it was \$1.3 billion. But even at that level of expenditure, there has not been enough money to even make a serious dent in the capital needs for the northeast corridor, the northeast corridor which carries 50 percent of all of the passengers on our version of the national rail system. So we are being

quite unrealistic in the idea that some seem to have that it is possible to run a passenger rail system on the cheap.

The number of dollars that are being talked about here simply does not run even the inner-city rail system, those 24 lines that the bill purports to support. As I have said earlier today, the chairman has used an extremely blunt instrument on Amtrak, somewhat like the proverbial 2-by-4 between a mule's eyes.

Well, the bill cuts out all Federal subsidy on 18 long-distance lines, which forces them to shut down. But the cost of doing that is, as the gentleman from Ohio pointed out, giving a more accurate number than I gave, I said \$300 million, he said, I believe, \$369 million in costs that are just to close down those lines in the first year. And it continues for several years, while those costs of abrogating contractual arrangements and labor costs would continue. That plus already the debt on Amtrak's capital debt, the debt service on Amtrak's capital debt, would be another \$275 million and growing.

Those two items by themselves end up being more than has been suggested for funding by the bill. So the bill is a shutdown of Amtrak. It is not a reform of Amtrak. That is really for the authorizers to do over time. What the amendment does, as has been proposed by the authorizing committee, and I commend them for putting together a set of offsets which are difficult, but not nearly as difficult in dealing with Amtrak as the proposal is in the bill, what they have done is completely funded offsets within the authorization committee's area. And they are the ones ultimately that are going to have to figure out how to come up with a bill that in the long run provides a national passenger rail system and reforms it, which does not have to be by the basis of cutting out all of these long-distance lines.

The lines that are cut out, shown by that map that everybody has seen, cuts out all passenger rail service in 23 States, representing 154 Members of this House of Representatives and 46 Members of the other body. That is just not a realistic position. And the position which the authorizing Chair and the ranking member of the authorizing subcommittee have put forward is a position that still requires reform, because that number of dollars in the long run does not fully fund a functioning and efficient national passenger rail system.

Mr. Chairman, I support the amendment that has been put forward by the gentleman from Ohio and the gentleman from Florida. Both States, by the way, lose all of their passenger rail system. I hope the amendment is adopted.

Mr. LATOURETTE. Mr. Chairman, I yield myself the last 30 seconds of my time.

Mr. Chairman, what is wrong with Amtrak is that Congress has micromanaged its operation. What is wrong

with Amtrak is that the United States Congress has not permitted David Gunn to implement the reform package that he sent up here in April of this year.

I heard a lot of comments about the food service. I conducted that hearing with the gentlewoman from Florida (Ms. CORRINE BROWN), and these statements made on the floor are a little less than accurate.

Lastly, I have to tell my colleagues that priority is important; but I need to remind people that I voted for a lot of stuff that I might not have thought is important: cranberry and blueberry research, sweet potato research, a tattoo-removal program, and even a national anger management program. Amtrak is at least as important as removing tattoos with Federal money.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

I want to just comment on a couple of things in closing. This has been recommended to the CEO of Amtrak over and over: eliminating sleeper car service would save 100 million a year. Just improving their food and beverage service would save \$83 million a year. If it would match its train sets to the actual locomotives and the cars they need, they could save still more money. All those things have been ignored.

Let me tell my colleagues a little about our friend who is the CEO of Amtrak.

□ 1400

This is a quote from David Gunn, "President Bush's proposal to give Amtrak just over half of what it is seeking in Federal subsidies would shut the railroad down just as more passengers are taking the train." That was February 10, 2004.

Secondly, "It would be a chaotic shutdown," says David Gunn, Amtrak president, on what would happen to the railroad if a bill passed last week by a House Appropriation Subcommittee becomes law. That was July of 2003.

Amtrak President David L. Gunn said last week that if the passenger railroad corporation does not get a loan of at least \$200 million by the end of month, he will be forced to begin an orderly shutdown of all Amtrak passenger service in July; June 15, 2002.

And when he was with the folks in Toronto, "Bits and pieces of the Toronto Transit Commission risk being shut down and abandoned unless the cash-strapped organization gets proper funding from the metro and provincial governments, transit boss David Gunn said." That was in the Toronto Star, February 17, 1996.

Going back to December 30, 1982, "Authorities in Philadelphia and the New York area are bracing for possible shutdowns or slowdowns of commuter rail service beginning New Year's day. 'I would not assume my train will be there Monday morning,' General Manager David Gunn warned commuters."

Finally, "Without an emergency transfusion of public funds, this area's

commuter-train service could die before next July, transportation officials have warned. 'There is the real risk of a shutdown for the rail service,' said David Gunn."

This gentleman has done nothing but ask for money; no reform, just money. And this amendment lies on a phoney offset to reward mismanagement of Amtrak. The bill fully supports rail service for four out of five riders or 80 percent of Amtrak's ridership. I oppose this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to strongly support the LaTourette/Oberstar amendment for \$626 million to restore funding for Amtrak.

Our vision for our country should be more far reaching, our dialogue more elevated. When we talk about the future of Amtrak it should not be in one year intervals. We should set forth a plan that begins with a responsible Amtrak reauthorization bill that Congress will commit to fund every year. This piecemeal approach that Congress currently engages in to budget for Amtrak is unacceptable and irresponsible.

The opponents of Amtrak should take a moment and look at all the Members of Congress lined up to speak on behalf of Amtrak today. Support for our nation's rail system is not fading—it is getting stronger.

The American people have spoken through action in their support of Amtrak. Last year, Amtrak provided service to 25 million passengers. For the past three years, Amtrak has had an increase in passengers. In Southern California, the Pacific Surf liner had an increase in ridership of 25 percent last year alone.

Given the increased ridership both locally and nationally, anything but a continued investment in Amtrak would be a tragic misuse of Federal resources and would be extremely shortsighted.

I look forward to standing here next year and praising our leadership for having done the responsible thing and budgeted for Amtrak, so that we will not have to debate this issue on the floor year after year.

I join my many colleagues in support of the LaTourette/Oberstar amendment.

Mr. HOLT. Mr. Chairman, I rise in support of the LaTourette/Oberstar amendment that would restore funding for Amtrak. The Fiscal Year 2006 Transportation Treasury, Housing and Urban Development Appropriations bill that we are debating today cuts funding for Amtrak to \$550 million, half of its current funding level. Without increasing the funding level to \$1.2 billion, Amtrak will be unable to survive and will be forced into bankruptcy.

In recent years the Administration and some members of Congress have repeatedly proposed significant cuts in Federal funding for Amtrak. They seem determined to eliminate this vital transportation service, and justify these actions by demonizing and blaming Amtrak for all of its problems. These opponents of Amtrak often forget that the Federal government subsidizes our nation's airports, roads, sidewalks, and even its bicycle paths. Why should it treat our national rail system differently?

Like the 25 million people that rode Amtrak in 2005, I appreciate the essential public service Amtrak provides. I am a frequent rail passenger, as are many of my constituents in

central New Jersey. In fact, 4 million New Jersey residents rode Amtrak last year, and many New Jersey commuters ride Amtrak or use their infrastructure daily.

The loss of Amtrak would impact more than my constituents and other patrons across the nation who depend on its convenient service. Those customers that rely on Amtrak will be forced to descend on our already heavily congested roads and airports. These demands on our roadways will accelerate the loss of open spaces that will be paved over in order to construct new roads. The additional congestion will increase pollution in urban environments that already suffer from the ill effects of smog.

Furthermore, the economic impact of eliminating Amtrak should not be overlooked. In New Jersey alone, at least \$200 million in annual revenues would be lost from the newsstands, convenience stores, cafes, and other retail businesses that are located near the rail lines and that count upon daily commuters for much of their cashflow. This economic dependence on Amtrak is similar along the Northeast Corridor, in cities across the Nation and in rural areas that depend on the train passing through their town.

I am disappointed that the Administration and some members here in Congress fail to recognize the benefits of Amtrak. I hope that the majority of my colleagues will appreciate the importance of Amtrak on America's transportation infrastructure and support the LaTourette/Oberstar amendment that will keep Amtrak running.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the LaTourette amendment to ensure that we keep Amtrak up and running.

With hundreds of workers and thousands of riders, Connecticut relies every day on a healthy and efficient passenger rail service to sustain our way of life.

Were Amtrak to cease operations the ripple effect on my district would be near catastrophic. Hundreds of workers and their families would be without a source of income, thousands of riders would be forced to use an already-clogged 1-95 or equally congested local roads and millions of commuters and business in my district and throughout the state would be inconvenienced and perhaps worse.

Passenger rail in my district and throughout the heavily-populated Northeast Corridor simply cannot survive without Federal support.

While an improvement from the administration's allocation, the \$550 million provided to Amtrak in this funding bill must be increased to sustain our passenger rail system.

I encourage my colleagues to join me in supporting the LaTourette amendment and to continue our Nation's commitment to a viable passenger rail system.

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

The amendment was agreed to.

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

Mr. Chairman, I would just like to bring the House's attention to one fact: Since Members keep asking me, are we going to be here Friday, I would like to make the point simply that this is the 224-page bill. We are still on page 2.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$40,613,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$120,014,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, to remain available until September 30, 2007: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731-41742, \$54,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the Secretary may transfer amounts appropriated to the Federal Aviation Administration under any heading in this Act or otherwise available to the Federal Aviation Administration, to make such amounts available for obligation and expenditure for the essential air service program, in satisfaction of the requirements of section 41742(a)(1) of title 49, United States Code, in advance of the collection of fees under section 45301 of title 49, United States Code: *Provided further*, That the Secretary shall reimburse such amounts to the Federal Aviation Administration proportionally by transfer, to the extent possible, from amounts credited to the account established under section 45303 of title 49, United States Code, as such fees are collected during the fiscal year: *Provided further*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman may state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase "to be derived from the airport and airway trust fund" beginning on page 5, line 25, and ending on line 26.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If no other Members wish to be heard on the point of order, the Chair is prepared to rule.

The provision would provide that funding for payments to air carriers be derived from the airport and airway trust fund. Authorization in law may exist for this funding from general revenues, but no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the chair of September 23, 1993, and June 26, 2001, and November 28, 2001. The Chair finds that the provision is not supported by an authorization in law.

The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, \$100,000,000, to remain available until expended.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 6, line 22, after the dollar amount, insert the following: "(reduced by \$20,000,000)".

Page 48, line 5, after the dollar amount, insert the following: "(reduced by \$30,000,000)".

Page 91, line 19, after the dollar amount, insert the following: "(increased by \$47,656,000)".

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

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

PARLIAMENTARY INQUIRY

Ms. VELÁZQUEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman may state her parliamentary inquiry.

Ms. VELÁZQUEZ. Mr. Chairman, I have been advised that the amendment has been cleared by the CBO and the parliamentarians, so I would like an explanation for the point of order.

The CHAIRMAN. The gentleman from Michigan has reserved as point of order. The chair will entertain argument on the point of order if it is raised.

Ms. VELÁZQUEZ. Mr. Chairman, in cities and towns across the country, lead paint hazards still pose a clear and serious risk to families, with exposure of toxins in the home triggering asthma at a great cost to American families and the national economy. At greatest risk are low-income and minority children living in older, substandard housing.

Despite these facts and the bipartisan effort to increase funding for HUD's lead hazard control grants, this bill cuts funding by approximately \$48 million, risking the health and safety of children and families across the Nation. Even with last year's funding level, HUD was only able to fund one-third of the requests it received from cities and States, and the cut contained in this bill would only make this situation worse.

With this in mind, I rise today to urge Members to support the Velázquez-Slaughter-Terry amendment which restores funds to HUD's lead hazard control grants to last year's level for this critical program that makes great strides in eradicating lead poisoning in children.

We have a national goal of protecting our children from lead poisoning by 2010. HUD's lead hazard control grants are critical to achieving this goal. Without adequate funding, we run the risk of not being able to match the rhetoric with action.

This amendment reduces funding for salaries and expenses and at the Department of Treasury, and the Department of Transportation's new headquarters building. Despite the offsets, these two areas will still receive sufficient funding, with Treasury still above the fiscal year 2005 funding level. By adopting this amendment, we will protect the health and safety of children while maintaining sufficient funding levels, making this a win/win situation.

Even at moderate to low levels of exposure, scientific evidence shows that lead can adversely impair a child's performance on standardized intelligence tests, and it can affect school performance, educational attainment and, ultimately, career prospects. Voting for this amendment will help with prevention efforts and move us closer to the goal of eradicating lead poisoning altogether.

For the health and safety of children across the country and for the billions of dollars in potential savings by preventive outreach, I urge support of this amendment.

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

This amendment would add \$47.7 million to the fair housing budget. The amendment would more than double funding for the program over the 2005 level. There is no possible justification for doubling the program in 1 year.

Additionally, this program has one of the lowest spend-out rates in all of HUD. Simply put, these funds could never be used by HUD, and they are ab-

solutely unnecessary. The committee has funded the program at the requested level which HUD has said is full funding. I have already indicated why this is the case.

Also, as drafted, all of the funds would go to the FHAP program. If Velázquez did not mean to double the total and put it all in the FHAP program, I strongly suggest that the gentleman should withdraw the amendment.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the Velázquez-Slaughter-Terry amendment to restore the funding to HUD's Office of Lead Hazard Control.

The funding is critical to achieving our national goal of eradicating childhood lead poisoning by 2010. HUD's Office of Lead Hazard Control provides grants to cities and States to correct serious lead hazards in their homes. These grants are targeted to individuals vulnerable to the effects of lead, particularly children under the age of 6.

Lead poisoning affects nearly 434,000 American children between the ages of 1 and 5, and that is criminal. In my district, 1,200 Monroe County children fall victim to lead poisoning each year, and in response, Monroe County and the City of Rochester with its partners have used funding from HUD's lead hazard control grants to make 220 housing units lead free and safe for children.

The lead hazard control grants work, but only if they are available, and already one of my counties was forced to stop accepting applications this early in the year because the money had run out.

Last year, HUD's Office of Lead Hazard Control was unable to fund two-thirds of the requests it received due to the lack of funding. This year, the office is slated to be cut by \$47 million. This cut will further reduce the number of grants awarded and leave children exposed to lead hazards.

It is a tragedy that failing to deal with this problem renders children many times brain damaged, with asthma and other seizures. They are going to continue to be at risk for hearing loss, developmental delays, osteoporosis, and kidney damage simply by breathing the air in their homes.

I encourage my colleagues to support the amendment to help eliminate lead poisoning exposure for our children. We can do better, and we should not squander this opportunity.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I am very opposed to increasing this program at the expense of other crit-

ical programs. There are a number of reasons.

The committee mark fully funds the amount requested by the administration and fully funds the program that has been in place for the last decade. These funds go to State and local governments to abate lead-based paint in homes that will not be restored through modernization or resale. Three years ago, the Senate began a new demonstration program and added between \$50 million and \$75 million. The House has not included these funds in subsequent years, and the Senate has attempted to continue the demonstration program each year. They may well try to do so again.

The committee is simply not in a position to absorb a \$60 million increase in funding for this demonstration program at the expense of programs that are being funded at the 2005 level or below. This is not an appropriate trade-off.

Mr. Chairman, I urge that the amendment be defeated and we work to determine if the program should be included during conference.

□ 1415

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

Today I rise in strong support of the Velázquez-Slaughter amendment to H.R. 3058. This amendment will restore almost \$48 million in critical funding to help States combat lead poisoning in children.

Just as a reference, my interest is in the children and the families who live in older areas of cities, including Omaha, Nebraska that I represent, who have to deal with the lead paint and lead dust in their houses. On top of that, in my city they also deal with contaminated lead. So EPA is coming in, cleaning up the lead soil in people's yards, but yet are not doing anything to clean up the lead poisoning from the paint inside and outside those homes.

The U.S. Department of Health and Human Services estimates that as many as 1,600 children in East Omaha have harmful levels of lead in their bodies. There are 86,000 residents in Omaha affected by the lead cleanup.

Parents wonder whether it is safe for their children to play outside, but they must continually check windowsills for lead dust and beware of cracking paint inside their homes to help protect their children from lead poisoning.

The dangers of lead poisoning are well known and heightened for young children. High levels of lead in the body can cause asthma, brain damage, mental retardation, hearing loss, hyperactivity, and developmental delays. The Federal Government will end up paying the costs of lead poisoning in Medicaid, S-CHIP, and IDEA dollars unless greater resources are directed toward lead remediation efforts such as the State grant program operated by the EPA's Office on Lead Hazard Control.

The amendment offered today will prevent a significant cut to this program from \$166 million in fiscal year

2005 to \$119 million in the Transportation-HUD appropriations bill under consideration right now. This year the EPA was only able to fund one third of the State grant proposals for lead-based paint remediation. The city of Omaha in its dire need lost a \$3 million grant for HUD assistance. This situation can only worsen unless the amendment is approved today.

I commend the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from New York (Velázquez) for championing this effort and strongly urge my colleagues to join me in voting for this commonsense amendment to help protect children from the dangers of lead poisoning.

Ms. VELÁZQUEZ. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The Acting CHAIRMAN (Mr. FOSSELLA). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to respond to the chairman's statement regarding the fact that HUD did not use all the money last year.

Let me just say that HUD only funded one third of all grants applications that were submitted to HUD last year; so clearly there is a need.

Today we have the opportunity to send a strong message to the estimated 310,000 children that every year are poisoned by lead. Lead paint is a serious problem, taking an especially hard toll on low-income minority communities. If we do not address this issue now by investing in preventative measures, we run the risk of suffering the ramifications for decades to come.

We cannot put a price on a child's health. However, we can recognize the impact cutting funding for HUD's lead hazard control grants will have on the health and safety of children around the country.

This amendment will simply restore funding to last year's level while maintaining adequate funding levels for the programs it reduces through off-sets. With the need for this program outpacing the ability of community organizations to work with affected neighborhoods, we cannot sit idly by and fail to, at the very least, maintain current funding for such crucial services.

I urge the Members to support this amendment and vote in favor of holding the line to protect the lives of children in all our districts.

The Acting CHAIRMAN. Does the gentleman from Michigan withdraw his reservation?

Mr. KNOLLENBERG. I do, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$8,042,920,000, of which \$4,986,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$6,424,229,000 shall be available for air traffic services activities; not to exceed \$951,042,000 shall be available for aviation regulation and certification activities; not to exceed \$222,171,000 shall be available for research and acquisition activities; not to exceed \$11,759,000 shall be available for commercial space transportation activities; not to exceed \$50,583,000 shall be available for financial services activities; not to exceed \$69,943,000 shall be available for human resources program activities; not to exceed \$150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed \$140,337,000 shall be available for staff offices; and not to exceed \$36,612,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$7,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, \$150,000,000 for transition costs associated with OMB Circular A-76 Flight Service Station competition.

AMENDMENT OFFERED BY MR. KNOLLENBERG
Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:
Page 7, line 8, after the dollar amount, insert "(increased by \$263,000,000)".

Page 7, line 12, after the dollar amount, insert "(increased by \$263,000,000)".

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

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, this is a very simple amendment. On page 7, line 8, after the dollar amount, insert "increased by \$263,000,000," and page 7, line 12, after the dollar amount, insert "increased by \$263,000,000."

What it does simply is it adds \$263 million to FAA safety programs.

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

I just want to say we agree with the amendment that has been offered.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. POE
Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. POE:
Page 7, lines 8, 9, and 11, after the dollar amount, insert "(increased by \$24,875,000)".

Page 30, line 10, after the dollar amount, insert "(reduced by \$24,875,000)".

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. POE. Mr. Chairman, the FAA, in a report mandated by Congress in the Vision of 100 Act, reported that over the next 10 years, 73 percent of the agency's nearly 15,000 air traffic controllers will become eligible to retire. Total losses over this time are expected to be 11,000.

More than 649 million passengers flew our Nation's skies last year. As America's aviation system continues to expand, we must ensure we have the proper number of trained air traffic controllers to make travel move efficiently and safely. FAA's current staffing plan calls for the hiring and training of 12,000 controllers over the next 10 years.

While the underlying bill provides just under \$25 million, up from \$9.5 million in the fiscal year 2005 to do this, I believe it falls short and fails to account for the immediate specific staffing needs as well as additional controllers for expected increases in traffic volume, an expected 5 percent training failure rate, and the higher-than-normal retirement rates beyond 2014.

This amendment simply would add \$24.875 million to the FAA's Air Traffic Services account which would double the funding called for in the bill to better address short-term and long-term air traffic controller staffing and training needs. It reduces overall spending in the bill by 4.5 percent for Amtrak.

Amtrak continues to operate at a deficit and requires substantial taxpayer subsidies to operate. At a time of flat budgets and large deficits, taxpayers cannot continue to subsidize the poor management and unprofitable services of Amtrak. According to the House Committee on Appropriations, Amtrak alone is to blame for the bulk of their problems, most notably taking on nearly \$4 billion in debt. A rider taking a train from Orlando to Los Angeles receives a \$466 taxpayer subsidy on top of a \$165 ticket for a trip that takes more than 71 hours. For \$211, less than half the Federal subsidy alone, the same traveler could fly from Orlando to Los Angeles in less than 6 hours. The Amtrak CEO has reported six times in the past that if it is not provided more funding, it is threatening to shut down.

So I ask my colleagues, why are we consistently throwing money at Amtrak when it consistently operates at a deficit, especially when we need this money for the FAA and air traffic controllers? People are going to continue to fly, Mr. Chairman; and it is important that we make the skies safe for them.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order against the amendment because it increases an appropriation from the Airport and Airway Trust Fund over the amount authorized from that fund and therefore violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The amendment offered by the gentleman from Texas (Mr. POE) proposes to increase the appropriation for a certain account in the bill that as presently proposed is at a level authorized by law.

Under clause 2(a) of rule XXI, such an increase must be specifically authorized by law. The burden of establishing the authorization law rests with the proponent of the amendment. In this instance, the proponent must show that the amendment does not cause the pending appropriation to exceed the level authorized in law.

Finding that this burden has not been carried, the Chair sustains the point of order. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air naviga-

tion and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, \$3,053,000,000, of which \$2,618,000,000 shall remain available until September 30, 2008, and of which \$435,000,000 shall remain available until September 30, 2006: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$130,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,600,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be avail-

able for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, not more than \$81,346,584 of funds limited under this heading shall be obligated for administration and not less than \$20,000,000 shall be for the Small Community Air Service Development Program: *Provided further*, That of the amount authorized for the fiscal year ending September 30, 2005, under sections 48103 and 48112 of title 49, United States Code, \$469,000,000 are rescinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph.

The Acting CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against page 11, line 22, beginning with “; for grants” through page 12, line 1, ending with the word “code.”

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The provision proposes to earmark certain funds in the bill.

Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests in this instance with the committee or other proponent of the provision.

Finding that this burden has not been carried, the point of order is sustained, and the provision is stricken from the bill.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a further point of order against the paragraph.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against page 12, line 12, beginning with “provided further” through line 17 ending with the word “program.”

This provision also violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the House rules.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without

consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 105. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

SEC. 106. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed \$359,529,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$36,287,100,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: *Provided*, That within the \$36,287,100,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$485,000,000 shall be available for the implementation or execution of programs for transportation research (as authorized by title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178, as amended) for fiscal year 2006: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided fur-*

ther, That the Secretary may, as authorized by sections 183 and 184 of title 23, United States Code, charge and collect a fee, from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under 23 U.S.C. 188.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$36,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against the phrase "notwithstanding any other provision of law" on page 16, line 8.

□ 1430

This phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN (Mr. FOSSELLA). Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs funded from the administrative take-down authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the prior fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st

Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 110. This provision violates clause 2 of rule XXI. It changes existing law, and therefore, it constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN. Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 112. This provision violates clause 2 of rule XXI. It changes existing law, and therefore constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN. Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section includes language conferring authority. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIMITATION ON OBLIGATIONS)

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds provided for expenses for administration of motor carrier safety programs and motor carrier safety research shall be available for fiscal year 2006, the obligations for which are in excess of \$215,000,000: *Provided*, That for payment of obligations incurred to pay administrative expenses of and motor carrier research by the Federal Motor Carrier Safety Administration, \$215,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

LIQUIDATION OF CONTRACT AUTHORIZATION

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out motor carrier safety grant pro-

grams in accordance with title 49, United States Code, \$286,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds provided for the implementation or execution of motor carrier safety grant programs authorized by title 49, United States Code, shall be available for fiscal year 2006, the obligations for which are in excess of \$286,000,000.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$152,367,000, of which \$135,367,000 is to remain available until September 30, 2008, and \$17,000,000 is to remain available until expended: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$75,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of \$75,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, \$551,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are

in excess of \$551,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, and the State Traffic Safety Information Systems Improvements, High Visibility Enforcement, Child Safety and Booster Seat, and Motorcyclist Safety grants programs, to be allocated as follows: \$229,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$136,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, \$129,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, \$30,000,000 shall be for State Traffic Safety Information Systems Improvement grants, \$15,000,000 shall be for High Visibility Enforcement grants, \$6,000,000 shall be for Child Safety and Booster Seat grants, and \$6,000,000 shall be for Motorcyclist Safety grants: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$10,000,000 of the funds made available for section 402, not to exceed \$3,306,000 of the funds made available for section 405, and not to exceed \$3,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

ADMINISTRATIVE PROVISION—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That \$10,000,000 of the funds allocated under section 405 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: *Provided further*, That, of the funds allocated under section 410 of title 23, United States Code, \$6,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, \$14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 130.

Mr. Chairman, I raise a point of order against page 28, line 15, beginning with "provided further" through page 29, line 2.

These provisos violate clause 2 of rule XXI. They change existing law which constitutes legislating on an appropriations bill in violation of House rules.

Mr. SWEENEY. Mr. Chairman, I insist that the point of order be extended to the entire paragraph.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Mr. MICA. Mr. Chairman, could I inquire as to what page that would apply to, through what page?

The Acting CHAIRMAN. It will apply to section 130, beginning on page 28, and ending on page 29, line 2.

The Clerk will read:

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$145,949,000, of which \$13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$26,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT
PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$10,165,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, \$550,000,000, to remain available until September 30, 2006: *Provided*, That none of the funds herein shall be available for the operation and maintenance of routes RT16A, RT18, RT19, RT22, RT25, RT26, RT27, RT28, RT30, RT32, RT33, RT34, RT45, RT48, RT52, RT54, RT63, RT66, as in existence on May 1, 2005: *Provided further*, That of the funds provided, \$50,000,000 shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under chapters 241 and 249 of title 49, United States Code.

AMENDMENT OFFERED BY MS. CORRINE BROWN
OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. CORRINE BROWN of Florida:

In the matter relating to "DEPARTMENT OF TRANSPORTATION—FEDERAL RAILROAD ADMINISTRATION—GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION", strike "none of the funds herein" and all that follows through "further, That".

Ms. CORRINE BROWN of Florida. Mr. Chairman, this amendment will strike the language in this bill that prevents funding for 18 important Amtrak routes throughout the country. Without this amendment, 23 States, over 154 Members and 258 local communities and over 4 million passengers will be waiting for a train that is not coming.

This assault on Amtrak by the President and some of his allies in the Congress is a perfect example of why 81 percent of the American people believe Congress is out of touch with their priorities. This is the People's House, and I would hope that the House would do the people's work and also not wait for the other body to rescue us.

We spend \$1 billion a week in Iraq, \$4 billion a month, but there is no money for Amtrak or its passengers. Just one week's investment in Iraq would fund passenger rail for the entire country for the entire year. In fact, listen up, we could fund Amtrak for a year with the \$1 billion that the Pentagon said was misappropriated by Halliburton.

I just want someone to explain to the American people why investing in transportation in Iraq is more important than investing in passenger rail right here in the United States. No transportation system in the world pays for itself. We continue to subsidize highways and aviation, but when it comes to passenger rail systems, we refuse to provide money needed for Amtrak to survive. For years, we put Amtrak on a starvation diet, and now we are trying to kill it off.

Last year, we authorized more than \$3 billion out of general revenue funds for the Federal Aviation Administration, and this is in addition to the \$20 billion in financial relief that we provided to the airlines after 9/11, all paid for by the American public.

It is important to note that the Members who complain the loudest about Amtrak are the same Members that open up the American checkbook and ask how much do they need when the airlines come calling, all while ticket prices go up and service goes down.

I represent central Florida, which depends on tourists for its economy, and we need people to be able to get to the State to enjoy it. Ever since September 11, more and more people are turning from airlines to Amtrak, and they deserve safe and dependable service. But if this amendment is not passed, the 200,000 visitors that take the AutoTrain to Florida each year will not be visiting our great State.

This is just one example of Amtrak's impact on my State. Amtrak runs four long distance trains through Florida, employing 990 residents, with wages totaling over \$43 million. They purchased

over \$13 million in goods and services last year, and they are doing it at the same time in every single State.

We have maps and information right here, and I would encourage my colleagues to see what impact Amtrak has on their State.

I want to thank all of the Members who have come to the Floor in support of Amtrak. I strongly encourage my colleagues to do the right thing for their constituents and support this important amendment. If we do not fund Amtrak, we will leave 25 million people waiting for a train that is not coming.

Mr. Chairman, you can fool some of the people some of the time, but you cannot fool all of the people all of the time. The American people support passenger rail service in this country. We will be the only civilized country that does not have passenger rail service.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment would remove from the bill the limitation on routes that would be eligible for Federal funding, take them all out. It would strip any semblance of reform out of the House bill. All reform goes out the window.

If we want to talk about killing Amtrak, if you really want to kill it, this is the way to do it. In the FY 2006 grant request, Amtrak specifically stated that it cannot continue to operate all routes with \$1.2 billion, all routes. The LaTourette amendment offered earlier provides less than \$1.2 billion. If this amendment is adopted, the northeast corridor is in jeopardy, the northeast corridor is in real bad shape.

The limitation in the bill protects the northeast corridor. This amendment does not. Amtrak supporters in the northeast need to understand that supporting this amendment redirects the funding to the highly unprofitable routes, routes that carry Federal subsidies up to \$466 per passenger, routes that carry less than 20 percent of Amtrak's riders, and it leaves more than 52 percent of Amtrak riders in the northeast exposed to a shutdown, 52 percent, over half.

Striking the limitation on route eligibility will siphon funding from routes that chill the promise of self-sufficiency, routes that are well used, to routes that will never, never, never under any circumstances be profitable.

I urge a "no" vote.

Mr. PASCRELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to remind my brothers and sisters from both sides of the aisle that this was a national system envisioned by the President in 1971, President Nixon, who had the bipartisan support of the Congress of the United States. And why was it proposed? It was proposed because the private companies wanted out. They no longer could pay for a system that serviced America.

Now, let me say what that system encompasses, I support this amendment

by the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), the ranking member on the Subcommittee on Railroads.

Just three of those routes in red that you want to dispose of, the Silver Service, the Silver Meteor and the Palmetto, from New York to Miami, Philadelphia, Wilmington, Baltimore, Washington, all the way to Jacksonville-Tampa and Fort Lauderdale, services 738,000 people. No small potatoes. That is a lot of folks. Where are you asking them to go? How are they going to get between destinations?

While I can accept that Amtrak must reform and while I can accept that we need to do away with any frivolous spending whatsoever, we need to sustain a system here, and we need to figure out on both sides of the aisle how to do it.

□ 1445

The Crescent from New York to New Orleans to Philadelphia to Wilmington, to Baltimore, Washington, Greensboro, Charlotte, Atlanta and Birmingham, 256,000 people, 256,000 passengers. And the Carolinian from Charlotte to New York City, 305,000 passengers. That is why I support the Brown-Menendez-Rahall amendment to keep these Amtrak trains on track.

I want to express in the strongest words here, Mr. Chairman, contrary to what one might expect, residents in my area of New York, New Jersey, Connecticut, Pennsylvania, they travel rail to Florida. They do not only travel the northeast corridor, they travel by rail to the Midwest, they travel up to New England beyond just Boston, and they like using the trains, the very same trains that brought us from place to place after 9/11, remember, when we could not travel. Thank goodness that we had some semblance of a national system.

Americans like the freedom to travel. They want to make choices. I believe it should be the goal of the Department of Transportation to expand transportation alternatives, not to cut back on those choices.

It was Amtrak that I rode home from Washington on to be with my constituents to assess the damage at Ground Zero, as well as folks from both sides of the aisle. It is too important to the American people and the American economy to settle for anything less than a national system.

Mr. Chairman, I have heard the presentations about reform. I have heard no explanations, no alternatives to in any way sustain those routes that are all in red. So if we took the red away, we have systems that are not interconnected, and many of those systems are connected to the intermodal part of transportation, which is what TEA-LU is all about, which is what TEA-21 was all about, intermodal transportation. The Amtrak system is part of it, whether we are talking about rail, whether we are talking about airlines, whatever we are talking about.

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

Mr. Chairman, this is an important amendment because it does do away with the reforms that this appropriation subcommittee has imposed on Amtrak. As I said earlier, I have been on the Committee on Transportation and Infrastructure for some 13 years. I watched for more than 4 years when they had an Amtrak reform council look at the operations of Amtrak and come up with recommendations that were made to Congress; and, sure enough, they ignored those recommendations.

This is a tough business to reform Amtrak and eliminate some of these politically popular routes. But the cost of those routes, as we have heard, range from \$242 subsidizing per ticket on the Sunset Limited, some \$466 to run the route that we saw here. Some of those go into my State, Florida. But it is time to reevaluate those routes, and we must eliminate them if we have to, only by legislation, because the reform which we have tried to do through an advisory council and commission to look at this in an independent study, all that has failed.

I do support the President in really drawing a line in the sand and saying we must impose reforms on Amtrak.

Now, we have heard this analogy, and I chair the Subcommittee on Aviation, on how much we subsidize aviation. But every ticket that is sold by Amtrak is subsidized by \$49, every single ticket. In aviation that is not the case, I say to my colleagues. We heard how much money goes in, but that money is raised by a 7.5 percent ticket tax. The next time you get your airline ticket, look at 7.5 percent, look at the other fees. There is a passenger facilitation fee, and that could be anywhere from a few dollars on up. There is an aviation security fee of \$5. You hear the airlines complaining about how taxed their passengers are. The passengers are paying their full fare, including a fuel tax.

Amtrak pays no fuel tax, there is no passenger tax, there is no security fee. There is no contribution. Besides that, they are losing, on every ticket they sell, an average of \$49.

Now, I am a strong supporter of mass transit, high-speed rail, rail as an alternative; and I do know that some of that has to be subsidized. I will vote to subsidize this. But a loss of nearly \$500 a ticket, and that is what this amendment would do, will restore all those losing routes.

Now, why has Amtrak not changed out some of these routes? Let us be a little candid among friends here. Labor cut sweetheart deals so most of the Amtrak employees are going to get 7 years' salary and benefits assistance; some will get 5 years. There is a cost. We cannot eliminate one single route without paying those benefits that have already been negotiated. But at some time, we have to pay the piper, and sometimes we have to cut the losses.

Now, out in America right now, probably not watching the proceedings of this House, are millions of Americans who are working hard. It is hard for me to tell them to go out there and work even harder, maybe get another part-time job so you can send that money here to Washington, so we can have them waste it.

When they provide food service and take in a dollar, it costs them \$2. They lost a third of a billion dollars in the past 3½ years on food service. When they try to put high-speed rail in, and I am a strong advocate of high-speed rail, we have neither high-speed and we do not have service. It is down the tubes. It was going 83 miles an hour. That is not high-speed service, even by our own standards which are, under Federal law, 120 miles an hour.

So let us make the reform that is necessary. The chairman and the subcommittee have done an excellent job in forcing some of these reforms that are long overdue. Let us defeat this ill-conceived amendment. Let us reform Amtrak. Let us provide good service, not a Soviet-style train endurance test for passengers, but modern, high-speed rail and long-distance service across the United States, and give service to passengers that do not have that service available, at the lowest cost to the taxpayers. We can do that.

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

Mr. Chairman, I also rise in opposition to this amendment, and I will acknowledge up front I do it rather reluctantly, because I am a huge proponent of the national rail system and recognize up front the need for some subsidization, fair and responsible and reasonable subsidization, as we do in other transportation routes; and a lot of speakers have addressed that issue and that point.

But just as the last speaker pointed out the inefficiencies in the system, in the process both at Amtrak and, frankly, how the Federal Government has provided oversight, I think that passage of this amendment represents a premature move to acceptance of those inefficiencies at a point, a critical point, in negotiations that we cannot do that. Facts are facts, and we have been asking for Amtrak to reform itself for a number of years. We have not gotten much of a response. In fact, we have gotten resistance. And the inefficiencies in the system continue to atrophy downward.

How it really impacts on people, in my district, just outside the northeast corridor, not part of the corridor, because the tracks are not owned by Amtrak, there is a continued deterioration; and there is no Amtrak plan, no Amtrak plan to resolve those issues, putting at risk an awful lot of people. I know what the chairman is trying to accomplish in this particular piece of legislation is force Amtrak back to the table to talk about what needs to be maintained, what is critical infrastruc-

ture, what are critical lines of connection that have to be in this; and if we simply just say we are going to go on with business as usual, we continue to promote the atrophy within the system.

Now, I think at some point in this process, many of these lines that are eliminated in this particular bill are reinstated before this bill becomes law. But we ought not to do it just willy-nilly; we ought not to just give it away. We need to force some people to make some tough decisions. We need to force some people to live by their commitments of the past, which they have not thus far. I think this is one of the few pieces of leverage that the gentleman from Michigan (Chairman KNOLLENBERG) and this subcommittee will have as we continue to try to find a way to get to the answers.

Now, we have gone from zero to now \$1.2 billion in this bill. That is a real commitment to Amtrak. It is still, I would suggest, short of where we need to end up. But let us not just end up there by dealing away those funds; let us end up there by making sure that we bring efficiencies to the system.

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

Mr. Chairman, the bill before us posed a double-barrel shotgun blast to the continuation of Amtrak. One barrel has been dealt with with the amendment passed earlier by this House restoring funding critically needed to keep national passenger rail available. But we cannot stop now. We have to also pass the Brown amendment, because without the passage of this amendment, investment in the routes denoted in red on this chart will end. Now, that continues to be the routing for many of the vast stretches across this country that truly make this a national rail system.

Coming from the heartland, representing North Dakota, a place of vast distances and not that many people, I must tell my colleagues that I am surprised at what I am hearing on the floor of the House, that this is a national service. Provided, it runs just between populated areas and short distances, some place for the Northeast, maybe the Southwest; but the rest of the expanse of this great country, forget about it. Are we the United States of America, or what?

In North Dakota, what is at stake is the Empire Builder. It is a route that has been operating for 76 years. This year, it will serve 89,000 North Dakotans. Amtrak links many rural cities and communities that are not serviceable by airlines. In North Dakota, Amtrak has a strong record of reliable service. It is an important transportation option for many North Dakotans and North Dakota businesses.

For the resident of Rugby, North Dakota, seeking to get to Minot, the regional medical center to attend to their medical needs in the middle of a cold, January day, or small businesses

along the northern route, Devils Lake, depending upon the transportation option for the shipping of central materials for that particular business, Amtrak matters and it matters a great deal to us. In Minot, North Dakota, one station alone, 29,000 served last year.

Mr. Chairman, in rural America we do not have airports in every corner, we do not have the same kinds of options that the crowded areas of this country do, and that is why we need to continue this national commitment to national passenger rail.

We all have supported taxpayer dollars, and I mean over and above the ticket tax dollars, that have gone into the highway program. They have gone into the airport improvement program, and now it is time to do our proportional share for passenger rail. It is pennies on the dollar compared to the public subsidy of these other transportation alternatives. But take it from one from the heartland: passenger rail matters, and it matters just as much to us as it does in the northeast corridor.

I urge passage of the Brown amendment. Do not dismantle Amtrak. Do not take this service away from rural America.

□ 1500

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

I would like to speak in opposition to this amendment, Mr. Chairman. And I would agree with the gentleman from Florida (Chairman MICA) that I, like he, am for high-speed rail. We are for commuter rail that gets people in high volume areas back to work and forth. But if we want to preserve Amtrak as a viable entity, I agree also with the gentleman from Michigan (Chairman KNOLLENBERG) who said, if you care about Amtrak, oppose this amendment, because if we do not reform Amtrak, it is hard for us to be able to afford its survival.

I would just cite the Washington Post editorial of May of this year where they listed as the first test to whether Amtrak is going to make it is whether they force the closure of the most uneconomic routes. That is what this amendment tries to oppose.

The second test, according to the Washington Post, is that Amtrak needed better management. Better management would recognize this, would oppose this amendment. We need to stand up for both Amtrak's future and for our taxpayers. Oppose this amendment.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding.

What is interesting about this amendment is that only 20 percent of the people are involved in the elimination of these lines, but it is 50 percent of the cost. This is like a stake in the heart of a plan to establish some reform. You know, unfortunately, our

national rail service is no longer a source of pride. Amtrak has suffered mismanagement, irresponsible investments, poor service and a tremendous backlog of, maintenance that has sunk the system to a new low.

Amtrak, as we know it, faces tremendous debt while operating in a fundamentally flawed management system. Amtrak goes back to 1971, and the conception at that time was to produce it as a for-profit business. And it was expected to be one within 5 years. Here it is 35 years later. Guess what, they are in worse shape than ever. As has been pointed out, unfortunately for the taxpayers, its self-sufficiency is only a pipe dream. On average, taxpayers will pay a \$210 subsidy, even though you do not think you are paying it, because some pay \$466, you are because the system needs an average of \$210 per person. All other transportation systems in our country are paid for directly. Highways and aviation are funded through user fees and excise taxes. Rail is the only passenger transportation mode that relies solely on the generosity of taxpayers. And this charity is running out.

It is funny, I have not heard one word from anybody who is complaining about shutting those lines down who is interested in doing anything locally to provide resources to keep it going. That is an option. We are not mandating the closure. And the message should be clear. In a time of flat budgets and large deficits, we cannot afford the abuse of taxpayer dollars on irresponsible ventures, poor management and unprofitable services.

I know that reform is never easy. But in Amtrak's case, it is essential. We have come to the last stop. Amtrak is no longer helping us move forward. Passenger rail must be reformed, or it will end, be the end of Amtrak.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members should be reminded that when yielding to another under the 5-minute rule the yielding Member must remain on his feet.

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

This is a bit of a surreal debate at this point. To me, the only logical thing to do with this vote is to vote to strike the section that eliminates the long-distance routes. I believe that, in large measure, the vote that was taken earlier was a vote in adding money back to Amtrak, was a vote to allow Amtrak to operate another year, and leave the authorizers with a mandate or a very strong signal that they had to do something and finally get this matter settled through the normal authorization route.

My chairman, and I know, I respect what he is trying to do. He has this section which eliminates these long-distance routes that serve the only passenger rail service in 23 States, with all of those Senators on the other side of the Capitol and at least 154 of our Members in those States. And by elimi-

nating those routes, he wishes to force reform of the system, to force the authorizing system to operate effectively. And in eliminating those routes, there is such a large cost for the elimination of the routes that the amount of money that was put in was simply not adequate to do the job, and so it was going to shut down the whole of the Amtrak system. I think that that, clearly, is what comes through as the end result of the way the bill was written.

Now, if we leave the routes in there and no subsidy can be placed on those routes, then that shuts down those routes and triggers the utter waste of \$360 million a year of costs for abrogating the labor and other contractual obligations that relate to those routes. It is an utter waste, and that means, in fact, that I think the chairman is right. It probably means that then the system is likely to shut down again because the total amount of money is not going to be adequate.

But the chairman himself has indicated what the actual reform is. The chairman has pointed out that there is extremely high costs on these long distance routes through the luxury services, the sleeper services and the meals services, which cost \$300 million or thereabouts to provide on these routes. So one could have one's cake and eat it, too, by eliminating that luxury service, those meals and sleeper services on the long-distance routes, continue to have the long-distance routes without those costs, which serve a very small group of people, a very small number of people, and then that process, the amount of money that was put in the bill would then serve to keep things going for the next year.

So it seems to me that the logical thing to do would be to strike these routes and, instead, provide the reforms, not by the bludgeon of eliminating these routes which triggers that high cost of contractual changes, rather than doing that, find the reform that is going to actually keep the national rail system going and allow the amount of money that was put in to provide that service at a much lower cost than what presently is the case. So I hope that the amendment will be adopted and that we will get somewhere to what would be a real reform.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Brown-Menendez-Rahall amendment aimed at keeping Amtrak on track. This amendment would strike current bill language that eliminates 15 long-distance trains and three shorter-distance routes, some of which provide essential transportation services to rural areas.

In the State of Texas, Amtrak operates one short-distance train, the Heartland Flyer, and two long-distance, the Sunset Limited and the Texas Eagle, which services my district.

H.R. 3058 eliminates Texas' only two long-distance routes. The elimination of these routes would have an adverse effect on Texas communities that depend on these routes and leave hard-working Texans, which depend on the \$11 million in wages that Amtrak currently provides, unemployed.

I am fully aware that the money is very tight. We have a war to finance, and we have big tax cuts for some. But let us do something for the heartland of the USA.

Further, in certain rural parts of the State, these lines are often the only transportation alternatives to automobiles. The State of Texas is experiencing unprecedented population growth. The growth is placing enormous strain on the State's highway capacity. And all of us know where that bill is for the last 2 years.

As the construction of new highways becomes less practical, the need for a comprehensive passenger rail system will continue to grow. Passenger rail is a component of this Nation's economic and transportation backbone. Bankrupting and gutting our national passenger rail system is not the way to go.

I urge my colleagues to renew this body's support for a national rail passenger system and urge a yes vote on this amendment.

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

Mr. Chairman, this House, just a short while ago, adopted the LaTourette and Oberstar amendment, the clear intent of which was to restore passenger service to the routes shown in the map that everybody has been showing around today, the areas, the routes in red. It was meant to retain a truly national passenger railroad service.

Without the subsequent amendment of the gentlewoman from Florida (Ms. CORRINE BROWN), that initial action by the House remains essentially meaningless, and it means that the only thing that the money would be used for, which was gained in that LaTourette amendment, would be to pay shutdown costs to the former employees of the parts of Amtrak that are being shut down. I do not think that action is going to please anybody. I do not think it is going to fool anybody. We clearly need this amendment, and I would urge support for it.

Mr. Chairman, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, if my amendment is not accepted, millions of passengers will be stranded. Commuters, operators will be disrupted. Thousands of jobs will be eliminated. States will be forced to figure out how to pay for new services under already tight budget restraints. Taxes on freight railroads and their workers would increase as a result of decreased revenue for the railroad retirement and unemployment program, and local economies and businesses that depend on Amtrak services will

suffer. Save our Nation's passenger rail network. Vote yes for the Brown-Menendez amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Brown-Menendez-Rahall-Cummings amendment, and I offer just a little story. Because I heard the ranking member, the gentleman from Massachusetts (Mr. OLIVER) mention the solution to our problem.

We just passed a very helpful and needed amendment by the gentleman from Ohio (Mr. LATOURETTE) that acknowledged America's commitment to long-distance rail. But then we have a slight problem. As we have supported his amendment, we have a sea of red that indicates that America will be disconnected.

Well, Mr. Chairman, let me tell you a little story. I have traveled on rail, heavy rail in the early stages of my life as a little girl. Not only was I not in the luxury seats, I was in the back of the train or the train designated for one group of people. In addition, I brought my own bag of food. Now, I might say that I enjoyed that delicious food that was given to me by my grandmother. But when it comes to saving our rail system, I believe we might just go back to eliminating the luxury but providing for the practical. My condition was a predicament of this society, segregation. But yet, now that we have a full and open society, we need to be able to continue a full and open transportation system. Although it notes that Texas may be included in the rail system, all of the red suggests that we will not be connected because of the cuts in the rail system.

□ 1515

So this amendment will eliminate a provision in the bill that prohibits Amtrak from using funds to operate all 15 of the railroad long-distance trains, some of which provide essential service to rural area and three short-distance trains. The amendment will eliminate the provision that prohibits Amtrak from using the funds to operate these particular long-distance trains. How can you have a system that eliminates all of these connecting aspects of our rail system? That is the benefit of rail. That gives us, the consumer, the choice: driving, bus service, flying, or, yes, the train service.

And if I might add to the esthetics of train travel, how many families have testified to the value of traveling together as a family along America's highways and byways, seeing America through the eyes of a train?

By yet there is more to the train service because some of our rural communities and smaller cities do not have access to any kind of interstate travel except for train travel. They do not

have close enough airports. They may not have bus service. They may not have access to automobiles. And with the fuel prices, I will assure that you there will be many who will fall into this category.

The Brown-Menendez-Rahall-Cummings amendment is a good commonsense amendment. It plays right into the hands of the LaTourette amendment, the funding; but it also says that it is important to serve America. Why not cut the luxury service? Why not encourage families to bring their own home-cooked meals? Whatever the choice may be, bag lunches, however it is. But I would assure you that most Americans would rather have the kind of travel that is necessary for them to move about this Nation than some hot-cooked meal on a train that does not come to their doorstep.

I ask my colleagues to support this amendment. Texas will be mighty lonely. Even though it may be one of those States that has the service, we are disconnected because the routes going through our State will be disconnected and we will have no way of connecting to the rest of America. Support this amendment and give back to America its ability to travel.

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

Mr. Chairman, I will not take 5 minutes. I rise in opposition to this amendment. Congressman Ron Packard, a former Member here, was a very strong supporter of Amtrak. He pushed it every year that he was chairman on the Committee on Transportation and Infrastructure. He also realized that we had to reform Amtrak.

If we do not push the Department of Defense to make changes, they will never do it. This week this body made several votes to send a message. Let me give you a good example. I think the total outlay to Saudi Arabia was \$24,000, but they voted to cut off funding for Saudi Arabia. Why? It is a message to keep them moving in a right direction.

I read recently where if you took Amtrak from Florida to San Diego, the ticket is about \$135, but the Federal subsidy for that is \$477. What we are trying to do is send Amtrak a strong message that someday they have got to reform.

Sleeper cars, now, that trip from Florida to San Diego would take 71 hours. Someone that is a senior citizen is not going to sit in a chair for 71 hours. It costs \$100 million a year, the food service. \$50 million it loses. Let us offer it up for bid and privatize it and at least go some of these reforms. This particular amendment does the opposite. It allows Amtrak to go on without any message to do just as they have. They have even said that ridership is up. Well, then, let us make it profitable for them so we can make a bigger and better Amtrak instead of one that takes billions of dollars just in subsidies to fund.

I am not opposed to the subsidy. Look at the Metro here in Washington, D.C. It costs a lot of money. We subsidize it. But now put all that traffic on the highway and see what it costs with pollution, with extra drive time and so on.

Yes, we do need a cross-country Amtrak, but we definitely need to send them a message. That is why I oppose this amendment.

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

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

Mr. MENENDEZ. Mr. Chairman, I rise today in support of the Brown-Menendez-Rahall-Cummings amendment to save the 18 Amtrak routes that would be cut in this bill represented with these red lines across the country.

This is a mode of transportation for millions of Americans who have chosen it as their form to get connected to other parts of this country.

Now, if the language in the bill stands, notwithstanding that the previous amendment added money to Amtrak's overall budget, but if we allow the rest of the language in the bill to stand, Amtrak would be eviscerated as a national rail passenger service, as a national rail passenger service from coast to coast, one country, the United States of America, the United States of America.

The map shows it all very clearly. All long-distance routes would be gone. The 23 States in yellow would lose Amtrak service. However, nearly every State would be affected by the loss of some of these routes, including my home State of New Jersey. And even if Amtrak were still able to run its short-distance trains, States with Amtrak service would still suffer.

And there are a lot of places, we keep hearing about these air traffic ticket fares. Well, they are very selective and they also do not speak to the volume that there are a lot of places in the country where you cannot get to that location through a direct flight or even sometimes through a connector flight. Amtrak brings the Nation together. And you cannot starve a horse and ask it to run like a thoroughbred. That is exactly what has happened to Amtrak time and time again.

Those who starve it then come here and say how inefficient it is, but it cannot function if it does not get the right resources in the first place.

Now, these long-distance routes are not just a lifeline for people in rural towns out west, although certainly Fargo, North Dakota; Minot, North Dakota; Cut Bank, Montana; Elko, Nevada; Trinidad, Colorado; Needles, California; Yazoo City, Mississippi; Newton, Kansas, and many more are what you are seeking to eliminate by eliminating these routes.

Those people in America, small-town America, rural America, they deserve the opportunity to be connected to the

rest of the country as well, because these long-distance routes are not just the lifeline for people in the rural town out west who depend on trains like the Empire Builder and the Southwest Chief to be able get around the country.

This is about thousands of people, for example, in New Jersey who take the train to Atlanta or Florida each year. It is about tens of thousands of people who take the train from New York to Chicago. It is about maintaining the critical redundancy of our intercity transportation system, the importance of which we saw the days after September 11 when our airplanes were grounded, and it was Amtrak that was still connecting the Nation together.

Eliminating the long-distance routes will not solve Amtrak's financial problems. The Department of Transportation's Inspector General estimated that getting rid of all of these routes would only save Amtrak about \$300 million, but because of mandatory labor severance payouts, it might be several years before Amtrak actually saves a single dime. In the meantime, the severance payouts would strain Amtrak's finances, starve good areas like the northeast corridor of essential maintenance money.

This is about ultimately degrading a national passenger system, a system that is critical after September 11.

The amendment is about our fundamental commitment to a national rail passenger network, a commitment that is an essential lifeline for people throughout the country, enhances our national security, eases congestion on our highways and our airports, and gives small and mid-size businesses the chance to sell their products and services at different points throughout the country.

Vote for the Brown-Menendez-Rahall-Cummings amendment. Make sure we stay together as one country.

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

Mr. Chairman, first let me thank the gentlewoman from Florida (Ms. CORRINE BROWN) for her extraordinary work on this issue. She is very effective, and I want to thank her very much for her work.

Mr. Chairman, let me join the chorus of support for this amendment. This amendment will eliminate a provision of the bill that prohibits Amtrak from using funds to operate all 15 of the railroad's long-distance trains, some of which provide essential services to rural areas, such as my rural district in eastern North Carolina.

This amendment will save our national passenger rail network by ensuring that 23 States, 258 local communities, and over 4 million rail passengers continue to benefit from Amtrak's service.

Mr. Chairman, Amtrak has been there. Amtrak has stood the test of time, and it must be preserved. I urge my colleagues to support this amendment.

Mr. CARNAHAN. Mr. Chairman, I rise today in support of Amtrak. I support the Brown-Menendez-Rahall Amendment, which we are debating now, and I also strongly support the amendment offered by Mr. LATOURETTE and Mr. OBERSTAR, which the House considered earlier.

Trains have been, and continue to be, an integral part of our Nation's transportation system. Every year, millions of Americans use Amtrak and our Nation's railways to travel throughout our great country, removing cars from our congested highways and travelers from our crowded airports. In my home State of Missouri, over 400,000 people used Amtrak last year.

However, despite this heavy volume of travel, one of the routes that would be eliminated by this appropriations bill passes through Missouri and serves the city of St. Louis.

It is vital that we stop the elimination of these routes and restore full funding to Amtrak so that it may continue to provide the same level of service to the people of the United States for generations to come.

I urge my colleagues to support this essential component of our Nation's transportation infrastructure and support the Brown-Menendez-Rahall amendment.

Mr. RAHALL. Mr. Chairman, I want to thank my fellow cosponsors—Ranking Member BROWN, Congressmen MENENDEZ and CUMMINGS—for bringing this issue before the House.

Today represents another attempt to derail Amtrak and the essential transportation services it provides to millions of Americans, particularly rural Americans, across the country. The 18 routes the Appropriations Committee has proposed to eliminate would leave nearly 4½ million Americans stranded without needed rail service in 23 States, including my home State of West Virginia.

Unilaterally eliminating these routes is not prudent, and would deal a significant blow to our rural communities.

I urge my colleagues to support the Brown-Menendez-Rahall-Cummings Amendment that would save rail service to rural America.

A vote in favor of our amendment is not a vote just in support of Amtrak, it is a vote for the millions of Americans who depend on rail service to meet their transportation needs.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN) will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 30, line 10, after the dollar amount insert "(increased by \$100,000,000)".

Page 80, line 19, after the first dollar amount insert "(increased by \$100,000,000)".

and after the second dollar amount insert "(increased by \$100,000,000)".

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to offer an amendment to address two critical problems: preventing wasteful government spending and at the same time giving our States more resources they need.

My amendment will take \$100 million in unnecessary government subsidies from Amtrak and redirect it to HUD's Homeless Assistance Grants to help States combat homelessness.

Mr. Chairman, I know we have just completed a very long debate on Amtrak, but creating a budget is all about setting and sticking to priorities and tightening your belt when you need to. In that process, I think it is important that we get the maximum return that we can from our Federal taxpayer dollars.

As we know, the President recommended eliminating funding for Amtrak unless they reform themselves, and we originally proposed \$550 million; but now we are at near \$1.2 billion. However, instead of being thankful, Amtrak President David Gunn claimed the impact of \$550 million in Federal support would be the same as getting zero.

Where else but Washington can you hear someone complain that if you only get \$550 million that they would be as well off as getting nothing.

This is not about the northeast corridor, which is very sustainable. It is about Amtrak's refusal to reform itself. Refusal to eliminate lines like the disastrous Sunset Limited that takes from 6 days to trek from Los Angeles to Orlando, costing taxpayers as much or more than it would cost to buy each passenger an airplane ticket.

Amtrak uses funding from its profitable areas in a forlorn attempt to prop up these lines. Mr. Chairman, this is simply unacceptable.

Instead of dumping more money into a failed Amtrak system, I propose that we take some of that money and give it to those who can actually use it, State housing agencies trying to end homelessness through HUD's Homeless Assistance Grants program.

The Homeless Assistance Grants program was created to fund HUD's four major programs that funds housing services for the homeless. These four programs form the core of HUD's Continuum of Care strategy to work with local governments and service providers to combat homelessness. They help States renovate and rehabilitate buildings for use for emergency shelters, provide transitional and permanent housing for homeless families with children and those with disabilities, and provide assistance to homeless adults who have serious mental illness or chronic substance abuse problems.

□ 1530

The bill before us today grants \$1.34 billion for homeless grants, but it is

\$100 million short of the President's budget request.

Mr. Chairman, while some can debate whether or not this is the best and most efficient strategy for fighting homeless, there is no doubt these programs can help improve the lives of individuals in need more than continuing to throw even more money at Amtrak.

For States like Minnesota, which has a 10-year program to end long-term homelessness, the Homeless Assistance Grants program constitutes the bulk of matching Federal aid to support this goal. Adding \$100 million to this program, according to one estimate, increases the number of housing units available to fight homelessness by up to 3,400 for a period of 4 years, or 13,500 unit-years of assistance.

I think it would be beyond irresponsible to deny the funding these programs need to work only to continue to prop up an Amtrak system that has been a neverending black hole of wasted taxpayers' dollars.

Mr. Chairman, if we are serious about curbing wasteful government spending and giving States the resources they need to fight challenges they face like homelessness, we must take action to ensure not another dollar is thrown away on Amtrak when it can be put to good use.

I urge all Members to take a stand against waste and in favor of helping those in need. Vote for the Kennedy amendment.

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

Hallelujah. Hallelujah. We have finally found a Republican who cares about any kind of a poor people program. Hallelujah. What has the world come to? Let me tell you some of the things that you scuttled for poor people before you started with crocodile tears on this amendment. Let me just list some of the programs for poor people you have scuttled over the last 4 years.

The earned income tax credit: You only qualify for it if you make less than \$27,000 a year, but oh, you had to have a major effort on that side of the aisle to cut it.

Housing: How many times have you come to this floor cutting housing programs for low-income, squeezing housing programs for elderly, low-income?

Dental care programs: How many times in the Labor, Health, Education bill have you opposed efforts to try to increase dental care service? What did you do just last week in the Labor HHS bill when you scuttled the community services block grant, when you savaged it? That is a program that many rural communities use to help the homeless, to help the low-income.

What did you do about low-income heating assistance? Last week, you cut it by \$200 million bucks.

What did you do about the minimum wage? How many times have you tried to block an increase in the minimum wage?

I just have to say, I am thunderstruck. I am amazed we have finally

found a Republican who would put something on the Floor to help poor people, except that is not the real intent; is it?

Mr. Chairman, it seems to me that it is rather convenient that we have a newfound concern for the poor at a time when, by expressing concern for the poor, it facilitates the scuttling of a national transportation system. So I just have to say, I do not know how this amendment's going to go, but I have no doubt that the purpose of the amendment is simply to scuttle what is left of our ability to provide a national transportation system, and if, for a few moments, the poor people of this country are fooled into thinking that the other side actually cares about them, well, this is politically so much better for you; is it not?

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

Mr. Chairman, I do not have the revival gusto that the gentleman from Wisconsin (Mr. OBEY) does, but I do want to oppose strenuously this amendment.

We had, for a long time now, rather a vigorous discussion on the Amtrak system, and I do not know if the gentleman from Minnesota was present during that discussion, but when I hear the \$550 that Amtrak should be thankful for, the evidence was pretty clear in the statements that we gave that that \$550 was worse than a shutdown number; it was bankruptcy number, because Amtrak with its obligations for labor costs, almost \$400 million, and for its debt service, almost \$300 million, it would have forced the system into bankruptcy, ending not these long-distance routes, which were the subject of the last amendment, but all Amtrak service in all of the United States, including the northeast corridor and service out west.

What this amendment does not allow us to do, now that we have squeaked the Amtrak number back up, it is not \$1.2 billion. It is \$1.176 billion which is below last year's spending, which is \$1.244 billion. To take \$100 million now after a lot of hard work, quite frankly, by the gentleman from Minnesota (Mr. OBERSTAR) to identify some hard decisions for offsets, but that is the environment we find ourselves in, but we were successful in doing that, breathing new life into the Amtrak program, giving David Gunn the opportunity to implement the plan that he just sent to us on Capitol Hill in April of this year.

Are we so impatient that we have to identify long-distance routes and we have to take a meat axe approach to the Amtrak budget that we cannot let some of the reforms work?

David Gunn gets it. He gets that there is a problem with the food service, and he needs to do something about it. He gets the fact that the Acela high-speed train system has some difficulty with disk brakes that were manufactured in a poor fashion, and he needs to do something about it.

Those of us on the authorizing committee get it, and that is why we have already had two hearings dealing with difficulties at Amtrak. The next phase will be to invite people with all the good ideas, and everybody in this chamber has good ideas about how to fix something, anybody that has a good idea on how to reform Amtrak, to invite the States to participate in providing quality inter city train service in this country, will be invited to appear before our subcommittee and also the full committee to engage in that discussion.

But this amendment, I have to say, really is a wolf in sheep's clothing because its purports to help homeless people. Everybody in the Chamber I bet wants to help homeless people, but the real intent, I would suggest, is to take \$100 million away from Amtrak that we have just been able to restore. It was unanimous. It was a voice vote. Everybody supported it on the last occasion, and that, again, puts us into a bankruptcy situation. It is bad policy.

Every other industrialized Nation in the world recognizes that passenger rail service is something worth keeping. The United States Congress, or some of us, seem to be the only body in the world that think that it is not worth saving.

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

Mr. Chairman, last week, we had a rather unpleasant debate on this Floor about what we should be doing vis-a-vis religious conversion. The gentleman from Wisconsin was involved, but once again, he is today dealing with religious conversion, but today, he was welcoming converts. He was welcoming those who for many years have whittled away and chopped away and hacked away at our efforts to help low-income people, and now he has, as he said, found some people who understand it.

Some of us must tell my colleagues, we are a little skeptical. To be told by some of the supporters of this amendment that I and others who have been fighting so hard to prevent these savage cuts in housing for low-income people that we are somehow insensitive to the homeless is like being called silly by the Three Stooges.

The fact is that there has been a sustained attack on everything the Federal Government has tried to do to provide housing, and it is not just in the past.

The Committee on Financial Services, on which I serve, reported out by an overwhelming vote a bill which included a provision which would take some of the profits from Fannie Mae and Freddie Mac, not tax dollars but profits from corporations which get great Federal advantages, so we felt entitled to do this, and we were following a precedent set years ago with the Federal Home Loan Bank. We said, let us take 5 percent of their after-tax profits and help build houses for homeless people. It would produce an

amount five or six times each year what this amendment deals with. You want to help the homeless, you have to try and build them homes.

Well, we have been told by some of the most conservative members of this body that that is a terrible thing, and we have been told that they are going to try and stop the bill from even coming up.

So, if Members want to genuinely help the homeless, there are at least two pending ways to do it. One, cut back on Amtrak. Two, let us take a percentage of the profits from Fannie Mae and Freddie Mac in a time-tested program, a concept endorsed I understand by Jack Kemp, a former Secretary of HUD, back when the Secretary of HUD was even on the Republican side, cared about housing, and let us go that way. Now, we say, well, but let us take it out of Amtrak.

I wish this concern for the poor had been around when we were doing some earlier bills. As I understand it, we voted a significant amount of money to send people to Mars. We cannot find enough money for the homeless so we have to take it out of Amtrak. Well, would it not have been better to take it out of the trip to Mars? I mean, literally, this Congress voted to start spending, at least this House did, to send people to Mars, and at the same time, we talk about, well, but we have to cut Amtrak to help the homeless. Where was the concern for the homeless when you were going to Mars?

Mr. Chairman, there are many ways to help the homeless. Many of us, in a bipartisan way on the Committee on Financial Services, and I would note that the gentleman from Ohio who just spoke was one of those Republicans on the Committee on Financial Services who voted with us on that proposal for affordable housing. He understands and voted, as did others on that committee from both parties, that there are better ways to do this.

I think, frankly, that we have done enough damage to low-income people. We are now giving true meaning to the phrase, let us add insult to injury; let us use the lowest-income people in this country as a pawn in this effort to dismantle a decent rail system.

I welcome them, as does the gentleman from Wisconsin, this newfound support for the poor. I am available to help people in a far less destructive fashion to let them learn how to do it. I understand, when you are new to something, you are not always good at it. When you are new at helping poor people, it may not come out too good. Some of us who have been trying this for a long time are available for instruction.

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

Mr. Chairman, I would just like to point out that, in the bill that we have before us, that the appropriation for homeless assistance grants is increased by about 8 percent over last year's, the 2005 appropriation. It is up by \$100 mil-

lion over the 2005 appropriation, but that is almost two-thirds of the way to what had been the budget request.

Now, there are many, many places in this bill that the budget request by the President is under two-thirds of the amount that had been requested in the budget by the President, and this is one where we are already at that level, at least. The increase of \$100 million and an 8 percent increase in the budget is a very good set of funding, given the kind of allocation that the subcommittee was given. That, first of all.

Second of all, I point out that the gentleman from Minnesota who spoke earlier for retaining the elimination of the long-distance routes, which carries with it a cost of a total waste of money, carries with it a cost of \$369 million which has been estimated as the cost of shutting down those routes. It seems to me that it would be far better to retain the routes, to retain the routes over the long haul and to make the savings of \$300 million in other places in the high costs of those routes which we know how to do and still have the service and still have the national passenger rail system.

However, by the amendment that the gentleman offers, what he does is to now, after the previous decision adding \$600 million roughly to the Amtrak, he takes \$100 million of that out and puts them back in the position where the amount of money is not adequate to keep the whole system running for the year.

So this is really a counterproductive amendment from the Amtrak point of view. It puts them back in the position of not having enough money to run for the year, and at the same time, he has voted and spoken even for making certain that we waste the \$370 million or thereabouts on the shutdown of those long-distance routes.

□ 1545

So I would hope that we would not adopt this amendment. I think that there are other ways that we could do that that would normally be for homeless assistance grants, except that there is already a very large increase in the homeless assistance grant, and in so doing we then return Amtrak to an untenable position. So I hope the amendment is not adopted.

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

Mr. Chairman, this is the most discouraging part of this discussion that we have had this afternoon. Everybody has been civil. I think everybody has attempted to be nonpartisan, which is how it should be on such an important piece of legislation. Even if we eliminated all the long-distance routes in Amtrak, we would save \$300 million. But these savings do not occur in the first year because these are expenses that are accrued. This is not acceptable.

What is most reprehensible is to not only deal with the facts but make

those who support this legislation of returning the \$1.2 billion to its rightful place, that we somehow are going to be on the side of those depriving those who are homeless of necessary resources. That, to me, is despicable.

I really want to say a different word, but I respect the institution and I respect the gentleman from Minnesota. But this is horrible. We ought to take a good look at ourselves. We ought to take a look at how many letters we sign, how many parts of the petitions over the years we have come back to this Congress with to say, "Please restore the dollars for the homeless. Please restore the dollars for the down-trodden." Neither party is privy to virtue. Neither party is privy to who cares more about the homeless. But do not try to take it out of something that you know we have been fighting for that is necessary.

Now, I have an idea. Why do we not do away with the long-distance route the Carolinian? That is 305,000 passengers. Let us wipe it out tomorrow. You tell those people in Raleigh and Richmond and Washington, D.C., Baltimore, and Philadelphia, you tell them we are taking the route off because we think there are more productive routes and that this is the least productive. You write the letter and put your signature on it and tell them that. You put your signature on that.

We, as a body, must do for the homeless together, and we as a body must do for those who ride the trains all over this country. You have seen enough of the map. You have seen enough of those routes that go everywhere and every place. And if we are going to have a system of intermodal transportation in this country, we all have to pull together.

No one denies there should be some changes in Amtrak. I have fought for them myself. But do not stand there and tell me that I am not responding to the homeless. I take exception to that. You are pointing at me. You are not making a general statement. I am not going to let you get away with making a general statement that those of us on this side of the aisle and those of you on this side of the aisle do not care about the homeless.

So you have done, I think, a disservice to both sides of the aisle when you suggest that we can take a little off here and put it over there. This is not checkers. This is the real stuff. This is the real thing, and we need an intermodal system. We need a system of national transportation started by President Nixon in 1971.

I will end on that note.

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

Mr. Chairman, I join all our colleagues in asking us to come to our senses with reference to dealing with matters pertaining to the homeless. We talk an awful lot, and correctly so here in this institution, about homeless people and veterans. The connection seems

to get lost in this particular argument that a significant number of the homeless are people who are former soldiers who once protected all of us in this country.

I shudder to think what is going to happen psychologically to some who are presently in Afghanistan and in Iraq when they return home. I suspect that we will see them, not all, but a lot of them, on corners, like we see some of the Vietnam veterans and we saw some of the Korean veterans and some of the Desert Storm veterans.

All of us want to assure that the homeless are properly cared for. Now, then, to say that the money to take care of them should come out of an intermodal system that is vital to our Nation's transportation is a bit disingenuous and, in many respects, is harmful to our overall structure.

Let me ask everybody to think about September 12, after the devastating impact of terrorism here on September 11. The entire air system of the United States of America was grounded. I have not heard the argument here from many of my colleagues on either side of the aisle that transportation, the intermodal system, becomes a national security matter.

Assume for the moment that those that would have Amtrak not operate, and I am not here to suggest that there are not necessary reforms within that rail system, and I believe we all know what they are, and I think a lot of us know how to help them achieve it, but as a national security matter, if by chance we did not have a passenger rail system of consequence in this Nation and we suffer yet another attack like we did on September 11, then we add to our interstate highway system the number of things that need to be transported and individuals who have necessary business.

I cannot begin to tell you the number of Congress people that had to go up that corridor on Amtrak to do the business of this Nation. Please look at it realistically. Do not do the homeless this way and do not do Amtrak this way. Let us come together in a bipartisan fashion and do something that we have not done well around here, and that is work together to better Amtrak and to assure that no one in this great Nation of ours is homeless.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me just say that the Republicans are very good at talking out of both sides of their mouths. Because as far as I am concerned, they practice what I call reverse Robin Hood: robbing from the poor and working people to give tax breaks to the rich. Not to Amtrak, but to the rich.

So let us be clear. This is not about whether or not we support the homeless. I have never not voted to support the homeless. In fact, one-third of the people that are homeless are veterans. They are veterans. And we do not ade-

quately fund the veterans appropriations. All of a sudden you discovered that we are \$1 billion short for the veterans. We have been saying all along, all of the independent budgets, that we are \$3 billion.

So do not come up here and try to act Miss High and Mighty as far as this amendment is concerned. This is about Amtrak and whether or not we are going to have a National Transportation System in this country. It is clear that you have Republicans over there that do not support a National Transportation System, and we are going to have an opportunity to put it on the board.

The ink is not even dry. They have not even printed the amendment when you come up here to take \$100 million from Amtrak. Let us not kid ourselves. This amendment is not about the homeless; this is about taking another bite at the apple. The House voted to fund Amtrak at \$1.178 billion. Let us do not just start over again.

We have heard about the homeless. When do the Republicans support the homeless? Look at the budget. Over and over again, look at the record as to how you stand as far as the poor people of this country. In fact, we do not even use that word around here. Not poor people. We do not care anything about them. But transportation generates jobs and opportunity for the community, and that is what the question is on the table: Do we support a national rail system?

Do not be confused about the person and the amendment. The question is whether or not the American people support the foolishness that you keep bringing to the floor of this House. Eighty-one percent of the polls say that the Congress is not in tune with the views and values of the American people. Well, you can fool some of the people some of the time, but you cannot fool them all of the time.

I support funding programs for homeless, but I am going to vote against your amendment because I support a national rail transportation system.

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

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

Mr. ROTHMAN. Mr. Chairman, first allow me to thank my subcommittee chairman and his staff for being so extraordinarily cooperative and bipartisan in word and deed when it came to the needs of everyone on our subcommittee, Republican and Democrat. We on our side of the aisle believe there was not a sufficient budgetary allocation to our Subcommittee on Transportation. But within the confines of what we were given under the budget resolution, I believe that our chairman and his staff, my ranking member, the gentleman from Massachusetts (Mr. OLVER), and his staff put together a wonderful bill, which needed help on Amtrak, which both sides of the aisle fixed about an hour ago.

So it does pain me somewhat to find out that there is an effort now to undo the solution that would have helped us keep intact a national rail system. A national rail system. Is that some wild idea that we just have here in America? No. They have it all over the world. All over Europe. China is investing tens of billions of dollars in their rail system, their infrastructure. Japan. Talk about rail system. They have the bullet trains. Where we here in the United States of America are struggling along with trains whose brake systems failed on these antiquated rail beds, et cetera. We are the greatest country in the world, and we are not keeping up with our infrastructure needs. That is wrong.

They say we are falling behind in education to all kinds of countries, India, China, other countries around the world, because we are not investing in the education infrastructure needs. And now there is this amendment to take away money that would have helped us try to keep some of our transportation infrastructure.

My colleagues, if you cannot move people, if you cannot move goods around your country, you are going to be a second-rate country. And how we got to be the first-rate country that we are is because our parents and grandparents did what it took to build an infrastructure, a world-class infrastructure of transportation. Now the majority party wants to destroy our national transportation infrastructure when it comes to passenger rail?

We have an airline system that the majority wants to subsidize, and has subsidized. So has the minority. Both sides of the aisle. We subsidize the roads and highways, superhighways all over America. Why can we not then subsidize passenger rail in America as they subsidize passenger rail all over the world?

□ 1600

Because they want to privatize it. They want to privatize Social Security. They want to privatize rail. They want to privatize the Federal Government workforce. They want to privatize Medicare prescription drugs. They want to privatize the IRS. Did Members know that? They are contracting out the IRS to collect money from taxpayers. Private companies they are hiring, when the solution is simply: Give our chairman the power, the ability to reform our system. Maybe we need a separate capital account to maintain the rail beds and improve the stations, as well as an operating account. Make the reforms necessary, but we cannot do it on the cheap.

It is like you have three houses: One for airplanes, one for roads, and one for rail, and people live in those houses.

The house for roads, we pay the mortgage and provide money to fix the roof and keep the sewer system alive.

The same with airlines. We pay for the mortgage and keep the roof up and all of structures and systems intact.

But when it comes to the rail, the house of rail that the Republicans want to build, yes, they will pay most of the mortgage, but not all. But no money for the roof that is falling down. No money for the water system that is decaying and bringing lead-filled water into the home.

They say, if you managed your home budget better, rail system, that would be enough. Yes, maybe the rail system does not manage their money 100 percent as well as we would like, and that is why we need reforms; but we have to give them the money to fix the roof. We have to give them the money to fix the trains, fix the stations, and fix the rail beds, and have enough money to operate the trains safely, especially when there are threats of terrorism facing our railroads, and especially given the real world possibility of horrible incidents occurring.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. ROTHMAN) has expired.

(By unanimous consent, Mr. ROTHMAN was allowed to proceed for 1 additional minute.)

Mr. ROTHMAN. Mr. Chairman, we need three different kinds of national transportation systems in America: Airlines; highways for cars and trucks; and rail for freight and passenger service.

That is only if we want to be a first-class country. That is only if we want to be a first-class country, because we could give up that status and be a second-rate country, and then this amendment would fit right in. Just toss our national rail transportation network into the garbage. We do not need it because we want to be a second-class country.

Not on my watch, not without my objection. Reform, yes. We have Members on both sides of this aisle, people of goodwill and intentions who want reform, but we cannot starve the patient and expect it to live and run a marathon. We cannot tell the homeowner, We will give you almost as much as you need for your mortgage, but nothing for the roof falling down. It cannot be done.

Mr. Chairman, I urge my colleagues on both sides of the aisle to reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we cannot attribute good intentions to my good friend. I do not know his heart. And certainly there are homeless Americans, and the numbers are growing. Unemployment in America is soaring. The money spent for the war is ongoing. And when we begin to look at the landscape, more and more Americans are unemployed and underemployed. Forty-four million Americans are uninsured.

But here is what you call borrowing from a poor Peter to pay a devastated Paul. Homelessness in America needs its own special attention. In fact, I wish we were not under a massive

budget cut, the low ebbing, if you will, of funding America's greatest needs.

I would hope the gentleman would join me and the colleagues that have spoken and really address the questions of homelessness. I would venture to say we can almost spend a billion dollars to provide housing for Americans.

But when it comes to taking money from an already crippled system that really assists the poorest of Americans many times in getting from place to place, we are not gaining, we are only losing.

In the midst of this fight and debate, there are many cities who are fighting for more light rail dollars. The city of Houston has been to be one. We are being frustrated by the new formulas that have been generated only because we do not have the money. I want to see the system in Washington, D.C., get the billions-plus they need for their light rail system, but because of the fact that we are out of money, cities and rural areas across America in fact are suffering in terms of expanding and growing their light rail system with artificial capping and victimizing those citizens who are needing service.

We are in a battle right now to get rail to minority communities in Houston that were promised it, and they are not able to get it right now because of formula cuts.

I would like to be able to take that money out of Amtrak and provide for light rail. I hope we will find a way to solve our problem, but in the sense of collegiality or recognizing that we have a crisis, I know we cannot cripple Amtrak any further.

I hope, my good friend, as they say, we will lock arms together and fight the problem of homelessness. I hope you will join us by adding dollars to the section 8 underfunded allotment that we have. I hope the gentleman will join in adding dollars for emergency home repair for senior citizens who live in dilapidated housing all over America.

But we cannot afford to take \$100 million from someone who is crippled, as Amtrak is, and stifle transportation across America; and then, if you will, give money to a poor Paul, and that is for the homeless.

We want a collective, comprehensive effort that will really attack the question of homelessness. Might I say that homelessness also goes to societal concerns: Addiction, unemployment, lack of education. It just does not get solved with \$100 million for those who are homeless and veterans who are suffering.

So I think this amendment bears consideration only because I do not judge the gentleman's heart, but we should oppose it because we need a more comprehensive response, and we cannot undermine an already broken system of heavy rail that people are needing to survive. And for those of us who are still fighting for light rail, we certainly need a lifeline. And obvi-

ously, we all need an infusion of dollars to provide for a comprehensive solution. I hope we will work together for that. For that reason, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) will be postponed.

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

Mr. Chairman, I am not going to offer an amendment, but I do want to speak on this bill. First of all, I want to congratulate the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLIVER) for their hard work on this bill.

The last amendment demonstrates the folly of the Republican fiscal policies and the Republican budget. There are simply insufficient resources to cover the responsibilities, not the wants, but the responsibilities that we have. I want to speak about one of those.

I am pleased that the bill before us recognizes the importance of continuing our investment in helping States reform their election systems. This bill sensibly provides \$15.8 million to the new Election Assistance Commission so it can fulfill the high expectations Congress intended when it passed the Help America Vote Act of 2002.

I am personally gratified that the bill's accompanying report urges the EAC to set aside \$250,000 for the HAVA college program, an innovative program that encourages college students all over the Nation to enlist as non-partisan poll workers.

But, Mr. Chairman, this bill falls short of what HAVA requires. Almost 3 years after HAVA was enacted, Congress has yet to carry out all its election reform obligations and promises to the States. I am especially disappointed the bill does not provide the remaining \$800 million we owe the States to upgrade their voting machines, provide voter and pollworker training, and improve voting machinery technology.

I have not offered an amendment because there is not \$800 million to take from one of the objects in this bill to an obligation that we have, so I am not offering an amendment. Moreover, starting on January 1, HAVA requires, and I want my friends, particularly on the Republican side of the aisle, who have been properly very concerned about unfunded mandates. They have talked a lot about unfunded mandates. I agree with you on unfunded mandates.

This bill, HAVA, required States to spend money and it requires them to

have every voter online with the local precinct in statewide registration offices. That is expensive. It will help elections, but it is expensive. These systems, which will cost States tens of millions of dollars to install and maintain, will go a long way toward improving the accuracy and reliability of registration rolls and reduce fraud, something we all can agree on.

Today, Congress has appropriated \$3 billion of the \$3.8 billion promised in HAVA, roughly 78 percent of what was promised. That sum represents an important down payment to the States, and I thank the Speaker, the former chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Ohio (Mr. NEY) for their strong support in securing this money. I might say that the administration was supportive of this as well. This was a bipartisan effort.

However, we clearly have not carried out our promise. I happen to believe that a promise only partially fulfilled is a promise unfulfilled. For those who would say appropriating 78 percent is enough, I would suggest to them that they ought to talk to their State administrators who are not able to get the money that we are requiring them, hear me, requiring them to spend.

The principal cosponsors spent considerable time estimating how much it would cost the States to fulfill all of the mandates prescribed in the bill. We consulted State and local election officials, the Congressional Research Service and the then-Government Accounting Office, among other authorities, before deciding \$3.8 billion would provide the States with the resources necessary for comprehensive reform.

Indeed, there is reason to believe we underestimated what it would cost. Some credible reports estimated the cost will actually be over \$6 billion. At a time when we are spending \$1 billion a week building a viable democracy in Iraq, money which I have supported, an objective that I think is important, we can and must find it in ourselves to fund our own democratic infrastructure so that no eligible voter is ever refused the right to vote through administrative or mechanical error.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, from 1789 to 2002, the Federal Government got a free ride from the States in the administration of elections. We did not pay a nickel to elect any Member of Congress, any United States Senator, any President, or on running elections.

If we care about the quality and credibility of our election system, we must strive in the months ahead to provide the remaining \$800 million.

Mr. Chairman, I hope you work with me. I intend to work with the gentleman from Illinois (Mr. HASTERT) and the gentleman from Ohio (Mr. NEY) and

the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Wisconsin (Mr. OBEY) in accomplishing this objective. It is an important objective to meet our promises and not have unfunded mandates, and to make sure that America's elections are run in a fashion that will continue to be an example for the rest of the world and the pride of our own country.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 47, line 19, is as follows:

ADMINISTRATIVE PROVISION—FEDERAL
RAILROAD ADMINISTRATION

SEC. 140. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

FEDERAL TRANSIT ADMINISTRATION
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,000,000: *Provided*, That no more than \$80,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed \$989,000 shall be available for the Office of the Administrator; not to exceed \$7,284,000 shall be available for the Office of Administration; not to exceed \$4,140,000 shall be available for the Office of the Chief Counsel; not to exceed \$1,276,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$7,916,000 shall be available for the Office of Program Management; not to exceed \$7,123,000 shall be available for the Office of Budget and Policy; not to exceed \$4,712,000 shall be available for the Office of Demonstration and Innovation; not to exceed \$3,113,000 shall be available for the Office of Civil Rights; not to exceed \$4,155,000 shall be available for the Office of Planning; not to exceed \$21,408,000 shall be available for regional offices; and not to exceed \$17,884,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including re-

views of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2007: *Provided further*, That the amount herein appropriated shall be reduced by \$20,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, 5335 and section 3038 of Public Law 105-178, \$662,550,000, to remain available until expended: *Provided*, That no more than \$4,417,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amount available, \$2,500,000 shall be available for the National Transit database.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available until expended: *Provided*, That no more than \$8,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$24,049,000, to remain available until expended: *Provided*, That no more than \$160,325,000 of budget authority shall be available for these purposes.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$7,209,700,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$3,754,450,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That \$136,276,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That \$68,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That \$6,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That \$148,750,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That \$3,095,424,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$546,251,000, to remain available until expended: *Provided*, That no more than \$3,641,675,000 of budget authority shall be available for these purposes.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$26,250,000, to remain available until expended: *Provided*, That no more than \$175,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to \$300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

ADMINISTRATIVE PROVISIONS—FEDERAL
TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SAINT LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$112,336,000, of which \$23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$17,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$11,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$3,526,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION
(RESCISSION)

Of the unobligated balances available under this heading, \$2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$17,027,000, of which \$645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$26,183,000, of which \$1,847,000 shall remain available until September 30, 2008: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY
(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$72,860,000, of which \$15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which \$57,860,000 shall be derived from the Pipeline Safety Fund, of which \$24,000,000 shall remain available until September 30, 2008: *Provided*, That not less than \$1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: *Provided*, That not more than \$14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY
ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$4,326,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$62,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$26,622,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than \$25,372,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF
TRANSPORTATION
(INCLUDING TRANSFERS OF FUNDS)

SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of

motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons

for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 182. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

□ 1615

POINTS OF ORDER

Mr. LATOURETTE. Mr. Chairman, I raise a point of order against page 32, line 25, beginning with "provided further" through page 33, line 3.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The provision proposes to place a legislative condition on the availability of funds. As such, it constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. LATOURETTE. Mr. Chairman, I make a point of order against the phrase "notwithstanding any other provision of law" on page 34, line 4.

This phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. LATOURETTE. Mr. Chairman, I raise a point of order against section 151 on page 35, line 25, through page 36, line 5.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an

appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed \$3,000,000 for official travel expenses; \$187,452,000, of which not to exceed \$7,216,000 for executive direction program activities; not to exceed \$7,521,000 for general counsel program activities; not to exceed \$32,011,000 for economic policies and programs activities; not to exceed \$24,721,000 for financial policies and programs activities; not to exceed \$16,843,000 for Treasury-wide management policies and programs activities; not to exceed \$63,731,000 for administration programs activities: *Provided*, That \$35,409,000 of the amount provided under this heading is for the Office of Terrorism and Financial Intelligence as authorized in Public law 108-447, of which \$22,032,000 is for the Office of Foreign Assets Control, \$5,882,000 is for the Office of Intelligence and Analysis, and \$1,998,000 is for the Office of the Undersecretary: *Provided further*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further*, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2007, is for information technology modernization requirements; not to exceed \$100,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program and internal control programs, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL
INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$21,412,000, to remain available until September 30, 2008: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$17,000,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$133,286,000; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM
ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42), \$2,500,000 to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND
RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$73,630,000 of which not to exceed \$6,944,000 shall remain available until September 30, 2008; and of which \$8,521,000 shall

remain available until September 30, 2007: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$236,243,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE
BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$91,126,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$36,900,000.

BUREAU OF THE PUBLIC DEBT
ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$179,923,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than \$3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at \$176,923,000. In addition, \$70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$55,000,000, to remain available until September 30, 2006, of which up to \$13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to \$6,000,000 may be used for the cost of direct loans, and up to \$250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans,

shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$11,000,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,181,520,000, of which up to \$4,100,000 shall be for the Tax Counseling for the Elderly Program, of which \$8,000,000 shall be available for low-income taxpayer clinic grants, of which \$1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed \$25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,541,466,000, of which \$55,584,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to \$10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: *Provided further*, That up to \$10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105-33): *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 57, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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

If not, the Clerk will read.

The Clerk read as follows:

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems

and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,606,846,000, of which \$75,000,000 shall remain available until September 30, 2007.

AMENDMENT OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AL GREEN of Texas:

Page 57, line 17, after the dollar amount, insert the following: “(reduced by \$7,700,000)”.

Page 91, line 8, after the dollar amount, insert the following: “(increased by \$7,700,000)”.

Page 91, line 9, after the dollar amount, insert the following: “(increased by \$3,900,000)”.

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

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

There was no objection.

Mr. AL GREEN of Texas. Mr. Chairman, I rise today in the spirit of a great and noble American, the Reverend Dr. Martin Luther King, who reminded us, Mr. Chairman, that injustice anywhere is a threat to justice everywhere.

And I would like to thank my colleagues on both sides of the aisle who have fought injustice in housing. I especially thank the gentleman from Michigan (Chairman KNOLLENBERG); the gentleman from Massachusetts (Mr. OLIVER), ranking member; and the gentleman from Massachusetts (Mr. FRANK), my ranking member on the Committee on Financial Services. I would also like to thank Democrats and Republicans of goodwill who have been engaged in this fight for housing justice because fighting injustice in housing is neither Democratic nor Republican.

Fighting injustice in housing is an American cause, and all people of goodwill understand that we cannot allow invidious discrimination to steal the great American ideal of having a place to call home. This is why 37 years ago, Mr. Chairman, this august body passed the Federal Fair Housing Act. However, 37 years later we still have more than 3.7 million Fair Housing violations annually.

This is why my colleagues have supported the funding of the Fair Housing Initiatives program and the Fair Housing Assistance program. Mr. Chairman, I thank God for those Democrats and Republicans who have supported the funding of these vital programs that not only educate consumers about housing discrimination but, more importantly, promulgate investigations that produce evidence of discrimination.

So today, Mr. Chairman, I call upon Democrats and Republicans of goodwill to restore these vital programs to the fiscal year 2005 levels. If we are to keep real the American ideal of homeownership for all, we need to restore this funding. If we want the American Dream embodied in the adage “there is no place like home” to thrive and survive not only for those in the suites of life but also for those in the streets of life, we are to restore this funding.

Mr. Chairman, when it comes to housing, we cannot claim justice for all of us as long as there is injustice against any one of us. We ought to restore this funding.

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

I am opposed to increasing the budget for the fair housing programs for two reasons. The funds are not really needed, and a reduction in HUD staffing to pay for it is completely contrary to what HUD really needs. I do not disagree with the gentleman's interest in providing more for a worthwhile project. The increase in funds is not needed.

I think I have said this before. In 2002, 2003, and 2004, HUD was awarded \$7 million in additional funding to conduct a new national survey of discrimination. This work was conducted by the Urban Institute and has now been completed, and the report is issued. However, in 2005 the increase in funds was retained to complete the work and reduce the backlog of discrimination cases that have built up at HUD and in the States. The backlog has been reduced and the report has been issued. Therefore, the administration requested that the budget return to historic funding levels, and the committee mark funds the program at the requested levels. We did not go below or above, but we did do it at requested levels.

So, therefore, I do not believe that a reduction in funding for HUD salaries and expenses is appropriate for an increase above the requested levels for fair housing programs. And what I figure is appropriate, I would say that we would urge the defeat of this.

I am prepared to go into specific details of why this does not represent any reduction in activity for the program if the gentleman would prefer, but the fact is that we have a very real and harmful cut to the agency's workforce in order to put more funds in FHIP. So I do not know where we go for more money, and that is the problem that I have.

The gentleman and I spoke yesterday; and the conversation was, I thought, very interesting; and also I admit to the fact that he has a point about things. I just wish that I could tell him this is what we can do, but we cannot do it under the circumstances.

I urge my colleagues, therefore, to prevent that from happening and vote “no” on the amendment. HUD can do better.

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

Mr. Chairman, we agree with the gentleman from Michigan that reducing salaries and expenses would be a mistake, and there has been some confusion that is not the fault of the gentleman from Michigan. There was, as Members on our side talked about various offsets, some lacking at salaries and expenses, but, in fact, it has been changed, and the gentleman had no way to know this. He was not misrepresenting.

But the offset in this is not from salaries and expenses. It is from business systems modernization, a \$199 million account for technology. And the gentleman is correct, and we spoke with various other people who represent those who work at HUD. So this is not now a reduction of salaries and expenses. It comes from the account on page 57, line 20, and following, \$199 million for internal revenue.

Secondly, I would say this: when Secretary Jackson testified at his hearing before our committee, the Committee on Financial Services, in which the gentleman from Texas now makes a very important contribution from his own experience and awareness of the need here, I told Secretary Jackson I was disappointed to see this reduction from one year to the next. And Secretary Jackson's response, and it is available from the record and we will make it available for anyone who wants it, was that he agreed it would be a good idea to have more money, but he simply had to work within this limited budget. That is, Secretary Jackson did not say this is enough. He said it was not enough. He did not have enough resources.

We do believe the modernization is useful, but not at the expense of a fairly small amount. This is, what, less than 4 percent of the amount for modernization.

The fact is that housing discrimination continues to be a serious problem, and we have had recent hard evidence of that. By mandate of this Congress, we collect something that is known as the Home Mortgage Disclosure Act data, HMDA data people have heard; and the recent report from banks of the HMDA data shows a prima facie case of discrimination based on race. There may be some explanation for that, and we are going to be looking at that. People have said, well, there are other various reasons. But the fact is that the HMDA data is one indication of that.

I believe this country has made a great deal of progress in doing away with housing discrimination. It was not so long ago in the lifetime of many of us here when the Federal court still enforced racially restrictive covenants which said one could not sell their home to someone who was African American. That was changed less than 60 years ago. We still have racial discrimination. We still have racial discrimination particularly in housing;

\$24 million, which is what we would have if the gentleman's amendment passes, is hardly excessive for this country of 240-plus million people to deal with a continuing manifestation of what I think is the greatest single domestic problem we face from our inception, which is racial unfairness and racial discrimination.

The enforcement of racial discrimination is complicated. People have become sophisticated. They do not admit that they are discriminating. The need to test, the need to do very sophisticated work is important. People have a right, if they are prosecuted, to various procedural defenses. If we are going to make a good case to prove this, we need the money.

So I would agree with the gentleman from Michigan that it would have been a mistake to take it from salaries and expenses, and this does not do that. I also agree with Secretary Jackson, at least on this one occasion, and I am trying to think of others and they do not come to mind, that it would have been better if we had more money for housing discrimination, given the role that racial discrimination and unfairness have played in this country. The gentleman from Texas, from his own career and his own life, has a very profound understanding of this; and when he came to this Congress, one of the first things he asked those of us who had been on the committee about was can we address this.

And we asked him to take the lead, and he has done that very ably. This is a very well-thought-out, really quite moderate amendment. Adding \$7 million out of this \$199 million pool, I think, makes a great deal of sense. The money will clearly be well used. Yes, there had been other surveys, but no one familiar with the state of race relations in America thinks we have reached a point where housing discrimination has disappeared. And \$24 million in this Nation of 240 million people, what is that, a dime a person? I do not think a dime a person is too much for this country to spend, and I thank the gentleman from Florida (Mr. HASTINGS) for confirming my arithmetic because I was a little unsure there, but I do not think a dime a person is too much for this country to spend in trying to further combat what has been one of our enduring obstacles towards reaching our constitutional goal.

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

Mr. Chairman, I want to thank the ranking member and the chairman of this committee. I recognize the constraints that they have operated under and we can go forward from there. But there comes a time when we do have to address consequential problems with reference to our actions.

□ 1630

In this particular instance, the gentleman from Texas (Mr. AL GREEN),

and the gentlewoman from California (Ms. LEE) and myself have seen fit to join hands and bring this amendment before the body because we know that this continues to be a concern and a serious problem in our Nation.

Two years ago, President Bush proclaimed June as National Home Ownership Month. In doing so, he pledged his support to help, and I quote him, "every citizen, regardless of race, creed, color or place of birth, have the opportunity to become a homeowner." Yet despite the administration's rhetorical commitment, more than 3.7 million fair housing violations continue to occur each year.

The Fair Housing Initiative Program and the Fair Housing Assistance Program play critical roles in fighting housing discrimination. Fair housing organizations and other nonprofit groups use Federal funds to provide vital services directly to communities. Grants are used for education and enforcement programs that educate consumers about how to recognize and report housing discrimination and to conduct investigations and testing of complaints of housing discrimination.

Despite this obvious need, funding for fair housing activities in fiscal year 2006 has been cut by more than 15 percent. This unnecessary cut will reduce services and leave many potential homeowners with no programs to advocate and enforce fair housing policies on their behalf.

The Green-Lee-Hastings amendment restores funding to fiscal year 2005 spending and levels the playing field for all who seek home ownership. Owning a home embodies the core American values of individuality, responsibility and self-reliance. Owning a home creates neighborhoods that promote growth and stability throughout our communities.

In my view, restoring this essential funding for fair housing activities ensures the American dream can become a reality. For the last 5 years, we have been about the business of a housing boom, and during that same period of time, 3.7 million discrimination acts a year have taken place.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for letting me correct myself.

Mr. Chairman, I misread this. Actually, the money comes out of the information system section of the IRS, not the business modernization. That is \$1.6 billion, including hiring of passenger motor vehicles. So we are talking about car rentals for the IRS and other accounts. It is \$1.6 billion.

Also I have been corrected by the gentleman from New York. The population is now closer to 290 million, so we are really talking about 8.5 cents a person. I would like to be precise. We are taking this out of the \$1.6 billion information systems account.

Mr. HASTINGS of Washington. Mr. Chairman, reclaiming my time, I thank again my colleagues from California, Texas and Florida. I think that kind of at least covers the breadth of the Nation. In the breadth of the Nation, I think what happens sometimes is maybe some of our colleagues have never suffered discrimination, but I have gone seeking an apartment that later was rented to someone else and told that the apartment was not available. It hurts.

We should stop that kind of discrimination. We made progress, but we are not nearly there yet. This is a \$7 million fund that can assist us in avoiding some measures of housing discrimination.

As far as the chairman's suggestion about the backlog, one of the reasons the backlog occurs is because people do not get on the front end and do their work. It is like EEOC. They have a backlog because they do not have the funds to do what we could have them do if we properly funded it.

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

Mr. Chairman, this bill is woefully underfunded. It is unfortunate that the administration and many of our Republican colleagues seek to cut programs that help the most vulnerable in our country.

Fairness in housing should not be on the chopping block. This is America. That is why we are here to offer the Green-Lee-Hastings-Grijalva amendment. This amendment would restore much needed funding to the Department of Housing and Urban Development's Fair Housing Initiative in the amount of \$7.7 million, equal to the fiscal year 2005 account level.

Mr. Chairman, the Fair Housing Initiative Program and the Fair Housing Assistance Program are essential programs at HUD. They handle over 3.7 million fair housing complaints annually. Housing should be a basic right of every human being, and no one should be discriminated against. It is really just that simple.

HUD's Office of Fair Housing works daily to address the concerns of fair housing, civil rights and the disabled. But they still have a long way to go to gain the public confidence in the enforcement of civil rights laws, protecting minorities and people with disabilities.

Currently, and let me just mention this, because a lot of our colleagues do not know this, but discrimination complaints against the disabled are on the rise. A HUD report found that some landlords profiting from federally subsidized housing discourage, they discourage and they continue to discourage, disabled people from applying for housing through discriminatory practices.

Mr. Chairman, this is just simply unacceptable. It is wrong. How in the world can we allow anyone in this country, any landlord, to discriminate against the disabled?

The Department of Housing and Urban Development has a responsibility to every person in this country to ensure that there is no housing discrimination in America. We must work with HUD and the Assistant Secretary for Fair Housing and Equal Opportunity to ensure that they have the resources and the authority needed to protect minorities and the disabled in public housing and prosecute those, yes, prosecute those, who have violated the civil rights of these individuals.

Mr. Chairman, I close by reminding this Congress that many people who are discriminated against, who are seeking fair, equal and quality housing are in our own congressional districts, in your congressional districts and in my congressional district. This is not a partisan issue, and should not be.

We must make sure that we restore the \$7.7 million needed. We need really more than \$7.7 million. Let us at least restore that in the fair housing accounts to ensure that housing is fair and accessible for all. That is a basic, basic principle in terms of our American democracy that we should always adhere to. We should not discriminate, and we should fund every program that allows for nondiscrimination efforts. We need to make sure that this \$7.7 million is restored.

Mr. Chairman, I thank the chairman, and I ask my colleagues to support the Green-Lee-Hastings-Grijalva amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. AL GREEN) will be postponed.

AMENDMENT NO. 9 OFFERED BY GARY G. MILLER OF CALIFORNIA:

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. GARY G. MILLER of California:

Page 57, line 17, after the dollar amount, insert the following: "(reduced by \$24,000,000)".

Page 77, line 24, after the dollar amount, insert the following: "(increased by \$24,000,000)".

Mr. GARY G. MILLER of California. Mr. Chairman, I rise today to offer a modest amendment to ensure that HUD can continue to work to redevelop brownfields sites in our local communities.

As a member of the Committee on Financial Services and Committee on Transportation and Infrastructure, I would like to commend the subcommittee chairman, the gentleman

from Michigan (Mr. KNOLLENBERG), for his hard work to adequately fund our Nation's housing and transportation needs through this difficult budget year.

What we are trying to do here today is, there has been a program zeroed out for brownfields. As we all know, on the BEDI grants on brownfields through HUD, HUD looks at a brownfield in a different way than EPA does. HUD looks at a brownfield in a fashion where they look and say, what benefit is it to the local communities, and how can we revitalize communities and create economic development? They do it in that fashion. They are very discriminatory in how they issue the grants, too.

On the other hand, the EPA looks at one issue, cleaning up polluted areas. That is all they look at.

Experts estimate in the United States that more than 450,000 vacant, unused industrial areas sit fallow today because we really have not taken and spent the time necessary to clean them up. If you look throughout our communities, there are many sites that you see that are fenced in, old plants, old industrial areas, that are sitting vacant that could be utilized today for housing and for many other areas. And they are just basically blighted sites throughout individual communities. They threaten our groundwater supply. They cost our communities jobs and revenues, and they contribute to urban sprawl.

It is estimated that if, we clean these sites up the way we want to, 550,000 additional jobs will be provided through this country and \$2.4 billion in new tax revenues to cities and towns. To build the economies and attract employers, an increasing number of States and local governments are working to plan, clean up and redevelop brownfield sites.

There is a clear and critical role for the Department of Housing and Urban Development to get involved and play a role in this effort. The largest obstacle cities face in redevelopment of brownfield sites is a lack of capital needed for the initial work, the planning, the early stages, the assessment, remediation planning and basically actual cleanup.

Brownfields can be developed through HUD and developed in a positive fashion, but we do not do that today. BEDI grants are available. We have passed legislation now out of the authorizing committee, in fact, the gentleman from Ohio (Chairman OXLEY) was going to be here to speak in favor of this amendment today, to basically revitalize the BEDI process, to make it more simplistic, to make it easier for communities to be able to access the funds without pledging CDBG fund as they have had to in the past.

We need to return these contaminated sites to productive uses throughout our communities. BEDI programs give local communities valuable tools to address blight, create new jobs and expand their tax base.

It is completely different in every State today than EPA. EPA has a single goal, and that is just basically to clean up environmentally polluted sites. On the other hand, HUD looks at it in a different fashion. HUD looks at the BEDI process as a way to revitalize sites, to take an actual environmental condition that is perceived or real and basically develop it into a plan that currently exists.

They target for uses not just basically on one issue, but they target brownfields for use for economic development, to increase economic opportunities for low-and moderate-income persons, to stimulate and retain businesses or jobs, that would otherwise be left fallow and not lead to economic revitalization.

BEDI financed activities will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applicants who want to land bank, who want to go and acquire a site, remediate it, and then just let it sit there and allow it to remain fallow.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from California has been a very creative leader on this. I just want to agree with what he has had to say. This is very important for all of the older, urban industrial areas. I do not want take time with my own 5 minutes because the gentleman from California has made the case, as will the gentleman from Texas. I just want to express my strong support and appreciation for his leadership on this and on the BEDI issue.

Mr. GARY G. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentleman.

The important part is you could generate \$2.4 billion to local government by cleaning these sites up. We need to give HUD an opportunity to do what they do best, and that is local economic development, community development. We need to reform the program, there is no doubt about it. The legislation we have at hand does that. I would encourage support in this area.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to begin by commending the gentleman from Michigan (Chairman KNOLLENBERG) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their good work on this bill in the midst of an extremely tight budget environment. Both gentlemen have had to make some very unpopular decisions. However, eliminating funding for a proven, results-oriented program like the Brownfields Economic Development Initiative is one I, along

with my colleagues from California and Massachusetts, feel strongly should be reconsidered.

When cities redevelop brownfields, they boost their tax base, spawn job creation, spur neighborhood revitalization and provide environmental protection. Unfortunately, H.R. 3058 eliminates funding for the continued cleanup and redevelopment of urban brownfield sites for which \$24 million was provided last year when no funds were requested.

□ 1645

This amendment represents a renewed pledge to communities across the country signaling this body's commitment to creating and sustaining viable communities. This amendment increases grants available under the Community Development fund with the intent that this increase would be directed toward brownfields redevelopment activities.

The increase is offset by reducing the IRS information systems and telecommunications support program by \$24 million. This account is \$29 million above last year's appropriation and \$16 million more than the President's budget requested.

The assessment and cleanup of brownfields are critical to the economic and environmental health of communities across the Nation.

Within the city of Dallas, a Federal investment of less than \$2 million has leveraged more than \$370 million in private investment and created or helped retain close to 3,000 permanent, full-time jobs. Over 1,600 units of housing, including 134 units of affordable housing, have been developed on former brownfields sites. The program has brought new vitality to long-distressed portions of the city, boosting the tax base, and bringing important economic opportunities to many neighborhoods.

According to the Government Accountability Office, there are well over 500,000 brownfields across the country. Brownfields affect cities of all sizes and represent lost opportunity wherever they exist. Yet, in spite of this fact, the National Report on Brownfields Redevelopment produced by the U.S. Conference of Mayors cites the lack of funds as the biggest impediment to meaningful brownfields redevelopment.

I am aware of the argument that the expanded authority of EPA to handle brownfields precipitated the current cut in HUD's the brownfields account. EPA's guidelines are much more restrictive. However, in my respectful view, that flexibility for our Nation's communities to utilize more than one funding source should not be eliminated. Further, many communities across the country already have existing relationships with their local HUD offices.

I urge my colleagues to renew this body's pledge to American communities and urge a "yes" vote on this amendment. I thank my colleagues for this partnership opportunity.

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

Mr. Chairman, this is an amendment that is difficult for me, but I am looking at it, and I wanted to point out a few things that I think everybody ought to know about what the Brownfields amendment, what kind of heartburn it causes us on the committee. We typically oppose any amendment to the Brownfields because of the fact that there are several reasons why this program can and should be considered a low priority. Let me explain.

While this program has been funded at about \$25 million each year, the EPA has an identical program which in 2005 was funded at over \$160 million per year and which has addressed over 8,000 sites. In 2006, there was an increase of \$10 million to over \$170 million in EPA. The facts being cited about the number of projects that Brownfields funding has served must be referring to the EPA's program, because in the HUD program, it is very, very minimal. Let me give an example.

HUD's program has been extremely slow in spending money. Only \$35 million of the \$175 million in appropriations received from 1998 to 2004 has been spent; \$35 million out of \$175 million. Rather than putting these funds into project development, funds are often used as a loan loss reserve rather than for reconstructing sites.

Besides EPA, there are several other sources of remediation funding. Besides EPA, the Brownfields tax deduction of \$200 million is what is really driving redevelopment decisions, not the small amount of funds that are in HUD. Where grants have occurred, HUD grants are a very tiny portion of project development. HUD funds on average are just about 2.3 percent of the total development cost of the project. Moreover, for each HUD dollar, there are \$28 in private and \$12 in State and local funds committed to this project.

What all this means is that Brownfields has found a home at EPA; and it clearly belongs there, where there are fewer restrictions and more funds. However, I would pause at this point and say that on the basis of the work of the gentleman from California (Mr. GARY G. MILLER) and what he has been doing, and we have had several conversations about this, and there may be a future again to look at this down the road, so I am not going to oppose it, but I wanted my colleagues to know something about what troubles us within HUD; and I am going to, in fact, offer to accept the gentleman's amendment.

Mr. GARY G. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I agree that a more flexible, widely accessible program needs to be developed. I believe my bill, H.R. 280, achieves that goal, and that is

why the gentleman from Ohio (Chairman OXLEY) and I have been fighting very hard and believe that we do need this program. I think we need it. Does it need improvement? Yes, I agree. We are going to improve it, and I appreciate the gentleman's help.

Mr. KNOLLENBERG. Mr. Chairman, we accept the amendment.

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

Mr. Chairman, I want to congratulate the chairman and I want to congratulate the gentleman from California (Mr. GARY G. MILLER). If there is any area that will positively affect, positively affect our cities, as a former city mayor, it is this piece of legislation.

I drive by Paterson, New, Jersey and there are so many places that have been abandoned. Either the person could not keep up with the taxes, or he cannot clean up the property in the first place.

If there is anything that fosters private-public partnerships, it is this legislation, because it brings together the local community, the developer, usually State officials who have their own brownfields legislation themselves.

I want to commend the gentleman from California. I think that this is an excellent piece of legislation. I support the added \$24 million. I think this is going to go a long way. This is something tangible and far from a lot of hot air we hear about helping cities from both sides of the aisle here. Congratulations.

Mr. Chairman, I rise in strong support of the Miller-Johnson Amendment to increase the Community Development Fund by \$24 million—funding that will be allocated toward the HUD-Brownfields Redevelopment Program.

There are an estimated 500,000 to 1 million brownfields sites nationwide—covering nearly 200,000 acres of land across the country. Indeed, there are over 1,000 brownfields sites in the 2 counties that make up my district alone.

These sites are abandoned, often former industrial properties whose redevelopment can be an important ingredient in the economic recovery of urban areas.

As a former mayor, I can tell you that redevelopment is the only type of growth that is possible any longer in our urban communities.

Brownfields development can have a multitude of positive effects on our Nation's most troubled cities: they can help to create jobs, improve the quality of the environment, and spur smart growth and preservation of open space.

My district in New Jersey has many brownfields redevelopment success stories to tell. The formerly abandoned Boris Kroll Mill in Paterson has recently been transformed into market-rate rental housing—creating 39 new apartments for residents and 10,000 square feet of retail and office space.

With financial support from the Federal and local governments buttressing private support, the area surrounding the new redevelopment has been given new life.

The buildings have retained their beautiful 19th Century architecture with brick fronts, high ceilings and grid windows.

With the increasing commitment of Federal, State and local authorities to redevelopment, these success stories from our cities and suburbs are being heard around the country.

In the past decade, Congress has made an impressive bipartisan effort, as we are demonstrating in this amendment today, to raise the profile of brownfields redevelopment projects and pass laws to streamline the process.

Every member of the community benefits from increased Federal incentives for development: residents, land owners, developers, and businesses.

Unlike EPA brownfields funds, the HUD brownfields grants are primarily targeted for use in economic development projects.

This HUD program provides a powerful incentive for cities, developers and parties facing brownfields liability to convert dilapidated sites into engines of economic growth.

These redevelopment projects enable certain distressed communities to experience a type of rebirth.

They reconnect us to our historic past, renew our sense of pride in our cities, and infuse neighborhoods with the vitality and dynamism they once had in our great industrial past.

Let us not take a step backward by zeroing out funding for the important Brownfields Economic Development Initiative at HUD right at the moment when we are beginning to see real progress.

I urge the House to vote for the bipartisan Miller-Johnson amendment to add \$24 million in funding to this important community renewal program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to congratulate the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from California (Mr. GARY G. MILLER) for their recognition that there are communities that are still suffering and that the brownfields cleanup has been something that even the least of those really understand. You go into a community where there has been, if you will, old oil cans piled up in their neighborhood, tires piled up in their neighborhood, and you will find that they understand what a cleanup and a brownfield is all about.

I wondered in the original drafting of this legislation whether there was full recognition of how important the brownfields cleanup is to our communities. In particular, in the community that I represent, we had a number of brownfields still waiting for dollars to provide that assistance. These extra dollars I hope will spread the opportunity for the cleanup but; more importantly, I hope that it will emphasize the importance of maintaining this program and maintaining it by funding it and letting it work.

Quality of life is something we owe all Americans. Many Americans live in neighborhoods where the quality of life is dependent upon public funding and public assistance. Brownfields dollars are extremely important. I would hope that our colleagues would vote for this amendment because it adds to the

quality of life of Americans, some of whom cannot fight for themselves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, \$199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$20,210,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 205. None of the funds in this title may be used to modify the number or location of Taxpayer Assistance Centers until the Treasury Inspector General for Tax Administration completes a study detailing the impact that such closures would have on taxpayer compliance and submits such study to

the Committees on Appropriations of the House of Representatives and the Senate for review: *Provided*, That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: *Provided further*, That the Internal Revenue Service shall consult with stakeholder organizations, including but not limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to the types of data to be included in the model that will determine which Taxpayer Assistance Centers should be closed and the relative weight of such data as it relates to such model.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY (INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 213. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 214. The Secretary of the Treasury may transfer funds from "Financial Management Services, Salaries and Expenses" to "Debt Collection Fund" as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 215. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting "8 years".

SEC. 216. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, Urban Affairs.

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of

Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 62, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 218. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report defining currency manipulation and what actions will be construed as another nation manipulating its currency, and describing how statutory provisions addressing currency manipulation by America's trading partners contained in, and relating to, title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation.

POINT OF ORDER

Mr. THOMAS. Mr. Chairman, I make a point of order against section 218 on page 63, lines 1 through 10 of this bill, H.R. 3058, on the grounds that this provision violates clause 2(b) of House rule XXI because it is, in fact, legislation included in a general appropriations bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

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

It is my understanding that the chairman intends to work with us to incorporate this provision into future legislation that the House will consider. Is that correct?

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

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the Chair is not rising to a point of order on the substance because the Chair supports the substance; it is the manner in which it is being carried in an appropriations bill. The Chair wishes to work with the chairman very closely to make sure that this position represented in the legislative portion of the appropriations bill is included in a legislative vehicle that will be before us fairly soon.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, that is exactly my understanding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING TENANT-BASED RENTAL ASSISTANCE (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$15,531,400,000, to remain available until expended, of which \$11,331,400,000 shall be available on October 1, 2005, and \$4,200,000,000 shall be available on October 1, 2006: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$14,089,755,725 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to projections, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further*, That up to \$45,000,000 shall be available only (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies, and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) \$165,700,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Reversions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, vouchers necessary to complete the consent

decree requirements in Walker vs. U.S. Department of Housing and Urban Development, and tenant protection assistance including replacement and relocation assistance;

(3) \$45,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) \$5,900,000 shall be transferred to the Working Capital Fund; and

(5) \$1,225,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$25,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: *Provided*, That \$1,200,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: *Provided further*, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities, except that up to \$200,000,000 of funds made available on October 1, 2006, to this account may be transferred to the "Project Based Rental Assistance Account" at the discretion of the Secretary.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 63, line 20, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Page 63, line 21, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Page 63, line 25, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Page 95, line 2, after the dollar amount, insert the following: "(reduced by \$120,000,000)".

□ 1700

Mr. NADLER. Mr. Chairman, this amendment would increase funding for section 8 housing vouchers for low-income people by \$100 million to enable an additional 15,000 low-income families to afford safe decent housing.

To offset this increase, the amendment cuts the working capital fund, a poorly managed computer upgrade program that has been the subject of lawsuits and which the committee criticizes in its report on Page 108. Even with the reduction, the bill would still provide up to \$110 million in working capital funds for IT projects.

Please note, the bill provides up to \$65 million in working capital funds in 11 accounts scattered around the bill other than the working capital fund itself.

We have a choice, Mr. Chairman. Do we want to help thousands of families obtain safe affordable housing, or do we think it is more important to have a somewhat faster computer upgrade in HUD? If we support American families, we should support this amendment. The need for housing assistance is staggering. All over the country, local housing authorities have long section 8 waiting lists, years long, but are forced

to reduce the number of housing vouchers they give out, not because there is not a huge need, but because we are failing to meet the need here in Washington.

In fiscal year 2001, we increased the number of section 8 vouchers by 79,000. For fiscal year 2002, the number of new vouchers dropped to 18,000. In fiscal years 2003, 2004 and 2005 not one new voucher at all was provided for. Rather, the debate concerned how much funding was necessary simply to maintain the same number of vouchers. And so it is again now as we debate the fiscal year 2006 budget.

Despite the committee's assurance that the bill fully funds section 8 voucher renewals, the committee has been flatly wrong in making this assertion in each of the last 3 years; 2 years ago, for example, we passed an amendment to boost section 8 voucher funding by \$150 million. The committee opposed the amendment on the Floor arguing that vouchers were fully funded.

Yet the conference report adopted a few months later added \$110 million over and above the \$150 million we added on the Floor, meaning that the committee would have underfunded section 8 vouchers by over \$1 billion while saying the account was fully funded. That was 2 years ago.

Last year, the conference report provided \$89 million more for voucher renewals than did the House bill. Yet just 2 months after the approval of the conference report, the Department, HUD, acknowledged that even the conference report fell \$568 million short of funding all voucher renewals.

Now the committee, once again, says it is fully funding section 8 voucher renewals. But the President, President Bush tells us that to renew all existing section 8 vouchers, we would need \$314 million more than the committee thinks is necessary. So the committee understated by \$1 billion, by \$568 million, and now by \$314 million in each of the last 3 years.

We all understand that the budget is extremely tight and that many programs are facing cuts. Our amendment therefore does not seek the \$314 million above the committee amount that the President would recommend. It seeks merely to restore \$100 million. This is less than the bare minimum of what is needed.

The amendment will not enable us to provide vouchers to any more families than receive them now, but it will allow us to continue to help 15,000 families who are now being helped. It enables us to avoid throwing 15,000 poor families out on the street. That is our choice. The section 8 housing voucher program provides safe affordable housing to approximately 2 million American families in urban and rural communities in every State across our country. These vouchers are often the only resource for low-income families confronted by our Nation's affordable housing crisis. Once again, the choice is, will we force an existing 15,000 fami-

lies who are now living in safe decent housing out on the street because we do not have the money to renew their vouchers? Or will we slow down a computerization program for the bureaucrats at HUD? That is the choice. I hope we will elect to help the low-income families meet their critical housing needs by supporting this amendment. I hope everyone will vote yes on the Nadler-Velázquez-Frank amendment.

Mr. Chairman, I will also at this time include in the RECORD a chart which documents the 11 different accounts in which funding for the working capital fund is squirreled away, so that people do not think that our offset takes too much money away from this program. And I will include in the RECORD a letter in support of this amendment signed by nine religious organizations representing Catholics, Jews, Lutherans, Presbyterians and Methodists.

Account	Amount
Working Capital	\$165,000,000
S&E—transferrable	15,000,000
Sect. 8 voucher acct	5,900,000
Sect. 8 project acct	1,000,000
Pub. Hsg. Capital	10,000,000
CDBG	1,600,000
HOME	1,000,000
Homeless grants	1,000,000
Sec. 202 elderly	400,000
Sec. 811 disabled	400,000
FHA—MMIF Acct	18,281,000
FHA—GI/SRI Acct	10,800,000
Total	230,381,000

Less reduction in Nadler amdt. -120,000,000
 Working Capital after Nadler amdt. 110,381,000
 *Note: The bill hides \$65 million in additional working capital on top of the Working Capital Account by sprinkling amounts in 11 other program accounts. This also has the misleading appearance of overstating the amounts made available for programs like Public Housing and Section 8.

JUNE 28, 2005.

To: Members of the U.S. House of Representatives.

Re: Funding for the Housing Choice ("Section 8") Voucher Program.

As members of the faith community, we are writing to express our concern about funding for the Section 8 housing voucher program, and to ask that you vote to increase funding for vouchers when the FY 2006 TTHUD spending bill comes to the floor of the House of Representatives.

Our organizations work with millions of low-income individuals and families who, despite their best efforts, are struggling to meet their basic needs. For many of these families, high housing costs present a major hurdle in this struggle, often forcing them to choose between paying rent and paying for food, clothing, prescriptions and medical care, transportation to work, and other essentials. The Section 8 voucher program offers critical assistance to two million such families, allowing them to live with dignity in decent, safe and stable housing. Through our work, we are witness to the important role that housing vouchers play in preventing homelessness, and in helping families whose members are unemployed, working low-wage jobs, or living on fixed incomes to make progress towards economic stability and self-sufficiency.

Congress has for many years expressed a strong commitment to the Section 8 voucher

program, consistently voting to fully fund all vouchers. We were therefore disappointed to learn in January that HUD had announced a 4-percent cut in voucher renewal funding for FY 2005, despite Congress' intention to fully fund renewals for this year. This cut, which is equivalent to 80,000 housing vouchers, has reduced the availability of affordable housing in hundreds of communities around the country.

For FY 2006, the House Appropriations Committee has recommended increasing funding for Section 8 vouchers by \$765 million, which is well below the President's request of over \$1 billion. While the Committee recommendation would likely be sufficient to renew vouchers currently in use, it falls well short of restoring those vouchers that have been lost due to the FY 2005 funding shortfall.

Rep. Jerrold Nadler and other Members of the House are expected to introduce an amendment to increase Section 8 funding by \$100 million in the House bill. This amount would restore funding for approximately 15,000 vouchers, thereby helping 15,000 poor families obtain decent, stable housing in the coming year. While more is needed, this amendment provides an important step forward in supporting these families. We therefore ask you to support the amendment with your vote.

As faith organizations, we are committed to strengthening our communities by assisting those who are the most vulnerable, and we believe that our work is not simply a matter of charity, but of responsibility and justice. We urge you to assist in our work by renewing Congress' commitment to fully fund and expand the Section 8 voucher program.

Sincerely,
 Call to Renewal.
 Catholic Charities USA.
 Jewish Council for Public Affairs.
 Lutheran Services in America.
 National Advocacy Center of the Sisters of the Good Shepherd.
 NETWORK, A National Catholic Social Justice Lobby.
 Presbyterian Church (U.S.A.) Washington Office.
 Union for Reform Judaism.
 The United Methodist Church, General Board of Church and Society.

Mr. Chairman, the conscience of this Nation is asking for this amendment. I ask this House to agree with that and to adopt this amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment. The amendment would require HUD to close down most of its systems and its operations, and would result in a loss of almost 400 jobs at HUD. All of this would occur almost immediately after the passage of the act.

And tragically, all of this would occur just to add funds to the Section 8 program that are not needed. It adds funds for renewals of vouchers when the renewal of vouchers has already been fully funded.

This is a tragic outcome for HUD for absolutely no benefit to families on assistance.

Everyone agrees that the renewal of vouchers at \$15.531 billion fully funds this program for 2006. The industry groups have said so and HUD has said so.

The only reductions in the Section 8 program that this committee took

were in overhead and funds originally requested that the Department now agrees will not be needed in 2006.

Specifically, we reduced overhead and administrative fees to reflect the transfer of assistance from the tenant-based vouchers to project-based vouchers, and we reduced tenant protection funds because the Department indicates that the anticipated regulation that might require those funds is not going to be put out until after 2006.

What this amendment would accomplish is nothing, or to fund a shortfall of any kind. Each PHA will receive the amount it is entitled to, and then the additional funds will sit there and be swept up and used for other purposes by the administration, just as excess funds have been swept up and used for non-HUD purposes for years.

But here is what I want you to look at. Look at what happens to HUD in the meantime. The original request for HUD's working capital fund was for \$265 million to maintain and develop new systems in HUD, new systems for accounting and new systems for programs.

The committee has already reduced the working capital fund by \$120 million in order to fully fund critical assistance programs, such as the Section 8 program. The amount remaining is the barest of minimums that HUD has to have to keep its functions, keep its systems functioning and keep its functioning going.

The committee has already removed funds for all system enhancements and removed funds for all initiatives. Funds left were for maintaining the current systems and upgrades needed to meet Federal requirements such as their accounting system.

An additional cut of \$120 million in their working capital fund would, according to HUD, simply shut down their systems, shut them down, and it would abrogate the contract they have with EDS and Lockheed Martin to maintain their systems. The contract itself runs over \$100 million each year, and it is only maintenance. This amendment would leave all of HUD with only \$45 million.

According to HUD officials, HUD would have to shut down the accounting system, the development of the new accounting system for FHA, system for PIH and to administer the Section 8 program, and then public housing programs will be shut down. Virtually all systems will be shut down.

Shutting down the contract that was painfully negotiated over a 4-year period will also throw HUD into chaos. They have no back up, nowhere to go except to the GSA schedule that will cost 150 percent of the cost of the contract, so with this amendment, HUD could not go there either.

I would just suggest to the gentleman that this is not workable by all of the investigation that we have done, and I would urge that we oppose this amendment.

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

Mr. Chairman, I rise in strong support of restoring funding for Section 8 vouchers. Providing decent, safe affordable housing is one area that must not be overlooked in the greater debate on spending priorities. This bill funds Section 8 at the level of \$314 million below the President's request, jeopardizing the housing of low-income families across the country. Without restored funding, hardworking families struggling to make ends meet will be left without homes and will be forced to turn to the already crowded shelter system.

If you are committed to end homelessness as we know it, today you have the opportunity to vote for this amendment. The Nadler-Velázquez-Frank amendment will restore \$100 million for Section 8 providing vouchers for approximately 15,000 families by reducing funding for HUD's working capital fund which provides for the technology needs of the Department. This increase will ensure that families working to create a better life for their children will have a safe, decent place to call home.

Stable housing is the first step to economic advancement and positive outcomes for children. Without a steady home, children suffer from being shifted between shelters and the homes of family and relatives, missing school and lacking opportunity for the lasting relationships so crucial to healthy development. The Nadler-Velázquez-Frank amendment will help address this issue by restoring critical funding to a program that has had a tremendous impact on the lives of low-income families around the country.

The Section 8 program is a lifeline for hundreds of thousands of families without which they would face the cold reality of life on the streets or the uncertainty of navigating our Nation's swelling shelter system. This amendment will prevent 15,000 families from losing their homes, continuing the support so needed as they strive to achieve economic stability in the face of challenging circumstances.

In this body, day in and day out, we hear talk about family values. What issue could be more linked to the morals we espouse than providing safe and decent homes for America's families? The Section 8 program serves the approximately 2 million Americans in greatest need, and these families are depending on us here today.

The Nadler-Velázquez-Frank amendment will restore \$100 million in funding for 15,000 vouchers. This is a modest but important increase to protect the homes of families working to overcome obstacles in difficult economic times. I urge support of this amendment.

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

Mr. Chairman, I want to begin by acknowledging that the gentleman from

Michigan (Mr. KNOLLENBERG) did a very good job of dealing with a difficult issue that was dumped in his lap in Section 8, and I acknowledge that. And I think he provided a great deal of comfort to tenants and administrators throughout the country by relieving them of the uncertainty that some proposed very drastic changes were there. And I thank the gentleman for that. And I understand also that he had a difficult situation. I would like to see even more.

The point I would just make is this: From a number of decisions that we have made, Section 8 has become the main housing program of the United States. I wish it were not. I think it is a mistake to have no production. And we have virtually no production. I think we have made the Section 8 program, by default, carry more load than it ought to.

Secretary Jackson talks about what an increasing percentage of the HUD budget Section 8 has become. That is partly because they have cut out everything else. And so what the Section 8 program is, is a survivor. And in an ideal world, we might allocate a little bit more to housing production, et cetera. But that is not where we are. We very much need this money. It is not nearly enough, but we are in a tight budget situation. Some of us wish we were not. Some of us voted not to be in it, but facts are facts.

As to renewals, the gentleman from Michigan may be right that there is enough for renewals. I hope he is. He may not be. But the point is that nothing in this amendment says it is only for renewals. The gentleman from New York pointed out that we have not had any new ones. Does anyone think that all of the people in America who need Section 8 housing now have it, and that we only have to work with renewals?

We had an amendment offered earlier by the gentleman from Minnesota, and I should acknowledge the gentleman from Minnesota (Mr. KENNEDY) voted for that affordable housing program that I talked about, and I should not have implied if anyone thought that he had not. But he talked about a \$100 million more for the homeless, taking it out of Amtrak.

If you want to provide \$100 million for the homeless, vote for this amendment because, you know what makes you homeless? Not having a home. That is what homelessness means. And one way to deal with the homeless is to get them homes. An additional \$100 million in Section 8 is the best, most efficient way to provide homes for the homeless. So we acknowledge that there is an unmet housing need. And as I said again, and I mean this very sincerely. I appreciate the gentleman from Michigan with regard to CDBG and HUD and Section 8 and HUD. He brought some order of a situation that was fraught with confusion for people, and I appreciate his willingness to do this.

□ 1715

We are talking now about a somewhat marginal increase. We wish it could be bigger. But I would say the argument against this on the merits has to be that you think America is now providing housing for everybody who needs it.

I would say to other Members, across party lines, across geographic lines, in past years when there have been threats for shortfalls in Section 8, I know all of us on the Committee on Financial Services that deals with housing have gotten anguished complaints from other Members saying, How can we stop this?

Well, I tell you the best way to stop another wave of threatened shortfalls, people not having enough. Rents can go up. You cannot entirely predict what the needs are going to be. I tell you a very good way to prevent yourself from being again besieged by fears that there will be people turned away, et cetera. Put this money in here now. If it is not needed for renewal, I hope it is not, I cannot be sure it is not, if it is not needed for renewals, then I think we will find in this country \$100 million worth of people who need housing. And that is of course what we do.

I would say again, if you were tempted by the homelessness amendment before, taking it out of Amtrak, let us put it here. As far as HUD's administration work is concerned, I think we can probably find some ways to deal with that. But I do not think that we ought to sacrifice HUD's primary goal of providing housing for people to deal with some of the bureaucratic issues. So I hope the amendment is adopted.

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

Mr. Chairman, I rise in support of the Nadler-Velazquez amendment to restore partial funding for the Section 8 Housing Choice Voucher Program. The underlying bill cuts some \$314 million for vouchers that enables low-income families to rent safe, affordable housing. This amendment would restore a third of that money, \$100 million, and thereby save about 15,000 low-income families from across this country from losing their homes.

If you are concerned about the homeless, then this should be a definite vote in favor of this amendment. This is very much a bipartisan issue. This past spring over 170 Members from both sides of the aisle signed a letter this spring to the appropriators urging them to restore full funding for the Section 8 voucher program. Those Members recognized that the Section 8 voucher program is the only effective Federal program supporting affordable rental housing in large urban areas such as New York City and Chicago and would be very much affected if this amendment does not pass.

Section 8 vouchers provide millions of families across the country a safe and affordable place to live and are critical to State and local efforts to end homelessness.

These cuts come at a time when Section 8 is already under attack due to program changes in April that threatened to cut over \$50 million in vouchers in New York City alone. Due to underfunding in the last bill, many housing agencies have had no choice but to reduce the number of vouchers and cut the subsidy below local rental levels.

The proposed cuts make this very, very bad housing crisis a much worse situation. The money to fund this amendment comes out of a program for computer upgrades that the committee criticized in its committee report as "poorly managed and inefficient."

I would certainly say that keeping 15,000 families in their homes instead is a better choice that supports family values. My colleagues on the other side of the aisle constantly talk about family values. I cannot think of a more important family value than keeping families in their homes. This is what this amendment does.

In fact, a wide range of faith-based organizations have written an open letter to me and other Members of Congress making exactly that same point. And these faith-based organizations call the effort to save Section 8 vouchers "not just a matter of charity but of responsibility and social justice."

There are so many drastic cuts in this bill for worthy housing programs that protect the most vulnerable among us, cuts to housing for those with HIV/AIDS, cuts to fair housing programs that reduce discrimination in housing, and cuts to the Community Development Grant, program just to name a few.

I do want to compliment my colleagues for accepting the Miller amendment. It is very, very important to have monies in the budget for brownfields, particularly urban areas in order to spur economic development.

You cannot really build affordable housing without a Federal role. The Section 8 voucher program has been one of the most successful in this country's history in providing affordable housing to those in need, and it is unconscionable to have this cut. It would literally put 15,000 families out on the street and increase the need for more homeless housing.

So if you care about housing in general, if you care about not reducing the need for homeless housing, and the other cuts that the leadership of our ranking member, the gentleman from Massachusetts (Mr. FRANK), has pointed out so clearly on the floor, you should support this amendment. I urge my colleagues to support this amendment.

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

Mr. Chairman, I have examined very carefully this budget that we have oversight responsibility for in the Committee on Financial Services and the Subcommittee on Housing and Community Development, and it is a matter of whether or not we are going to stand

up here on every issue and try and get those programs back that have been zeroed out and attempted to transfer over to Commerce, whether or not we are going to stand here and beg for some meager assistance to help us with the Section 8 program, whether or not we are trying to get the Brownfields back or the section 108.

Well, it is pretty difficult to choose which one you want to spend your time on. As ranking member of the Subcommittee on Housing and Community Development, I really would like to speak on all of them because it is really unconscionable that in this time in the United States of America, 2005, that we are haggling over dollars to help American citizens have a decent quality of life with decent housing.

We have a crisis in housing in America, not just in our cities, in our rural areas. People are not able to have decent housing. They are looking to their government for some help. We are giving some help. And I am appreciative of the gentleman from Michigan (Mr. KNOLLENBERG) for the hard work that he has put into this budget. I know that given what he had to work with, with the limitations of this budget, he has done the best job that he could possibly do. That is why some of us have been so opposed to these tax cuts.

We know that the tax cuts that we have passed in this Congress have benefited the richest 1 percent in America while we have people who are sleeping under bridges, families that are living in cars, people who work every day who cannot get into apartments because they cannot pay the first and last month's rent; children who go to school every day living in cars who are basically homeless because they do not have a place to live.

For those people who are fortunate enough to get the Section 8 vouchers, now we have to say to them as we did in Los Angeles that we cannot fund some of those vouchers. We made some mistakes in Los Angeles, and we over subscribed what we had. And we had people out there that we had given the authorizations to that we cannot honor. And now we are talking about taking money from one of the most profound programs in all of government, a program that simply allows individuals and families to have a decent place to live, and we are going to eliminate their ability to have decent housing because we want to spend money on some computers.

Well, I am all for good systems. I am all for upgrading. Now is not the time. Let us not take money from these housing subsidies in order to have computers when, in fact, if we take this amendment, we can fund 15,000 more vouchers. That is not too much to ask.

I know that there are those who have said we have made the additions. We are not going to undo them. We are not going to turn them around. But those of us who get these calls in our offices, ask us, Where can you find me a place to live? How can you help me?

The lines are long all over America. People wish to get in this Section 8 program because they cannot do any better.

Our ranking member referred to housing production. It is next to nothing. We do not have housing production. The cost of the land acquisition is too high. It is absolutely prohibitive to try and build low-cost units for people who really need them without some government help. And we do not have enough government help in order to acquire the lands and to write down the costs of building these units.

The best thing that we could do for those who could not do it without us is to provide them with Section 8 housing vouchers. I do not think it is too much to ask. I support this amendment, and I am very thankful that the gentleman from New York (Mr. NADLER) and the gentlewoman from New York (Ms. VELÁZQUEZ), despite the fact that they were advised not to do it, had the courage and the guts to do it. So I stand here with them to say no matter what else we are cutting, let us put the money back into this program.

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

Mr. Chairman, I simply could not let the time go by without rising to support the Nadler-Velázquez amendment.

I realize the difficulty of finding resources. We all know about tight budgets, and we know that you cannot get blood out of a turnip. But the Section 8 housing voucher program is one of the best things that has happened for poor people in this country. Every day my phone rings incessantly with people asking if we know where they can find a place to live; do we know where they can find some low-income housing; do we know where they can find some affordable housing?

And while we are only talking about 15,000 vouchers, which is minimum, for those individuals who would be able to acquire them, it would be like receiving manna from heaven.

So I simply reiterate what has already been said and that is if we really want to help the homeless, do as the gentleman from Massachusetts (Mr. FRANK) said, provide them with a place to live. I support the amendment.

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

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

Mr. MENENDEZ. Mr. Chairman, I want to rise in strong support of the Nadler-Velázquez amendment. And I appreciate the gentleman from Michigan's (Mr. KNOLLENBERG) attempt to protect Section 8 in the bill. I respect his support for the program, but we are here about a debate in large respect about our values. That is what the budget process is. That is what the appropriations process is.

We speak to the different issues that we care about in this country and our

personal values, and the total values of both our parties as well as our country are reflected in this national document that we call the budget and the appropriations process that fulfills that budget.

Now, when we think about values, what more values are there than of having a home, a place to call home, a place to bring your family, a place to bring your newborn child, a place where in fact that child is nurtured, a place where that child is going to study, a place where there will be celebrations, a place where difficult moments will be met together by family, a place that is secure and safe and warm and comforting and nurturing. That is a value when we talk about families because a family that does not have a home finds it very difficult to sustain itself as a family.

□ 1730

So this amendment strikes at the very heart of what we want to see, the ability of families to sustain themselves together in a nurturing environment that we call home. For too many people in this country, there is simply not a place for them to call home, and many times families are not even together because they are living with other family members. They are separated and apart.

So, ultimately, this is about creating an opportunity for more families to call someplace home, and I wish we were discussing an amendment that would be providing far more than \$100 million for Section 8, but still, this move, this is a critical one towards fulfilling the gap that the bill leaves open. At a minimum, we should be able to meet the President's request which recognizes the shortfalls in the program last year.

Section 8 is our Nation's most successful Federal low-income housing program, but it has been the victim of continual underfunding, sweeping structural changes and last-minute policy changes.

I have seen that firsthand in my district the havoc that it wreaks on the lives of people who are in it, and the millions who are waiting throughout the country and certainly thousands that are waiting in my own district as they wait on the list, and they are told after waiting so long, oh, we are still further underfunded; we are not going to get to that list. Without warning or rationale, HUD has changed the formulas, capped funding, established policies retroactively, making it harder and harder for housing authorities to keep up.

Last year's appropriation left a shortfall of 80,000 vouchers. What will it be this year, 100,000? The ongoing shortfall comes at a time when the administration has also put forward a proposal that dramatically threatens the future of Section 8, and finally, at a time when the cost of living is rising, when rented housing prices are increasingly out of reach, particularly in high

cost areas like New Jersey, the answer to these obstacles should not be weakening the very program that provides assistance to those who depend on it most. If home is where the heart is, let this Congress not be heartless and not make more people homeless at the end of the day.

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

Mr. Chairman, I did not want this debate to end without expressing my support for what the gentleman from New York (Mr. NADLER) is doing today.

The reality is that, while this economy has improved in the last several years, while housing starts are on the rise, while the number of Americans with the chance at the dream of homeownership is rapidly expanding, there are a lot of breaks and gaps in this economy, and this program, Section 8, exists to remedy those breaks and those gaps.

The score of the amendment of the amount of money that the gentleman from New York (Mr. NADLER) proposes to add to this budget is roughly 1.6 percent of this bill. This is a fractional investment in the scheme of things, but it is a significant investment for numerous families who will benefit from Section 8.

So I want to thank the gentleman from New York (Mr. NADLER) for his outstanding work in raising this issue and being persistent and bringing it before this body.

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

Mr. DAVIS of Alabama. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding, and let me say that I also appreciate the work of the distinguished chairman from Michigan in bringing some order from the recommendation of the administration on this bill, but I have to make a couple of comments.

First of all, as I said before, look at what we have done on Section 8. We have hundreds of thousands of people on waiting lists, hundreds of thousands, waiting 8, 9, 10 years for decent housing for Section 8 vouchers. As recently as 2001, we increased the number of Section 8 vouchers by 79,000. In 2002, we increased it by 18,000. Since then, in 2003, 2004, 2005, we did not increase it by one, not by one. Instead, we debated, are we funding the existing number of vouchers, and this is what we are debating again now. I wish we were debating increasing the number of vouchers.

The gentleman from Michigan says Section 8 is fully funded. Well, I do not think it is, but even if it were, we should be increasing the number, and if we are wrong, and we are increasing the number by a few, that is the right thing to do, but the fact is, look at the history here.

Two years ago, the committee said we were fully funding Section 8. We added to that an amendment of \$150

million. The conference report added \$910 million above that, and that is what was necessary to fully fund it, \$1 billion above what the committee said was fully funded. Last year, the conference report added \$89 million above what the House did, \$89 million more than what the committee said was necessary to fully fund existing Section 8, and HUD later acknowledged during the year that that did not fully fund it. It was \$568 million short, and a huge number of people lost their vouchers.

Now the committee once again says it is fully funded, but the President says we need \$314 million more to fully fund it. This amendment would give \$100 million of the \$314 million the President says is necessary to fully fund it, and again, what do we mean by fully fund? Not kick people out on the street, not increase by one, not shorten the waiting list. So we ought to be doing that.

Finally, let me say that we are told that the offset would leave only \$45 million in its computer account. The fact is the co-committee has been very ingenious in squirrelling away money in different accounts. I have here, and I submitted for the RECORD earlier, the list of all the places in the bill where money is squirreled away. There is a total of \$230 million. If we take \$120 million away, as we will, that will leave \$110 million for this purpose, which is enough for the computer upgrade program that they are talking about. Again, are we in favor of people having decent housing, or are we in favor of a somewhat faster computer upgrade at the Department?

Do not believe bureaucrats when they tell us that all will be lost if they do not get all the money they need. We should know better than that.

Finally, Mr. Chairman, Republicans many of them support this amendment. We passed a similar amendment 2 years ago with Republican support; 170 Members have signed a letter in support of this amendment, including many Members from the other side of the aisle. They voted for the same amendment 2 years ago.

I urge everyone on both sides of the aisle to vote for this amendment, to indicate that the very least we can do is not reduce the number of people who have the assistance, who are having decent housing. If we value family values, if we value decency in providing people with the ability to have decent housing, we will support this amendment, and the damage will be mitigated. It is not as much as the President wants, \$314 million, but at least it is a third of that. Unfortunately, we could not find more offsets.

So I thank the gentleman for yielding. I thank the chairman. I urge everyone to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GINGREY: At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to provide assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for any private economic development project (including assistance for any project under paragraph (17) of section 105(a) of such Act) involving the obtaining of property by the exercise of the power of eminent domain.

The CHAIRMAN. The Chair notes that the amendment addresses a portion of the bill not yet read for amendment. Is the gentleman seeking a unanimous consent request to proceed out of order?

Mr. GINGREY. Mr. Chairman, I do ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to its consideration at this point in the reading?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. GINGREY. Mr. Chairman, I rise today to discuss an amendment that I have offered to H.R. 3058.

I would first like to thank the gentleman from Michigan (Chairman KNOLLENBERG) for this opportunity to speak on behalf of my amendment and to explain its intent within the greater context of the recent New London decision by the Supreme Court.

The amendment that I have offered would prevent any funds appropriated to the Community Development Block Grant program from being used to support an economic development project that acquires land through eminent domain.

Like many members of this body and most people in this country, I am incensed by the recent Supreme Court decision in the case of *Kelo v. the City of New London* that has effectively turned the deeds to every American home and business over to the government. Imagine a sign on every piece of real personal property that reads: For Sale By Government.

While most people recognize that eminent domain has been used historically for the building of a school or a road which serves the entire community, the American people will never accept the idea that government can

arbitrarily take away one person's home or business and give it to someone else for the sole purpose of increasing that government's tax base. Government should never have the power to force a person out so that a mini mall can move in.

In the city of Augusta, Georgia, where I grew up there is a little shop called the Sunshine Bakery. Owned by the same family for over 100 years, the Sunshine Bakery may not be a Fortune 500 company, Mr. Chairman, but it is this family's livelihood, and it serves as an important part of the community. Yet, the City of Augusta could now shut down the Sunshine Bakery and sell the property and their life to the highest bidder. Frankly, such an act is not only un-American but it is also unconstitutional.

Unfortunately, by the narrowest of majorities, the Supreme Court last Thursday decided to abandon its responsibility to uphold the Fifth Amendment to the Constitution. By a margin of only one vote, five justices have thrown out over 2 centuries worth of precedent and protections. They have taken away the constitutional guarantee that no one's home or business could be forcibly taken away by the government except for public use and with just compensation.

Mr. Chairman, I encourage every American to read the majority's opinion. Rather than ruling about what is public use and what is not public use, this narrow majority just threw up their hands and allowed government to take, for all intents and purposes, whenever it so desires.

Congress cannot, and I trust will not, stand idly by while States and local governments abuse their power of eminent domain. From the largest State to the smallest city, no government should use the New London decision as cover to take away personal real property and give it to a developer to increase the tax base.

Make no mistake, I fully support economic development and improvement. Like most Americans, I believe that communities should work in conjunction with their citizens to build stronger, more economically vibrant communities. However, what has distinguished this great country of ours above all others is our bedrock belief in individual liberty and property protections and the security these liberties and protections offer. This security has fostered economic prosperity. It has created a society in which this prosperity can be enjoyed. The Supreme Court, by removing these protections, has struck a serious and dangerous blow to the American way of life.

Mr. Chairman, my amendment would use Congress' power of the purse to make sure that this government never subsidizes eminent domain abuse and never subsidizes the theft and destruction of people's homes and businesses. However, Mr. Chairman, in light of the point of order reserved against my amendment, momentarily I will ask to withdraw it.

This amendment marks only the start of this discussion, and it is my hope that this Congress will set the record straight for the sake of the American people.

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

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

There was no objection.

AMENDMENT OFFERED BY MS. KILPATRICK OF MICHIGAN

Ms. KILPATRICK of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KILPATRICK of Michigan:

Strike "Provided" in line 3 on page 64 and all that follows through line 19 on page 65, and insert the following:

Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, for the calendar year 2006 funding cycle the Secretary shall allocate and provide renewal funding for each public housing agency (other than an agency with a special funding agreement under the Moving To Work demonstration program) based on leasing and per-voucher cost data for the most recent 12-month period for which such data is available as of the time of the such allocation determinations, as adjusted to reflect likely reasonable future costs (A) by applying 2006 local and regional Annual Adjustment Factors as established by the Secretary using the most recent data available, and (B) by applying such additional adjustments to such prior period data, to compensate for changes in the leasing rate or average voucher cost, as the Secretary may approve for a public housing agency, pursuant to application by the agency: *Provided further*, That application and approval of such additional adjustments shall be in accordance with such limitations as the Secretary shall provide, which shall include the use of objective and fair approval criteria established by the Secretary that provide that (A) adjustment to the leasing rate shall be approved if an agency demonstrates need for renewal of previously issued tenant protection vouchers or of other authorized vouchers to comply with court orders or to meet previous commitments to owners for project-based vouchers in projects ready for occupancy in 2006, and (B) adjustment of the per-voucher cost shall be approved if an agency demonstrates (i) rent increases, (ii) utility rate changes, (iii) known changes in subsidy costs due to enhanced vouchers, portability, increased average unit size, or approval of higher subsidy payments for people with disabilities due to reasonable accommodation, (iv) change in average tenant income, including adjustments needed for areas with seasonal employment if income variations are not adequately reflected in the period of data used by HUD, or (v) increase in number of families participating in the Family Self-Sufficiency program who are building escrow savings due to increased earnings: *Provided further*, That the Secretary shall use per-voucher cost data from 2004 for a public housing agency in lieu of the prior-period data specified above if requested by the agency and the agency certifies that the reduction in its per-voucher cost in 2005 or authorized leasing level in 2004 or 2005 was due to policy changes made by the agency to respond to a funding shortage in 2004 or 2005 and it is necessary to modify such policies to comply with requirements under law or goals under the Secretary's regulations relating to voucher renewal funding: *Provided further*,

That the Secretary may deny the adjustments referred to in the preceding two provisos with respect to a public housing agency if the agency is not complying with section 8(o)(10)(A) of the Act (regarding rent reasonableness): *Provided further*, That the aggregate amount of such additional adjustments referred to clause (B) of the first proviso of this paragraph (1) and determined under the two provisos that follow such clause shall not exceed 2 percent of the total amount provided under this paragraph and each public housing agency for which such an adjustment is approved shall receive the same percentage of the approved amount: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, prorate each public housing agency's allocation otherwise established pursuant to this paragraph, except that such proration shall not apply to the renewal of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act currently subject to proration;

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

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

There was no objection.

□ 1745

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Michigan.

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank the chairman for working with us, and I understand the point of order. It is something we need to bring to the attention of the Committee on Appropriations.

There has been much discussion already today about the section 8 program and the need of millions of Americans who are now in the section 8 program and millions more who are waiting for affordable, safe, clean housing. This amendment would talk about the distribution of the dollars, once we restore the section 8, and as we are in the section 8 program today.

In 1993, this Congress passed an act that would limit the distribution of those dollars and use a 3-month window to decide how those dollars would be distributed. First, the dollars are not enough, then they use a 3-month window rather than 12 months of the fluctuating cost of public housing authorities to decide how much each public housing authority will get in the section 8 housing choice voucher program.

I want to thank my colleague, the gentleman from Michigan (Mr. KNOLLENBERG), the chairman, and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for providing an appropriation in this bill to address some of that need in the 2006 budget. As of right now, as this bill was debated and as it passed the Congress in 2003, in 2004, my district and districts all over America lost hundreds of thousands of vouchers. And for my district, in the 13th Congressional Dis-

trict, that was 1,500 vouchers people had in 2004 that they do not have in 2005, and there is some help in this budget to rectify some of that.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK of Michigan. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding to me, and I just want to express my support for what she is doing. As an authorizing member of the committee, I am very appreciative of what she has done on the appropriations subcommittee, along with my neighbor and ranking member. Well, not quite my neighbor, but my colleague.

And I just wanted to express my support and my hope that the very important issue she is raising now will be worked out satisfactorily.

Ms. KILPATRICK of Michigan. Mr. Chairman, reclaiming my time, I thank the ranking member; and I hope to get it in an authorizing bill as well as to rectify it permanently.

We suggest that the formula would be better distributed on a fairer basis if it would use the 12-month rather than the 3-month window, so that the housing authorities can get the dollars they so sorely need and deserve.

I have a list here of several organizations who support this fairer funding amendment and will be working with the ranking member and the chairman of the authorizing committee to make sure that as we save the section 8 program that it is funded properly and that the money is then distributed properly.

Organizations such as the Center For Budget and Policy Priorities support the fairer distribution; organizations such as the National Association of Housing and Redevelopment Officials support the distribution using the 12-month window rather than the 3-month. The National Association of State Housing Agencies supports using the 12-month need and flexibility rather than the 3-month window, which has an unfair distribution of those dollars. Also, the National Leased Housing Association also believes that we ought to consider distributing those dollars on a 12-month average rather than a 3-month average. The National Low-Income Housing Coalition also believes we should do that as well.

It is important that as we look at the section 8 program, and as was mentioned earlier, and I will not go back over all of that again, that we not only know the need and how important it is but that public housing authorities must be able to meet those needs in a better and fairer way. We have to be able to do what is necessary so that the program is saved.

The portability of those vouchers is something we want to maintain so that individuals, families, and children are able to create and have safe, clean, decent housing. The disparity that exists

when you use the 3-month window is really appalling and not equal and not fair. This prevents the displacement and the air that adds to the displacement of our elderly and disabled and other tenants who are sometimes in private development. They need these protections, and they need to make sure the distribution of the funding is fairer.

I know Chairman KNOLLENBERG has raised a point of order. Would my good Michigan colleague and chairman of the committee join me in a dialogue?

Mr. KNOLLENBERG. If the gentleman will yield, I will indeed.

Ms. KILPATRICK of Michigan. Mr. Chairman, reclaiming my time, I thank my colleague. I understand the gentleman's point of order, and I respect it highly as our chairman, but I wanted to ask if the gentleman would work with us to make a fairer distribution of the section 8 dollars as we go forward into next year.

I commend the chairman for putting in the extra dollars in this 2006 budget so that we can rectify some of that across the country.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman will continue to yield, I would say to my friend and colleague from Michigan that I will do everything I can to work with her. I intend to do that. I know that we have worked things out on some other issues, so we will do our darndest to make sure we work in fulfilling her desire as best we can.

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank the gentleman and appreciate his time and energy on that; and I am sure, Mr. Chairman, that we will work to strengthen the section 8 program in general and certainly the distribution of the funding. I hope that we will also work together to make permanent a 12-month distribution of those funds and not use the 3-month window, which will better serve the public housing authorities in this country.

Mr. Chairman, I rise today to offer an amendment addressing the growing concern I have with the unfair distribution of renewal funding for the Section 8 Housing Choice Voucher Program.

The trend of the past few years for providing allocations to state and local housing agencies for voucher renewal funding has been to base budget allocations on a 3-month "snap-shot," from May through July in 2005.

The justification for selecting those 3 months is only because that was the most recent fiscal quarter for which data was available. There was no consideration of local market condition changes throughout the year in different areas of the country.

While I greatly appreciate Chairman KNOLLENBERG and Ranking Member OLVER for recognizing this disparity, and including a set-aside of \$45 million to adjust the allocations of the housing agencies whose snap-shot did not accurately reflect leasing levels and costs for 2004, this "fix" still does not address the fundamental problem.

The essential problem is that we are basing yearly budgets on just 3 months of costs. That

leaves 9 months of fluctuating market conditions unaccounted for.

At a time when rising energy costs are driving utility costs up, and job markets are fluctuating, particularly in areas like Michigan with its manufacturing base, we cannot ignore the impact of these market changes on subsidy needs.

Similarly, housing agencies are required to pay portability costs for families who are relocating, though agencies have control over rent subsidies for those areas. They must simply compensate by reducing or denying assistance for someone else.

This arbitrary snap-shot creates a disparity where some housing agencies wind up with more money than they need to meet their commitments, and others will have to turn families out into the cold because their underestimated budgets could no longer support the same number of vouchers.

Mr. Chairman, my amendment would implement a formula for allocating renewal funding to state and local housing agencies that better captures the effects of fluctuating local conditions, while adding a cost containment incentive and retaining congressional control over total spending.

It would preserve a key feature of funding policy created last year in fiscal 2005 appropriations by continuing to base budgets on leasing and costs in the prior year, but to avoid unfair impacts of using a 3-month "snapshot," the most recent data available for a 12-month period would be used.

My amendment would help prevent the displacement of the elderly, the disabled, and the other tenants of privately owned developments by guaranteeing stable funding for tenant protection vouchers by exempting those un-negotiable costs from proration.

If total funding allocations are below the sum of the calculated budgets, the distribution of funds would be prorated so each housing agency would receive the same percentage of funds they should have if fully funded. Thus in times of constrained resources, there would be a shared sacrifice; each agency would still receive the same proportional amount.

Agencies currently manage their program over a 12-month period, with fluctuation in costs and leasing from month-to-month. A 12-month snapshot would provide a smoother and more accurate reflection of an agency's program reality than a 3-month snapshot, which could represent a hill or a valley in its budget year.

I know some may worry that agencies reimbursed for their actual costs, have no incentive to keep costs down, but all agencies will be constrained by the amount Congress provides regardless, and they know that, which in and of itself is a reason to constrain costs. This formula is simply a more fair way of distributing limited resources.

Mr. Chairman, if Congress wants to legitimately help American families have access to safe, affordable housing we must work toward a fair, balanced policy and seriously consider real market factors that families must face in their communities.

ENDORSERS OF THE PROPOSED HYBRID VOUCHER FUNDING POLICY

1. Center on Budget and Policy Priorities.
2. Jody Geese, Executive Director, Belmont Metropolitan Housing Authority (Martins Ferry, OH).
3. Neal Molloy, Executive Director, Housing Authority of St. Louis County, Missouri.

4. National Association of Housing and Redevelopment Officials (detailed proposal only, excluding item 4(a)(i)).

5. National Council of State Housing Agencies.

6. National Leased Housing Association.

7. National Low Income Housing Coalition.

8. Ohio Housing Authorities Conference.

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

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

PERMISSION TO OFFER AMENDMENT OUT OF ORDER

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair is informed that the reading of the bill has not yet progressed to the portion to which the gentleman's amendment may be offered.

Mr. DAVIS of Alabama. Mr. Chairman, the response I would make to that is that it is my understanding that because the funding has been zeroed out for HOPE VI, we are entitled to raise the amendment and that we can, in effect, either reach forward or reach backward as far as capturing these funds goes. That was the information relayed to me by the Parliamentarian.

The CHAIRMAN. The Chair is informed that the Clerk has read to page 67 and the gentleman's amendment proposes an insertion on page 73. So the gentleman's amendment should be held in abeyance until we reach that point.

Mr. DAVIS of Alabama. If that is the Chair's ruling, I would ask, without prejudice, permission to address it now, based on the absence of other people being on the floor. I would ask unanimous consent to address it now.

The CHAIRMAN. The Chair would ask, is the gentleman asking unanimous consent to offer his amendment at this point?

Mr. DAVIS of Alabama. I am, Mr. Chairman.

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

There was no objection.

AMENDMENT OFFERED BY MR. DAVIS OF ALABAMA

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Alabama:

Page 73, after line 4, insert the following new item:

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects, as authorized by section 24 of the United States Housing Act of 1937, as amended, and the amounts otherwise provided by this Act for "INDEPENDENT AGENCIES--GENERAL SERVICES ADMINISTRATION--FEDERAL BUILDINGS FUND" and for building operations under such item are hereby reduced by, \$60,000,000.

Mr. DAVIS of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

considered as read and printed in the RECORD.

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

The CHAIRMAN. The gentleman from Alabama (Mr. DAVIS) is recognized for 10 minutes.

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself 4 minutes, and let me begin by thanking the chair of this committee and the ranking member of the committee for their diligence. We have obviously had a difficult task this budget year, given the constraints that we have; and I recognize this whole argument proceeds in that context.

Let me begin by stating that this is a bipartisan amendment that speaks to a program that was created by George H.W. Bush, the 41st President of the United States, and by Jack Kemp, the former Secretary of Housing and Urban Development. In 1989, the Bush administration came up with a striking insight, that rather than write off a lot of our inner-city neighborhoods, that we try to revitalize them; that we sustain a public and private commitment to draw resources back into the inner-city; and that we literally change the face of abandoned neighborhoods. And they encapsulated this vision as HOPE VI. It has been around for 16 years. It is very much a bipartisan creation, and it is zero funded at this point in this budget.

Mr. Chairman, we ask that \$60 million be added, which of course is literally 1 percent of the value of this whole appropriations bill; that \$60 million be added to sustain this program and to allow its good works to go forward. And perhaps the best recommendation that I can offer comes not from my side of the aisle, but it comes, frankly, from the other side.

Our friend and colleague, the gentleman from Pennsylvania (Mr. DENT), speaking on June 6 in a press release announcing the HOPE VI project in his district said, "More than just an upgrade, this \$75 million project will be a catalyst for the revitalization of the entire community, and it will serve as a model of what public housing can and should be."

I also quote our friend and colleague, the gentleman from Mississippi (Mr. PICKERING), announcing a HOPE VI grant in his district in June of 2004: "This grant represents a significant investment into the overall economic development and renewal of the East Mississippi region."

I would next quote our friend and colleague, the gentleman from Michigan

(Mr. UPTON), who states that "This is tremendous news for the Ben Harbor community. It is another example of local, State and Federal levels coming together for the betterment of Ben Harbor and surrounding areas."

And I could go on and on, Mr. Chairman; but the reason that this program has captured so much bipartisan support is it draws down our two best instincts. It draws down our public instinct that we can reinvest in abandoned communities, and it draws on our private instinct that we can use private sector dollars.

I am told by CBO, frankly, that this amendment is budget neutral because of the nature of the way HOPE VI funds are disbursed, the nature of the way they are drawn down in escrow. So as a practical matter, there is no significant dollar consequence from this amendment, no significant dollar objection to this amendment. The only question is whether or not we believe this is a valuable program.

We are told by some that the program is backlogged. We are told by some that the program takes a while to work its way to completion. And I think all of us in this House are hoping to change some of the structure of HOPE VI, but the changes should not be such that the program cannot go forward. The thrust of this bipartisan amendment is that we restore a level of funding, whatever changes can be made administratively can be made, and we give these communities a chance to flourish.

Mr. Chairman, I make the very simple proposition that 4 days after the U.S. Supreme Court has granted unlimited powers of domain to many of our communities, HOPE VI represents a principled, balanced approach that respects the needs of people living in the community and draws on our instincts for the betterment of those communities.

I am happy to be joined by my cosponsor, the gentlewoman from Florida (Ms. HARRIS), who has been so stalwart on these issues. I thank her for lending her bipartisan voice to this amendment.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise today to join my colleague in offering an amendment that would restore funding for the Department of Housing and Urban Development's HOPE VI program. Created in 1992 by former Secretary Jack Kemp and President Bush, this program offers to renovate existing public housing sites and replace them with new mixed-income housing.

This grant program has been remarkably successful in its revitalizing of some of the most troubled and distressed communities. We have all seen these conditions that exist in public housing developments throughout the Nation: dilapidated buildings and homes, rampant rodent and insect in-

festation, barely functioning plumbing, and sometimes sewage that flows into our children's playgrounds, with high rates of violence and crime. These are the conditions that have overtaken too many of our public housing facilities, the very same conditions in which too many families are struggling to live and to raise their children.

This program is aptly named because hope is exactly what these grants supply to our communities. I can speak firsthand of the outstanding results of this program I have seen in Tampa, St. Petersburg, and Bradenton, areas that have been completely revitalized as a result of HOPE VI.

For example, in Bradenton Village the successful partnership between Federal and local governments, as well as the private sector, has restored and revitalized a community that years ago was left crumbling and suffering. Today, Bradenton Village is a vibrant and thriving area and a testament to the success of the HOPE VI grant program.

That success is not limited to Florida programs; it has been remarkable and responsible for rebuilding substandard housing and replacing them with quality affordable housing across the country. It is not just about bricks and mortar. By creating more options, giving consumers more and better choices in housing, education, job training and job placement, HOPE VI grants transform lives.

□ 1800

Our amendment, which I am so pleased to offer with the gentleman from Alabama (Mr. DAVIS) who has been a stalwart friend and supporter of housing programs, will ensure that Hope VI can continue to deliver on its promises.

The Davis-Harris amendment seeks to restore \$60 million to the Hope VI program so it can continue its mission of revitalizing communities across America. \$60 million is a far cry from the funding Hope VI has received in the past, but it is enough to keep the program going and keep hope alive, and we can continue to make a difference in our local communities.

Let us invest in Hope VI and invest in the strength and possibilities of our communities. I urge my colleagues to support the Davis-Harris amendment. Let us keep hope alive.

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

As further proof of the bipartisan nature of this amendment, the National Home Builders Association, one of the larger lobbies that deals with this Congress, has also expressed its support for restoring these funds.

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

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

Let me respond and give a little history about Hope VI. I have been on the

committee for 11 years, and I have seen this item come into view, and I have seen some of the experiences it has gone through.

First of all, we know Hope VI has had a difficult and varied history as a 10-year demonstration program. It has worked well in some cases, but in many more, it has not. The program has been unsuccessful in fulfilling its mission over the last 10 years and has been extremely difficult to implement. Consider the following: At the end of last month there remains \$2.8 billion in appropriated funds that have been awarded to public housing agencies that has not as yet been spent.

Number two, Hope VI has failed to meet its mission. In the beginning, the idea was to demolish the 100,000 worst units. To date, over 133,000 of the worst units have been demolished, but only half of those were the result of Hope VI grants. The rest have been done by PHAs with their own money or with other Federal funds provided elsewhere in this bill.

Third, there are ample new funds available to continue the program until it is either fixed or dropped. No 2006 funds are necessary. I was one of the most supportive of this program when it first came on the scene, but I have grown tired over the years of seeing the subsidized failure that took place here.

The fourth item I would mention is that there would be a great disruption to the GSA programs if the amendment were adopted. The amendment proposes to seriously delay and reduce funding from seven important buildings that have been in the planning stage for many months.

I mention the security at the U.S. mission to the U.N., an FBI building in Houston, three courthouses in Missouri, Texas and New Mexico, and two border stations in Texas. These are critical projects that are scheduled for construction awards, and we plan to use them in 2005. These funds are not excess funds; far from it. They were added by GSA because of material, price increases, namely steel and concrete. Without the increases, these projects face real and significant funding shortfalls.

Last year, the committee had to reprogram funding five separate times from other projects because of materials' price increases on projects.

I know that there are places in the country that people can point to where they see this program working. But there are not as many as I would like, and for the reason I have already stated, I think this pretty much covers my position and what I feel would be the wrong move. As much as I know your hearts are strongly for this, I feel we cannot go there. We have been there, and it does not work. I ask for a "no" vote on the amendment.

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

Mr. DAVIS of Alabama. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I had an amendment at the desk that is a very similar amendment that I will not call up, and I would ask to be incorporated as a cosponsor of the Davis-Harris amendment, to be the Davis-Harris-Davis amendment.

Mr. Chairman, I represent more public housing I suspect than any Member of Congress other than perhaps the gentleman from New York (Mr. RANGEL) or the gentleman from New York (Mr. OWENS). Cabrini Green, Henry Horner, Rockwell Gardens, Obba, Ogden Courts, Laundale Courts, Hilliard Courts, Stateway Gardens, Ida B. Wells, Lakepoint Towers, all in Chicago.

If Members want to see where Hope VI has been working, we have a transformation plan in Chicago where thousands of people have been able to move out of high-rise buildings where they were packed together like sardines in a can, impossible for socialization to really occur.

I would agree Hope VI has not been perfect, but it has been the best thing that has happened to those individuals because they have been able to move from on top of each other. They have been able to have some breathing room and some space.

I recognize all of the things that the gentleman from Michigan (Chairman KNOLLENBERG) has pointed out, but let us continue to give people hope by providing the continuation of Hope VI programming and Hope VI funding.

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

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself the balance of my time.

First, in response to the gentleman's observations, with respect to where this account goes to sustain itself, where it goes to get the \$60 million, the GSA building fund, that fund is \$7.6 billion out of this budget. That is a \$550 million increase over last year. I do not think moving \$60 million from \$7.6 billion is of any consequence.

And I will also reiterate what I said at the outset: Because of the way that Hope VI funds are drawn down, this amendment is viewed by CBO as being budget neutral. In fact, it is actually viewed by CBO as being an amendment that will actually save outlays of around \$56 million this year. So, frankly, there is no dollar consequence this year. And in the scheme of things, even over the outyears, this is a very well-growing fund of \$7.6 million.

The second point, the gentleman from Michigan (Mr. KNOLLENBERG) has made observations, and Democrats and Republicans have made, about some of the weaknesses and some of the delays in Hope VI, and I do not think there is any opposition on this side of the aisle, and certainly not from proponents of this amendment, to looking closely at why the projects do not expedite and why it takes them awhile to move to completion, but that is not an argu-

ment for doing away with the program. That is an argument to reforming the program.

Mr. Chairman, \$60 million will amount to three or four projects around the country, but that will be three or four neighborhoods that have been written off and abandoned that can be reclaimed.

Finally, given the small dollar consequence of this, I think we ought to err on the side of these communities. We ought to err on the side of the community of the gentleman from Mississippi (Mr. PICKERING), we ought to err on the side of the community of the gentleman from Michigan (Mr. UPTON), we ought to err on the side of the community of the gentleman from Florida (Ms. HARRIS), and so many like it around the country.

We are in a phase where we can either write off a lot of our inner city neighborhoods, or we can reinvest in them. We can either consign them to being blighted places of neglect, or we can rebuild them, and this does it with our private and public dollars. I urge a "yes" vote on this amendment.

Mr. MENENDEZ. Mr. Chairman, it is a sad day when I am rising in support of an amendment that would provide only \$60 million for this critical program.

But this is the situation in which we find ourselves with this bill, when priorities of the Republic budget are focused elsewhere and we are sent a budget that puts the future of our Nation's housing programs in jeopardy.

While I am relieved to see the Committee has rejected the extremely unsound proposal to rescind the funding we appropriated for this current Fiscal Year, I find it hard to comprehend that this bill still provides no funding for Hope VI.

Just to provide some perspective, we should realize that HOPE VI funding for the last two fiscal years combined is only roughly half of the funding level provided in 2003.

I think part of the problem my colleagues have is trying to quantify the success of this program.

Mr. Chairman, I understand it is very hard to see the accomplishments of this program on paper.

There are not clear numbers of statistics that make it easy to put it in a bureaucratic category that proves it is "demonstrating results."

But Mr. Chairman, I can tell you personally of the success this program has brought, not only to communities in my district, but across the country.

HOPE VI has successfully transformed some of the nation's most dilapidated public housing into revitalized mixed income communities, providing a second chance for neighborhoods that often had little or no hope of improvement.

I have seen the transformation HOPE VI funds have brought to communities in my district and around New Jersey.

I have stood at communities that have been completely rebuilt, where renovated townhouses replace crumbling buildings, where senior centers and new playgrounds invite the community in, instead of shut it out.

Because cycles of poverty and crime are likely to be concentrated at the most distressed and run-down public housing structures, there is often little chance for changing

the surrounding community without providing a clean slate for the site.

HOPE VI proves neighborhoods with that chance.

What I think many have forgotten today is that this program was born out of strong bipartisan support.

HOPE VI began in 1992 with the express goal of demolishing and revitalizing 86,000 units of distressed housing.

Mr. Chairman, I have heard arguments that there is no longer a need for the HOPE VI program.

Are we really saying there are no more crumbling housing structures that are in need of repair?

Are we telling our communities struggling to find some hope of a better future that their neighborhood has no chance of revitalization?

That their children will not get a safe playground, that their family will never have a home they are proud to live in because the goals of HOPE VI have been accomplished?

Mr. Chairman, while we may have surpassed the original goal of transforming those 86,000 units, the program has not lost its need or effectiveness.

The fact remains that there is an ongoing need for fundamental revitalization in communities across the country that HOPE VI makes possible and which is currently unmatched by any other program.

HUD itself has noted the effectiveness of HOPE VI in affecting positive change beyond the housing structures and well into the community.

Perhaps most importantly, however, HOPE VI funds have become a critical source for localities to leverage private funds.

HOPE VI is thus not only a mechanism to bring about change, but it is a mechanism for drawing in critical investment.

Without HOPE VI as the incentive, communities will lose out on sources that are essential to ensuring true revitalization.

This program is a promise to people that if they live in a building that is unsafe, dilapidated, and beyond disrepair, we will not abandon them.

And it is a promise to our communities that our commitment continues far beyond the public housing structures we provided years ago—that we will be there to help all of communities be neighborhoods where we would be proud to raise our families.

Mr. Chairman, now is not the time to abandon our communities.

This program has provided many families and communities throughout the country hope of a better quality of life and we should not deprive additional communities of that chance.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Alabama, Mr. ARTUR DAVIS, which would restore funding to the Homeownership and Opportunity for People Everywhere program, more commonly referred to as HOPE VI.

The HOPE VI program is one of the Department of Housing and Urban Development's most successful programs, and it is a shame that it is one of the many valuable and worthwhile Federal programs that the Bush administration has targeted for elimination.

HOPE VI allows public housing authorities to revitalize neighborhoods affected by blighted public housing districts, and transform them into showcases of urban renewal and redevelopment.

For over 15 years, first as Mayor of the City of Alexandria and now as a Member of Congress, I have been involved in the revitalization of the former Samuel Madden public housing project, in the area known as the "berg."

While Samuel Madden was once a well-intentioned effort to provide affordable housing for those in need, it had become mired in controversy and the focal point of criticisms and problems synonymous with troubled public housing programs throughout the nation.

In 1999, the Alexandria Redevelopment Housing Authority received \$6.7 million dollars in HOPE VI grant funds to redevelop the 100-unit Samuel Madden public housing site.

This new project, Chatham Square, is a 152-residential unit development, 52 of which will be affordable rental homes operated as public housing units, and 100 of which will be market-rate townhouses for sale to the public.

This former public housing site has now become an inclusive community that is a mix of market-rate and subsidized public housing and continues to serve the needs of moderate and low-income residents.

Last year, I was proud to stand with representatives from the Alexandria Redevelopment Housing Authority and other City of Alexandria leaders as we attended the celebration and ribbon-cutting ceremony of this new development. The cornerstone of the event was the presentation of house keys to the first residents to move into the development: one who bought a market-rate townhouse and one who receives assistance with housing needs.

The Chatham Square project serves as a model for what public housing should become and identifies a successful mechanism through which this transformation can occur.

I have already shared with you a successful HOPE VI program from my congressional district, and there are thousands more all across the nation.

While the Bush administration may be critical concerning the HOPE VI program, it does not deserve to be gutted in next year's budget.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Alabama. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama (Mr. DAVIS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment by the gentlewoman from Florida (Ms. CORRINE BROWN), amendment by the gentleman from Minnesota (Mr. KENNEDY), amendment by the gentleman from Texas (Mr. AL GREEN), amendment by the gentleman from New York (Mr. NADLER), amendment by the gentleman from Alabama (Mr. DAVIS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. CORRINE BROWN OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 152, not voting 12, as follows:

[Roll No. 336]

AYES—269

Abercrombie	English (PA)	LoBiondo
Ackerman	Eshoo	Lofgren, Zoe
Allen	Etheridge	Lowey
Andrews	Evans	Lynch
Baca	Farr	Maloney
Bachus	Fattah	Markey
Baird	Filner	Marshall
Baldwin	Fitzpatrick (PA)	Matheson
Barrow	Foley	Matsui
Bean	Forbes	McCarthy
Becerra	Ford	McCauley (TX)
Berkley	Fortenberry	McCollum (MN)
Berman	Frank (MA)	McCotter
Berry	Gerlach	McDermott
Bilirakis	Gibbons	McGovern
Bishop (GA)	Gilchrest	McIntyre
Bishop (NY)	Gonzalez	McKinney
Blumenauer	Goode	McMorris
Boren	Goodlatte	McNulty
Boswell	Gordon	Meehan
Boucher	Green (WI)	Meek (FL)
Boustany	Green, Al	Meeks (NY)
Boyd	Green, Gene	Melancon
Brady (PA)	Grijalva	Menendez
Brown (OH)	Gutierrez	Michaud
Brown, Corrine	Hall	Millender-
Brown-Waite,	Harman	McDonald
Ginny	Harris	Miller (NC)
Butterfield	Hart	Miller, George
Camp	Hastings (FL)	Mollohan
Capito	Hastings (WA)	Moore (KS)
Capps	Herse	Moore (WI)
Capuano	Higgins	Moran (KS)
Cardin	Hinchey	Moran (VA)
Cardoza	Hinojosa	Murtha
Carnahan	Holden	Nadler
Carson	Holt	Napolitano
Case	Honda	Ney
Castle	Hooley	Norwood
Chandler	Hoyer	Nussle
Cleaver	Inslee	Oberstar
Clyburn	Israel	Obey
Costa	Jackson (IL)	Oliver
Costello	Jackson-Lee	Ortiz
Cramer	(TX)	Osborne
Crenshaw	Jefferson	Owens
Crowley	Jindal	Pallone
Cuellar	Johnson (CT)	Pascarella
Cummings	Johnson, E. B.	Pastor
Davis (AL)	Jones (OH)	Payne
Davis (CA)	Kanjorski	Pelosi
Davis (FL)	Kaptur	Peterson (MN)
Davis (IL)	Keller	Pickering
Davis (TN)	Kelly	Platts
Davis, Jo Ann	Kennedy (RI)	Pomeroy
Deal (GA)	Kildee	Porter
DeFazio	Kilpatrick (MI)	Price (NC)
DeGette	Kind	Putnam
Delahunt	Kucinich	Rahall
DeLauro	Kuhl (NY)	Rangel
Dent	Langevin	Regula
Dicks	Lantos	Rehberg
Dingell	Larsen (WA)	Renzi
Doggett	Larson (CT)	Reyes
Doyle	Latham	Rogers (MI)
Drake	LaTourette	Ros-Lehtinen
Edwards	Leach	Rothman
Ehlers	Lee	Roybal-Allard
Emanuel	Levin	Ruppersberger
Engel	Lipinski	Rush

Ryan (OH)	Snyder	Visclosky	Calvert	Granger	Lucas	Reynolds	Shays	Terry
Sabo	Solis	Walden (OR)	Cannon	Graves	Lungren, Daniel	Rogers (AL)	Sherwood	Thomas
Salazar	Souder	Wasserman	Cantor	Gutknecht	E.	Rogers (KY)	Shinkus	Thornberry
Sánchez, Linda	Spratt	Schultz	Carter	Hayes	Mack	Rohrabacher	Simpson	Tiahrt
T.	Stark	Waters	Chabot	Hayworth	Manzullo	Royce	Smith (TX)	Walsh
Sanchez, Loretta	Stearns	Watson	Chocola	Hefley	Marchant	Ryan (WI)	Sodrel	Wamp
Sanders	Strickland	Watt	Coble	Hensarling	McCrery	Ryun (KS)	Sullivan	Weldon (FL)
Saxton	Stupak	Waxman	Cole (OK)	Herger	McHenry	Sensenbrenner	Sweeney	Weller
Schakowsky	Tanner	Weiner	Conaway	Hobson	McHugh	Sessions	Tancred	Wilson (SC)
Schiff	Tauscher	Weldon (PA)	Cooper	Hoekstra	McKeon	Shadegg	Taylor (NC)	Wolf
Schwartz (PA)	Taylor (MS)	Westmoreland	Cox	Hostettler	Mica	NOT VOTING—12		
Schwarz (MI)	Thompson (CA)	Wexler	Cubin	Hulshof	Miller (FL)	Akin	Diaz-Balart, L.	Neal (MA)
Scott (VA)	Thompson (MS)	Whitfield	Cunningham	Hunter	Miller (MI)	Clay	Diaz-Balart, M.	Peterson (PA)
Serrano	Tiberi	Wicker	Davis (KY)	Hyde	Miller, Gary	Conyers	Lewis (GA)	Ross
Shaw	Tierney	Wilson (NM)	Davis, Tom	Inglis (SC)	Musgrave	Culberson	Murphy	Scott (GA)
Sherman	Towns	Woolsey	DeLay	Issa	Myrick			
Shuster	Turner	Wu	Doolittle	Istook	Neugebauer			
Simmons	Udall (CO)	Wynn	Dreier	Jenkins	Northup			
Skelton	Udall (NM)	Young (AK)	Duncan	Johnson (IL)	Nunes			
Slaughter	Upton	Young (FL)	Emerson	Johnson, Sam	Otter			
Smith (NJ)	Van Hollen			Jones (NC)	Oxley			
Smith (WA)	Velázquez			Feeney	Paul			

NOES—152

Aderholt
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez

Biggart
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner

Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer

Fox
Foxs
Franks (AZ)
Frelinghuysen
Gallely
Garrett (NJ)
Gillmor
Gingrey
Gohmert

Kirk
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Lewis (KY)
Linder

Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Lewis (KY)
Ramstad
Reichert

□ 1830

RECESS

The CHAIRMAN (during the vote). Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 30 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARROW (at the request of Ms. PELOSI) for today after 8:00 p.m. on account of BRAC hearings in the district.

Mr. HOLT (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. ROSS (at the request of Ms. PELOSI) for June 28 and the balance of the week on account of a family emergency.

Mr. PETERSON of Pennsylvania (at the request of Mr. DELAY) for today at noon and the balance of the week on account of attending the funeral of Richard Lee Wiles, a senior district staffer and long time dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPUR, for 5 minutes, today.

(The following Members (at the request of Mr. DEAL of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. MACK, for 5 minutes, June 30.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building"; to the Committee on Government Reform.

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office"; to the Committee on Government Reform.

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; to the Committee on Government Reform.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition of junk fax transmissions.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 27, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1812. To amend the Public Health Service Act to authorize a demonstration

grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

ADJOURNMENT

Mr. DAVIS of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, June 30, 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:

2474. A letter from the Director, Legislative Affairs Staff, NRCS, Department of Agriculture, transmitting the Department's final rule—Conservation Security Program (RIN: 0578-AA36) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2475. A letter from the Director, Office of Executive Secretariat, Department of the Interior, transmitting the Department's final rule—Conforming Amendments to Implement the No Child Left Behind Act of 2001 (RIN: 1076-AE54) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2476. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2477. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2478. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2479. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2004, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

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. PUTNAM: Committee on Rules. House Resolution 345. Resolution providing for consideration of motions to suspend the rules, and for other purposes (Rept. 109-159). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 346. Resolution providing for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 109-160). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HYDE (for himself, Mr. LANTOS, Mr. HUNTER, Mr. FALCONE, Mr. ROS-LEHTINEN, Mr. MCCOTTER, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. MCCAUL of Texas, Ms. HARRIS, Mr. WELLER, Mr. BOOZMAN, and Mr. ISSA):

H.R. 3100. A bill to authorize measures to deter arms transfers by foreign countries to the People's Republic of China; to the Committee on International Relations.

By Mr. KUHL of New York (for himself, Mr. BOEHLERT, Mr. REYNOLDS, and Mr. HIGGINS):

H.R. 3101. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and dispose of nuclear waste; to the Committee on Energy and Commerce.

By Mr. EDWARDS (for himself and Mr. OBEY):

H.R. 3102. A bill making emergency supplemental appropriations for the Department of Veterans Affairs for fiscal year 2005 for veterans medical services; to the Committee on Appropriations.

By Mr. SCHIFF (for himself and Mr. PALLONE):

H.R. 3103. A bill to direct the Secretary of State to submit a report outlining the steps taken and plans made by the United States to end Turkey's blockade of Armenia; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H.R. 3104. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Com-

mittee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEAUPREZ:

H.R. 3105. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3106. A bill to suspend temporarily the duty on fabric woven with certain continuous filament wholly nylon type-66 textured yarns; to the Committee on Ways and Means.

By Ms. HARRIS:

H.R. 3107. A bill to protect against child predators and trafficking in persons; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mrs. CAPPS, and Mrs. DAVIS of California):

H.R. 3108. A bill to establish the Commission on Religious Freedom and Respect in the Armed Forces to assess the freedom of religion and respect for the diversity of spiritual values in the Armed Forces; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas (for herself, Ms. ZOE LOFGREN of California, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, and Mr. DICKS):

H.R. 3109. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; to the Committee on Science, and in addition to the Committees on Education and the Workforce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 3110. A bill to amend the Endangered Species Act of 1973 to provide for treatment of distinct population segments of the Eastern oyster as separate species; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, and Mr. MCCREY):

H.R. 3111. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3112. A bill to suspend temporarily the duty on certain decorative plates, decorative sculptures, decorative plaques, and architectural miniatures; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3113. A bill to suspend temporarily the duty on certain cups, with or without saucers, of porcelain or china; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3114. A bill to suspend temporarily the duty on certain flags; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3115. A bill to suspend temporarily the duty on certain clocks; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3116. A bill to suspend temporarily the duty on certain glass articles; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3117. A bill to suspend temporarily the duty on certain glass articles of lead crystal; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3118. A bill to suspend temporarily the duty on certain music boxes; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3119. A bill to extend the temporary suspension of duty on carfentazone ethyl; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3120. A bill to suspend temporarily the duty on certain cores used in remanufacture; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3121. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3122. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 3123. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. SHERWOOD:

H.R. 3124. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Resources.

By Mr. SIMPSON:

H.R. 3125. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. ALLEN, Mr. WAXMAN, Ms. PELOSI, and Mr. COOPER):

H.J. Res. 56. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H. Con. Res. 195. Concurrent resolution commemorating the Armenian Genocide of 1915-1923, urging the Government of the Republic of Turkey to acknowledge the culpability of its predecessor state, the Ottoman Empire, for the Armenian Genocide and engage in rapprochement with the Republic of Armenia and the Armenian people, and supporting the accession of Turkey to the European Union if Turkey meets certain criteria; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. OXLEY, Mr. HUNTER, Mr. BARTON of Texas, Mr. NEY, and Mr. HYDE):

H. Res. 344. A resolution expressing the sense of the House of Representatives that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take action that would threaten to impair the national security of the United States; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 3 of rule XII,

Mr. KIRK introduced A bill (H.R. 3126) to provide for the liquidation or reliquidation of certain entries; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 40: Mr. AL GREEN of Texas.
H.R. 65: Mr. TERRY.
H.R. 97: Mr. MICA.
H.R. 115: Mr. CUMMINGS, Mr. LANTOS, Mr. MARKEY, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SPRATT, and Mr. WEXLER.
H.R. 151: Mr. FATTAH.
H.R. 226: Mr. FATTAH.
H.R. 302: Mrs. CAPPS and Mr. STRICKLAND.
H.R. 312: Ms. SCHWARTZ of Pennsylvania and Mr. PRICE of North Carolina.
H.R. 363: Mr. FATTAH, Mr. STUPAK, and Mr. CHANDLER.
H.R. 371: Mr. LEVIN.
H.R. 515: Mrs. MCCARTHY, Mr. GEORGE MILLER of California, and Ms. SOLIS.
H.R. 521: Mrs. MILLER of Michigan.
H.R. 558: Mr. BARROW and Mr. ROTHMAN.
H.R. 581: Ms. CARSON.
H.R. 602: Mr. ENGEL, Mr. HINOJOSA, and Mr. DAVIS of Illinois.
H.R. 611: Mr. WELLER.
H.R. 653: Mr. EMANUEL and Mr. MEEHAN.
H.R. 690: Mr. LANTOS and Mr. UDALL of Colorado.
H.R. 743: Ms. ROS-LEHTINEN.
H.R. 791: Mrs. CHRISTENSEN.
H.R. 813: Mr. OWENS, Mr. BISHOP of New York, and Ms. WASSERMAN SCHULTZ.
H.R. 822: Mr. PAYNE, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. JEFFERSON, Ms. DELAULO, and Mr. SERRANO.
H.R. 823: Mr. WELLER, Mr. LANGEVIN, Mr. BOOZMAN, Mr. MEEHAN, Mr. PICKERING, and Mr. HINCHEY.
H.R. 859: Mr. MURPHY.
H.R. 881: Mr. McNULTY, Mr. ANDREWS, Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. BROWN of South Carolina.
H.R. 884: Ms. LINDA T. SANCHEZ of California and Mr. DAVIS of Florida.
H.R. 920: Mr. DENT.
H.R. 939: Mrs. NAPOLITANO.
H.R. 976: Mrs. MYRICK.
H.R. 997: Mr. UPTON.
H.R. 1010: Mr. JEFFERSON.
H.R. 1059: Ms. MATSUI.
H.R. 1106: Mrs. CHRISTENSEN and Ms. HERSETH.
H.R. 1125: Mrs. CHRISTENSEN.
H.R. 1153: Mr. SCOTT of Georgia and Mr. ENGEL.
H.R. 1192: Mr. GRIJALVA and Mr. PLATTS.
H.R. 1227: Mr. LEVIN.
H.R. 1243: Mr. JINDAL, Mr. PICKERING, Mr. REHBERG, Mrs. MILLER of Michigan, and Mr. KINGSTON.
H.R. 1245: Mrs. LOWEY, Mr. SAXTON, Mr. MEEK of Florida, Mr. MCCAUL of Texas, and Mr. FERGUSON.
H.R. 1246: Mrs. Jo ANN DAVIS of Virginia and Mr. ENGEL.
H.R. 1254: Mr. SABO.
H.R. 1277: Mr. FATTAH.
H.R. 1298: Mr. LEWIS of Kentucky, Mr. FRANK of Massachusetts, and Mr. PLATTS.
H.R. 1333: Mrs. CHRISTENSEN, Ms. SCHWARTZ of Pennsylvania, and Mr. SHERMAN.
H.R. 1355: Mr. BROWN of South Carolina and Ms. HART.
H.R. 1390: Mr. FATTAH, Mr. EMANUEL, Mr. McNULTY, Ms. SCHAKOWSKY, Mrs. TAUSCHER, and Mr. WYNN.

H.R. 1402: Mr. PALLONE, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, and Mr. DOYLE.
H.R. 1409: Mr. CONYERS, Mr. GUTIERREZ, and Mr. KUCINICH.
H.R. 1410: Mr. AL GREEN of Texas.
H.R. 1438: Mr. SIMPSON.
H.R. 1447: Mr. PICKERING.
H.R. 1498: Mr. MCHENRY, Mr. COSTELLO, Mr. SIMPSON, Ms. KAPTUR, Mr. GINGREY, Mr. OWENS, and Mr. UPTON.
H.R. 1507: Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. GRIJALVA.
H.R. 1508: Ms. DELAULO.
H.R. 1558: Mr. FERGUSON.
H.R. 1588: Mr. GORDON, Mr. RANGEL, and Mrs. CHRISTENSEN.
H.R. 1671: Mr. COBLE.
H.R. 1686: Mr. CLAY.
H.R. 1696: Mr. MEEK of Florida and Mr. LIPINSKI.
H.R. 1704: Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. McNULTY, and Mr. CLAY.
H.R. 1806: Mr. BISHOP of Georgia.
H.R. 1807: Mrs. CHRISTENSEN, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 1819: Ms. HARRIS and Mr. FOLEY.
H.R. 1898: Mr. BOOZMAN, Miss MCMORRIS, Mr. BASS, and Mrs. DRAKE.
H.R. 1946: Mrs. CHRISTENSEN.
H.R. 1973: Mr. FALCOMA VAEGA.
H.R. 2017: Mr. UDALL of New Mexico.
H.R. 2034: Mr. SCHWARZ of Michigan and Mr. HASTINGS of Washington.
H.R. 2045: Mr. GREEN of Wisconsin.
H.R. 2048: Mr. FATTAH and Mr. GRIJALVA.
H.R. 2112: Mr. CALVERT and Mr. WILSON of South Carolina.
H.R. 2194: Mr. DENT, Mr. KUHL of New York, Mr. ALEXANDER, and Mr. GREEN of Wisconsin.
H.R. 2207: Mr. HASTINGS of Florida, Mr. SANDERS, and Mr. FATTAH.
H.R. 2209: Mr. LAHOOD.
H.R. 2238: Mr. OBERSTAR.
H.R. 2290: Mr. ISTOOK.
H.R. 2292: Mr. FATTAH.
H.R. 2317: Mr. KELLER and Mr. WYNN.
H.R. 2357: Mr. WELDON of Pennsylvania.
H.R. 2358: Mr. GONZALEZ.
H.R. 2386: Mr. GIBBONS, Mr. CAPUANO, Mr. KUHL of New York, Mr. OWENS, Mrs. Drake, Mr. PAUL, Mr. CANNON, and Mr. GOODE.
H.R. 2423: Mr. BOEHLERT.
H.R. 2491: Mr. CAMP.
H.R. 2498: Mr. COSTELLO, Ms. JACKSON-LEE of Texas, Mr. KLINE, and Mr. MOORE of Kansas.
H.R. 2526: Mrs. JOHNSON of Connecticut and Mr. PLATTS.
H.R. 2560: Mr. SCHIFF, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. OWENS, and Mr. WEXLER.
H.R. 2648: Mr. BOOZMAN.
H.R. 2662: Ms. SCHWARTZ of Pennsylvania.
H.R. 2671: Mr. DOGGETT, Mr. ORTIZ, and Ms. SCHAKOWSKY.
H.R. 2715: Mr. OTTER, Mr. SANDERS, Mr. PAUL, and Mr. STARK.
H.R. 2717: Mr. GONZALEZ, Mr. HOLDEN, Mr. HOLT, Ms. SCHWARTZ of Pennsylvania, Mr. BAIRD, Mr. STUPAK, Mr. SKELTON, and Mr. WAXMAN.
H.R. 2736: Mr. GONZALEZ.
H.R. 2780: Mr. BISHOP of New York.
H.R. 2793: Mr. Boozman, Mr. PLATTS, Mr. KIRK, Mr. FRANK of Massachusetts, Mr. TERRY, and Mr. SANDERS.
H.R. 2794: Mr. JENKINS and Mr. PETERSON of Minnesota.
H.R. 2815: Mr. MCGOVERN, Mr. SANDERS, and Mr. FORD.
H.R. 2835: Mr. SANDERS.
H.R. 2842: Mr. ISSA.
H.R. 2869: Ms. SCHAKOWSKY and Mr. HONDA.
H.R. 2872: Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, Mr. CAPUANO, Mr. BROWN of Ohio,

Mr. GILLMOR, Ms. SCHAKOWSKY, Mr. HOLT, Mr. MARSHALL, Mr. CASTLE, Mr. SCHIFF, Mr. FORD, Mr. KLINE, Ms. CARSON, Mr. HALL, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Ms. HART, Mr. STRICKLAND, Mr. OWENS, Mr. GONZALEZ, and Ms. ROS-LEHTINEN.
H.R. 2874: Mr. BASS.
H.R. 2876: Mr. MEEHAN, Mr. KENNEDY of Rhode Island, and Mr. CHANDLER.
H.R. 2877: Ms. WOOLSEY.
H.R. 2878: Mr. PAUL.
H.R. 2891: Mr. SNYDER and Mr. STRICKLAND.
H.R. 2893: Mr. BERMAN and Mr. MICHAUD.
H.R. 2933: Mr. FOLEY.
H.R. 2942: Mr. BURTON of Indiana.
H.R. 2947: Ms. ROS-LEHTINEN, Ms. MATSUI, Ms. WOOLSEY, and Mr. OWENS.
H.R. 2960: Mr. CLEAVER and Mr. STUPAK.
H.R. 2990: Mr. FEENEY.
H.R. 3003: Mr. MORAN of Virginia.
H.R. 3006: Ms. SOLIS, Ms. DELAULO, Mr. OWENS, Mr. SCHIFF, Mr. LEVIN, Mr. CLAY, Mr. HINCHEY, Mr. OLVER, and Mr. BLUMENAUER.
H.R. 3047: Mr. HINCHEY, Ms. JACKSON-LEE of Texas, and Mr. OWENS.
H.R. 3059: Mr. COSTELLO and Mr. PETERSON of Minnesota.
H.R. 3081: Mr. HOLDEN.
H.J. Res. 30: Mr. RANGEL.
H.J. Res. 45: Mr. FILNER.
H.J. Res. 55: Ms. SLAUGHTER, Mr. CUMMINGS, Mr. WU, and Mr. SANDERS.
H. Con. Res. 175: Mr. WELLER and Mr. KUCINICH.
H. Con. Res. 177: Ms. ROS-LEHTINEN, Mr. TERRY, and Mr. PENCE.
H. Con. Res. 184: Ms. BORDALLO, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. ANDREWS, Mr. CROWLEY, Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. BRADY of Pennsylvania, Mr. BERMAN, Mrs. LOWEY, Mr. RANGEL, and Mr. ABERCROMBIE.
H. Con. Res. 191: Mr. MACK, Mr. PENCE, Mr. BURTON of Indiana, Mr. CHABOT, Mr. MANZULLO, and Mr. FRANK of Massachusetts.
H. Res. 13: Mr. RAMSTAD.
H. Res. 220: Mr. AL GREEN of Texas, Mr. ENGEL, and Mr. SPRATT.
H. Res. 317: Mr. PETRI, Mr. KENNEDY of Minnesota, and Mr. ROHRBACHER.
H. Res. 325: Mr. TOWNS, Mr. SERRANO, and Mr. CAPUANO.
H. Res. 332: Mr. BONNER and Mr. KILDEE.
H. Res. 333: Mr. BROWN of Ohio and Ms. JACKSON-LEE of Texas.
H. Res. 340: Mr. MACK, Mrs. MYRICK, Ms. FOXX, Mr. LEWIS of Kentucky, Mr. JINDAL, Mr. COBLE, Ms. BERKLEY, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. FEENEY, Mr. WAMP, Mr. WICKER, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. AKIN, Ms. HART, Mr. RYAN of Kansas, Mr. GUTKNECHT, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mr. WELDON of Florida, Mr. FLAKE, Mr. HERGER, Mr. SODREL, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. TANCREDO, Mr. ROHRBACHER, Mr. HOSTETTLER, Mr. BRADY of Texas, Mrs. MUSGRAVE, Mr. BURGESS, Mr. BISHOP of Utah, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. SIMPSON, and Mr. RAMSTAD.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1449: Ms. JACKSON-LEE of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3058

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 18: Page 110, line 1, insert after the dollar figure the following: “(reduced by \$1,500,000)”.

H.R. 3058

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to enforce the judg-

ment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

H.R. 3058

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 20: Page 30, line 10, after the dollar amount insert “(reduced by \$100,000,000)”.

Page 80, line 19, after the first dollar amount insert “(increased by \$100,000,000)”

and after the second dollar amount insert “(increased by \$100,000,000)”.

H.R. 3058

OFFERED BY: MR. TIAHRT OF KANSAS

AMENDMENT NO. 21: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.



United States
of America

Congressional Record

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Senate

The Senate met at 9:30 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, thank You for Your promise to guide us by Your spirit. Give us wisdom to clearly comprehend Your promptings in our hearts so that we may follow You. Guide us away from contention and teach us to build bridges instead of walls. Keep us from sowing seeds of negativity so we will not reap a harvest of regret.

Bless the Members of this body in their legislative work, and keep them safe from harm. Give them a patience that persuades and a speech that brings unity. As they wrestle with the conundrums of our times, help them to seek timely advice.

Empower us all with the self-control that will enable us to honor Your Name.

We pray this 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.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control

of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning after our 60 minutes of morning business, we will resume debate on the Interior appropriations bill. Last night we reached an agreement which provides for debate and votes on the final amendments. We will start off with two amendments relating to pesticides. If all time is used on those two amendments, we will be voting at approximately 12:30. I hope we will not need all that debate time, but that we can expedite some of the votes in order to finish the bill at an early hour today. We will be voting on the bill throughout the day on the remaining amendments to the Interior bill. We will finish the bill today.

As a reminder to my colleagues, we need to keep things moving as efficiently as we possibly can because we have a lot of other work to consider this week, including the Homeland Security bill, possibly the CAFTA legislation, a highway extension, in all likelihood a welfare extension, and there are other appropriation measures and nominations that may become available for Senate consideration.

I know we have a lot of Members who are traveling and, specifically for BRAC reasons, are going back to their States. But we need to keep voting, keep the amendments coming forward to make progress for the American people.

We have today, Thursday, and Friday to accomplish a great deal. I encourage my colleagues to come to the floor. If

you don't need extended debate, please take into consideration that we have a lot to do to finish this bill today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

APPROPRIATIONS

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, it is my understanding that sometime this morning CAFTA will be marked up and likely come out of committee. Is that the leader's understanding?

Mr. FRIST. That is my understanding.

Mr. REID. As the leader mentioned, we are going to go to Homeland Security appropriations next, is that right?

Mr. FRIST. That is the plan, although right now the Interior bill is taking an extra day, a day longer than I thought, so we are going to have to adjust the schedule appropriately given the fact the Interior bill was not finished yesterday as we had anticipated.

Mr. REID. As I spoke to the leader, because Senator DOMENICI and I have done the bill for so long, if we needed to do a bill in a shorter period of time, an appropriations bill, I think we could do ours in a day at the longest. I don't anticipate any trouble with that.

As I said privately and now I say publicly, I think we have a tremendous obligation to see what we can do to move appropriations bills. Before we leave, I would like to get two of them done. When we get back in July, after the obligations that you and I have set up—stem cells, China trade, native Hawaiians—then I hope we could get some more appropriation's bills done, but I know that is a big order.

In relation to what the majority leader has said, I do not think anyone should plan on staging their votes

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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when they think there are going to be a lot of people here, when everybody will be here, because all week we will have a lack of attendance. People are flying all over the country attending BRAC hearings. That will be the way it is all week long.

I think we have to plow forward and try to get as much done as we can as soon as we can because we do have the Fourth of July festivities around the country starting as early as Saturday.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, in part in response to the distinguished Democratic leader, the week right now, with just Wednesday, Thursday, Friday—we have a lot to do. He looked ahead to next month. Again, that is the short list. We have a possible flag amendment, we have a possible gun liability, so July—in addition to stem cells and the others he mentioned, in addition to the appropriations. I say all that because we have Members who, on Mondays and Fridays say, We are not going to be there.

This Friday, even though it is before a recess, we are going to be gone and we will have the opportunity to go back to our States and do all the things that are very important for us to do. But we need to keep plowing through, working Wednesday, Thursday, and Friday. I made it clear to my caucus if it is necessary we will be voting Friday. I don't want to give a time on Friday, but our colleagues right now in their minds say, well, it is Thursday, time to get out, we are on recess, and therefore we are not going to stick around.

I want to put our side on notice, and I hope the distinguished Democratic leader will do likewise, because we have the appropriations bills—and I think there are several, Energy and Water—legislative branch should not take much time, but we have a number of others that will. Homeland Security is probably going to take some time to do. I again encourage our colleagues to offer amendments today, let's finish this bill, and then move on to other business. Then also, Friday, if we can't finish our business, we are going to need to be voting on Friday.

The PRESIDENT pro tempore. The Senator from Rhode Island.

PROGRESSIVE PRICE INDEXING

Mr. REED. Mr. President, I rise today to express my deep concern about the President's proposal to peg initial Social Security benefits to the growth in prices rather than wages, and the negative impact this so-called progressive price indexing scheme would have on future retirees.

The current method of calculating retirees' Social Security benefits was first put into place in 1979. Since then, the initial benefit level has risen with the growth in wages, ensuring that benefits reflect increases in living standards over time. Wages tend to

grow faster than prices, so the effect of the President's proposed change would be a substantial reduction over time in initial benefit levels to people making more than \$20,000 per year.

Two recent reports by the Democratic staff of the Joint Economic Committee indicate the extent of the benefit cuts that future retirees would face under the President's proposal. The first report, entitled "What If President Bush's Plan For Cuts In Social Security Benefits Were Already In Place?" finds that if a price indexing approach like President Bush's had gone into effect in 1979 instead of the current method, middle-class workers retiring this year would receive a benefit 9 percent smaller than they will get under current law.

This chart illustrates that for 65-year-olds, if we had adopted in 1979 this indexing proposal, they would be receiving roughly \$1,400 less per year than they would under the current system. The current system replaces wages. It keeps up with a growing standard of living. It keeps seniors out of poverty and able to afford all their expenses. This chart illustrates the fact that these cuts would have been very real and very significant.

This second chart indicates that Social Security under the President's plan will replace a smaller percentage of wages because it would be tied to prices, not wages. This chart also shows that if in 1979 we had adopted progressive price indexing rather than wage indexing—for 65-year-olds, they would be receiving upon retirement 4 percent less than under current law, but for the 45-year-olds, the drop is significant. In effect, we are not keeping up with the cost of living. We are not keeping up with the standard of living. That is the essence of the President's proposal.

What we are seeing with this proposal is another way to cut benefit levels for seniors. It will affect, if it is put in place, not just the seniors who are retiring after that date, the 65-year-olds, but the whole generation of Americans who will follow.

Price indexing would also hit middle-income workers much harder than upper income workers because middle-income workers rely on Social Security for a much larger percentage of their retirement income than do upper income workers. While the highest earners retiring until 2045 would experience a bigger benefit cut, their total retirement income would fall by less.

This chart shows what would happen to a 25-year-old if the President's proposal had been adopted in 1979. For the medium earner, they would see a 26-percent reduction in Social Security benefits, but it would translate into a 17-percent reduction in their overall retirement income because they don't have many alternate sources to Social Security to rely on when they retire. Upper income workers would see a cut in benefits that is larger, but again their overall retirement income and

benefits would be cut much less. So the impact really hits the medium worker if this scheme is advanced.

There is a second report the Democratic staff of the Joint Economic Committee has done, entitled "How President Bush's Social Security Proposals Would Affect Late Baby Boomers." There has been a lot of talk about how the President's proposal would not affect those 55 and above, but there is a whole large group of Americans—ages 40 to 45, sometimes called the late baby boomers—who would be significantly impaired by the proposal.

This chart shows the impact on benefits for today's 40-year-olds, those who are at the beginning of this late baby boom period. Under current law, they could expect retirement—these are medium-income earners, making \$36,600 in 2005—they could expect annual benefits of \$17,000. The President's plan cuts it to \$15,450 if his benefit indexing plan alone is adopted.

With private accounts, it is further reduced to \$12,470, if you adopt a very safe Treasury security investment approach—which, again, for the 40 and 45-year-olds, just 20 years or so from retirement, is probably the best, safest approach—you would still get less money than the current law benefit. The impact of progressive indexing, even with the private accounts, would be to reduce the benefits middle-income workers would receive.

Over all, this whole approach is one that will reduce benefits for middle Americans. It is one that, if it had been placed in effect in 1979, we would already see significant cuts in benefits to our seniors. I don't think there is any senior out there complaining they are receiving too much in their Social Security check. If this approach was adopted in 1979, they would be receiving on the order of 10 percent less, and their financial constraints would be even more severe.

There is another aspect to this whole issue of pension benefits and Social Security. In the past 25 years, there has been a major shift away from traditional defined benefit plans to defined contribution plans. This chart shows the late baby boomers are already assuming more of the risk in investing their own retirement assets than older generations. This line of the chart represents all pension plans, which this line shows defined benefit plans that essentially have been flat over many years, going back to 1980, to 1998, and beyond. The third line of the chart we see is the rise of defined contribution plans.

Most plans are offered to newer workers as they come into the workforce. These younger workers are assuming more of the risk of their retirement. They are assuming it under the defined contribution plans. As a result, they do not have the certainty that older generations of Americans had. They had the certainty of two defined benefit plans—one from their factory

workplace, office place, their private defined benefit plan; and the second, of course, is from Social Security.

As we consider cutting benefits from the defined benefit plans, we are putting additional pressure on young Americans and middle-aged Americans who now see most of their assets tied up in defined contribution plans. The middle-income workers, the middle-aged workers of today, and the younger workers of today will face a future with less certainty and less security than other generations have enjoyed. That is another strong argument against using a progressive index to cut the one defined benefit plan most Americans can still count on—Social Security.

In addition, the President's price indexing proposal does not close the 75-year gap between promised Social Security benefits and the taxes expected to be paid into the system. It falls short by about 25 percent. Adding on private accounts would worsen Social Security solvency and increase the Federal debt enormously. If price indexed benefits were combined with private accounts, future generations would face the double burden of large cuts in their guaranteed Social Security benefits and paying down a much higher debt.

We all want to work with President Bush to promote a system of Social Security that is solvent, that will encourage savings throughout the United States. But we have to find a plan that works, that does not penalize, particularly, the middle-income Americans.

We have to also address not just the issue of Social Security but the issue of private pensions. We are seeing tremendous pressure on our private pension plans. When you have huge companies such as United Airlines trying to eliminate their pension obligations through the Pension Benefit Guaranty Corporation, that is a wakeup call. Twenty years ago, no one thought when they got a job at United they would have to worry about their pension. That would be the last thing on their minds. Today, United workers and many workers in many other fields worry desperately about their private pensions. We have to pay attention to that. I argue that is probably a more pressing problem than the solvency issues of Social Security.

We hope to work with the President to devise a system to ensure the solvency of Social Security but a system that does not unduly penalize working middle-class Americans. I hope we can do that. From my perspective, it is incumbent, of course, that we move away from the issue of private accounts that certainly makes the system less solvent and does not provide sufficient benefits, particularly for Americans 40 years and older, and that we move to looking at other issues. I hope we can do that. Our commitment should be to ensure we have a Social Security system that works for all Americans and provides that true sense of security:

People can count on it, it will be there, and it will be sufficient to support them when they are old.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time is remaining in morning business?

The PRESIDING OFFICER. There is approximately 19 minutes remaining.

PRESIDENT BUSH'S SPEECH

Mr. DURBIN. Last night, President Bush stood in front of the soldiers of the 82nd Airborne and the members of the Special Forces and gave an important speech. Thankfully, he did not profess the unfounded optimism of Vice President CHENEY, who recently declared that the Iraqi insurgency was in "its last throes." Nor did he express the pessimistic view of Secretary of Defense Donald Rumsfeld, who said this last Sunday that this insurgency had an expected life of 5 to 12 years, adding he hoped the American troops could come home long before that.

In fact, Mr. Bush did not use the word "insurgency," although that is what is raging in Iraq. That insurgency is partially fueled and financed from outside groups. Those who come to Iraq to fight in this insurgency come from Saudi Arabia, Syria, and many other places. There is also a domestic war within Iraq against Americans and against many other Iraqis.

President Bush did not use the word "insurgency," but he did make at least six references to September 11. He said that he was drawing on the lessons of September 11. Well, on September 12, 2001, the day after the tragedy of September 11, virtually the whole world stood with the United States. One of the most important lessons I would draw from September 11 is that we can't afford to waste the support of friends and allies.

President Bush says he will not set a timetable. I understand that. I recognize the danger of posting a date and announcing that on that specific day, America will leave. But the fact is, the Iraqi people have their own timetable which they established. By August 15 of this year, they are charged with drawing up a constitution. By next February, they are to have adopted that constitution. These are clear deadlines, clear benchmarks. We do not need a timetable for withdrawal, but America needs a strategy for success with clear benchmarks.

The President announced nothing new last night. He repeated what he said before about the ultimate goal in Iraq of establishing democracy and bringing our troops home. He did not give any sign that he sees a need to change course.

In Iraq, 1,744 American soldiers have died in combat. Almost 13,000 have been grievously wounded. The insurgency continues. Insurgents are now

using more sophisticated roadside bombs that can even pierce our armored vehicles. Our troops have done everything we have asked of them, but for each insurgent they kill, another seems to spring up, either from the cities and towns of Iraq or slipping across the porous border. For every IED that our soldiers detect and destroy, another one seems to be planted in its place, sometimes within hours.

There is an estimate that in Iraq today, unguarded, there are some 800,000 tons of ammunition and armament. It is a free market, a flea market, a bazaar of deadly weapons for insurgents and those who would use them against our troops. That is what our brave men and women are up against.

The streets are not safe for our troops. The streets are not safe for Iraqis. Without security, it is unlikely the Iraqis have much faith in a new government.

Unemployment levels in Iraq are as high as 50 percent. Without jobs, the Iraqis wonder what their future will be. More of the same is not good enough.

Our soldiers are doing everything right, everything that we ask of them. They are learning and adapting to the situation on the ground. Their Commander in Chief needs to do the same. We need benchmarks that will measure progress in security, reconstruction, governance, and international savings. And we need to ask ourselves, What do we do next if the benchmarks are not met?

Yesterday, a letter was sent by Senator CARL LEVIN and Senator SUSAN COLLINS to the President urging him to include in the speech an accountability of the Iraqi Government, saying that they must hold to their deadlines, they must understand that this is serious and that we are not going to stay there indefinitely. A New York Times editorial recently stated, "If the war is going according to plan, someone needs to rethink the plan." I believe they are right.

Finally, we also need to take better care of our soldiers when they come home. We are going to have an amendment in a few moments offered by Senator PATTY MURRAY of Washington. Make no mistake, she has been our leader in the Senate when it comes to funding for the Veterans' Administration. Time and again in the Committee on the Budget, with the budget resolution and with the supplemental appropriations, she has made the argument that there wasn't enough money in the VA to take care of our returning soldiers and veterans from other wars. She has been ignored, rejected, and criticized for standing up and saying the obvious—that we have a debt to our soldiers and our veterans.

Last week, Senator MURRAY was vindicated. The Veterans' Administration announced they made a gross miscalculation and were at least \$1 billion short in the money they need right now to provide quality health care to our soldiers and veterans.

Senator MURRAY has fought the good fight, and she will win that fight today. In fact, it is going to be interesting to see many from the other side of the aisle who were critical of her call for more money for the VA rushing to provide even greater sums so they can argue that they are on the side of the VA and the veterans.

This is the way it should end. This debate should end with Senator MURRAY's leadership creating a bipartisan coalition for the Veterans' Administration. This should have been a bipartisan issue from the start. She was a lonely voice and faced a lot of criticism for a long time. Today, she will be vindicated. More importantly, the veterans will receive the quality health care which they deserve. That means the newly returning veterans of Fallujah and Baghdad, many suffering terrible wounds in battle and some facing invisible wounds of post-traumatic stress disorder, will have a chance for the kind of treatment they deserve at the Veterans' Administration.

The administration, when it comes to the Veterans' Administration as well as waging the war in Iraq and Afghanistan, has not anticipated the real costs of war. We can do better. We owe these men and women who are fighting these battles and those who have fought in past wars not only our thoughts and prayers, we owe them our resources so they can wage this war successfully, come home safely, and return to their families and their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. How much time is left on our side?

The PRESIDING OFFICER. There is approximately 11½ minutes remaining.

Mrs. MURRAY. Would the Presiding Officer indicate when 1 minute remains.

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

VETERANS' ADMINISTRATION SHORTFALL

Mrs. MURRAY. Mr. President, I rise this morning to again talk about the situation facing our veterans. I thank my colleague from Illinois for his dedication to this issue and his tremendous work and support as we have tried to raise this issue for a number of months.

So all of my colleagues know, I came to the floor of the Senate early this year to talk about the situation facing those soldiers who have worked so honorably for this country in past wars and for those who are returning home from Iraq and Afghanistan today and the need to keep the promise that we gave to all of them that when they return we will provide them with the health care they need.

When I was in my State earlier this year, in January, I met with a number of the service organizations and the military to talk about reintegration,

to talk about what happens to our soldiers when they return home, to make sure they have the services available to them, and to make sure they are taken care of. Many in those meetings were deeply concerned that we would not have the facilities available for them. They told me of already long waiting lines at our veterans clinics and our VA hospitals. They told me of soldiers who could not get appointments for as many as 6 months or 3 years. They told me of a looming budget crisis.

When I heard that, I talked to other organizations across the country and realized that we were, indeed, facing a tremendous shortfall at the VA. That is why in the Committee on the Budget I offered an amendment to increase the funding for VA. It was rejected by those on the majority side by an almost party-line vote. That is why, throughout the appropriations process and then on the emergency supplemental, I continued to come to the Senate to say that this is a looming crisis that we need to deal with.

In the Senate, I offered an amendment for \$1.98 billion for an emergency supplemental, saying this is critical. Our soldiers are not getting the care they need. I was defeated on that amendment on an almost party-line vote because of the letter sent by the Secretary of VA to KAY BAILEY HUTCHISON, the Senator who is the chairman of the Subcommittee on Military Construction, saying they do not indicate a dire emergency. He said:

I can assure you that the VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely quality service that is always our goal.

Based on that letter, many on the other side voted against my amendment because they believed the Secretary was being honest with them. Well, I continue to raise this specter saying we are going to face a crisis. Even several weeks ago, in a Committee on Veterans' Affairs hearing, the Secretary of the VA came before our committee and once again said there is no budget crisis.

Well, last Thursday, finally the truth came out. The VA told us they were well over \$1 billion short in funding for this year. What was their solution? Their solution was to go back into this year's appropriations that have already been approved by this body, for which we already have the money flowing to construction and maintenance projects throughout the country—these are projects for seismic upgrades in our VA facilities, for asbestos abatement, for hazardous waste cleanup, for clinics that are being built where contracts are already let—and the VA is saying: We are going to take money away from those projects.

We cannot allow that to happen. These contracts are already being let. These facilities already need the maintenance. It has already been deferred for 2 years. We cannot go back to our States and tell these clinics: Gee, sorry. There was a mistake made at

the VA. They didn't do the calculations correctly. You are not going to get the services.

That is not the promise we made to our men and women when we sent them overseas. We said we will be there. We said we will be there. That is a promise we need to keep now, as we face this budget crisis.

We looked at the VA and said, "How could you make such a mistake?" particularly when I was raising the specter of this for the past 6 months and knew from the ground, knew from looking at the VA's own numbers, that they were going to be facing this crisis.

Yesterday, Secretary Nicholson came before the Committee on Veterans' Affairs and said they had assumed that only 25,000 veterans from Iraq and Afghanistan would seek care at the VA in this fiscal year. Instead, what they have seen is 103,000 veterans already—already. And, as we know, many are still there, many more are to go, many more to be returning.

So the Committee on Veterans' Affairs was basing their calculations on 2002 numbers rather than saying, as we all know, that we are at war, that over a million men and women have been sent to Iraq and Afghanistan. They are in what the generals call a 360-degree war, meaning there are intense times for each one of those soldiers, 24/7, knowing, when they return, they will need help for mental health care and post-traumatic stress disorder. The VA never took that into account. They never looked at the world of what was happening and said: We are going to have increased costs for Veterans Affairs because we have more veterans returning.

So I find it appalling that the VA, the VA Secretary, and those who are required to be giving us honest numbers failed to look past their own desks and recognize what all of us throughout the country know; that is, we have a high number of veterans returning who need both physical care and mental health care. It is our job to appropriate the money to take care of them.

So where are we today? Senator BYRD and I and others on this side are offering an amendment on the Interior appropriations bill that we will be debating later this afternoon to add, again, \$1.42 billion as an emergency supplemental to provide the funding for this year. I am very proud of the Members of this Senate who have stood time and again to say we need to be there for our soldiers who are returning from war, and we need to do it responsibly.

Senator CRAIG, the chairman of the Committee on Veterans' Affairs, told me, when we were on the floor debating this during the supplemental, when he used Secretary Nicholson's letter to justify voting no against my amendment, that if he was proved wrong, he would be out here to work with me to provide the funds.

I commend Senator CRAIG and Senator KAY BAILEY HUTCHISON for coming to the plate now and saying we need to

deal with this, this year. They will be offering a second-degree amendment to my amendment this afternoon to add \$80 million so we can provide the funds for this year. I am happy to join with them in making sure this body adopts that amendment, as well as the underlying Murray amendment, to the Interior bill so we can deal with this crisis today.

That is the responsible thing to do. The irresponsible thing to do is to say we can take care of this by moving the budget numbers; we can take care of this with budget gimmicks; we can ignore this; we can paper this over.

We have done that already for far too long. I commend my colleagues on the other side for now joining with us to say we need an emergency supplemental to provide the dollars for our veterans when they return home to make sure the facilities are there. No gimmicks, no just talking about it; we are going to do the right thing in the Senate body.

We now have to follow that through. We will have to make sure the House of Representatives comes to the table in negotiations and works with us to get this done. And I call on the President and the White House now to recognize this crisis, as well, and to not gloss over it, not to paper it over but to work with us to pass an emergency supplemental.

Every one of us is going to go home for the Fourth of July recess. Every one of us is either going to be in parades or talk to veterans or be out there making sure the country knows we are so proud of the men and women who are serving us regardless of how we voted on the war. Every Member of this body and every citizen in this country is proud of our soldiers and the work they have done for us.

We can show them that we keep our promises, today on the floor of the Senate, by passing the Murray amendment and the second-degree amendment that is going to be offered by the Senators from the other side to keep that commitment. We then have the responsibility to make sure the House of Representatives works with us to pass this as well and that the White House takes it on as a priority.

I listened to the President of the United States, last night, address this country. I listened to his impassioned plea to stay the course. What I did not hear was the President calling on the American public to make the sacrifice that is necessary in war. That sacrifice includes making sure we keep the promise to the men and women we are asking to serve in the war overseas, by being there to provide the health care services they will need when they come home and not in facilities that are falling down or crumbling, not with equipment that is failing, not with shortages and lines, but with real care and not just for the veterans who are returning home today but for the veterans who served us in prior conflicts.

Today, we are seeing an increase in the number of veterans in our VA fa-

cilities because—no surprise—the veterans from the Vietnam war are now reaching the age where they need additional health care dollars. Those figures have to be taken into account at the VA. They cannot bury their heads in the sand and look at reports from 10 years ago. They need to be real about what the costs are today. When we pass this amendment, we will hopefully get the President to work with us on an emergency supplemental to provide those funds. I will work with any Senator on this floor to make sure our Committee on Veterans' Affairs looks at the real numbers we need so we can project into the future the real costs and make sure we are doing the right thing on this end of Pennsylvania Avenue, to make sure we are providing the funds that our service men and women need.

The PRESIDING OFFICER. The Senator does have a minute remaining.

Mrs. MURRAY. Mr. President, last night, when I listened to the President of the United States, he called on the American public—he called on all of us—asking our young men and women to consider service to our country overseas. Part of that commitment is not just asking them to serve but being there for them.

He also called on all of us to put our flags up on the Fourth of July and to be proud as Americans and to honor those who are serving us and to tell them we are proud of them by raising our flags.

The other thing we can do is adopt this amendment on the supplemental and get the White House to agree with us to make it an emergency to provide the services that are necessary. We will raise our flags, we will honor our veterans, we will be proud of our soldiers, but we will also be there to take care of them when they come home.

That is what the Murray amendment will do today. I am proud to join with Senator CRAIG, Senator HUTCHISON, and others from the other side to do what is right. I call on the other Members of Congress, as well as the White House, to join us in this effort.

Thank you, Mr. President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I want to start this morning by finishing something that Senator MURRAY just talked about and say that today the Veterans' Administration is going to step to the plate, along with Members of the Senate.

Senator MURRAY has been so helpful in working out some agreements that will allow us to pour another \$1.5 bil-

lion into the veterans programs. We will talk more about that later today. But Senator SANTORUM, Senator KYL, Senator CRAIG, myself, Senator MURRAY, Senator BYRD, and Senator ROCKEFELLER have come together as a united front to assure that veterans who are coming back from this war in Iraq and Afghanistan are not short-changed. This is the way we should work with the administration and the Senate.

IRAQ

Mrs. HUTCHISON. Mr. President, I do want to start our morning business time to talk about the President's speech last night, when he was talking to those wonderful soldiers at Fort Bragg, NC, and laying out for the American people not only the victories and the successes we are having in Iraq but also talking about the hard pull that we are making, that those soldiers are making.

I thought the President's candor was refreshing. He did not say: This is all hunky-dory. He said this is a long, hard road. He said: In the beginning, I said it would be. It has certainly proven to be. I think he was candid about exactly where we are, that we have had some great successes, and we have had some setbacks. Certainly, the vote of the Iraqi people was a huge success. That has set the stage for the next phase of trying to secure Iraq and making a difference in the Middle East.

When people talk about what is happening in Iraq, I do not think we hear enough about how much better off the Iraqi people are today. Oh, yes, it is hard to see suicide bombers taking innocent lives. It is. But remember how many innocent lives were taken by Saddam Hussein.

When Saddam Hussein was taking innocent lives, there was no hope for those people. There was no way out. Today innocent lives are being taken, but they are not being taken in vain. They are being taken in a cause for freedom that will end in democracy for Iraq. That is what the President laid out last night. The President has taken the Iraqi people from a despot who was torturing and killing innocent people—sometimes for sport—and is turning Iraq into a country that is trying to get its own feet on the ground and establish the roots of democracy.

When I look at some of the improvements that are being made in Iraq that I hear about from our armed services personnel returning from Iraq—and I have been to Iraq, but I always like to talk to the people who have been there most recently—when I talk to the young men and women on their R&R leave in the middle of their term, then I see that there are roads being built. The oil industry is being repaired. The electricity grids are being restored and improved. Schools are being opened. The Iraqis see Americans teaching in the schools and providing medical care, rebuilding their infrastructure. Within

a year after the fall of Saddam Hussein, electricity generation was higher than prewar levels, and it has increased since then. Water supplies have been repaired and sewage systems have been fixed. It is incredible the progress that has been made.

We have to look at the big picture. What the President was saying last night is that we are on the cusp of beginning to show people throughout the Middle East that self-governance is something all people can achieve. We are beginning to see the seeds of that self-governance today.

Our distinguished assistant leader, Senator McCONNELL, is here. I want him to have his full 5 minutes, so I will close my remarks.

I am proud that our President especially chose to go to Fort Bragg, NC, and give his report to the American people in front of those wonderful soldiers who are protecting freedom for America, just as those in World War I and World War II did. The people of America will stay the course. We will protect freedom for our children, and we are being led by our President to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I rise to discuss the situation in Iraq. President Bush, last night, reiterated America's commitment and resolve to finishing the job in Iraq. First, I think the President made it clear how high the stakes are in Iraq by demonstrating that Iraq is front and center in the global war on terror. Just listen to Osama bin Laden. Bin Laden is quoted as saying: "The whole world is watching this war" and that the Iraq war will result in either "victory and glory or misery and humiliation." Al-Qaida certainly recognizes how high the stakes are. So do our European allies.

German Chancellor Gerhard Schroeder said the other day that "[t]here can be no question a stable and democratic Iraq is in the vested interest of not just Germany, but also Europe." That was Schroeder, who was not exactly a cheerleader for the Iraq war.

Yet we continue to hear the refrain from some quarters that it is time to cut and run, that we should set arbitrary deadlines for withdrawal, to get out while we can. If September 11 taught us anything, it is that retreating in the face of terrorism and hoping for the best is not the way to protect American lives. Quite the opposite. It is a display of weakness, and it is an invitation to America's enemies. As the President forcefully conveyed last night, we must take the fight to the enemies, or they will take the fight to us on our shores and on their terms.

Second, the President outlined a clear plan regarding the future of our engagement in Iraq. He explained his two-tier strategy there, involving both the democracy building side and the military side of the equation.

On the democracy building side, the President rightly reminded the American people of the important progress that has been made in just 1 year. The terrorists, for all of their heinous acts, simply could not interrupt the transfer of sovereignty, nor could the terrorists derail the January elections. The Iraqi people were too determined to move their country forward. The Iraqi people cast their ballots for freedom and democracy and against terrorism. In so doing, the Iraqi people set an example other democracy activists in the Middle East have begun to follow. The Iraqi people are also moving forward in the drafting of their constitution, which their political leaders have publicly declared will indeed be completed by the August 15 deadline.

On the military side, President Bush discussed his new approaches to training the Iraqi security forces to fight the enemy and defend freedom. Some in this country belittled the Iraqi security forces. They have been running them down. Frankly, I find this reprehensible. More than 2,000 members of the Iraqi security forces have laid down their lives defending freedom in their country, fighting alongside our troops, and more Iraqis keep enlisting every single day. These volunteers are Iraqi patriots, and the President was right to acknowledge the supreme sacrifice made by these friends of freedom.

Iraq has two ways it can go. We can leave the country to be preyed upon by murderers who want to turn the country into a Taliban-like nation, a haven for terrorist camps, and a factory of hatred, or we can stand and fight by defending liberty and democracy in Iraq and demonstrating an alternative to the ways of terror and of Saddam Hussein. We can help Iraqis help themselves and, in the process, help the United States by making the Middle East a more democratic and peaceful region. And when Iraq is strong enough to stand up on its own two feet and Iraqi security forces can fully defend their own country, our troops will stand down and come home.

Third, the President rightly noted the progress that is being made on the ground. The elite media in our country, however, is always focusing on bad news. They teach them in journalism school that only bad news is news. You would never know, for example, that more than 600 Iraqi schools have been renovated to date, or that construction is underway at 144 new primary health care facilities across that country. You won't find that written about in the elite media.

Finally, I was pleased to see the President pay tribute to our brave men and women in uniform. They are an inspiration to all of us, and I am confident that the American people throughout our great land will take up the President's invitation to honor them over the Independence Day holiday.

Our work in Iraq is challenging, but it is a noble endeavor, an endeavor in

which progress is being made every single day—a message President Bush delivered very clearly last night.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Texas.

The President's remarks last night on the 1-year anniversary of handing power over to the Iraqi Government was a good opportunity to remind Americans why it is so critical that we stay the course in Iraq. Interestingly, just a year ago, there was one Iraqi battalion. Today there are 100 Iraqi battalions. That is a good metaphor for what we are doing there and how we are going to succeed. And it is a good answer to those who say we need a plan. We need an exit strategy.

People who talk about that have not been listening to the President. His plan, as he outlined last night, is simple, and it is a plan that we have been following since over a year ago, when the transfer of power occurred. The plan is to enable the Iraqis to take over the security of their own country, and then we can leave. We are not going to leave before that job is done. No one knows exactly how long it will take, but the fact that we have increased a hundredfold the number of Iraqi units in the year since we turned over power is a good indication of what we intend to do and what we have been able to do.

The President noted last night that not all of these units are trained to the same level that the U.S. units are. That is obvious. But as we are able to do so, those Iraqi units will be able to take over more and more of the operation.

Eventually, as the President noted last night, the United States might be able to do more by simply embedding some of our officers in those units, thus reducing, again, the amount of American manpower actually on the ground.

There is a way that the United States is approaching this that will result in the United States withdrawing and the Iraqis being able to take care of their own security. That is the plan, and it is a wise one.

What is at stake if we were to either announce an early withdrawal or pull out early? The President made it clear last night that you don't announce to the enemy when you are going to leave. The enemy simply takes note of that and says, fine, waits until you leave, and then does all the bad stuff that it wants to do without any fear of retribution by the United States. That is not workable. Nor would it be workable for the United States to pull out too soon.

Think about what would happen. If the terrorists were to take back over in

Iraq, even Saddam Hussein could be returned to power. That would become a hot bed of terrorism in the Middle East. The progress that has been made in surrounding countries such as Pakistan, the efforts that are being made toward democracy in places such as Lebanon and Egypt and Saudi Arabia, all of those would go up in smoke. The problems that a country such as Pakistan would have would be horrendous. Countries such as Syria and Iran would decide that to be on the winning side, they want to continue their support of the terrorists. Our credibility would be absolutely destroyed. An opportunity to create a democracy in that part of the Middle East would have evaporated.

I can't think of anything worse than losing in Iraq. And since victory is within our grasp, we need to pursue that course.

The President was on the right track last night. There will be some who will never respond favorably toward his message because they are simply in such disagreement with him politically that they can't force themselves to acknowledge anything that he does is correct or good. Those people are not going to be persuaded. But the vast majority of Americans who were listening will appreciate the fact that we do have a good strategy, that the President is not trying to engage in happy talk. He repeatedly said this was going to be difficult. But it is also important for him to point out the successes because the news media is not likely to do that as fully as it should.

The President combined both a sober assessment of the realities, a pragmatic assessment, along with a good report of the progress that has been made, and we believe will continue to be made.

In all of these things, I believe President Bush should be complimented and that we, as a nation, should join behind him, just as the soldiers and the families of the soldiers at Fort Bragg did last night. It was evident to me that they support the President. It is important that the American people and we support the President as well.

Mrs. HUTCHISON. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. Approximately 14 minutes remain.

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Senator from Texas.

Mr. President, yesterday marked the 1-year anniversary of the transfer of sovereignty to the people of Iraq. We now stand at a crucial point in history. We can see how far we have come, but we know the final chapter has not been written. This is the time to take stock, both of our challenges and our achievements.

Many ignore the good news in Iraq, but there is good news. And we can't

prepare for the road ahead without a balanced picture of where we are today. In the past year, there have been many accomplishments which stand as milestones on the paths of progress. Since the transfer of sovereignty, thousands of Iraqis have answered the call to serve their country. The Iraqi security force now numbers over 168,000, and another 50- to 70,000 Iraqis serve as site protection personnel.

By October, the number of trained Iraqi security personnel will reach 200,000.

This time last year only one Iraqi battalion was capable of deploying. Today, more than 100 stand ready.

In the past year, the Iraqi Government has taken shape. In January, more than 8 million Iraqis voted in free and fair elections for the first time in 50 years.

Today, Iraq has an interim constitution with checks and balances, separation of powers, and protection for individual rights, and women are involved.

The Iraqi National Assembly is drafting a new constitution, which is on schedule to be released on August 15. The Government is preparing for the October referendum on the constitution, and they are planning for a new set of elections which will be held in December.

Freedom has begun to take root in Iraq. Political parties, civil society groups, and a free press have emerged. A government once shrouded in secrecy now answers directly to the people and communicates with them through Iraqi newspapers, television, and radio stations.

In the past year, the reconstruction has moved forward. Many of these successful projects are part of the Commander's Emergency Response Program, a tool that enables our men and women on the ground to fund small-scale projects that have an immediate and visible impact on the lives of the Iraqi people.

This month, for the first time since October 2004, the electricity supply exceeded 100,000 megawatt hours. On average, 12 hours of power are now available across the nation each day.

More than 94 water treatment projects are underway. And we have broken ground on 144 new primary health care facilities across the country.

In the past year, 628 schools have been renovated. Another 86 are now under construction.

The international community has rallied around the new Iraqi Government. Just last week more than 80 nations and organizations from around the world attended the International Conference on Iraq in Brussels. The Iraqi Government shared their vision, and the international community reaffirmed their commitment to help Iraq secure its future.

I list these accomplishments because we must remember the path to progress is slow and steady. With the televised reports of car bombings and

other terrorist attacks, it is easy to lose sight of the goals we have already reached.

Some of us have recently called upon President Bush to keep the American people informed so our constituents understand what we are doing and know how we plan to proceed. My concern has been that rising sentiments about the continued redeployment of Reserve and National Guard units could jeopardize the important work we are doing in Iraq and Afghanistan.

Last night, President Bush answered our calls for more information. In a speech before the American people, he outlined his strategy for completing the mission. Now, it is time to rededicate ourselves to the challenges that remain.

We still have work to do in Iraq. Today, the Iraqi Government has control of Najaf and Fallujah. The insurgents have lost their safe havens. Unable to expand their operations, they have resorted to acts of terrorism and targeted innocent Iraqi civilians. These are the facts of desperate men—men whose only comfort is the hope that we will lose our will and weaken our resolve.

The only way we can lose in Iraq is if we defeat ourselves—if we fail to stay the course. The American people—and those of us who have been chosen to represent them—cannot let that happen.

Americans do not abandon friends in hard times. We do not run from the duty and responsibility of history. Our will does not waver. Our resolve does not break.

More than 2 years ago, I joined many of you and supported the President's bipartisan resolution to commence this action in Iraq. When the Senate debated the resolution, I urged my colleagues to support it. I came to the floor of this Chamber and said: "A new history of international courage can be written now."

I repeat this call today—our Nation must have the courage to help the Iraqi people write the next chapter of their proud history in which the seeds of democracy—which have been sown by the Iraqi people and nurtured by the sacrifices of our men and women in uniform—will grow into a strong, free Iraq.

I urge the Senate not to divide over Iraq. Some continue to compare this situation to the one we faced in Vietnam. Iraq is not Vietnam. Those who make this comparison ignore the history.

I outlined the differences between these two conflicts in April and will not reiterate each of those differences today. The simple fact is we are in Iraq for reasons entirely different from the reasons we went into Vietnam. We can and will successfully conclude our operations in Iraq.

We must succeed. The stakes are high. Iraq is the central front in the war on terror. By their own admission, what terrorists fear most is a free, stable and democratic Iraq.

Over a year ago, we intercepted a message Abu Musab al-Zarqawi, a terrorist in Iraq, sent to Osama bin Laden. In the message, al-Zarqawi said, "The future has become frightening" for terrorists because democracy has gained a foothold in Iraq. He told Osama bin Laden, "Democracy is coming and there will be no excuse thereafter for the attacks."

Iraq has become the proving ground of our commitment to the war on terror. If we waver, our enemies will read our hesitation as victory. If we do not fight the terrorists abroad, we will be forced to fight them on our shores.

We must remain united behind our troops and committed to this mission. I urge the Senate to continue to support the strategy President Bush outlined last night.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska. He has been such a strong leader as chairman of the Appropriations Committee and chairman of the Defense Appropriations Committee as well. No one knows better how the troops in Iraq and Afghanistan are performing their duties and how this administration has stepped up to the plate to make sure they have what they need to do the job. He has been to Iraq and Afghanistan. He has visited the troops, as have I, and his words were very helpful in talking to the American people about this subject.

Mr. President, as we begin this day, we are also going to have a very important amendment that will help our veterans be able to have the service they need as they are coming home from Iraq and Afghanistan, as well as many of the veterans of previous wars who are now in the Veterans' Administration system.

Secretary Jim Nicholson, Secretary of Veterans Affairs, came to the Congress just this past week and said that there has been a surge in the use of veterans facilities that has caused the ability to determine what will be needed in the future to be skewed. All of the patterns of the past are now not in place for use today because we have more veterans coming into the system. That is not a bad thing.

We owe the veterans the care they thought they would receive when they entered the military service and which they so richly deserve. Whether they fought in a war or not, they were there to serve, and many of them did fight in wars—brutal wars. The one we are in now is a brutal war. There are actually more injuries and fewer deaths in the kind of war that we are fighting. That means that many people are coming back from Iraq and Afghanistan injured.

Our President has said unequivocally that we are going to take care of those people who have served, and we are going to treat their injuries because they deserve to have that treatment. So Secretary Nicholson has come to us and asked for an emergency appropri-

ation. We are going to give Secretary Nicholson, of course, an emergency appropriation.

Senator MURRAY and Senator BYRD are working on an amendment. I have a second-degree amendment with Senators SANTORUM, KYL, and CRAIG. It is a leadership amendment because we put it together with the White House, the OMB, and the Veterans Affairs Department, to try to get the numbers. We wanted to know what we will need for this year, going into next year.

I am chairman of the Veterans Affairs Appropriations Subcommittee. I have worked with Senator CRAIG, who is the chairman of the Veterans' Affairs Committee, which authorizes the policies that affect veterans. We have put together a second-degree amendment to Senator MURRAY's and Senator BYRD's amendment that will put \$1.5 billion into the system immediately, and it will be there until it is spent. It will take us into the next fiscal year, because we are not going to scrimp on serving our veterans. We need more prostheses; we need improved ability to help people who have lost arms or legs, or who have been burned. We are going to provide that help, Mr. President, and our amendment is going to be a consensus that will come together with everybody at the table.

We are going to do the right thing by our veterans with an emergency appropriation that will come to the Senate floor this afternoon. It will be put on the Interior appropriations bill. We worked with Senator BURNS and his staff to put this emergency in at the first possible vehicle, and the first vehicle is on the Senate floor today. We just got the numbers this week. That is why we are going to immediately put in force an emergency appropriation that will assure that our Veterans' Administration has the funds it needs to treat these veterans. It also is going to assure that we don't take from the building funds because we know there are many veterans facilities in the process of being built or promised to be built. We need more veterans facilities, not fewer. So taking from maintenance accounts or capital accounts didn't seem like the right thing to do.

We worked together with the Veterans' Administration, with the leadership of our President, with Democrats and Republicans, to come up with the right numbers to put it on the first bill that will go through the Senate this week. We hope the House will work with us to fund this appropriation and that nothing will be, in any way, delayed or denied to a veteran, either one coming back from Iraq or one coming back from Afghanistan or from anywhere in the world, or a veteran who has served previously.

Mr. President, I so appreciate the President's speech last night. I appreciate that he gave his speech at Fort Bragg, NC, in front of those men and women serving our country in the most noble way. I appreciate that the President said we hope more people will vol-

unteer for the Army. We need more volunteers right now. We are ramping up the end strength of the Army by 30,000. This is part of our ongoing effort to revamp the Army. The Army is doing a fabulous job in Iraq. So are the Marines. The Navy and the Air Force are helping. But we need to have America come together.

I was so pleased that the President asked Americans to do something next week, on July 4, Independence Day. He asked every American to reach out to a family of someone serving today in Iraq or Afghanistan. I know the people of America will respond. I know they will go to that Web site and start the process of finding out how they can do more to give those young men and women with boots on the ground overseas fighting terror the opportunity to talk to their folks back home, to talk to their families.

The President is taking the lead, and the Senate—Republicans and Democrats—must come together to lead our country to do the right thing in the war on terror.

Mr. President, I yield the floor.

Mr. BURNS. Mr. President, I ask unanimous consent that we may proceed with a unanimous-consent request.

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

UNANIMOUS-CONSENT AGREEMENT—BILLS DISCHARGED

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration, and the Senate proceed to the immediate consideration of the following postal naming bills en bloc: S. 571, S. 775, S. 904, H.R. 120, H.R. 289, H.R. 324, H.R. 504, H.R. 627, H.R. 1001, H.R. 1072, H.R. 1082, H.R. 1236, H.R. 1460, H.R. 1524, H.R. 1542, and H.R. 2326.

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

Mr. BURNS. Mr. President, I ask unanimous consent that these bills be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bills be printed at this point in the RECORD.

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

CONGRESSWOMAN SHIRLEY A. CHISHOLM POST OFFICE BUILDING

The bill (S. 571) to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building" 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. CONGRESSWOMAN SHIRLEY A. CHISHOLM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1915

Fulton Street in Brooklyn, New York, shall be known and designated as the "Congresswoman Shirley A. Chisholm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Congresswoman Shirley A. Chisholm Post Office Building.

BOONE PICKENS POST OFFICE

The bill (S. 775) to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office" 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. BOONE PICKENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Boone Pickens Post Office".

BRIAN P. PARRELLO POST OFFICE BUILDING

The bill (S. 904) to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building" 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. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the "Brian P. Parrello Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian P. Parrello Post Office Building".

DALIP SINGH SAUND POST OFFICE BUILDING

The bill (H.R. 120) to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building" was read the third time and passed.

SERGEANT FIRST CLASS JOHN MARSHALL POST OFFICE BUILDING

The bill (H.R. 289) to designate the facility of the United States Postal Service located at 8200 South Vermont

Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building" was read the third time and passed.

ARTHUR STACEY MASTRAPA POST OFFICE BUILDING

The bill (H.R. 324) to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building" was read the third time and passed.

RAY CHARLES POST OFFICE BUILDING

The bill (H.R. 504) to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building" was read the third time and passed.

LINDA WHITE EPPS POST OFFICE

The bill (H.R. 627) to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office" was read the third time and passed.

SERGEANT BYRON W. NORWOOD POST OFFICE BUILDING

The bill (H.R. 1001) to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building" was read the third time and passed.

JUDGE EMILIO VARGAS POST OFFICE BUILDING

The bill (H.R. 1072) to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building" was read the third time and passed.

FRANCIS C. GOODPASTER POST OFFICE BUILDING

The bill (H.R. 1082) to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building" was read the third time and passed.

MAYOR TONY ARMSTRONG MEMORIAL POST OFFICE

The bill (H.R. 1236) to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony

Armstrong Memorial Post Office" was read the third time and passed.

CAPTAIN MARK STUBENHOFER POST OFFICE BUILDING

The bill (H.R. 1460) to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building" was read the third time and passed.

ED EILERT POST OFFICE BUILDING

The bill (H.R. 1524) to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building" was read the third time and passed.

HONORABLE JUDGE GEORGE N. LEIGHTON POST OFFICE BUILDING

The bill (H.R. 1542) to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building" was read the third time and passed.

FLOYD LUPTON POST OFFICE

The bill (H.R. 2326) to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office" was read the third time and passed.

MEASURES PLACED ON CALENDAR—S. 590, S. 867, S. 892, S. 1206, AND S. 1207

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 590, S. 867, S. 892, S. 1206, and S. 1207 en bloc, and these bills placed on the calendar.

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

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I ask for the regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. BURNS. Mr. President, I ask unanimous consent that we proceed to the regular order.

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

AMENDMENT NO. 1023

Under the regular order, the Boxer amendment is now pending. The Senator from California.

Mrs. BOXER. Mr. President, what is the order? As I understand it, Senator BURNS will be offering an amendment, or has an amendment, and there will be a vote on my amendment and his side by side. First, mine; is my understanding correct?

Mr. BURNS. That is correct.

Mrs. BOXER. And then his.

The PRESIDING OFFICER. The vote will be on the Burns amendment first, followed by the Boxer amendment.

Mrs. BOXER. The time is equally divided an hour a side to debate both amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Mr. President, I ask unanimous consent that any quorum calls when placed be divided evenly.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair notes that the Senator from Montana has not yet called up his amendment.

Mrs. BOXER. I defer to him. I yield the floor.

Mr. BURNS. Mr. President, we do not have it yet.

The PRESIDING OFFICER. The Chair believes that the amendment is not at the desk yet.

Mr. BURNS. Mr. President, I assure the Senator from California, I know we have it somewhere, and I will find it.

Mrs. BOXER. That is reassuring.

Mr. BURNS. That is reassuring; isn't it? Everybody gets to read it—that is different in the Senate. We have it.

AMENDMENT NO. 1068

Mr. BURNS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The journal clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. CHAMBLISS, and Mr. INHOFE, proposes an amendment numbered 1068.

Mr. BURNS. 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 direct the Administrator of the Environmental Protection Agency to conduct a review of all third-party intentional human dosing studies to identify or quantify toxic effects)

On page 200, after line 2, add the following:

SEC. . (a) The Administrator of the Environmental Protection Agency shall conduct a thorough review of all third-party intentional human dosing studies to identify

or quantify toxic effects currently submitted to the Agency under FIFRA to ensure that they:

(1) address a clearly defined regulatory objective;

(2) address a critical regulatory endpoint by enhancing the Agency's scientific data bases;

(3) were designed and being conducted in a manner that ensured the study was adequate scientifically to answer the question and ensured the safety of volunteers;

(4) was designed to produce societal benefits that outweigh any anticipated risks to participants;

(5) adhered to all recognized ethical standards and procedures in place at the time the study was conducted; and

(6) are consistent with section 12(a)(2)(P) of the Federal Insecticide, Fungicide, and Rodenticide Act and all other applicable laws.

(b) The Administrator shall, within 60 days of the enactment of this Act, report to the House and Senate Committees on Appropriations; the Senate Committee on Agriculture, Nutrition and Forestry; and the House Committee on Agriculture on the results of the review required under subsection (a) and any actions taken pursuant to the review.

(c) Within 180 days of the enactment of this Act, the Administrator shall issue a final rule that addresses applying ethical standards to third party studies involving intentional human dosing to identify or quantify toxic effects.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside and that the Senator from California be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

AMENDMENT NO. 1023

Mrs. BOXER. Mr. President, is it necessary to now call up amendment No. 1023?

The PRESIDING OFFICER. That amendment is currently pending.

Mrs. BOXER. Mr. President, I think we are about to have a very important debate about a very moral subject which deals with intentional dosing of human beings, including children, with dangerous pesticides. I say this is a moral issue. As a matter of fact, I believe I can call my amendment a faith-based amendment because every major religious organization in this country supports my amendment.

My amendment passed the House without a single dissenting vote. It was by unanimous consent. I am shocked and stunned that we even have opposition to this very simple amendment.

The amendment that was offered by my good friend, the Senator from Montana, in my opinion and in the opinion of people who know about ethics and science and pesticide testing, it is actually a very dangerous amendment. It is offered as, I call it a CY amendment, cover yourself amendment. You can vote for his amendment and then against mine. If you look at his amendment, it is a step back to what is happening currently. It is a dangerous amendment because we will push through a new regulation that already has been condemned by, as I say, every

major religious organization in this country.

We will debate this for the next couple of hours, but I wanted to make a statement in reaction to the President's speech last night.

PRESIDENT BUSH'S SPEECH

Mr. President, the President had every opportunity last night to lay out his plan for success in Iraq. I had given a number of interviews where I urged him to do that, and colleagues on both sides urged him to do that. Instead, what we got was a defense of the status quo and absolutely no mention of the need to be ready when our troops come back, 13,000 plus, with horrific injuries, physical and mental—an opportunity to say our troops will have everything they need when they come home and every bit of equipment they need on the field in Iraq was blown last night. And then there was no plan of how we are going to get out of this thing, and a continuation of the myth that the war in Iraq had something to do with 9/11, which it did not.

I looked back yesterday at the Department of State as they looked at where al-Qaida was on September 11. Not one al-Qaida cell was in Iraq on September 11. There were more al-Qaida cells in my home State of California.

I am very sorry to see we are on that status quo and the daily news continues with the disastrous effects of a policy that is not geared toward success.

AMENDMENT NO. 1023

Mr. President, I am now going to talk about my amendment. I see the Senator from Florida is here. At an appropriate moment, I will yield to him. I want to lay out the general aspects of my amendment.

The amendment that I offer will simply say we need to take a timeout in terms of the environmental protections action on accepting for review and, in essence, condoning pesticide testing on human beings. We need a timeout. Christy Todd Whitman thought we needed a moratorium. She put one in place. Carol Browner, under President Clinton, put a moratorium in place. But now the moratorium has lapsed and, shockingly, EPA is considering and encouraging intentional dosing of human beings with dangerous pesticides. This is not rhetoric. I am going to show the charts and show the experiments.

What my friend and colleague is offering is a figleaf cover amendment: Don't vote for Boxer, it actually does something; vote for the Burns amendment which—listen to what it does—speeds up a regulation that is already going through EPA that is downright dangerous and involves testing of human beings, including newborn babies—very ill newborn babies—pregnant women, and fetuses. That is why every major religious organization in America has entered on the side of the Boxer amendment and opposed to the Burns amendment.

I am going to show the actual language of the Boxer amendment. It is exactly the language of the House-passed amendment:

None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency to

(1) accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

It is simply a straightforward timeout so that we can look at the ethical, moral, and health issues surrounding the current policy at the EPA.

As I said, Carol Browner, a Democrat, put that moratorium in place; Christy Todd Whitman, a Republican, put that moratorium in place. But now it has been allowed to lapse.

I recently released a staff report with Congressman WAXMAN that reviewed 22 of the studies that EPA is currently looking at. I want to tell you what we found after reviewing these studies.

We found that human testing of pesticide moratorium was allowed to lapse by the EPA; that over 20 human dosing studies are currently being reviewed by the EPA; and that the studies—and this is the most important point, Mr. President—the studies routinely violate ethical and scientific standards laid out in the Nuremberg Code, the Declaration of Helsinki, the “Common Rule,” and the National Academy of Sciences recommendations on human testing. In other words, we have nothing in place that would guide these experiments.

I am going to show you one of these experiments that is being reviewed by the EPA. So let's go to the UC San Diego study.

I care a lot about this because this happened in my State.

This is a study on chloropicrin. What is chloropicrin? It is a fumigant. It is an active ingredient in tear gas, and it was a chemical warfare agent in World War I.

I told you about chloropicrin. In the material safety data sheet which is put out by the manufacturer, this is what it says about chloropicrin which was given to UC San Diego students, and I will talk about the dose they received.

Warning statements and warning properties, this is what it says:

Danger. May be fatal if inhaled or swallowed. Severe burn follows liquid contact with eyes or skin. May cause severe respiratory tract irritation. Causes eye and skin irritation. Lachrymator—

This means it is the tear gas property—poison may cause lung damage.

Chloropicrin was categorized as a category 1, which is the most toxic due to acute lethality and severe irritation.

Let's look at how the students got these doses. They were paid \$15 an hour. They were told that this was not dangerous. They signed liability waivers. This is all unethical, and nothing in the Burns amendment will stop any of this and nothing in the Burns amendment addresses these issues.

Here we can see the students receiving this dangerous fumigant through this hose and breathing it in. This is right from the study:

Figure 10. Showing subjects sampling from two cones through yokes that directed flow from the right cone into the right nostril and from the left cone into the left nostril. The subjects needed to decide whether they felt the chloropicrin on the right or the left.

Do you want your daughter breathing in this dangerous chemical at doses that are very large, which I will explain?

This is a picture of a young woman taking part in an experiment where the chloropicrin dose was up to 1.2 parts per million. I want you to remember 1.2 parts per million because this is the point. The workplace safety standard for chloropicrin is .1 parts per million. This experiment dosed these kids with 12 times higher than the average level allowed in the workplace.

Let me repeat that. This experiment dosed these students with 12 times the level that is considered safe. And this is a recent experiment. It ended in December of 2004.

I am going to show you what OSHA says you should wear when you are exposed to chloropicrin at levels higher than .1, 12 times lower than these students were dosed with. It requires a full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemical, according to the manufacturer.

I have to say, what more of a moral issue can we be facing than allowing these students to have chloropicrin pumped through their nostrils at a rate 12 times higher than the safety level that OSHA, our Federal Government, says is safe? What right do we have to allow that to go on? Yet the Burns amendment will allow it to go on.

The only way to stop it is with the Boxer amendment, which is the identical amendment to the House amendment where not even TOM DELAY, who comes from the pesticide industry, registered a “no” vote.

How can we in the Senate, the most deliberative body in the land, walk away from a simple moratorium on this kind of situation?

Let us look at the next chart. This next chart shows the 20 studies under review since the moratorium was allowed to lapse. I could not even pronounce all of these properly, but I will give a few of them. Carbofuran, ethephon, amitraz, methomyl, oxamyl, malathion, and chloropicrin was the top one.

It also shows the dates. These are all studies similar to this one. Actually, in one study did they not have to swallow pesticide pills for breakfast? That is a fact.

Because I am a member of the Environment and Public Works Committee, as a result of that membership we demanded to see all of these studies. They were being kept from the public and we now know these things are going on.

In some studies subjects were harmed—for example, experiencing heart arrhythmias; that is, an uneven heartbeat, a racing heart, and we now know it was a result of that chemical that was being used. Many of the studies had very misleading consent forms. Some described the pesticide as a drug. In some studies adverse outcomes were dismissed. They said, oh, they went to the hospital because they did not feel good, but it had nothing to do with the dosing of the pesticide. Hard to believe.

Most of the studies had no long-term monitoring reviews and few were large enough to be statistically valid. The deficiencies are significant and widespread and that is why we need this moratorium on this timeout to allow a set of standards to be developed that governs the use of these studies. The development of sound standards is critical, if the problems with human pesticide testing are to be addressed.

At this point, I yield 8 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am delighted to join my colleague from California. We have fought these battles before. We fought one of these battles when unbelievably the EPA wanted to conduct an experiment. They called it a study. It was a 2-year study they were going to perform on infants in my State in Jacksonville, FL. This 2-year study was going to expose those infants to pesticides. It was going to be done with the inducement by getting the parents of the infants to sign a contract of which over a 2-year period they were going to be paid \$970, were going to be given a T-shirt, were going to be given other kinds of trinkets, and a certificate of appreciation in return for children over that 2-year period being exposed to pesticides that were going to be placed in the home.

Oh, by the way, guess which part of town this was going to occur in. You guessed it. It was going to occur in the lower income and minority sections of Jacksonville.

Senator BOXER and I got wind of it. Well, she got wind of it because she was sitting on the committee having to do with the confirmation of the head of EPA and she announced that, in fact, she was not going to let the EPA nominee go through. Then she came to me and pointed out that, in fact, this was occurring in Florida.

This was one of the brochures, if my colleagues can believe it, that EPA was going to send out. As a matter of fact, they had already sent it out in Jacksonville. They had gotten some 30 parents to already sign up for this program. It states: You're a parent. Learn more about your child's potential pesticide exposure. Am I eligible to participate? Only 60 participants will be selected. To be selected, you must be a parent of a child less than 3 months old or one between the ages of 9 and 12 months old.

Get this, in order to be eligible, one has to spray or have pesticides sprayed inside their home routinely.

The ad states: Will I be compensated? Oh, of course. You will receive up to \$970 over the 2-year period. Your family will receive an official framed certificate of appreciation, a CHEERS bib for your baby, a T-shirt, a calendar, and a study newsletter. You will be allowed to keep the video camcorder they are going to give to you to record this study over the 2 years. You will be allowed to keep the video camcorder at the end of the study provided you have completed all of the study activities.

Can anyone believe this is going on in the United States of America in the year 2005?

Well, we put a stop to it because Senator BOXER put a hold on the nominee. I put a hold on the nominee. I had a conversation with the nominee and I told the nominee I had no objection to the nominee. As a matter of fact, I had heard awfully good things about the nominee. But as a Senator from Florida, I certainly was not going to let that sort of thing go on in my State and it should not be going on in any State. All I wanted the nominee to do was to cancel that study.

What they did not tell the local Jacksonville Health Department was that of the \$9 million the study was going to cost, \$2 million of the \$9 million was being supplied by the pesticide industry. Needless to say, the Duval County Health Department did not like it when they found that out.

This is the kind of stuff we have had to go through with regard to human testing and it just should not be. So it is time to put it in this bill. This is unlike pharmaceutical studies on humans that offer the possibility that a human subject may benefit from the experiment. The human testing of pesticides offers no therapeutic benefit, and under this proposed rule EPA would be allowed to test on humans, children, pregnant women, newborns, and infants.

This senior Senator from Florida has had a bellyful of this kind of stuff to come in on the citizens of the State of Florida, and I want it stopped. Any exposure of an infant child or a pregnant woman to a toxin basically should be prohibited, even in doses that are not expected to do any harm.

With the experience I have had in Jacksonville, it was simply irresponsible for the EPA, whose very mission is to protect human health and the environment, to have proposed such a study. The last time I checked, I thought EPA stood for Environmental Protection Agency. Well, then it needs to fulfill its challenge. It needs to fulfill the goal of its name.

The happy ending to the story in Jacksonville was that we stopped it because the nominee for the head of the EPA cancelled the study. Senator BOXER and I lifted our hold and we send our great wishes to the new administrator of the EPA for a successful administration.

We need to help the administrator of EPA have a successful administration and we can do this with the Boxer-Nelson amendment.

I yield the floor.

Mrs. BOXER. Would the Senator please yield back his extra time to me?

Mr. NELSON of Florida. I certainly will.

Mrs. BOXER. I thank the Senator from Florida. He is a protector of children, families, and the vulnerable of his State. His help on that CHEERS program and getting that stopped was an enormous contribution. Many times we do big things around here that deal with huge issues and we do not know the impact of our work for a long time. When one works for clean air, clean water, it takes a while.

I say to my friend from Florida, this is something he can be proud of because we together, as a team, with the help of some of our colleagues on the Environment and Public Works Committee, were able to use the leverage each Senator has to force a cancellation of a program that was intentionally dosing little children with pesticides, paying off their parents who tended to be poor, giving the parents a video camera, and subjecting these children to dangerous chemicals. So I think we have to be proud that we saved some kids from this.

I want to say why my amendment is so crucial and why the Burns amendment is so bad if one cares about protecting children and families. The amendment I have offered with my colleague from Florida—and, by the way, I ask unanimous consent that the following Senators be added as cosponsors to this amendment: Senators SNOWE, COLLINS, NELSON of Florida, CLINTON, SCHUMER, OBAMA, JEFFORDS, KERRY, LAUTENBERG, REID, and LEVIN.

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

Mrs. BOXER. I think my colleagues can see this is a bipartisan amendment. We want to protect our children. This has nothing to do with politics. We want to protect our families.

Here is what is happening. The Burns substitute, which he is going to try to tell everyone is better than the moratorium, essentially encourages the EPA to continue with their rule-making. It says, go on, hurry, finish it up, and it does nothing to stop any of the testing that is going on right now. So it is a step back. It is a dangerous step back.

Now, why do I say that? I will tell my colleagues about the EPA rule that is coming at us if we do not stop this. This is straight from the EPA. We are fortunate enough to have this information today.

The Agency has decided not to include any proposed requirements relating to a Human Studies Review Board as suggested in the National Academy of Sciences recommendation 6-2.

The National Academy of Sciences—we looked for it so that we have ethical guidelines. The EPA has rejected the

guidelines of the National Academy of Sciences and the Burns amendment says, oh, go right ahead, EPA, finish your regulations, and the Burns amendment makes no reference to the NAS. This is more from the EPA:

The promulgation of rules prescribing such details [establishment of the Human Studies Review Board] would unnecessarily confine EPA's discretion . . .

So, in other words, they are admitting they are turning away the guidelines of the National Academy of Sciences because they do not want to be confined in doing what they do.

What do they want to do? When you find that out you will be rather shocked. Are you ready for this? I say to my friend from Montana, if this doesn't shake his confidence in his amendment, nothing will. This is a bombshell that I am about to tell you.

The EPA is considering continuing a limited number of scientific studies involving pregnant women—meaning they will be dosed with pesticides, fetuses—meaning fetuses will be dosed with pesticides, neonates of uncertain viability—and just for those of you who do not know, neonates are newborn babies—of uncertain viability—meaning they are ill; sick babies will be in these experiments, or nonviable neonates—meaning newborns who may not make it. They are going to dose them as well.

If we can't take a stand to protect the sickest of the newborn babies, then we don't deserve to be here. If we are going to stand with the pesticide companies against ill, very ill newborn babies, what are we doing here? We don't belong here.

Let's see what some of the religious groups are saying. For those people who want to have faith-based legislation, you are on the faith-based legislation when you support the Boxer-Snowe-Nelson-Clinton-Collins, et cetera amendment. This is the statement of the Leadership of Diverse Faith Groups on human testing. It is signed by the National Council of Churches and the Coalition on the Environment and Jewish Life.

Our faiths teach us to protect the vulnerable among us and to do so we need a moratorium on the use of human testing data in the registration of pesticides, not another study or report.

The Burns alternative is another study. But worse than that, the Burns amendment encourages and orders the EPA to get their regulations in place, regulations that, as I told you, allow testing on newborn babies and fetuses and pregnant women and desperately ill newborns. Why are we having a debate? Why aren't we all supporting a moratorium, a timeout, just as Christie Todd Whitman did, just as Carol Browner did? This is a bipartisan effort.

Unfortunately, we have to choose. Instead of walking down this aisle together and saying we will not allow testing on pregnant women—can you imagine testing pesticides on desperately ill newborn babies and testing

pesticides on fetuses? I just can't imagine that that is what we are going to do today by voting on the Burns amendment and telling EPA to hurry up with their regulations instead of taking a timeout.

Let's look at some of the churches that are involved in supporting the Boxer amendment. Let's take a look at the list of these churches and these religious organizations. I will just read some of them: The African Methodist Episcopal Church; the Alliance of Baptists; Archdiocese of America; the Diocese of the Armenian Church; Christian Church (Disciple of Christ); the Church of the Brethren; the Coptic Church; the Evangelical Lutheran Church; Friends United Meeting; Greek Orthodox Archdiocese of America; International Council of Community Churches; Korean Presbyterian Church; Moravian Church in America, Northern Province and Southern Province; National Baptist Convention of America; National Baptist Convention, USA; Orthodox Church in America; Polish National Catholic Church of America; Progressive National Baptist Convention; Syrian Orthodox Church of Antioch; Ukrainian Orthodox Church of the United States of America; United Church of Christ; The United Methodist Church.

It goes on.

The reason I am reading this is this is very unusual to see a faith-based amendment that deals with morality, to have so many of our religious leaders supporting us and opposing the Burns amendment. Why do we even have a debate? Certain things are right and certain things are wrong. Yes, it is an issue of social justice. Who is going to step up to the plate and offer up their newborn baby?

Let's take a look at that again, the statement about testing on newborns. I think Senator DURBIN is interested in this and said he wanted to ask a question about it. The fact is, all of the religious organizations have stepped up to the plate, in part, because of this. This is EPA's own words.

EPA thinks it likely that it will continue a limited number of scientific studies involving pregnant women, fetuses, neonates [meaning newborns] of uncertain viability, or non-viable neonates [in other words, desperately ill babies] in the future.

It is hard to imagine how anyone in the Senate could vote for an alternative which encourages the EPA to hurry up and produce their regulation, when we can all come together as everyone did in the House of Representatives and say: Time out, EPA. This is a moral issue.

Mr. DURBIN. Will the Senator from California yield for a question?

Mrs. BOXER. I will.

Mr. DURBIN. I direct the question through the Chair. Those tuning in to this debate and starting to listen may not grasp what is at issue. The way you described it to us yesterday in the Senate Democratic caucus luncheon was that the Environmental Protection

Agency is testing the toxicity, or poisonous nature, of pesticides on human beings here in the United States. Since this came to the attention of the House of Representatives, they have said this is wrong; we don't want to endanger anyone's life by testing them with pesticides, particularly children, pregnant women, others—for that matter, any person. So they decided to suspend, as I understand it, the authority of the EPA to go forward with this testing.

An argument is being made on the floor today, by those opposing your amendment, that we should go ahead and continue the testing? Is that what is at issue?

Mrs. BOXER. That is the essence. You can put lipstick on it but essentially the opposition is saying no to the Boxer amendment, and let's just tell the EPA to look at ethical guidelines and consider them and hurry up and issue a regulation.

Does it make any reference to the National Academy of Sciences, which has very strict regulations? It doesn't make any reference to any of the guidelines that are internationally recognized. So, in essence, the Burns amendment is the status quo with a kicker that we continue these studies and that, in essence, we say to the EPA: Hurry up with your regulation.

Mr. DURBIN. If the Senator will further yield for a question through the Chair, the photograph she displayed is the same one she brought before us yesterday. It depicts two young people, a man and woman, who are involved in some testing where they are inhaling pesticides to determine what the physical impact would be if they have a certain amount of pesticide in their system. Are you saying the Federal Government is paying for this research, and is paying these people to come forward and submit to this testing?

Mrs. BOXER. This test is being paid for by the pesticide maker, who wants to say that they should be allowed to use more chloropicrin in their pesticide. They have paid the University of San Diego to do this.

The EPA accepted that study. In other words, they are saying fine, we are going to look at the results of that study.

It was Ronald Reagan who put a stop to looking at the tests that came out of World War II. Because after World War II, we saw what was going on with medical studies. Ronald Reagan was the one who said we are going to stop this. We are not going to even look at these studies because they are immoral.

What we are saying today is, it is immoral to take a young woman like this—and tell her, by the way, she is not going to be harmed—make her sign a waiver of liability so she cannot really recover if she is sick, pay her \$15 an hour because she is a student and probably needs the money desperately, and not tell her what this other picture shows, the man in the mask, that she is breathing chloropicrin at a rate 12

times the rate that our Federal Government, our OSHA says is dangerous.

If you were to have a concentration of this chemical 12 times less than what these kids are getting into their nostrils, into their lungs, you need to wear this type of full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemicals.

Mr. DURBIN. How long has this been going on?

Mrs. BOXER. That is the interesting question. Under Bill Clinton's administration, in the late 1990s, Carol Browner, the Administrator of EPA, stopped this kind of acceptance of these tests by the EPA.

Christie Todd Whitman agreed with her and stopped all of this and said EPA is not going to look at these. It is immoral. It is wrong.

It is only recently that this moratorium was allowed to lapse and the current Administrator—it is Leavitt, I think—started to accept these studies. So it is very recent.

Remember, we had two EPA Administrators who had said no to this. Now, suddenly we are back in the game of utilizing these studies and sending a signal out to the scientific world: Go ahead and do these dosing studies.

Mr. DURBIN. If the Senator will further yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. We have people stationed at the borders between the United States and Mexico who are testing fruits and vegetables that come into our country. The Food and Drug Administration does this. The U.S. Department of Agriculture is involved in this testing to determine whether there is pesticide residue on apples and tomatoes, vegetables and fruits that come in. And if there is just the slightest residue of certain pesticides, we confiscate the shipment, stop the shipment from coming into the United States for fear that just the slightest residue of the pesticide or the fruits and vegetables may be a danger to public health in America.

That is why it is so difficult for many of us who listen to this debate to understand that at the same time another agency of our Government, with the cooperation of a special interest group, the pesticide industry, is actually testing concentrations of these same pesticides on innocent people in America.

I think the Senator has gone on to say it is not just college students standing and being paid \$15. The testing reaches a level where they are testing on fetuses and on neonates of uncertain viability?

Mrs. BOXER. Yes. Let me take back my time because the Senator from New York is on schedule. I want to make sure she has time to speak. But let me tell you this. The EPA's own words are that, in fact, they will consider testing on these neonates and the rest.

Yes. This is immoral. I would like to tell you, the U.S. Conference of Catholic Bishops, on their Web site, in 2005, say this:

We are very concerned about using humans for the direct testing of pesticides under any conditions, particularly when they will not receive any direct or immediate health benefit but in fact may be harmed.

So we are not here testing pharmaceutical products that may help a baby. We are here looking at harming a baby, harming a pregnant woman.

So the Boxer moratorium vote is very important.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GRAMHAM). The Senator has 18 minutes.

Mrs. BOXER. I will yield 8 minutes to my colleague from New York, with an additional 2 minutes should she require it.

Mrs. CLINTON. Mr. President, I rise in strong, overwhelming support for the Boxer amendment. I agree with my friend and colleague from California that there should not be a single vote against this amendment. As was done in the House, this amendment should pass unanimously, and I hope at the end of this debate, led by the able Senator from California, that will be the conclusion of all of our colleagues, on both sides of the aisle.

This debate is not about whether pesticides can be useful. Pesticide use has improved crop yields, has helped to control insect and other pests. We can all agree on that.

I am sympathetic to the farmers that raised with me the concern they have about how our current system works for testing pesticides. The fact is, we ask our domestic farmers to comply with detailed pesticide requirements. We have no similar controls on overseas farmers. That is not fair. It does not keep our food as safe as it should be. That should be addressed at a later time.

Let's put that aside. What we are talking about is pesticide testing. Pesticides are inherently toxic. They have been linked to a broad range of human health problems, including cancer, damage to the central nervous system, interference with neural development, and the endocrine system. Children are particularly vulnerable to the toxic effects of pesticides.

This debate is about ensuring we protect our children and ourselves from the adverse effects of pesticides that could be administered through these testing programs. We need to ensure that any studies that Congress sanctions are conducted in a safe and ethical manner.

The reason we are debating this, as amazing as it is to many who might be watching, the administration is taking actions that undermine the protection we should be able to count on against misuse of pesticides and pursuing a path that leads to using testing regimens which are ill thought out, poorly conceived, and immoral.

At the urging of the pesticide industry, the EPA has reversed a moratorium on the consideration of studies in which humans are intentionally dosed

with pesticides. In addition, the administration will soon propose a regulation that will greatly expand the funding and use of such studies.

This amendment, which I am proud to cosponsor, simply says we need to stop and take a much closer look at this issue before we continue down this dangerous path. At the present time, the EPA is reviewing more than 20 human pesticide studies. Many of them violate widely accepted ethical standards for research involving human subjects.

Specifically, there were instances where those who conducted the studies failed to obtain informed consent, inflicted harm on the human subjects, dismissed adverse outcomes or failed to conduct long-term monitoring.

That is not just my opinion. That is the conclusion of the National Academy of Sciences, in a report issued in 2004, which found that the EPA pesticide studies were in gross violation of ethical standards set out in the Nuremberg Code, the Declaration of Helsinki, and the common rule that guides medical research in our country.

In addition, the NAS concluded that pesticide manufacturers have submitted to EPA intentional oral dosing studies involving humans in order to justify the reduction or elimination of safety factors for the regulation of certain pesticides in food residues.

To begin with, it is clear the EPA should not be using these flawed studies in any way. That is one part of what our amendment would do: Prohibit the EPA from using or relying on third-party human pesticide studies. The amendment would also prohibit the EPA from funding such studies.

The reason it is so important is in plain view in yesterday's news report. According to them, the EPA is on the verge of issuing draft regulations that open the floodgate for new EPA, Government-sponsored studies involving human pesticide testing. These draft regulations are in direct contradiction to the key recommendations made by the National Academy of Sciences. For example, as my colleague from California has pointed out, the draft rule reportedly legitimizes pesticide testing on children, pregnant women, and newborns. It ignores recommendations for the establishment of an independent ethics review board to evaluate proposed studies on a case-by-case basis.

I don't see how any Member cannot be concerned about this regulation. We are going to be monitoring it very closely. It is clear that in addition to preventing the EPA from looking at human studies, we need to prohibit the EPA from conducting and sanctioning human studies.

I point out that this issue goes much further than even what we are discussing in the Senate. It has broad implications for how we protect our children. Pesticide manufacturers want to push for human testing because it may result in less stringent exposure stand-

ards. That concerns me. The Food Quality Protection Act of 1996 tightened the regulation of pesticide residues in food and specifically added more stringent safety factors to account for the increased sensitivity of infants and children. It also includes safety factors that apply to animal tests but not to human tests.

The EPA is clearly headed in the wrong direction. We should work diligently to make sure we pass the Boxer amendment. It is so important to take a stand on this. We do not need another study. We know the EPA has studied. They have looked at the National Academy of Sciences' recommendations. It is clear we need to pass this immediately to send a signal, joining with the House which passed such a prohibition, a moratorium by unanimous consent, that this cannot go forward.

I urge my colleagues to reject the second-degree amendment, to pass the Boxer amendment, and to take a stand against this kind of reckless, immoral testing and sanctioning of testing on children, on infants, and on all human subjects.

I thank my colleague for yielding me that time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator leaves, I thank the Senator from New York who has always been such a credible voice for our children and our families and for their health and well-being.

As she said, this should be what the younger generations calls a "no brainer." We need a timeout. We do not need to have the Burns amendment passed, which will speed up the EPA regulation which allows the testing of pesticides on newborn babies who are ill. It specifically says "ill newborn babies or near-death newborn babies." If we stand for something, we should stand with all the religious organizations in this country that support the Boxer amendment and oppose the Burns amendment.

I ask unanimous consent to be able to reserve the balance of my time until the conclusion of Senator BURNS's remarks and that the quorum call not be counted against my side.

If I could explain to the Senator from Alaska, I only have about 5 minutes remaining, and I want to retain that time for when Senator BURNS concludes. He knows this. I don't think he has a problem with it.

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

Mrs. BOXER. I yield the floor, retain my remaining 9 minutes, and wait for the conclusion of the debate.

Mr. BURNS. Mr. President, we better open up this morning and characterize what the Burns-Chambliss-Inhofe amendment does compared to what is being advocated by my friend from California.

Our amendment directs the administrator of EPA to conduct a thorough

review of all third-party intentional human dosage studies based on six principles listed at the National Academy of Sciences in their February 2004 report. The National Academy report found that, in certain cases, the societal benefits of such studies outweigh the risks.

This amendment also directs the administrator to issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing to identify or quantify toxic effects within 180 days of enactment of this act. In other words, they have an open end now where they drag their feet as far as offering reports to Congress.

By the way, I ask unanimous consent Senator BROWNBACK of Kansas be added as a cosponsor.

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

Mr. BURNS. Mr. President, we know we can use very emotional examples to draw our attention to this issue. My first thought, I don't think there is a chemical engineer or a scientist in this Senate. I can't say that for sure, without having a degree in chemical engineering. Nonetheless, we have to rely on reports. We also have to rely on reports that are peer reviewed from many different sources.

What the Senator from California has brought to the Senate this morning has a few flaws. First of all, they are quoting from a staff draft of a study, and we do not know what the outcome will be. We do not know what the final rule will look like. The administrator has not even seen it, let alone made any recommendations to be agreed to. That is No. 1.

Basically, the Senator's amendment prohibits the EPA from conducting or accepting research involving intentional dosing of human subjects. She referred to the CHEERS study. What is the CHEERS study? In the CHEERS study, the agency proposed to monitor children's exposure to pesticide in a specific population. That is what it is was for. The proposed CHEERS study, developed by the Office of Research and Development at EPA, was an observational and biomonitoring study and not a dosing study. As a result, her amendment does not impact CHEERS or any other similar type of study. I want that in the RECORD. We should be very clear about that.

We are not chemists or chemical engineers. We are not scientists. All of the warnings and all of the charts we have seen this morning are a result of studies, be they EPA, through peer review or third-party studies with peer review. We would not know this information had there not been studies, third party or by the EPA. Her amendment is very clear. It just says we stop testing.

So I ask my colleagues, on this issue: How do we know? How can we find out? Because we need this information. Do we allow chemists or chemical engineers to do this, with no backup, work-

ing for a private corporation in the business of selling pesticides, fumigants, herbicides, detergents, car washes, carpets, the padding on our chairs? Everything we touch or we live with has a so-called chemical element to it. Do we just take their word for it, those who are in the business of selling these products? Unless there are third-party studies, with peer review and EPA studies with the same standards of peer review, that would be the case.

This is not like the testing of prescription drugs. Having no test on chemicals, no information on chemicals that we use in the production of food and fiber and shelter in this country is not a very good idea. It is not a good idea. As I said, would we know about the warnings that were used today had it not been for testing?

Senator BOXER's amendment is so far reaching that between 60 and 70 chemicals and 1,300 tolerances, or the allowable pesticide residue on foods, would be affected. It would mean taking those reports, putting them away, and never referring to them again. That does not make a lot of sense. Not only is there the time, money, and effort involved, but also some of the results we know of today we would not have known this morning in order to make this debate.

For example, I have a letter from the American Mosquito Control Association, which opposes this amendment offered by my good friend from California. By the way, they support our amendment. I am going to offer this letter in its entirety for the RECORD, but I want to read one little paragraph that I think speaks to the essence of this debate. I quote:

The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

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

AMERICAN MOSQUITO
CONTROL ASSOCIATION,

North Brunswick, NJ, June 24, 2005.

DEAR SENATOR: I am writing on behalf of the membership of the American Mosquito Control Association (AMCA) to express our deep concern over the amendment Senator Barbara Boxer (D-CA) recently introduced to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006. As currently written, the amendment would prohibit research studies having a profound effect on establishing safety and toxicity profiles for a number of public health insect repellents, which are listed as

pesticides. In addition, it would preclude the use of sound, ethically-derived data in the registration of several pesticides utilized in protecting public health. These studies are critical in evaluating exposure levels and risk assessment. Without them, extrapolations of risk could be unreliable, placing the public at undue risk.

The sole testing procedure currently accepted by the U.S. EPA (See: Product Performance Test Guidelines OPPTS §810.3700. Insect Repellents for Human Skin and Outdoor Premises, Public Draft. United States Environmental Protection Agency. EPA 712-C-99-369, December 1999 requires repellents be applied to humans to demonstrate efficacy. Furthermore, the National Academy of Sciences (NAS), in a report entitled, *Intentional Human Dosing Studies for EPA Regulatory Purposes: Scientific and Ethical Issues* published in February 2004 stated that such studies "contribute significant and useful knowledge for regulatory standard setting and other forms of public protection." Indeed, the NAS stated, "[i]n some cases, intentional dosing of humans may be the only way to obtain data needed to set regulatory standards and protect public health".

The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Furthermore, members of the United States Armed Forces rely extensively upon repellents and public health pesticides to reduce risk to the various exotic vector-borne diseases to which they are regularly exposed. Development of new repellents is urgently needed to obviate the need for broadcast pesticides to provide protection both here and abroad. To the extent that repellent use is curtailed because of acceptability issues, pesticide applications will have to be increased to afford the same level of protection.

Any reduction of human/mosquito contact commensurately reduces the risk of disease transmission. Newer, more acceptable and effective mosquito repellents would both protect humans while reducing environmental pesticide load. Research on these critical control adjuncts requires human subjects in order to assess their efficacy and safety. Establishment of safety exposure parameters to these and other chemicals that might contact human skin during their approved application can only be reliably obtained through research fully vetted through rigorous institutional review boards specifically organized for those purposes. These are already in place and are fully compliant with current laws and regulations.

Protection of the health of the American public and the environment is a core value of the AMCA. The provisions of this amendment in a very real way conflict with this important value. Indeed, the amendment neither promotes public health and safety nor provides greater protection for your constituents in any foreseeable tangible manner. Therefore, the American Mosquito Control Association strongly urges you to oppose the Boxer Amendment when the Senate considers the FY06 Interior Appropriations bill in the near future. Thank you for your

consideration and attention to this critical matter.

Sincerely,

JOSEPH M. CONLON,
*Technical Advisor, American Mosquito
 Control Association.*

Mr. BURNS. Studies of this kind on safety must move forward or we will have a public health situation being created by the unintended consequence of not performing those studies.

Now, if I have not convinced you to vote with me yet, I also have an extensive list of pesticides that rely on human studies to determine safe exposure levels for more than 50 crops grown in our States. In fact, these pesticides, cited by Senator BOXER's and Representative WAXMAN's June 25 study, have critical uses in 39 States. A few of these States include: Arkansas, California, Florida, Georgia, Kansas, Louisiana, Maine, Nebraska, Ohio, and West Virginia. I say to the Presiding Officer, I am sorry, they did not mention South Carolina. But these pesticides, for every State listed, are used in the production of food and fiber for this country.

Now, I realize there are a lot of folks who do not really understand agriculture maybe that much, but you have to understand the second thing we do in this country every day—after we get up—is eat. For the first thing we do, we have a lot of options. But the second thing we do is eat.

The largest industry probably contributing to the GDP of California is agriculture. If it is not the largest industry, I would be surprised. Think about your brussel sprouts, strawberries, apples, dry beans. Look at all your almond production, beats, peppers, celery, cauliflower, pistachios. The list goes on and on of these chemicals, these pesticides, these fumigants, these herbicides, all used in the production of food and fiber for this country. It is pretty amazing.

Senator CHAMBLISS and I are offering a reasonable alternative from the amendment offered by the Senator from California. Our amendment is plum simple. It directs the Administrator of the EPA to "conduct a thorough review of all third-party intentional"—"intentional"—"human dosing studies" based on the National Academy of Sciences February 2004 report.

I think it is found in this book offered as a guideline. I will give you the headings: "The Four-Step Process of Human Health Risk Assessment." Step one: "Hazard Identification," "Dose Response Assessment," "Exposure Assessment," and "Risk Characterization." That is the guideline. Pretty simple—a little book. Anyone can order it. Send me your check and \$5 for handling for mail, and I will get it out to you. But that is what it says.

We are directing the EPA to "issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing" "within 180 days of the enactment of this Act."

We are putting them on a time line. We want to know. The public has a right to know. Everyone involved wants to know. People who work on allergies, many things that are normal in our everyday lives, want to know: Quit dragging your feet. Let's have it. Let's get the report because we think it is pretty important.

There are ethical standards established. They are already in place. Let's get the final rule. That is what we are telling this Director. That is what we are telling this agency—that we want to know—because as policymakers, we do not want to get caught in this idea of an unintentional consequence.

None of these warnings that we have on the label of our shirt or on our detergent when we wash our dishes at night—none of those warnings would be there had there not been extensive work in risk assessment and public health at heart if those tests had not been carried out.

Since that standard is set, what we are saying now is not to proceed just blindly down a path using no guidelines, but to write the rule that allows policymakers to move forward with adopting the public's attitude toward this issue.

And we can make a mistake. We usually base all our decisions on history. As to the history of this, we study this without going blindly off a cliff. We usually use history. If we monkey with it, if we take part of it out, and that is not available to us either, or to the EPA, or anybody else who is making a decision as to the reliability or the safety of that particular product, then we have done an injustice to the people who make the decisions. That seems pretty logical to this nonscientist, nonchemist from the State of Montana.

Let's take the emotion out of it, and let's look at things as they really are in the world around us. We do not touch anything, folks—we do not leave the garage, we do not even get up in the morning, we do not do anything in this environment around us where there are no chemicals. Some of them are even added by man. But we live in that kind of a world, with our relationship even with the Sun, the soil, and the water. We live in a chemically reactive world. The more we know about it, the more we know about our own environment and those steps we have to take in order to protect it.

So what I and my colleagues are proposing in this Burns amendment is that we proceed with standards and direct the EPA to make their rule final and publish it in the Federal record for all to see—and all to either uphold or criticize. That is all we are doing. It is pretty straightforward. But we cannot just say: Stop, stop the clock. We cannot do that. That is not fair to the American people. It is not fair to the American consumer, and it is not fair to the folks who are involved in producing food, fiber, and shelter for this country.

If you want more of your food to come from offshore, where there are no

tests, there is no way to regulate, then you just stop the process because that is where it will be coming from, even with our tremendous ability to produce for a society that we think is probably the healthiest in the world.

I reserve the remainder of my time.

I yield the floor.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the amendment offered by Senator BOXER regarding the testing of pesticides on humans. I am pleased to be a cosponsor of this amendment.

Unbeknownst to most of us, the Bush administration has quietly rescinded a ban on the human testing of pesticides even though the EPA is still developing guidelines for such testing. Instead of needlessly exposing people to dangerous pesticides, the 1-year moratorium proposed in this amendment is a reasonable solution until these guidelines are completed.

Let us be clear. We are not talking about the testing of life-saving medications. By definition, pesticides are designed to kill. They are potential carcinogens and neurotoxins. We need guidelines to ensure that human testing of these dangerous chemicals is limited and monitored and that the subjects fully understand the risks they are taking.

Who are the people being exposed to these chemicals? Typically they are young, poor and minorities. Let me give you two examples:

In Florida, an EPA study offered low-income families \$970 over 2 years if they let their babies be tested after their homes were sprayed with pesticides. One can easily imagine a young mother trying to make ends meet, trying to pay the rent and put food on the table, reading that she can collect almost \$1,000 if she allows her child to be tested.

In another study last year, 127 young adults, mostly Asian and Latino college students, agreed to be exposed to a suspected neurotoxicant for \$15 an hour. Some were exposed in a chamber for 1 hour for 4 consecutive days, while others had the chemical shot into their eyes and nostrils at amounts 12 times the OSHA recommended levels. This chemical, chloropicrin, has a history: It was used as a chemical warfare agent in World War I. Yet the consent form for the 2004 study did not disclose that fact; it simply said, "We expect the discomfort to be short-lived."

All across America, there are college students working long hours so they can stay in school and get a shot at the American dream. How tempting it must be to pick up a handful of cash for letting a scientist expose you to some chemical. You are healthy, you need the cash, and you are probably not as wise as your parents would like you to be, so you borrow a chance against your future health and sign up for exposure. That is not the kind of government policy we want to be encouraging.

All told, the EPA is considering data from 24 studies that tested pesticides

on humans. Many of these studies are flawed, so the risks these people undertook did not even contribute to a scientifically valid experiment. Many of these studies failed to take the health complaints of the subjects seriously, many failed to disclose the risk to the subjects, and many failed to conduct long-term monitoring of the health effects of the pesticides. All of these deficiencies should be addressed and prevented from occurring again.

Sadly, we do not need to do this human testing. For years, the EPA has worked with pesticide manufacturers and members of the science community without relying on human testing. For years, the agency has accomplished its goals through animal testing.

No one doubts that actual human health data, if properly collected from a sufficient sample size, would be advantageous to know. But sensible guidelines are needed to ensure that the benefits of any study far outweigh the potential risks to the study participants.

The commonsense approach is to temporarily stop this testing, wait for EPA to issue its guidelines, and safeguard the health of the human subjects.

I thank the Senator from California for her commitment to this issue, and I yield the floor.

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

THE PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. BOXER. Mr. President, I yield myself 7 minutes and retain 2 minutes, if I may.

THE PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mrs. BOXER. The Senator from Montana has, as he usually does, made a very good presentation for his side. The only problem is he made a very bad presentation about the amendment I had written. In criticizing it, he is criticizing the Republican-run House of Representatives which passed this same amendment without dissent, including the one and only Congressman I know of who was an exterminator, Tom DeLay. So for all the eloquence about pesticides, the one person who was involved in the pesticide over there did not object.

And with all due respect to my colleague, I don't have to be lectured about agriculture. I have been elected three times from my State. Agriculture is an enormous source of pride to our State. I visited thousands of acres of farmland. I want the Senator from Montana to understand something about my State and my farmers. Not one of them called and said: Oh, Senator BOXER, we want to dose babies and infants and pregnant women and fetuses with pesticides. Not one. So let's set the record straight. Maybe he heard from some of his farmers. Not one called me.

Why? Because this is all scare tactics. They know we are testing pes-

ticides on animals. They know we are using computer modeling. They know that research moves forward. I am one of the biggest proponents of developing new pesticides.

Then he uses the scare tactics. My God, if we have this moratorium—which, by the way, was put in place by Republican and Democratic administrations in the past—we won't be able to fight West Nile virus. Baloney. We are already using DEET. We know what to do. There are continuing studies and modeling going on. So let's get rid of the scare tactics.

I am offering a bipartisan amendment today that is the exact amendment that passed the House without a dissenting vote. The only people who don't like it are the pesticide makers. We have a chance to take a stand for the health of our kids or with the pesticide makers. That is just clear. We have a chance to take a stand with every major religious organization in this country. I have the list of those. The National Council of Churches, Jewish organizations, evangelical Lutherans, the Catholic bishops, all weighed in. My amendment is a faith-based amendment.

Then my colleague says: Let's not get emotional. Are we supposed to walk in here and lose all of our feelings? Are we not supposed to have emotion if we lose, for example, a constituent in the Iraqi war? If we visit Walter Reed Hospital, as many of us have done, are we supposed to check our emotions at the door when we are elected to the Senate? Let me tell you how I feel when I read about the kind of testing they are going to do which my colleague is endorsing with his amendment because he is saying the EPA should hurry up and bring out their regulation. By the way, he is wrong when he tells you it is a draft. It is a final draft, and we have the proof that this regulation was about to go for comment next week. So let's set the record straight.

Here is what my colleague supports. He supports an EPA regulation that says there will be a limited number of scientific studies involving pregnant women, fetuses, newborn babies of uncertain viability or nonviable newborns. Imagine, dosing a fetus with pesticides. Dosing a newborn baby. You want me to check my emotions at the door? Sorry. I will not be here and allow a rule to go into effect without doing everything in my power to stop it that is going to dose a dying newborn baby with pesticides because some poor mother is convinced to take \$1,000 for it. This is just wrong. Why do you think we have all of these churches opposing the Burns amendment and supporting our amendment? We are appalled by the effort to go forward with yet another report—that is the Burns amendment—that does nothing to guarantee the well-being of the children and other vulnerable groups who are being subjected to pesticides by the chemical industry. We need a moratorium.

This moratorium was voted for without a dissenting vote in the House. Now my colleague calls for a thorough review based on the National Academy of Sciences standard.

There is not one mention of the National Academy of Sciences in his entire amendment. Not only is there not one mention there, there is not one mention of the Helsinki Accords. There is not one mention of any protocol that has ever been recognized nationally or internationally in his amendment. It is a general amendment. It is exactly what the EPA wants because they have told us, they don't want to be hemmed in. They don't want to have their options limited. They want to be able to dose or accept studies that dose people with chemicals whenever they want to and whoever these people are.

Here is what the EPA says they want: The promulgation of rules prescribing such details would unnecessarily confine EPA's discretion. Wonderful. My opponent is giving them that discretion by not referring to any acceptable scientific guidelines.

Then my opponent defends the CHEERS program. I have never heard anyone defend the CHEERS program. The CHEERS program was going to be done on these babies. Pay their parents in poor areas, give them a cam camera, tell them to continue dosing their homes with pesticides and study the reaction of the children, when we already know it is dangerous for kids to be exposed to pesticides. My esteemed friend—and he is my friend—actually gets up and defends this program which no one else in America has done. But it speaks to the purpose of his amendment which is to move forward with a rule that would allow all of this.

My opponent says I am stopping all testing. False. The testing will continue—animal testing, computer modeling. Do you know what Stephen Johnson of the EPA has said about human testing? I think it is important that Members know. He certainly doesn't agree with Senator BURNS because this is his quote:

We believe that we have a more than sufficient database, through use of animal studies, to make licensing decisions that meet the standard—to protect the health of the public—without using human studies.

So my friend is contradicting Stephen Johnson, head of the EPA.

THE PRESIDING OFFICER. The Senator has used 7 minutes.

Mrs. BOXER. I yield myself 1 more minute.

THE PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. The fact is the attack Senator BURNS has made on my amendment is false in every way. It is the same amendment as his Republican friends supported over in the House without a dissenting voice. It is the same policy that was put in place by Republicans and Democrats. And then my friend says: Wouldn't it be a waste to throw away studies, even if they did intentionally dose human beings? Ronald Reagan was faced with that same

issue. His head of the EPA said there are certain times when you don't accept studies because there is moral right and there is moral wrong. That is why the Boxer amendment—supported by Senators SNOWE and COLLINS, Senators CLINTON and OBAMA and NELSON and others—is so important.

I ask unanimous consent to add Senator CORZINE as a cosponsor of my amendment.

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

Mrs. BOXER. To quote President Reagan's EPA, they said they would not accept human dosing type of experiments from World War II because they were "morally repugnant."

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time? The Senator from Montana.

Mr. BURNS. Mr. President, my amendment, to answer the National Academy of Sciences point, the six quantifying objectives, as mentioned, come from the book "Intentional Human Dosage Studies for the EPA, Respiratory Purposes, Scientific, and Ethical Issues." They were taken from that book. The National Academy is found in the amendment.

Again, we can characterize it any way we would like. I would just say that we still base our decisions on history. This amendment is paramount. And I understand, nobody likes the idea of human dosing. If we could get around it, if there was any sure way we could get around it, we would. I don't like it either. But nonetheless, as we talk about this, we are holding up testing on the world around us. We cannot afford to lose any time or information. We owe that to the American people, to the consumer. We also owe it to the people who produce food and fiber.

How much time is remaining on the other side?

The PRESIDING OFFICER. The Senator from California has 52 seconds remaining.

Mr. BURNS. Mr. President, we have a vote coming up, and we probably can get to that in the next 5 or 10 minutes, if that is OK with the Senator from California.

Mrs. BOXER. Absolutely.

Mr. BURNS. If you want to close, I will make a short statement. Then we will go to the vote.

Mrs. BOXER. Sure.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate is a tough debate because when it comes to protecting the people of our country, there are going to be feelings on either side. This is what it is about. The quote of James Childress of the National Academy of Sciences, chairman of the panel, who said: A lot of us were troubled by the dosing studies. And personally my view is that the House amendment—that is what my amendment is—was within the range of ethically justifiable responses.

The fact is, there is no mention directly of the National Academy of Sciences in my colleague's amendment. My colleague's amendment is just a "cover yourself" amendment. I call it a "CY" amendment.

People can think they are doing something, but here is what I need to tell my colleagues: If they vote for the Burns amendment, they are taking us back. They are telling the EPA to hurry up with their regulations, regulations that we know will test pregnant women and babies. Every major religious organization views this as a faith-based debate, and the Boxer amendment is on the right side of that debate. I hope Members will vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I will recap. Our approach is a commonsense approach. It just makes sense and logic that the information we need is only found in the work that we do on the safety of pesticides, fungicides, herbicides, all of that. It becomes very important to the agricultural producers, but also it is more important to the safety of our consuming public.

It has been a good debate. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Is my friend going to ask for the yeas and nays on both his and my amendment, his first and then mine second?

Mr. BURNS. That is correct.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mrs. BOXER. I ask for the yeas and nays on the Burns amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on both amendments.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided prior to the vote in relation to the Boxer amendment.

Mr. BURNS. The Senator has 1 minute prior to the vote on her amendment.

Mrs. BOXER. That is very good.

Mr. BURNS. I ask unanimous consent for that.

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

Mr. BURNS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—57

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Pryor
Bunning	Frist	Roberts
Burns	Graham	Santorum
Burr	Grassley	Sessions
Byrd	Gregg	Shelby
Chambliss	Hagel	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Landrieu	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lott	Warner

NAYS—40

Akaka	Feingold	Nelson (FL)
Bayh	Feinstein	Obama
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Jeffords	Rockefeller
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Snowe
Collins	Lautenberg	Specter
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Mikulski	
Durbin	Murray	

NOT VOTING—3

Bennett	Lieberman	Lugar
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The amendment (No. 1068) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1023

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Boxer amendment.

Mr. BURNS. I yield to the Senator from California on her amendment. She has 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could have Members' attention just for one moment, I hope they will vote for this. The EPA is about to utilize studies that will actually intentionally dose babies with pesticides, pregnant women with pesticides, newborns with pesticides, newborns of uncertain viability, meaning they might die, non-viable newborns. We are talking about a policy that has won the condemnation of every religious organization in this country who backed the Boxer amendment.

The Boxer amendment passed without a single dissenting vote in the House. If Members voted for Burns they can vote for Boxer. All we are saying is we need a timeout to look at this immoral policy. That is why we have

the Catholic bishops telling us that the intentional dosing of kids is immoral and they are very concerned about it. That is why we have the support of the National Council of Churches. If my colleagues ever wanted to vote for a faith-based amendment, this is the amendment. Stand on the side of the innocent, vulnerable kids and vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it just makes sense that we do not suspend testing at all, as this amendment would do. It is bad logic to throw aside almost over 20 reports that give us the history and the institutional knowledge to complete the work for the safety of the consumer and also the people who produce food, fiber, and shelter in this country. I urge a "no" vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1023. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—60

Akaka	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Hutchison	Pryor
Byrd	Inouye	Reed
Cantwell	Isakson	Reid
Carper	Jeffords	Rockefeller
Chafee	Johnson	Salazar
Clinton	Kennedy	Sarbanes
Coburn	Kerry	Schumer
Collins	Kohl	Smith
Conrad	Landrieu	Snowe
Corzine	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeWine	Levin	Talent
Dodd	Lincoln	Thune
Dorgan	McCain	Warner
Durbin	Mikulski	Wyden

NAYS—37

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Allen	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Grassley	Stevens
Burr	Gregg	Sununu
Chambliss	Hagel	Thomas
Cochran	Hatch	Vitter
Coleman	Inhofe	Voinovich
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—3

Bennett	Lieberman	Lugar
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The amendment (No. 1023) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1025

Mr. BURNS. Mr. President, by previous order, we move to the Dorgan amendment No. 1025.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask for the regular order to consider amendment numbered 1025.

The PRESIDING OFFICER. The amendment is pending.

Mr. DORGAN. Mr. President, let me describe the amendment. This amendment is very simple. It does not require an elaborate explanation. It provides additional resources, desperately needed resources to particularly the Indian Health Service.

We have had a lot of discussion in the Senate in the last several years about the Indian Health Service. We have a responsibility for the health of Indians under trust responsibilities to the Federal Government. The Federal Government also has a responsibility for health care for Federal prisoners. It is interesting to note that the Federal Government spends almost twice as much per person for health care for Federal prisoners as it does to meet its trust responsibility per person for American Indians.

If you travel to Indian reservations in this country, there is a bona fide crisis in health care on reservations and in other areas as well. Go to a reservation, and you will find a dentist practicing out of a trailer house, a small trailer, for 5,000 people. That is the dentistry. Go to a reservation and find half a dozen kids have committed suicide recently. You will discover there is virtually no mental health treatment available for those kids who end up taking their lives.

There is such a desperate need to satisfy the obligation here for health care for American Indians. We are so short of funding, it is unbelievable. This amendment adds \$1 billion to funding particularly for Indian Health Service but also to the BIA to provide the other services that are necessary on the reservations.

I have indicated we have a bona fide crisis in health care, housing, and education on Indian reservations. Let me tell a story I have told previously about a young girl named Tamara Demaris. Tamara was a 3-year-old. I read about Tamra in a newspaper. I met with her and her granddad. She was 3 years old and placed in foster care by a person who was handling welfare cases and so on. The woman who was handling the case was handling 150 cases. So this was a case of a 3-year-old child who was put in a foster care situation. But the person did not check out the home to which she was assigning the 3-year-old child. She was working on 150 cases. So Tamara Demaris goes

to this home. There is in this home a drunken brawl and party. The aftermath of that drunken brawl and party was this 3-year-old girl named Tamara had a broken nose, a broken arm, and her hair pulled out at the roots.

This is a 3-year-old child. That was our responsibility. We did not provide sufficient funds for available resources to check the foster home in which they would put this little kid. The result is this little kid is scarred for life.

I helped fix it on that particular reservation so that will not happen now. But why did it happen? They do not have the resources. One person handles 150 cases? That is unbelievable. A child gets injured, badly. It is going on all across this country on Indian reservations.

Again, I have told my colleagues about a hearing I held in which a young woman who had just assumed the job on an Indian reservation—this was for child welfare—said on the floor of her office was a stack of folders with allegations of child abuse, including sexual abuse of children. She said they have not even been investigated. Those folders sit there without an investigation because they do not have the resources.

She broke down at the hearing and began to sob, began to cry. She said: I have to beg and borrow to try to get a car to take a kid to a clinic or take a kid to see a psychologist or get mental health treatment. I don't have a vehicle, let alone the money to investigate the cases in the files on the floor.

I could go on at great length about diabetes, about all of the issues faced on these reservations.

My late colleague, Mickey Leland, with whom I traveled to many areas of the world, was a great humanitarian. He died when his plane crashed into a mountain in Ethiopia. He was a Congressman who worked with me and others on hunger issues. Mickey Leland came to the three affiliated tribes in North Dakota to hold a hearing.

This is what we discovered that day in the testimony about diabetes. They do not have double, triple or quadruple the rate of diabetes of the rest of the population; theirs was 10, 12 times the rate of the rest of the population. It is a devastating situation on Indian reservations. It means people are losing their legs, losing their good health, losing their lives, sitting through dialysis in a crowded room.

We have so many challenges to meet, and we are so far from meeting them with the necessary resources. These are the first Americans. I am talking about American Indians. They are the ones who greeted Christopher Columbus. These books that say Columbus discovered America—I am sorry, he was greeted by the American Indians, the first Americans. Yet we are not meeting our trust responsibility.

I suggest now is the time simply to take the step and say, if we care about health care, if we care about funding for these needs on Indian reservations

in this country, let's do it. We have Third World conditions in some of these areas. Sarah Swift talked about a grandmother who goes to bed, lies down on a cot, and freezes to death. She freezes to death in this country. This was a Native-American grandmother, an American-Indian grandmother who at 35 below zero in the middle of the winter was living in a house that had only plastic sheeting on the window. She froze to death. One would think, if you read in the paper, it was a Third World country. No, that wasn't. That was South Dakota. We have to do better. That is the purpose of my amendment.

This amendment is paid for with \$1 billion we take from the Federal Reserve surplus funding. Most of my colleagues—perhaps none of my colleagues know—in the Federal Reserve Board, there is an \$11 billion—yes, I said it right—an \$11 billion surplus fund. I call it the rainy-day fund. They should not have it, first of all. The Federal Reserve Board was created in the nineteen teens. We have a rainy-day fund so that if they run out of money, they have some money—\$11 billion. How do you run out of money when you actually create money, for God's sake? The Federal Reserve Board does not need \$11 billion.

Senator REID and I had the GAO do an investigation of this back in the 1990s. That was at a time when they had \$4 billion to \$5 billion. Now they have \$11 billion squirreled away. I say take less than one-tenth of that and invest it in the health of America's first citizens, citizens who now all too often are living in Third World conditions.

I will not describe at greater length the health challenges. I have done it before in speeches in the Senate. I want one person to tell me it does not matter that a young kid is lying in bed today on an Indian reservation thinking of committing suicide, and tomorrow or the next day they may find that young child hanging from the closet as they found Avis Littlewind hanging from her closet after missing 90 days of school. Her sister, by the way, committed suicide 2 years before. The mental health services on that reservation did not exist to help these kids.

The question is, Do we want to help these kids? Do we want to meet our responsibility? Do we want to keep our promise and tell people this matters? It does to me.

My hope is, with this amendment, my colleagues will finally decide to do what is right and do what is necessary to invest in the things in which we need to invest to say to the Native Americans: Your health matters, too. Your education matters, too. Housing matters for you as well. That is our obligation.

I recognize I have to make a motion to waive the applicable sections of the Budget Act. The reason is because people with very small glasses and very narrow breadth of thought have decided that \$11 billion sitting in a

squirreled-away bank account as a rainy-day fund for the Federal Reserve Board, a board full of people wearing gray suits, living in a concrete building, squirreling away \$11 billion—there are some people with these tiny glasses who decided this \$1 billion cannot be used for this because it would violate the Budget Act.

I might observe, however, that on previous occasions in the Senate other Members of the Senate have found a way to use a portion of this in the normal process. So I suggest perhaps there is not a greater need than doing what we should do for the children I have just described and for those who are suffering, those who are living in poverty, those who through no fault of their own are having a tough time. This would be a great way to reach out our hand and say to them: You are not alone. Let us help you up and out of this situation. Let us help improve your lives.

When my colleague rises, I am sure in aggressive support of my amendment, I will ask for a proper waiver of the Congressional Budget Act.

I ask unanimous consent Senators BINGAMAN and JOHNSON be added as cosponsors of my amendment.

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

Mr. BURNS. Mr. President, we have increased Indian Health Service this year quite a lot at \$135 million. I agree with my colleague from North Dakota—it does not cover all the bases. It is one of the places we have increased the funds in this year's budget and this year's appropriation. Committees also provided \$82 million over the administration request for the Bureau of Indian Affairs.

The increase comes at a time when all other agency budgets in the bill are not growing. In fact, many are declining. The EPA is reduced by \$144 million below their current year level. The Forest Service is \$648 million below theirs. The National Park Service is \$51 million below theirs. I mention these reductions saying we have done everything this committee could do to channel more money into the places needed. We did that with regard to the Indian Health Service.

There are seven reservations in my State. We are very much aware of the shortcomings. We have one reservation we are trying to work awfully hard with right now because there is a shortfall in health services. Of course, we are trying to take care of that, protect the integrity of the tribe and also their budgets and their expenditures. We are trying to do that now. We have a real job on our hands as to how we balance the act.

Right now, the offset the Senator from North Dakota has proposed is not correct as CBO will not score that. This \$1 billion, of course, comes under another category.

Mr. DORGAN. Will the Senator yield?

Mr. BURNS. I will yield.

Mr. DORGAN. The Senator uses the acronym CBO; some call it the Confused Budget Office. Is that the Congressional Budget Office or, on this amendment, the Confused Budget Office?

Mr. BURNS. We will try the Congressional Budget Office.

Of course, there are other things that have entered into this. I have often wondered why they always call it OMB, Office of Management and Budget. I think maybe they call it OB. Nonetheless, we can kick that around.

It does not score with the Congressional Budget Office.

The pending amendment, 1025, offered by the Senator from North Dakota, increases the discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the budget.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of the act for the purpose of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. I ask unanimous consent this vote be set aside and we have this vote immediately after the debate as to 1026, which is the amendment of Senator SUNUNU to this act.

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

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I guess I have some time remaining. I yield back that time.

We are awaiting the arrival of the manager of the Sununu amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 1026

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

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

Mr. SUNUNU. Mr. President, is my amendment the pending business?

The PRESIDING OFFICER. The Senator is correct. His amendment is the pending business.

Mr. SUNUNU. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes evenly divided.

Mr. SUNUNU. Mr. President, we are preparing to vote on an amendment that I think does justice to the taxpayers. It doesn't make any sense to have a timber program that costs the taxpayers nearly \$49 million but yields less than \$1 million in revenue. Unfortunately, that is the situation we have in the Tongass. A significant portion of funding goes to building roads that support the efforts of private timber companies. I don't think it is too much to ask to simply require that those companies pay the expense of the road building themselves and not ask the taxpayers to provide that subsidy.

This is a straightforward amendment. It doesn't change any designation on land. It doesn't create any new wilderness area. It doesn't create any new roadless areas. It simply says for timber operations to continue, the private timber firms must put up the money to build the roads.

I am a strong supporter and will remain a strong supporter of a multiuse concept for the national forests. It makes sense because they are important places. They are places that should be able to be enjoyed for recreation hunting or fishing or snowmobiling—and they have economic uses as well. Where the taxpayers are concerned, where Federal funds are concerned, we need to be a little bit more cautious, especially in a time when we have \$300 or \$350 billion deficits. Spending nearly \$49 million, which was the tally in fiscal year 2004, for a program that yields revenues of \$800,000 doesn't make any sense.

I urge my colleagues to support the amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is interesting to stand before the Senate this afternoon to discuss this amendment in the context of fiscal responsibility. The amendment that is proposed by my colleague from New Hampshire is about eliminating a subsidy for the timber industry. But when we look to it, it is very specific. It is not the elimination of subsidies for assistance throughout our National Forest System. It is just specific as to one national forest, and that is the Tongass, located in the State of Alaska. If, in fact, what we are focusing on today is looking at cost cutting, looking at efficiencies, looking at elimination of Federal funding in areas where it doesn't make sense, should we not be looking at this amendment and its application across the country? Wouldn't the supporters want to hold timber programs in all national forests to the same standards to eliminate subsidies and financial waste?

When we look at a list of our national forests, we have some 111 national forests spread across the country. Mr. President, 105 of the 111 national forests spend more on their timber programs than they collect in their

receipts. This is not just focusing on the Tongass because it is way out of whack in terms of the costs that are expended on the Tongass; 105 out of 111 of the national forests spend more on their timber programs than they collect in receipts. What we have today is an amendment that singles out the Tongass National Forest and no other national forest in the country.

Let's continue with the fiscal argument and how this doesn't work as it relates to the Tongass. According to the Forest Service, in fiscal year 2004, it cost \$6.05 per acre to manage the Tongass National Forest, which is very comparable, if not more efficient, than most of these other national forests for which we have the analysis.

Looking to the White Mountain National Forest in the State of New Hampshire, to manage that forest on a per acre basis is \$19.39. Again, the Tongass cost per acre, in terms of management, is \$6.05. Why aren't we looking at what is happening in the White Mountain National Forest in New Hampshire?

The Forest Service has in place in the Tongass a program that is designed to produce 150 million board feet a year. Yet 238 million board feet is on hold because of appeals and litigation. That is about a year and a half of product that can't get to market because of litigation. Seventy five percent of the costs associated with the timber program in the Tongass are the result of NEPA appeals and litigation. It is estimated that without these costs, the Tongass timber program could produce on average of about a 13-percent profit margin. So we recognize that we have some issues going on in the State of Alaska, particularly in the Tongass, that we are not seeing outside. We understand that the rate of litigation or the incidence of litigation in the Tongass is four times that of litigation that goes on with sales in any of the other national forests.

The economic argument, I contend, doesn't hold up. You can't separate the economic argument from the frivolous lawsuit argument. The reason the costs are so high is because of the lawsuits. You solve the lawsuit problem and you solve some of the economic problem.

It is interesting. The same organizations that are all about this amendment in trying to shut down any road activity in the Tongass are the same people filing the lawsuits. The reality is that the Tongass National Forest is singled out because it has been on the hit list of environmental groups who really oppose all logging, specifically in the Tongass.

I know my colleague's intention is not to change the status to wilderness. It is not to shut down the timber industry. But, in fact, that is what the impact of this amendment would be, to effectively shut down the industry in the Tongass. It would put hundreds of Alaskans in small rural communities out of work, communities that are dependent on the timber industry for their sur-

vival. It would work to eliminate the timber receipts that we receive in our schools that help educate our kids. It would devastate the economy in southeast Alaska, an economy that has already been so hard hit. We are looking at unemployment rates so far above the national average and, in the Southeast, an average that is absolutely unacceptable, 9 percent, 10 percent.

I understand it is not the intention of the Senator from New Hampshire and the Senator from New Mexico to shut down the Tongass, but that is what it is going to do.

If, in fact, we are going to talk about the fiscal side, if we are going to look to the elimination of subsidies, it should not just be about the Tongass. Let's take a look. Maybe we need to have hearings in the Energy Committee's Subcommittee on Public Lands and Forests and bring everybody together, put them at the table—the timber industry, the communities, the taxpayer advocate groups, environmental groups. Let's hear about it.

We have several colleagues who would like to speak on the amendment this afternoon. Before I sit, it is important to correct the record. Supporters of this amendment have said that the Tongass spent \$49 million on its logging program in 2004. In fact, the correct amount that was spent on the Tongass program in 2004 was \$22.5 million. They also say that the revenue on the Tongass in this same time period was \$800,000. In fact, it was \$2 million. I want to make sure we have the numbers straight as we are looking at this and where they are being spent.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of her time. Who yields time?

Mr. SUNUNU. Mr. President, the issue here isn't the cost to manage a national forest because we recognize national forests are special places. We want to manage them. We want to operate them. We want to run them for the enjoyment of people, and different forests are going to have different requirements and different costs associated with that management. Whether it is \$1 an acre or \$1,000 an acre, we want them to be run in an efficient way. It is not about the cost of management. It is not about the profitability of a timber program. As was pointed out, most of the timber programs technically lose money on a profit-and-loss basis. What it is really about is, in looking at those timber programs, should the taxpayers pay for the costs of building the roads, or is that a cost that should be borne by the private enterprise?

That is what this debate is about and the answer is no. Certainly, in the case of the Tongass, that is an area where more money is being spent to build more roads to benefit private companies with the least return imaginable.

I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding the time.

I want to speak briefly in support of the Sununu amendment. This amendment is simple. It is narrow. It is clear. It provides that none of the funds appropriated in the bill can be used to plan or construct new logging roads for private logging companies in the Tongass. Some would say: Why single out the Tongass? How does that relate to my State or the area of the country I represent?

I think we have to have a little context for this amendment. We are debating an extremely tight budget for the Forest Service, one that simply does not come close to meeting the needs of the National Forest System. That is the reality that is being brought on by the growing deficits and the resulting cuts in spending.

Let me give a few examples of the cuts that are found elsewhere in this bill. This bill cuts the State and Private Forestry account by \$87 million. That includes a 45-percent cut in critical funding to protect communities from wildfires, leaving volunteer fire departments and other responders underfunded and leading to greater risk to life and property. This is made worse by a \$353 million cut in the Federal Wildfire Management account. It also includes a 30-percent cut in the Forest Health Management account.

A program that rehabilitates and restores areas burned by wildfires is cut in this budget by 84 percent. The bill cuts more than \$180 million from the Capital Improvements and Maintenance accounts, which fund the road construction and maintenance in the Tongass and in the rest of the country. That account already is more than \$10 billion in the red. So that gives people some sense of the extreme cuts that are taking place elsewhere in the Forest Service budget.

In stark contrast to that are the accounts used to support logging in the Tongass National Forest. Rejecting the President's proposed cuts in those accounts, this bill would increase funding for logging programs in the Tongass. It takes money from the programs throughout the rest of the country and puts it into the logging program in the Tongass.

That is why it is important that this amendment pass. We need to be sure that taxpayer dollars are going where the most good can be done for the public. It is no wonder that Taxpayers for Common Sense, the National Taxpayers Union, Citizens Against Taxpayer Waste, and many other organizations and businesses have objected to this program and the funding that is being provided.

In February of this year, the Congressional Budget Office joined in and proposed eliminating the Forest Service timber sales in Alaska and elsewhere as a way to save taxpayers \$130 million in 2006.

Mr. President, I believe this is a very meritorious amendment. I hope my colleagues will support Senator SUNUNU and me on this. The Federal deficit clearly is too high. It cuts critical programs in our States too deep. Taxpayer money is too precious for us to spend it in this way. This amendment would help correct that problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. I yield 1 minute to the Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise in opposition to this amendment. I have found myself in similar situations as the Senators from Alaska, with my State of Nevada being singled out and, for this reason, I am very sympathetic to their concerns. I believe that we cannot overemphasize the importance of this road funding to the people in

southeastern Alaska. Local lumber jobs in the Tongass have decreased from 5,000 in 1990 to just a thousand today, putting a strain on the surrounding communities. Furthermore, the price of lumber has skyrocketed in the United States. My State is home to Las Vegas, which is the fastest growing city in America. We have seen the cost of lumber and other products soar.

I believe it is important to preserve funding for these roads so that we can continue to have a reliable supply of lumber across the country. I urge my colleagues to join with the Senators from Alaska in keeping this small part of the Tongass accessible to development.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, it is always frustrating when different people are working with different numbers. The suggestion was made that the program costs about \$22 million. I have here the Forest Service budget submission for the coming fiscal year as well as data on fiscal years 2004 and 2005. For this region's two forests, Chugach and Tongass—there is no forest, paper, or timber program in the Chugach, so we have two line items. One is forest products, \$23.342 million. The other is roads, \$22.325 million. That adds up to more than \$45 million in their budget estimate for fiscal year 2005. If you look at fiscal year 2004, forest products is \$27.379 million and roads is \$21.273 million. That adds up to nearly \$49 million. And if you look at the coming fiscal year, fiscal year 2006, the budget request for forest products is \$21.462 million and for roads it is \$17.306 million. That adds up to almost \$39 million.

I ask unanimous consent this list be printed in the RECORD.

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

Allocations to Regions, Stations, Area, FY 2004-2005, Estimated FY 2006

(\$ in thousands)

	Region 10			Forest Products Lab		
	FY04	FY05	FY06 PB	FY04	FY05	FY06 PB
Forest and Rangeland Research	0	0	0	21,555	20,632	21,532
State & Private Forestry						
Forest Health Management - Federal Lands	2,025	2,133	2,053	0	0	0
Forest Health Management - Cooperative Lands	392	834	200	0	0	0
State Fire Assistance	1,132	823	603	0	0	0
Volunteer Fire Assistance	111	130	130	0	0	0
Forest Stewardship	697	705	840	15	0	0
Forest Legacy Program	478	57	671	0	0	0
Urban and Community Forestry	220	207	191	0	0	0
Economic Action Program	2,075	3,160	0	703	314	0
Forest Resources Information and Analysis	0	0	0	0	0	0
International Forestry	0	0	0	0	0	0
Total, State & Private Forestry	7,130	8,049	4,688	718	314	0
National Forest System						
Land Management Planning	906	1,067	857	0	0	0
NFS Hazardous Fuels	0	0	1,390	0	0	0
Inventory and Monitoring	7,934	8,004	4,837	10	0	0
Recreation, Heritage, and Wilderness	12,483	10,900	11,258	0	0	0
Wildlife and Fisheries Habitat Management	11,113	10,267	9,453	0	0	0
Grazing Management	0	0	0	0	0	0
Forest Products	27,379	23,342	21,462	0	0	0
Vegetation and Watershed Management	6,744	7,617	5,126	0	0	0
Minerals and Geology Management	2,175	2,318	2,535	0	0	0
Landownership Management	5,463	6,024	4,319	0	0	0
Law Enforcement Operations	3,027	0	0	0	0	0
Valles Caldera National Preserve	0	0	0	0	0	0
Centennial of Service	0	1,000	0	0	0	0
Total, National Forest System	77,224	70,539	61,237	10	0	0
Wildland Fire Management						
Fire Preparedness	3,237	3,397	3,394	0	0	0
Fire Operations -- Suppression	0	0	0	0	0	0
Hazardous Fuels	913	1,919	0	152	652	0
Rehabilitation and Restoration	0	0	0	0	0	0
Fire Research and Development	0	0	0	727	708	575
Joint Fire Sciences	0	0	0	0	0	0
Forest Health Management -- Federal Lands (NFP)	153	196	0	0	0	0
Forest Health Management -- Cooperative Lands (NFP)	365	336	0	0	0	0
State Fire Assistance (NFP)	6,237	6,749	842	0	0	0
Volunteer Fire Assistance (NFP)	279	270	270	0	0	0
Total, Wildland Fire Management	11,184	12,867	4,506	879	1,360	575
Capital Improvement & Maintenance						
Facilities	12,810	13,830	8,365	3,283	3,746	10,043
Roads	21,273	22,325	17,306	0	0	0
Trails	6,300	5,522	5,082	0	0	0
Infrastructure Improvement	2,059	758	929	300	162	162
Total, Capital Improvement & Maintenance	42,442	42,435	31,682	3,583	3,908	10,205
Land Acquisition						
Land Acquisition -- Land and Water Conservation Func	39	60	60	0	0	0
Acquisition of Lands for National Forests, Special Acts	0	0	0	0	0	0
Acquisition of Lands to Complete Land Exchanges	0	0	0	0	0	0
Total, Land Acquisition	39	60	60	0	0	0
Range Betterment Fund	0	0	0	0	0	0
Gifts, Donations, and Bequests for Research	0	0	0	0	40	60
Management of NF Lands for Subsistence Uses	5,467	5,879	5,467	0	0	0
Permanent Working Funds						
Brush Disposal	0	0	0	0	0	0
Timber Salvage Sales	500	2,178	1,500	0	0	0
Other	0	3,222	4,746	0	0	0
Total, Permanent Working Funds	500	5,400	6,246	0	0	0
Trust Funds Subtotal	1,583	2,113	1,823	0	450	0
TOTAL, Regular FUNDS	145,569	147,342	115,709	26,745	26,704	32,372

Total does not include Payments to States
 Amounts do not include Emergency or
 Supplemental Funding

Mr. SUNUNU. Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I applaud the Senator for his courage in taking on this issue. I have watched the Senator from Alaska, Senator MURKOWSKI, speak in a passionate and advocating fashion, and I admire her knowledge of the facts and her advocacy. Unfortunately, I am supporting the amendment. It offers Members an opportunity to vote for the taxpayers' interests and put a halt to wasting their hard-earned dollars for the construction of new roads in the Tongass National Forest. The word "new" is key here because, according to the U.S. Forest Service, the existing road system already allows loggers access to more timber than the average annual cut in the Tongass for the past 3 years.

Not only do the existing roads—5,000 miles already bought and paid for by taxpayers—offer access to more timber than the timber companies can harvest, the Forest Service can't even sell the harvested timber at rates to recoup the costs of road construction and timber sale preparation.

So this program is a double insult to American taxpayers. Federal funds are first used to construct Tongass roads and prepare the timber sale and then the Forest Service sells that timber for a fraction of the federal investment.

My colleagues from Alaska have argued that this amendment singles out this national forest from all the rest and they are simply seeking equal treatment for Alaska. The reason that this amendment recognizes the Tongass is because it is the most consistently wasteful timber sales program in the entire National Forest System.

While we can't fix the entire broken Forest Service timber sales program today, we can fix this most egregious example of waste and mismanagement of scarce Federal dollars and that is the Tongass.

The Forest Service website indicates that road building in the Tongass is by far the most expensive in the National Forest System, with construction costs of \$150,000 per mile—remarkable. At the same time, the existing Tongass roads already face a \$100 million maintenance backlog.

My colleagues from Alaska have not denied the fact that hundreds of millions of taxpayer dollars have subsidized the unprofitable Tongass timber program, but instead have made the extraordinary argument that "the timber sales program on National Forests is not supposed to be profitable".

When Congress established the Forest Service as stewards of the National Forests one hundred years ago, it was charged with the management of these public lands for commercial, recreational, and other purposes for the benefit of the American public. I'm sure no one conceived of the situation in the Tongass which has been detrimental to public interests for decades. Since 1982, taxpayers have provided

more than \$850 million subsidizing the logging industry in the Tongass National Forest alone. Between 1982 and 2002, cumulative losses for Tongass timber sales reached \$750 million, or an annual average loss of \$37 million.

In 2004, the Forest Service spent more than \$48 million on the Tongass timber program, but took in less than \$800,000 from timber companies. This amounts to a taxpayer subsidy of more than \$160,000 per logging job in the Tongass. Nice industry profit, but it is long past time that we stop this.

Ironically, this program isn't even good for the Alaska economy. While a few hundred loggers are benefiting at taxpayers expense, many more Alaskan jobs that depend on recreation, small-scale logging, and tourism-related industries are harmed by the extensive road building, clear-cutting, and resulting degradation of water and wildlife resources.

Perhaps that is why more than 1000 sporting and gun clubs as well as local businesses have joined with taxpayer and conservation groups in opposition to the construction of new roads in the Tongass and in support of this amendment.

Every once in a while, a State or community has to go through a wrenching change. It is time for a change in the Tongass National Forest. I hope my colleagues will approve this amendment. Over time, I hope it will prove beneficial to the State of Alaska.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. I yield a minute and a half to my colleague from Idaho, with the balance of the time to be yielded to my colleague from Alaska.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, yesterday, our friend and colleague from New Hampshire said this amendment is not about being a wild-eyed environmentalist, but that it is about being fiscally responsible. So I am going to take the fiscally responsible side of that argument and say, let us open Pandora's box. I think this amendment does it. This bill includes \$254 million for State and private forestry assistance. I doubt that New Hampshire gets any of that. It also includes \$257 million for recreation, wilderness, and heritage management.

Should we not hold the recreational industry to the same standard we are holding the logging industry—no subsidy and everybody who hikes pay your own way? That is part of the argument. If we are going to hold the Tongass Forest to the standards we would be holding it to in this amendment, to cut the resources—what about the community action programs? The Senator from New Mexico said he made the decision—are we not going to invest in the community forestry program for the State of New Mexico and the communities that benefit from that? Cut them all. If that is the principle we apply here, cut them all. Eighty per-

cent of the timber sales on public lands in this country to supply our fiber needs are now held up in the courts for legal action. Those are the realities, while the timber pours in out of Canada and cuts jobs out from rural America. That is exactly what is going on.

No, not a wild-eyed environmental logic, a fiscal logic; let's take out the programs for recreation and wilderness and trail maintenance and let the public pay their fair share.

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on the Sununu-Bingaman amendment No. 1026 to the Interior appropriations bill for fiscal year 2006. I oppose the amendment due to my concerns that it unfairly singled out one national forest in Alaska instead of crafting a policy that may be implemented across the national forest system.

The Sununu-Bingaman amendment would prohibit any funds in the bill from being used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals. I understand that the Federal Government subsidizes timber programs in all 111 national forests, including the Allegheny National Forest in Northwestern Pennsylvania. While the amendment did not prohibit logging in the Tongass, it would have created a special prohibition on new road building for logging operations in that forest when compared to other national forests.

If Congress is to craft rules pertaining to the Federal logging program, it should be done in a more constructive manner than offered today. The issues of road building, maintenance backlogs, and future logging should be dealt with first by each national forest individually, in the context of its management plan. Congressional action should be a last resort. If Congress should reconsider the Federal logging program, I urge the amendment's proponents to submit a plan for consideration.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, if the other side has time left, I will wait.

The PRESIDING OFFICER. The time is controlled by the Senator from New Hampshire and the Senator from Alaska.

Who yields time?

Ms. MURKOWSKI. Mr. President, I think my colleague from Alaska will allow the other side to go next, if that is OK with my colleague.

Mr. SUNUNU. I yield our remaining time to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to express my support for the Sununu-Bingaman Tongass amendment.

I support this amendment for one simple reason: it ends a fruitless subsidy that costs taxpayers millions of dollars a year. Yes, I do want to see the

rare Alaskan Tongass rainforest protected, but that is not what this amendment does. Let me be very clear about this point. This amendment does not place a prohibition on logging. It does, however, place a prohibition on taxpayers footing the bill for logging.

Alaska's Tongass National Forest contains represents the biggest block of intact old-growth forest in Alaska and is the largest intact temperate rainforest in the world. Yet the Tongass is the Forest Service's biggest money-losing timber program. Since 1982, over \$850 million has been lost on Tongass logging as a result of subsidies, uncompetitive bidding practices, and vastly undervalued timber sales.

We hear that this amendment will result in a loss of jobs. This argument concerns me because I recognize the timber industry's role in my home State of Wisconsin. Upon closer examination, though, I understand that this year alone, U.S. taxpayers have spent \$163,000 for every direct timber job created by logging the Tongass. That is roughly four times the average U.S. household income this year—and certainly more than loggers in Wisconsin are getting paid in Federal dollars. Something is wrong with this picture.

I support the Sununu-Bingaman amendment and urge my colleagues who care about fiscal responsibility and care about the environment to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. It is unfortunate that some people don't read numbers correctly. The Tongass land use plan, for instance, cost \$13 million. The Forest Service spends most of its money in Alaska on planning and designing the roads and defending the lawsuits brought by the environmental organizations that encouraged these Senators to bring this amendment. As a practical matter, of the 17 million acres in the Tongass, 676,000 acres—4 percent of the forest—is subject to harvesting.

Some time ago, Congress decided the Forest Service should build the roads in Alaska—not the private industry but the Forest Service—because of fish and wildlife concerns, recreation concerns, and concerns of those people who want access to the islands. There are no roads here. The reason we have this problem is we don't have Federal highway money in this area. The area is almost as big as New England. The only roads built there are for access to timber development. The study for those roads takes more money than building the roads. The defense of the litigation takes more money than both. As a matter of fact, 75 percent of the money spent in the Tongass is spent for environmental concerns and defending the litigation that is brought time and again against any contract to allow people to harvest timber.

Four times as many lawsuits are brought against timber sales in Alaska

than are brought in all the rest of the country.

This amendment does not cut a dime from the budget—not one dime. It is not saving any money. It just says money cannot be spent in Alaska. Where is it going to be spent? It is going to be spent in the other National forests.

Mr. President, I will submit for the record a chart that shows that in the Tongass in fiscal year 2004, only \$3.6 million was actually used in road support.

This is not a case of saving money. As a matter of fact, the Forest Service's planning, designing, and construction of timber roads is for the protection of the wildlife, the fish, and the scenic recreation areas for residents and visitors.

I do believe Alaska's timber roads are more expensive because of the environmental studies that must go on. They plan and design these areas for years before we are allowed access to the timber. We do that, again, to ensure the roads are designed properly.

This was a compromise with the environmental community. In years gone by, the private industry did build the roads. The environmental community did not like it. They said we couldn't do it unless we have a plan and the Forest Service carries out that plan. It designs and plans the roads and does all the environmental work that is not done in the private sector. Actually, only 25 percent of the money is spent for preparation and administration of these areas.

I do believe, unfortunately, that my friends are hiding the fact that they are bringing an environmental amendment. This is not an amendment to cut money. I challenge anyone to show it will save a dime. It will not save one dime because it does not cut money from this budget.

This is not about spending. If it were, it would apply to all forests. If Senators want to bring an amendment to reduce the budget, to cut the money for road building, then that would be another matter. The Tongass has a better monetary rate of return per dollar invested than 13 national forests and the same monetary return as 17 of them.

Mr. President, I ask unanimous consent to print in the RECORD two charts following my remarks.

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

(See exhibit 1)

Mr. STEVENS. Mr. President, this is not a fiscal amendment. This is an amendment to require that no money be spent to plan, design, or construct roads. What for? For timber development. But timber roads are also built for forest management, for fish and wildlife protection, for recreation. The people involved in the administration of fish and wildlife laws use those roads. The hikers and campers use those roads. The roads are built so pedestrians go across the bridges and do

not go across the bottom of the streams, as they used to. In the private sector days, the Caterpillars used to go right through the streams, damage the streams, damage the habitat for fish and wildlife, and we changed that. The Forest Service plans and designs the roads, and we construct bridges over every single little stream. We protect the environment.

Now we are being accused of spending too much money because why? We are protecting the environment and defending the lawsuits against the environmental groups that bring them.

I urge the Senate to reject this amendment. As I say, it does not cut a dime from the budget.

EXHIBIT 1

FY 2004 TIMBER ROAD COSTS: TONGASS NATIONAL FOREST

CMRD Allocation: \$19.04 million.

Timber Purchase Credit: \$228,000.

Maintenance: \$3 million.

Timber Road Support: \$3.6 million.

The Tongass National Forest's monetary return per dollar invested is 2 percent.

THIRTEEN NATIONAL FORESTS THAT HAVE MONETARY RETURNS LESS THAN THE TONGASS'S

State/Forest	Monetary return per \$ invested (percent)
California—Los Padres National Forest	1
California—Mendocino National Forest	1
California—Six Rivers National Forest	1
California—Plumas National Forest	1
California—San Bernardino National Forest	1
Illinois—Shawnee National Forest	0
Indiana—Hoosier National Forest	0
Montana—Bitterroot National Forest	1
Nebraska—Nebraska National Forest	0
New Mexico—Gila National Forest	1
New Mexico—Lincoln National Forest	1
Ohio—Wayne National Forest	1
Tennessee—Land Between the Lakes NF	0

SEVENTEEN NATIONAL FORESTS THAT HAVE THE SAME MONETARY RETURN PER DOLLAR INVESTED AS THE TONGASS—2

Forest/state	Monetary return per \$ invested (percent)
Arizona—Apache-Sitgreaves	2
Arizona—Coconino National Forest	2
Arizona—Coronado National Forest	2
Arizona—Prescott National Forest	2
California—Cleveland National Forest	2
California—Modoc National Forest	2
California—Sequoia National Forest	2
Georgia—Catahochee-Oconee National Forest	2
Kentucky—Daniel Boone National Forest	2
New Mexico—Carson National Forest	2
New Mexico—Cibola National Forest	2
New Mexico—Santa Fe National Forest	2
New Mexico—Tonto National Forest	2
Nevada—Humboldt-Toiyabe National Forest	2
Oregon—Ochoco National Forest	2
Tennessee—Cherokee National Forest	2
Utah—Manti-La Sal National Forest	2

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

VOTE ON AMENDMENT NO. 1025

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to amendment

No. 1025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

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

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—47

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Clinton	Kohl	Sarbanes
Coleman	Landrieu	Schumer
Conrad	Lautenberg	Smith
Corzine	Leahy	Stabenow
Dayton	Levin	Thune
Dodd	Lincoln	Wyden
Dorgan	Mikulski	

NAYS—51

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Frist	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Isakson	Thomas
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NOT VOTING—2

Bennett Lieberman

The PRESIDING OFFICER (Mr. SUNUNU). On this vote, the yeas are 47, the nays are 51. Three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1026

The PRESIDING OFFICER (Mr. MARTINEZ). The question now is on agreeing to amendment No. 1026. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—39

Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Obama
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Conrad	Kohl	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Sununu
Dorgan	McCain	Wyden

NAYS—59

Akaka	DeWine	Martinez
Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bond	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Byrd	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stevens
Cochran	Inouye	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	

NOT VOTING—2

Bennett Lieberman

The amendment was rejected.

Mr. BURNS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Senator SMITH for a brief statement without losing my right to the floor.

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

Mr. SMITH. Mr. President, I thank Senator BYRD. I will be very brief. I ask unanimous consent that I be permitted to speak as if in morning business.

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

(The remarks of Mr. SMITH are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is a crisis in the veterans health care system. The VA has belatedly admitted it is desperately short of cash and cannot make ends meet. What are the results? As a result, our veterans are in real danger of being shut off from the medical care they so urgently need and so rightly deserve. They are already suffering the indignity and the physical toll of understaffed medical facilities and dangerous delays in treatment. This is a shabby way to treat America's veterans.

There are some who will say it is premature to add emergency funding for the VA to this bill and that we need to wait for more data to be collected and

more numbers to be crunched. I say we have waited too long already. We have been hearing since the beginning of the year of the difficulties the current budget shortfall has caused the VA hospitals and clinics around the country. Due to budget shortfalls at the regional level, many of our local VA hospitals and clinics are being forced to institute hiring freezes and having to spend money set aside for equipment and maintenance on health care.

Let me give Senators one example. According to information gathered by the Senate Committee on Veterans' Affairs, the Togus Veterans Medical Center in Maine came up against a \$14.2 million shortfall in mid-January for this fiscal year. To reduce the budget gap to \$7 million, the center has diverted funds intended for equipment and left staff vacancies unfilled. The facility has not been able to purchase a needed magnetic resonance imaging, MRI, machine due to the budget shortfall.

That is just one example. The administration's plan to deal with the current shortfall includes postponing \$600 million worth of repairs and equipment such as the MRI machine that the Togus Medical Center cannot afford to provide to its clients. Sophisticated diagnostic and imaging machines that produce MRIs, high-resolution X-rays, Sonograms, and CAT scans are essential to the delivery of first-rate health care.

We cannot have first-class health care in an outdated facility with second-class equipment. I am not willing to postpone fixing the roofs of clinics or purchasing needed equipment, and the VA should not be willing to do so either.

The people at the VA headquarters do not like to talk about these problems. They would like us to believe that everything is just fine. But from the stories many of us—many of us on both sides of the aisle—are hearing from our own States, we know better. The doctors and the nurses and the medical technicians in the field who are working in these understaffed, underequipped facilities, also know better. And our veterans—our veterans, the men and women who have put their lives on the line; our veterans—who are bearing the brunt of the budget shortfall know better, also.

The Department of Veterans Affairs continues to claim that it can work around the budget shortfalls this year, but to do so, they will have to rob Peter to pay Paul. By deferring spending for some items and shuffling money around in other accounts, the VA is just pushing the problem off into next year and compounding the difficulties already facing the VA health care system. Even Secretary Jim Nicholson admits that this is not a one-time problem. According to his testimony yesterday before the Senate Veterans' Affairs Committee, the VA faces a budget shortfall of about \$1.5 billion—\$1.5 billion, with a capital "B"—in fiscal year

2006. Mind you, now, mind you, Mr. President, this is on top—this is on top—of the \$1-billion-plus shortfall the VA is experiencing this year.

Senator PATTY MURRAY warned of this shortfall 2 months ago. She was right. She was right then and she is right now. One does not wait for depth soundings to throw a lifeline to a drowning man, and we should not wait for the administration to keep testing the water before we throw a lifeline to our deserving veterans. The crisis in veterans' health care is now—now—now—and the time to act is now, today.

The Murray-Byrd-Feinstein amendment addresses the current shortfall. Our amendment provides \$1.42 billion to restore the funding that the VA has had to divert from current requirements to balance the books this year and to provide a much needed shot of supplemental funding to the VA's regional operations.

I understand that our colleague, Senator LARRY CRAIG and others, as a result of his Veterans' Affairs Committee hearing yesterday, intend to offer a second-degree amendment to the Murray-Byrd-Feinstein amendment today that would round up—or round off—the amount of 2005 supplemental funding for the VA from \$1.42 billion to \$1.5 billion. I welcome Senator CRAIG's initiative. I hope we can come to an agreement that the entire Senate can support. And I look forward, to cosponsoring Senator CRAIG's modification.

Make no mistake about it, this amendment addresses only the administration's shortfall for 2005, which is why we are designating these funds as emergency funds. This will not solve the problem in fiscal year 2006 or beyond. To address those problems, we call on the administration—we call on the White House—to send up a 2006 VA budget amendment immediately and to budget responsibly for veterans health care in future budget requests.

But we cannot afford to wait until next year to address the immediate shortfall in the 2005 VA budget. This is not business as usual. This is not business as usual. The ability of the VA to deliver health care to scores and more scores of veterans is at stake. I welcome my Republican colleagues to the table. Come, sit down. Join us. I urge Senators on both sides of the aisle—over to my right and those on my left—to do the right thing for our Nation's veterans. The VA needs this money now. The Senate has both the opportunity and the obligation to provide it now. Let us not delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1052

Mr. SANTORUM. Mr. President, I call up a second-degree amendment that is at the desk, the Santorum-Craig-Hutchison-Kyl amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, and Ms. COLLINS, proposes an amendment numbered 1071.

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

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

The amendment is as follows:

On page 1, line 2, strike the word "Sec" through page 1, line 9 and insert the following:

Sec. 429. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall be available until expended.

Mr. SANTORUM. Mr. President, this is the amendment that was just referred to by my colleague from West Virginia. It is an amendment that takes the level of funding in the underlying amendment up to \$1.5 billion and has that money spread to where the need is the greatest with respect to the problems and the shortages within the Veterans' Administration. It leaves the Secretary the ability to make that decision. We think that is vitally important, when there is a shortfall, that the money goes to where it is most needed.

I would say that I do this on behalf of the Senate Republican leadership. All of us in our meetings this week have been quite dismayed by what was apparently bad management, bad forecasting over in the Department of Veterans Affairs, as well as the problems of communicating that information accurately to the Congress.

So as a member of leadership, we wanted to offer this amendment, in I think very strong terms, to show our concern about the lack of communication, about the problems that were going on in the Veterans' Administration in the health care area. It is vitally important, particularly at a time of war, when we have a lot of our men and women who have been injured in that war moving over from the Department of Defense health care facilities to the Veterans' Administration health care facilities, that we get accurate information as to what the impact of that is and that we can budget for it accordingly.

In fact, in April of this year, as the Senator from West Virginia just alluded to, many of us on this side of the aisle voted against an amendment by Senator MURRAY because of the understanding and assurances by the Veterans' Administration that there was sufficient funding to provide for veterans health care. We were in error. Senator MURRAY was right. And I am not happy that we were put in a position to vote against an amendment that, as we now find out, was needed. But we got bad information.

So this is an attempt to rectify that situation. Let's hope it does not hap-

pen again. It cannot happen again. I hope the fact that members of the Republican leadership are on this amendment, as well as the chairman of the Veterans' Affairs Committee, and the chairman of the subcommittee of jurisdiction, Senator HUTCHISON, on the Appropriations Committee, sends a very loud and clear message to the administration that we like straight dealing when it comes to the issues of providing quality health care to our Nation's veterans.

I congratulate our colleagues over in the House and the chairman of the Veterans Affairs Committee over there, Congressman BUYER, for his work in digging and getting some of this information to the fore.

I was at a VFW State convention a couple weeks ago, on June 17, and was asked some pretty pointed questions about veterans health care and was told that there were real problems in our State of shortages and the shifting of moneys. And so that was a Friday. The following Monday is when this hearing occurred—on June 20. Subsequently, as a result of the input I was getting from veterans in that hearing, I sent a letter to Secretary Nicholson last week expressing my, shall I say, deep concern about this and about this shortfall of funding and about the lack of candor on the part of the administration in telling us what was going on with the funding of our veterans facilities.

Mr. President, I ask unanimous consent that letter dated June 24, 2005 be printed in the RECORD.

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

U.S. SENATE,
DIRKSEN SENATE OFFICE BUILDING,
Washington, DC, June 24, 2005.
Hon. R. JAMES NICHOLSON,
Secretary of Veterans Affairs, Department of
Veterans Affairs, Washington, DC.

DEAR SECRETARY NICHOLSON: I WRITE TODAY TO EXPRESS MY GRAVE CONCERNS WITH DEPARTMENT OF VETERANS AFFAIRS' FISCAL YEAR 2005 BUDGET SHORTFALL.

News of this shortfall is extremely disturbing in light of your assurances that the Department of Veterans Affairs did not need additional funding in fiscal year 2005 to care for our nation's veterans. It was this assurance that influenced me to oppose emergency supplemental funds for the Department this spring.

Following the Senate's vote to reject these emergency supplemental funds, my staff and I met with veterans concerned about the immediate funding needs of the Department of Veterans Affairs. During these meetings, I learned that medical centers, because of financial constraints, had begun shifting capital funds into health care accounts to maintain health care services for veterans.

I am disappointed that the Department was not more forthcoming about these financial constraints. Had the Department been candid and transparent in its assessment of financial needs during the current fiscal year, the outcome of a recent Senate vote might have been very different.

So that we can be responsive to the health care needs of veterans, I urge you to immediately begin working with the White House, the Office of Management and Budget, and

Congress to address the funding shortfall impacting the Department in fiscal year 2005. With the support of Chairman Craig and Chairman Hutchison of the Senate Appropriations Subcommittee on Military Construction and Veterans Affairs, I am confident the Senate can address this shortfall.

In the future, when providing comment to Congress, I urge you to be candid when asked for your personal views on matters impacting the needs of the Department of Veterans Affairs. There may be instances where you believe that the Administration has erred or provided incomplete information. We look to you to be the person who can inform Congress on the needs of the Department and our nation's veterans.

I appreciate your consideration of this matter and please know of my interest in working with you to address this problem.

Sincerely,

RICK SANTORUM,
U.S. Senate.

Mr. SANTORUM. I expressed in this letter that I was disappointed the Department was not forthcoming, and I was hopeful they would come forward and let us know what was necessary, how much money was needed, so we could then respond. And as I mentioned in the letter, I was confident the Senate and the House would respond.

I think what you are seeing here today is my prognostication is correct. We are going to respond, and we are going to respond with the money they say they need.

Now, I would suggest that if you look at the analysis that Senator BYRD pro-

vided for us as to where this money is coming from, some of it was unanticipated and, potentially, you could argue was something that could not have been forecasted or budgeted with the number of people who are transferred from the Defense Department over to the VA as a result of the conflict in Iraq and Afghanistan. But a lot of this was simply just poor administration and not accurately forecasting the utilization of the system.

I think we have to do a better job of understanding what the needs are, what the demands are and have a better understanding of what the budget should be and accurately reflect that budget in submissions to the Congress.

So I know the chairman of the Veterans Affairs Committee in the Senate, Senator CRAIG, has had those kinds of candid conversations with the Secretary. I know all of us look forward to working cooperatively with the new Secretary in making sure we can get the information we need to be able to properly provide for the health care needs of the veterans whom we have promised to serve.

Mr. President, I thank my colleagues for joining in putting this amendment forward. I thank the Senator from Washington for her work and for her diligence and early work in this area. I am glad we were able to work together. Hopefully, we will work in a bipartisan

way not just to provide these resources but to make sure we get a better and more accurate accounting of the cost of providing the care that our veterans need here in America.

Mr. President, I yield the floor.

Mr. REID. Mr. President, this Monday all over America there will be celebrations regarding the Fourth of July, our Independence Day. It is a time that we celebrate our independence, but at this time in the history of our country, we certainly must celebrate and salute our veterans. Jim Nicholson is a veteran. I am sorry I didn't acknowledge his service to the U.S. military in addition to his being the chair of the NRC prior to his taking over the job as Secretary of the Department of Veterans Affairs. I thank him personally for his service.

But I will not be lectured to about civility by the junior Senator from Pennsylvania who has repeatedly disrespected veterans. Three times he opposed funding for veterans, votes in committee and here on the Senate floor.

I ask unanimous consent that his voting record be printed in the RECORD.

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

BUDGET RESOLUTION, 2006
(VETERANS' MEDICAL CARE)

RECORD
VOTE

55

S. Con. Res. 18

AMENDMENT NO. 149

Akaka, et al., amendment which increases funding for veterans medical care by \$2.8 billion in FY 2006; provides \$2.8 billion in deficit reduction; and offsets by closing corporate tax loopholes.

AMENDMENT REJECTED

YEAS (47)			NAYS (53)		NOT VOTING (0)	
Democrats (45 or 100%)		Republicans (2 or 4%)	Democrats (0 or 0%)	Republicans (53 or 96%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Chafee, L.		Alexander		
Baucus	Kohl	Coleman		Allard		
Bayh	Landrieu			Allen		
Biden	Lautenberg			Bennett		
Bingaman	Leahy			Bond		
Boxer	Levin			Brownback		
Byrd	Lieberman			Bunning		
Cantwell	Lincoln			Burns		
Carper	Mikulski			Burr		
Clinton	Murray			Chambliss		
Conrad	Nelson (FL)			Coburn		
Corzine	Nelson (NE)			Cochran		
Dayton	Obama			Collins		
Dodd	Pryor			Cornyn		
Dorgan	Reed			Craig		
Durbin	Reid			Crapo		
Feingold	Rockefeller			DeMint		
Feinstein	Salazar			DeWine		
Harkin	Sarbanes			Dole		
Inouye	Schumer			Domenici		
Jeffords (I)	Stabenow			Ensign		
Johnson	Wyden			Enzi		
Kennedy				Frist		
				Graham (SC)		
				Grassley		
				Gregg		
				Hagel		

EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005
(BUDGET WAIVER—VETERANS MEDICAL CARE)

**RECORD
VOTE**
89

H.R. 1268**AMENDMENT NO. 344**

“Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”

Murray motion to waive section 402 of S. Con. Res. 95 (the FY 2005 Budget Resolution) with respect to the emergency designation provisions of the Murray, et al., modified amendment which provides \$1.9 billion, to remain available until expended, for veterans medical care; designates the funding as emergency spending; and specifies that the funds should be used as follows: \$610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, \$840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and \$525 million for mental health care and treatment.

MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)

YEAS (46)			NAYS (54)		NOT VOTING (0)	
Democrats (45 or 100%)		Republicans (1 or 2%)	Democrats (0 or 0%)	Republicans (54 or 98%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Specter		Alexander		
Baucus	Kohl			Allard		
Bayh	Landrieu			Allen		
Biden	Lautenberg			Bennett		
Bingaman	Leahy			Bond		
Boxer	Levin			Brownback		
Byrd	Lieberman			Bunning		
Cantwell	Lincoln			Burns		
Carper	Mikulski			Burr		
Clinton	Murray			Chafee, L.		
Conrad	Nelson (FL)			Chambliss		
Corzine	Nelson (NE)			Coburn		
Dayton	Obama			Cochran		
Dodd	Pryor			Coleman		
Dorgan	Reed			Collins		
Durbin	Reid			Cornyn		
Feingold	Rockefeller			Craig		
Feinstein	Salazar			Crapo		
Harkin	Sarbanes			DeMint		
Inouye	Schumer			DeWine		
Jeffords (I)	Stabenow			Dole		
Johnson	Wyden			Domenici		
Kennedy				Ensign		
				Enzi		
				Frist		
				Graham (SC)		
				Grassley		

EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005
(BUDGET WAIVER—VETERANS MEDICAL CARE)

RECORD
VOTE**90****H.R. 1268****AMENDMENT NO. 344**

“Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”

Murray motion to waive section 302 of the Congressional Budget Act of 1974 to permit consideration of the Murray, et al., modified amendment which provides \$1.9 billion, to remain available until expended, for veterans medical care; and specifies that the funds should be used as follows: \$610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, \$840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and \$525 million for mental health care and treatment.

MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)

YEAS (46)			NAYS (54)		NOT VOTING (0)	
Democrats (45 or 100%)	Republicans (1 or 2%)		Democrats (0 or 0%)	Republicans (54 or 98%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Specter	Alexander	Gregg		
Baucus	Kohl		Allard	Hagel		
Bayh	Landrieu		Allen	Hatch		
Biden	Lautenberg		Bennett	Hutchison		
Bingaman	Leahy		Bond	Inhofe		
Boxer	Levin		Brownback	Isakson		
Byrd	Lieberman		Bunning	Kyl		
Cantwell	Lincoln		Burns	Lott		
Carper	Mikulski		Burr	Lugar		
Clinton	Murray		Chafee, L.	Martinez		
Conrad	Nelson (FL)		Chambliss	McCain		
Corzine	Nelson (NE)		Coburn	McConnell		
Dayton	Obama		Cochran	Murkowski		
Dodd	Pryor		Coleman	Roberts		
Dorgan	Reed		Collins	Santorum		
Durbin	Reid		Cornyn	Sessions		
Feingold	Rockefeller		Craig	Shelby		
Feinstein	Salazar		Crapo	Smith (OR)		
Harkin	Sarbanes		DeMint	Snowe		
Inouye	Schumer		DeWine	Stevens		
Jeffords (I)	Stabenow		Dole	Sununu		
Johnson	Wyden		Domenici	Talent		
Kennedy			Ensign	Thomas		
			Enzi	Thune		
			Frist	Vitter		
			Graham (SC)	Voinovich		
			Grassley	Wamer		

Mr. REID. Now, with an election cycle upon us, he supports, under pressure, voting for veterans. Talk about crass politics. The junior Senator from Pennsylvania can't run from his record. He owes the veterans more.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have said throughout this debate—as I spoke on the supplemental, as I have been out here on the floor many times and in our committee—veterans are not a Republican issue; they are not a Democratic issue; they are an American issue.

I think what you see happening on the floor this afternoon is exactly to that point. I congratulate the Senator from Pennsylvania, as well as the Senator from Idaho, LARRY CRAIG, and the Senator from Texas, Mrs. HUTCHISON, who have been working diligently with us in a nonpartisan way to address a real need, and that is to take care of the men and women who have served us so nobly in previous wars and in the current conflicts in which we are engaged.

From my side, I thank Senator BYRD, who stood with me valiantly as we have worked to provide the funds for the men and women who are serving us overseas. I thank him for his leadership on this issue. I thank Senator AKAKA, ranking member on the Veterans Committee, who has worked with us to make sure that on our side we are provided with accurate statistics and are moving forward.

At the end of the day who win are the men and women who serve us. It is a real tribute to this Senate that we are now standing here today with the amendment offered by the Senator from Pennsylvania to add \$80 million to our amendment, to now be providing \$1.5 billion for veterans services. We are here because we know when we ask men and women to serve us overseas, we tell them we will be there for them when they come home. What you see on the floor this afternoon is Republicans and Democrats standing together shoulder to shoulder to say in this body, we will be there for our men and women who serve us overseas.

There is going to be a lot of blame to go around. I have been asked: How did you know 2 months ago when no one else did? I started working with our veterans who are returning from Iraq and Afghanistan late last year, beginning in January, and hearing the same stories that Senator SANTORUM just talked about of how our VA facilities were turning vets away, how there wasn't enough care, particularly for post-traumatic stress syndrome.

I think we all know that in the conflict that is before us today in Iraq, it being a 360-degree war where there is no front line to return back from, we are going to see a number of our service men and women increasingly needing that kind of care. We are also seeing that facilities that have not been maintained well were counting on the

appropriations that we had this year. We are talking about veterans from previous wars who are now turning 60 and needing more health care being turned away. I think I began to look realistically at the numbers from the VA and became concerned that their projections were not based on the reality of what was occurring, which is why I offered my amendment to the supplemental.

I especially pay tribute to Senator LARRY CRAIG from Idaho. When Senator AKAKA and I offered the emergency supplemental bill, he was given a letter from the VA that said: We don't need any money. This is not a crisis. Our projections say that we are just fine.

So Senator CRAIG and others from the other side opposed us on that amendment at that time. But Senator CRAIG said to me on the floor, if I am proved wrong, I will stand with you to make sure we provide the dollars for our veterans that are required. Since he was told by the Veterans' Administration last Thursday that there is, indeed, a shortfall of \$1.5 billion or more—I hope it is not more, but at least that much—he said that he would work with me, and he has kept to his word. This is a real tribute to this country that we can come together on an issue such as this, recognize that errors have been made, but it is time to move on, time to provide the dollars.

I see Senator HUTCHISON from Texas who has been working with us as well. I want my colleagues to know we are going to stand shoulder to shoulder to meet this debt in front of us. I want to work with all of you so we have the right projections for next year as Senator HUTCHISON puts her 2006 appropriations bill together so we are not sitting here 6 months from now, a year from now, 2 years from now saying we were wrong again. This has given us a tremendous opportunity to get it right. I can't think of anybody it is more important to get it right for than those who serve our country.

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

Mrs. MURRAY. I am happy to yield.

Mr. DURBIN. I was in my office as I heard the Senator debating. I would like to ask a question through the Chair. I am heartened by the fact that this is such a strong bipartisan effort. I salute Senator CRAIG, in particular, who joined us in the press conference as soon as there was an announcement of this shortfall, and I salute your efforts to bring this issue before the Senate which you have worked on diligently for months.

You made a particular reference to post-traumatic stress disorder, which is a concern I have within the Veterans' Administration. I would like to ask you if you believe these additional funds will allow the Veterans' Administration to put appropriate professional staff at clinics and hospitals to deal with veterans not only from wars in the past but currently coming home

from Iraq and Afghanistan, as well as family therapy for their families, if they are faced with this disorder.

Mrs. MURRAY. I assure the Senator from Illinois that it is my understanding that this money in the amendment that has been offered by the Senator from Pennsylvania is specifically for medical services provided by the Veterans Health Administration which does include mental health services and post-traumatic stress syndrome.

Mr. DURBIN. I thank the Senator from Washington again. This is something that is growing in intensity and seriousness. It has been overlooked in previous wars. Our veterans have come home with scars that are not visible but which are serious and affect their lives. I am happy to hear the amendment by the Senator from Pennsylvania, as well as the Senator from Washington, is going to address this important challenge. I thank them for their leadership on both sides of the aisle.

Mrs. MURRAY. Mr. President, I know there are a number of other Senators who would like to speak. Certainly, I would like to yield to the Senator from West Virginia. Let me say, again, that I appreciate my colleagues on the other side of the aisle for coming together with us right before the Fourth of July recess. I can't think of a better time for all of us to send an American issue forward and to stand up for our vets. I thank them for working with us.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Pennsylvania and the other Senators, including Senator CRAIG, for their offering of this amendment. As I indicated earlier, I want to be a cosponsor of the amendment, and I ask the distinguished Senator from Pennsylvania if he would ask that I be included as a cosponsor.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senator from West Virginia be added as a cosponsor to the amendment.

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

Mr. BYRD. I thank the Senator.

Mrs. MURRAY. I ask unanimous consent to be added as a cosponsor as well.

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

Mr. SANTORUM. I yield to the chairman of the subcommittee of the Appropriations Committee that is responsible for the veterans appropriations, Senator HUTCHISON, such time as she may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to, first of all, read the cosponsors of the amendment in the proper order. They are Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, MCCONNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. That is the order of everyone coming on board. I so appreciate Senator MURRAY and Senator

BYRD also being cosponsors of this amendment. Frankly, all of us were taken aback last week when we got this information, and we did come together in a bipartisan way to try to address the issue very quickly. That is why we are now trying to put an emergency amendment on the vehicle that is on the floor today. We want to make sure the Veterans' Administration has the money it needs and that it doesn't take from other very essential accounts, such as maintenance or capital. We want to have sound financial management as well as serving veterans needs.

It would be terrible to go into the next fiscal year, starting October 1, in any kind of a deficit situation. My bill, the Veterans' Administration and Military Construction Appropriations bill, was scheduled to be marked up tomorrow, clearly, when we heard that the Veterans' Administration did have problems with its projections, we decided to put that off until mid-July. I hope—and it is my intention—by mid-July to have better information so that we will know what the \$1.5 billion will cover between now and October 1 and what is going to be necessary for the 2006 budget, if anything, beyond the \$1.5 billion. I will say that through the great cooperation of my ranking member, Senator FEINSTEIN, and the chairman and ranking member of the full committee, which would be Senator COCHRAN and Senator BYRD, we were able to get \$1.3 billion above the allocation that we had originally been given for veterans even before this happened. So because of Senator COCHRAN, Senator BYRD, and Senator STEVENS, we were able to go forward with an extra \$1.3 billion, knowing that the Veterans' Administration has been called on more than any projections would have anticipated. But today we are trying to now pass \$1.5 billion over and above that \$1.3 billion for 2005 purposes so that we are in a sound financial situation.

The President, speaking last night, started reminding people why we are in a war on terrorism and what it means to America and what it means to our security. Part of the war on terrorism, part of any war for freedom, is making sure that those Active-Duty and Reserve units serving right now with boots on the ground know that if they are injured, if they can no longer serve because they are injured, when they leave the service they will be taken care of. That is part of our responsibility as the stewards of our Government and certainly our appropriations process.

As the chairman, along with my ranking member, Senator FEINSTEIN, of the committee that will be doing the appropriations for veterans, this is an amendment that is very important. It is an emergency, and it will take us into fiscal year 2006 so that we will not have any kind of fiscal restraints. But we certainly are going to have to look at fiscal year 2006 as we go down the

road and work with the Veterans' Administration and the OMB and our Democratic colleagues and our House colleagues to make sure that we are not in any way shortchanging the veterans.

I am pleased to work with Senator SANTORUM representing the leadership on our side of the aisle, and Senator MURRAY and Senator BYRD and the leaders on their side of the aisle to come together through the second-degree amendment offered by Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, MCCONNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. This second-degree amendment will bring us in line, and it will assure that the Veterans' Administration has the flexibility to put this money where it is needed. That was a very important part of the amendment.

Also, it is important we keep the projects that are in the pipeline. There are veterans hospitals and clinics that are in the process of beginning to be built. We certainly did not want those to be delayed because the administration was having to use money for those purposes instead for the operations of this year.

I am pleased to be a part of this amendment, pleased to work with the Senator from Pennsylvania and the Senator from Washington and the Senator from West Virginia, along with Senator CRAIG, who has done an outstanding job as chairman of the Veterans' Affairs Committee. When we started working on this issue a few days ago, both of us talked to Secretary Nicholson. We talked to Josh Bolton at OMB to try to get the best approach. It is still up in the air exactly where this will come out. But I know we are working in a bipartisan way to do what is right by our veterans, to work with the administration. I know it is our President's clear commitment that we will assure there is no shortfall in the Veterans' Administration. This emergency appropriation will make sure that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to thank the very distinguished senior Senator from the State of Texas for her leadership, her dedication. She is a member of the Appropriations Committee, a very fine member. I thank her for her leadership, and I thank her for her kind remarks today.

I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of the amendment that has been offered by the distinguished Senator from Pennsylvania, Mr. SANTORUM.

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

Mrs. HUTCHISON. Mr. President, I am pleased about Senator BYRD's comments and especially to have Senator FEINSTEIN as a cosponsor of this amendment. She has been a part of this process all through the time we have wrestled with it. She has more vet-

erans in her State than all of us do, so it is quite appropriate for her, as one of the leaders in this area, to be a cosponsor. I thank you.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators CONRAD and MIKULSKI be added as cosponsors to the original amendment.

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

Mrs. MURRAY. I yield to the ranking member on the Veterans Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to laud this bipartisan effort to address the funding crisis in VA health care.

Yesterday, the Veterans Affairs Committee held a hearing on VA's admission that it is more than \$1 billion in the hole this year.

With this announcement, we have the long overdue realization that VA hospitals and clinics are in crisis.

I think one of the lessons we can all take from this is: reach out to VA nurses and doctors and reach out to the veterans service organizations.

So many advocates have been bravely forthcoming about the desperate financial picture in VA over the past 6 months.

I welcome the administration's admission that there is a shortfall. But I caution that VA officials are not the only source of information.

By waiting for this revelation, we forced veterans to wait longer for needed care and providers to go for months with substandard medical equipment.

That said, I am delighted that we now have bipartisan recognition that there truly is a problem at VA. Both sides of the aisle are now working together to improve the quality of care for our Nation's veterans.

We shared with the Budget Committee what was needed for next year. This was based on early warnings from sources out in the field. And we raised the funding issue twice on the Senate floor.

During the budget resolution debate in March, I offered an amendment to increase VA's funding by \$2.8 billion for next year. With the support of my colleagues, I stood before this body and outlined the case for a significant increase for VA.

But we were rejected because the administration claimed VA needed far less.

Then, again, during the war supplemental debate in April—while VA was beginning to see signs of a problem—we were denied in our efforts to secure more funding for this year.

Again, this was due to the administration's failure to acknowledge the plight that VA providers and patients were facing.

I do not believe that this is a scenario my colleagues would like to repeat in the future. Waiting until VA

hits rock bottom and then taking action is simply not rational. We can do better.

Clearly, we have been able to force this issue, and now we do not have to wait for the administration. Let us move to fix the problem and fulfill our obligation to our veterans.

Because at the very least, this crisis will result in deferred maintenance, as VA is raiding capital accounts just to make ends meet. And my colleagues familiar with the military know that deferred maintenance puts troops in danger.

The same is true for veterans in need of health care. The purchase and replacement of equipment directly impacts the quality of care provided.

Raiding money for capital projects means that needed VA clinics are in jeopardy. I remind my colleagues that there are more than 120 new clinics waiting to be opened.

The list of jeopardized clinics includes locations in States where rural access to health care is a serious issue—such as in Maine, North Dakota, Texas, and 11 clinics in Tennessee alone.

In closing, I too appreciate the work that Senators CRAIG and HUTCHISON and our other colleagues have done to tackle this problem. I believe we have found a solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have a number of colleagues who wanted to come and say a few words about this amendment and about service for veterans. I urge them to come to the floor, because it is clear we are ready to move at any time. If anybody has additional comments, please come.

I have been out on the floor several times over the last several days and I have expressed my anger at the Veterans' Administration for not being up front and honest about the numbers in the projections, even though it was clear to those of us looking at the numbers that we were facing a very severe crisis in the VA. That was the reason I offered an amendment for the Veterans' Administration on the emergency supplemental. It is why I have repeatedly raised this issue throughout the budget process, appropriations process, and throughout the last several months.

I think it is very clear that those of us who have been out on the ground talking to our veterans know this is a crisis. Yesterday, the VA came before the Veterans' Committee. Senator CRAIG had a hearing and had the Sec-

retary before us. He was continuing to say we could fix this problem today by taking money from construction and maintenance projects that we had appropriated and allocated money for for 2005. I think it is very clear that the Senate now shortly will be on record saying we believe those maintenance projects need to go forward, that those construction projects need to go forward, and the medical equipment promised to our VA services needs to be in place. That is so important.

I was in Iraq a couple months ago, and our service men and women from Washington State met with me there. The very first question they asked me was: Is my country going to be there for me when I get home? Will I have health care?

I feel it is important that when we look our soldiers in the eye, we answer them honestly. Today, with the Senate going on record with an emergency supplemental to deal with this, we are going to be able to say we are doing the best we can to make sure the services are there. I urge the Veterans' Administration to do the same. I think it is disheartening and disconcerting to all of us when we rely on the Secretary and his agency to make sure they are honest about what the numbers are and they are incorrect. We need that so we can do our job in providing for our service men and women.

We are doing that with this amendment today. We all know there is work to come, and with the 2006 budget and appropriations bill, we need to have an honest assessment. We cannot continue to project a 2-percent increase for veterans when we already know the number of men and women coming back is much higher than that. We already know that the service men and women, particularly from the Vietnam war, who are reaching the age of 60, are increasingly accessing our veterans facilities. We already know that the maintenance projects out there are critical. We have to do the right thing. We have to make sure the funding is there.

Again, I commend Members on both sides of the aisle. I see the Senator from Idaho, Senator CRAIG, is here. I take this opportunity to thank him. He has been most generous in working with us, as we have moved this issue forward because information given to him that was erroneous at the time. He did give me his word that should things change, he would be there to work with us. He has kept his word in an admirable way, bringing the Secretary before the committee, working on this amendment on the floor, and he is here to speak as well. I tell him how much I appreciate his forthrightness and his willingness to work with us to solve this dilemma.

We will be voting on the Santorum amendment, which adds \$80 million to our amendment that has \$1.42 billion, making sure we have a total of \$1.5 billion to provide for our veterans services for the 2005 budget and make sure

we don't have to go into funds for other projects and put them in a waiting line, which would be a disservice.

I urge our Democratic colleagues who want to speak to this amendment to come to the floor as soon as they can. I thank my colleagues for working with us, the House, and the White House to hopefully have a supplemental in place before the July 4 recess.

I yield the floor.

Mr. SANTORUM. Mr. President, I will yield time to the chairman of the Veterans Affairs Committee. I thank Senator HUTCHISON, whose principal responsibility is the appropriations process. I thank her and her staff tremendously for the work they have done. I thank Senator CRAIG and his staff for the tremendous work they have done, in coming forward and digging and getting the proper language for this amendment so we can provide funding for this year and for next year, as it is needed, to make sure we are providing the quality care our veterans deserve.

With that, I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. President, I thank Senator SANTORUM, a member of the Republican leadership, a gentleman who has brought forth this amendment, who recognized the problem that has very rapidly emerged in the last several weeks with veterans health care.

At the outset—and I know a good deal has already been said and we are collectively working on this issue—health care, as you know, is a very dynamic entity. It is subject to a variety of forces that are not as predictable as we would like to have them be in the normal budgeting processes of Government.

The difficulty inside the Veterans' Administration today is health care. That is the area that is consuming these large amounts of dollars at this moment at a very aggressive rate, just like health care is costing more everywhere around the United States, both public and private.

We found in the last several weeks something that we didn't know a month or two ago. It is something I wish we had known. I stood here on the floor telling my colleagues one thing, both in a supplemental and in amendments, as it relates to veterans' needs and, therefore, veterans health care services that at that time was not true. It was a frustration to me and an embarrassment. But that doesn't mean I hunkered down or that anybody else did. It means we solve a problem, because while we are dealing with a dynamic entity known as veterans health care, we are first and foremost concerned about caring for veterans and making sure they have access to the health care system we have promised them, and that they are being provided the best care.

Having said all of that, we were talking about a 2006 budget, feeling we had adequately resourced a 2005 budget. Here is what we didn't know, and probably some have already talked about it; that is, the peculiarity of the budgeting process inside our Government and inside the second largest bureaucracy in Government, known as Veterans' Administration—the difficulty of projecting a reasonable, contemporary budget 18 months out from implementation.

We did not do it well. The Veterans' Administration did not do it well. The actuarial organization that was doing it for the Veterans' Administration and has a great reputation around the country did not have a model that was feeding in all the right indices. So they were looking at 2003 expenditure levels in veterans health care to project a 2005 budget and factored in about a 2.3- or 4-percent growth rate. That is what we thought would work.

It did not work. It did not work for a lot of reasons. It did not work because the model was probably wrong. It did not have all the inflationary costs in that were needed. It did not foresee that in 2003, 2004, and 2005 we would invest nearly 10 percent more on an annualized basis in the veterans health care system and that it would improve it to the extent that it became a health care system of first choice to veterans when to some it had been a health care system of second choice.

You know the old adage: Build it and they will come. We did. We improved it dramatically, and they came. They came in numbers that could not be addressed effectively by the models. That is one part of the problem.

Here is the other part of the problem: The 2003 numbers had no reflection of Iraq, no reflection of Afghanistan, no reflection of active service personnel who would find themselves substantially injured in a way that they would have to seek the services of the veterans health care system. That is something in the 30-plus-percent range of these new figures.

The Veterans' Administration began to see this problem and did not communicate it to us effectively and responsibly. Then they did their midyear review. If you were going to graph this, you would have to graph it as a spike. All of a sudden, they saw their numbers spiking up. So that 2003 model of actuarial soundness of service at 2.3 percent all of a sudden becomes a 5-plus percent, 5.3, 5.4. Some would say, 3 percent in big business is not a bad miss. But 3 percent in a nearly \$80 billion budget is big money.

When it comes to delivery of services, when it comes to the improvement of services, and you have to curtail that to fund other kinds of services, you have a problem. That is where we are today.

The Senator from Washington is absolutely right. Her view of it was different than mine at the time. She saw a different picture and proposed a dif-

ferent level of funding. I opposed her at the time, believing the numbers I had were accurate. I was successful. But I did tell her that if these numbers changed, if there were any indication of change, I would be the first to tell her and we would be back solving this problem. Why? We may disagree on some things, but we do all agree on one thing, and that is that the service to America's veterans should never be jeopardized and that we would stand united and bipartisan in that effort.

Within 4 or 5 hours after I knew these numbers, I was visiting with the Senator from Washington. The Senator from Texas, who has been an active partner and is chairman of the Appropriations Subcommittee for MILCON and Veterans Affairs, was engaged with us immediately, and we began to try to figure out how to solve the problem.

Solving the problem is getting the best numbers we can get in as factual a way as we can get them. I must tell you that all of us were a little suspicious that we had not been told what we needed to be told in a timely fashion. That is why I insisted and Secretary Nicholson responded yesterday to the full committee with a very valuable hearing in which a lot of these issues began to be laid out.

I must also tell you I believe the Secretary was every bit as frustrated as we were. He is new on the job, but he is a very skilled and successful businessman. If there is one thing he believes in, it is getting the numbers right and being able to deal from a position of truthfulness and understanding. You do not work that way in Government. You sure do not work that way in business, and Secretary Nicholson knows it. He was very forthright with us and very clear in what is necessary.

Do we know at this moment exactly what the numbers ought to be? No, we do not. The fair analysis is we do not, but we have a very good idea of where they probably will be and what is most important at this moment. As the agency borrows from one account and uses up another account, we effectively replenish that so services do not go lagging in certain areas.

As important is that the capital expenditure and the reinvestment in equipment and health care-related services to our veterans stays on schedule so the quality of health care to America's veterans does not slip.

While we are figuring all of that out, and they are scrambling at this moment—they, the Veterans' Administration, along with the Office of Management and Budget—while they are scrambling to get the numbers right, we are going to act. You can see by the character of what we are doing now it is going to be bipartisan once again, and we are going to stand united in behalf of America's veterans.

The Republican leadership understands that, the Democratic leadership understands that, I as chairman of the Veterans' Affairs Committee understand that, the ranking member, Sen-

ator AKAKA, who has been on the floor, clearly understands that, and certainly Senator MURRAY, who has been a strong advocate for veterans, understands that.

I see the Senator from West Virginia on the floor, Mr. ROCKEFELLER. He, too, has been the same and, of course, Senator KAY HUTCHISON of Texas, now chairman of the subcommittee that appropriates all this money, understands it. It is why we want to speak in a united voice today on behalf of America's veterans.

While that is going on, we have to figure out the rest of the story, and that we will. It will be accurate, and we will make sure that this—you never say "never"—will not happen again. But I have had conversations with the Secretary, and he is a very frustrated Secretary at this moment to find out on his watch that the numbers are not right and that what he was advocating has now slipped out from under him.

I am confident that he, working with his people, and the system will not only come up with a better way to do the numbers, but we are going to be insistent they come up with a better way to do the numbers. We are going to be insistent they report to us, not on an annual basis, but how about a quarterly basis, how about a quarterly analysis of where the expenditure of this kind of money is, because it is big money serving an awful lot of needy and worthy people, and we want to make sure it sustains itself in the appropriate way.

We also understand the limited nature of the public resource. It is not an endless system of money. We would expect efficiencies at the Veterans' Administration. We would expect responsibility at the Veterans' Administration. And what we do not expect and what we will not have happen again is for them to quietly think they can spend the money out and then, knowing they can come back to us and under the argument of motherhood and responsibility to America's brave men and women, we are going to fork over more money and never look back. This is one chairman who will look back, who is going to demand that systems are accurately accounted for, and that there is a reasonable and responsible quarterly measurement of the resources expended and the resources allocated.

As much as we owe to the veterans, we owe to the American taxpayers, who have agreed to help these veterans, a similar kind of responsibility and dedication to cost. That is not an unmanageable, an unsolvable, or an unmergeable concept. That is what we are about here, to deal with this in a direct way, and that we will. I think we are going to see a very strong vote today in behalf of what we are proposing.

The House is struggling with the numbers now. They may do something differently. But in the end, we will come together.

Our language is specific in one form. It is specific in recognizing that we do not have the exact figures yet. So we say the moneys that this authorizes are to be expended in 2005 and 2006, and then the chairman of the appropriations subcommittee and I and the ranking member—all of us together—will look at the 2006 needs in light of potential carryover that could come out of the appropriation we are talking about here. We will bring those numbers together and, very frankly, we will bring them together in a way that will cause the Veterans' Administration to come forward on a quarterly basis to report to us about their categories of expenditures and where they are in all of this issue.

We have to know the numbers. They have to be accurate. Our cause to serve America's veterans cannot be modified, nor will it be deterred. But it has to be accurate and it needs to be responsible. I support this amendment. I think it is the right thing to do now. It is now our job to make sure the future is one that is clear, understandable to all, and, most importantly, responsible both to the veteran and to America's taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators JOHNSON, KENNEDY, and LINCOLN be listed as cosponsors.

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

Mrs. MURRAY. I yield to the Senator from West Virginia whatever time he may use.

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

Mr. ROCKEFELLER. Mr. President, I thank the floor manager, and I thank the chairman of the committee who had a lot to say and who operates the committee in a spirit which is very bipartisan and which is aimed at trying to solve problems. I say that at the beginning of every meeting and I say it here on the Senate floor.

I rise to support the Murray-Byrd amendment. It responds to a VA funding shortfall that is in excess of \$1 billion. I will get into that in a moment.

What I have in my mind right now is about 5 days ago, I spent 2½ hours with 12 veterans, men and women who had come back from Iraq, one from Afghanistan—one several years ago, most of them within the last several months. They had sustained wounds and had healed some of those physical wounds. But what was particularly stunning to me was the degree of the psychological wounds, self-defined by them, after a period of relaxing. It takes time for veterans to open up when somebody with a dark suit and tie walks into their little circle. But they began to talk about their problems. They would not talk about what they had done because veterans do not do that. World War II veterans do not do that, Vietnam veterans do not do that, Operation

Iraqi Freedom veterans do not do that. They talk about what hurts, the uncontrollable violence. They talk about deep depression. They talk about having no sense of the future. They talk about problems with their not being able to communicate with their wives—all kinds of problems.

These were mostly guardsmen and reservists, but there were some regular military. They were assembled at the Beckley, WV, Vet Center. I sort of point that out because one of the secrets of treating veterans in rural areas is you have to have Vet Centers near where veterans are. They can't all be expected to make long journeys to distant major veterans hospitals.

These folks at the Beckley Vet Center and other Vet Centers are about to be overwhelmed. They are going to be more overwhelmed when the other 130,000 soldiers return home whenever they do. And of course some soldiers will be returning to combat.

These soldiers had a very harsh and harrowing series of experiences serving their country. Once discharged, they still faced problems. They talked about difficulties in getting reimbursed. They all talked about VA appointments being put off for a long time.

As I indicated, they were reluctant to talk at all. But when they did talk, they made you very proud when they told you what they felt, not necessarily what they had been through, which they usually decline to do.

When our country called upon these brave West Virginians—and that would apply to each and every State—to serve, they answered the call of duty without question. In the case of Guard and Reserve, of course, they are always ready to do that and have to make enormous sacrifices to do that, often not being able to hold on to their jobs and retain the benefits which they had.

When they come back to West Virginia, they deserve the full care and support they have earned. Yet again, we just learned that our VA health care is well over \$1 billion short on funding this year. This is outrageous, and it is shameful. Our veterans earned their VA health care benefits through their distinguished service.

They should not be delayed or denied care because of mismanagement at VA or OMB over poor budget models. This is where I disagreed a little bit with the distinguished chairman of the committee. This is not just about the Secretary of Veterans Affairs. This is not about the fact that he is new on the job. The Veterans' Administration is second only to the Pentagon in terms of the number of people who work there. If they were using a 2002 model—and at one point the Secretary said they were using the 2002 model, and then at another point he said the 2003 model—nevertheless it is a very old model. In 2002, we had not gone to war.

All of these months have passed. What was the magic that did not happen where VA or OMB management said, "gee, if we are going to go to war

and we are sending all kinds of troops first to one combat zone in one nation and then to another combat zone in another nation, and plus there is the war on terrorism, what is going to happen with our returning veterans?" We have troops deployed all around the world and, yet nobody in VA or OMB of figures there is going to be a surge in the number of veterans we have to take care of so they do not change their model.

Well, I am sorry, I do not care whether the Secretary has been there for 6 years or 6 days, that does not work. It is the VA that has professionals who have worked there for years who should be able to adjust those models. That is no excuse whatsoever.

Yesterday, Secretary Nicholson testified that the VA had to borrow money for current accounts to cover immediate health care needs for this year, this year being 2005. Such borrowing would create at least a \$1.5 billion shortfall for next year, that being fiscal year 2006. But the \$1.5 billion is really at least \$1.9 billion. We are not actually going to vote on either of those numbers. I sort of wish we were because of something which is not brought out but which I am going to bring out. The VA assumes the President's VA budget, which includes at least \$400 million in health fees, will be collected from the veterans—what? Wait a second.

Yes, the VA Secretary is still seeking to double the co-payments for prescription drugs for veterans, and he is still supporting an enrollment fee of at least \$250 for some veterans. So, yes, there is a shortfall, but then there is income VA expects but won't be collected, the shortfall will be larger. I think that requires a very sharp analysis on the part of the Veterans' Affairs Committee.

This Senator opposes such fees. I do not understand how that is done. How does one take somebody who gives up their job potentially, for example a National Guard member who works for the 130th Air Guard wing in Charleston, WV, which has complete control over the evacuation of the National Capital area, and then charge them for being able to get health care after they serve in combat? That is not what Abraham Lincoln wrote over the Veterans' Administration building.

So the VA budget is at least \$1.9 billion short. Let that be understood by my colleagues. Our Members have not been told that amount, but that is because of the \$400 million that VA assumes, but Congress never tries to charge our veterans. We should understand that. It is at least \$1.9 billion if we fully respond to the health needs of returning veterans.

I expect, frankly, it will be more than \$1.9 billion. In fact, I would say to the good Senator from the State of Washington that we discussed higher figures in our Veterans Affairs' Committee meeting.

Experts who I immediately reject, because I reject their theory on this,

suggest that up to 40 percent of our veterans will have psychological wounds such as PTSD, post-traumatic stress disorder. I have yet to meet with a single group of veterans who would put the figure at anything less than 60 or 70 percent, and that is just post-traumatic stress disorder. We are also talking about depression. We are talking about schizophrenia. We are talking about uncontrollable violence. We are talking about rage. We are talking about nightmares. We are talking about people waking up sweating and screaming. This goes all the way back to World War I, the science now proves.

These West Virginia veterans who typify veterans from around the country return from Baghdad and Afghanistan, and they describe the experiences of their colleagues, and I truly fear that VA mental health care is going to cost a whole lot more than the two amendments that we will both be voting on and voting for, I hope, this afternoon. My view is that whatever the needs of our returning veterans are, they must be met, particular right now during a time of war.

Finally, I am personally stunned by the fact that the administration's budget experts and managers use these old models, and did not warn or advise Congress until now. I will go right back to that, their models did not fully estimate the effect of the war on VA health care spending. Again, blaming a poor old model from 2002 or 2003 does not cut it in anybody's book. It is unsustainable as an argument. As I say, the VA is second only to the Pentagon in the number of people it has. A lot of those folks work on budgets. They know what models are. They can come up with new models. They did not come up with new models, and that is the point. Each time this year, VA officials have testified they were confident of sufficient VA funding. That is what they told the committee in February, in March and in April. They were dead wrong. It is stunning. It is sad.

So we asked over and over whether they were prepared for the returning troops, and we were told mission accomplished; they had everything under control. Again, they were wrong. Our soldiers are returning home and expecting the VA health care they were promised. They are not going to be able to get it. The budget shortfall is unconscionable, and our troops deserve better. We must pass this amendment or any other amendments which raise this amendment. It will still not be enough money, and it will only take care of the present situation that we are in. We must ensure that such a significant shortfall never—and I rarely say never—happens again.

I am committed to fighting for our veterans. I believe that is the duty of the Congress.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to start by thanking Senator MURRAY and Senator BYRD for working tirelessly with me to try and find a so-

lution to the VA budget crisis that faces our Nation's veterans. I very much appreciate their leadership on this issue.

During the emergency supplemental under Senator MURRAY's leadership we brought this issue before the body and warned of the impending crisis.

As we all know, at that point Secretary Nicholson sent a letter to Chairman HUTCHISON stating that "I can assure you that VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal."

We now know this is not the case. Yesterday, Secretary Nicholson testified before the Senate Veterans Affairs Committee and acknowledged that in fact the VA is at least \$1 billion short this year in veterans' medical care.

The VA is resorting to shifting funds from capital accounts as well as spending money budgeted as carry over for next year to make up the shortfall. Additionally, the Secretary stated that the VA budget request for next year is short by at least \$1.5 billion.

As I have always stated, the care for our veterans should never get tangled up in partisan gamesmanship. This is why we have been working hard with our Republican colleagues to find a solution to this problem.

I am pleased that the modifying amendment would add an additional \$80 million to help shore up this year's budget problems at the VA, and I commend Senator HUTCHISON, my chairman on the Military Construction and Veterans Affairs Appropriations Subcommittee, for her leadership and commitment to the needs of America's veterans.

However, let us not forget that while the emergency funds that I hope we will pass today helps solve the problem for this year, Secretary Nicholson testified yesterday that the budget request for next year is insufficient as well.

I am hopeful that the administration will take the necessary steps to transmit to the Congress an amended budget which provides an accurate estimate of the VA's needs for fiscal year 2006, and a realistic blueprint for meeting those needs.

I look forward to working with Senator HUTCHISON, Senator COCHRAN, Senator BYRD and my other colleagues on the Appropriations Committee to make sure that we provide sufficient funding in 2006 to keep the VA from being awash in red ink again next year.

Let me close by again thanking Senator MURRAY and Senator BYRD. Their leadership has been instrumental in helping to solve this problem.

I also want to thank Senator HUTCHISON and Senator CRAIG for working hard with us to try and ensure that veterans receive the care they need.

Ms. SNOWE. Mr. President, Less than 3 months ago, Congress was informed that the Department of Vet-

erans Affairs would not require emergency appropriations for the current fiscal year. The Senate acted accordingly in supporting the existing appropriation. In the past week, we have been informed that the VA now faces a budget shortfall of approximately \$1 billion.

Many of my colleagues are today discussing how we got here, and where the fiscal projections went wrong. The failure to consider the needs of returning veterans from Iraq and Afghanistan in forecasting expenditures demonstrates a critical and inexcusable deficit in planning. Some suggest a new means of budgeting the VA. These are vital issues and they will undoubtedly be discussed as in the context of future appropriations. However, what is most critical today is addressing the immediate and pressing needs of our veterans. We simply must maintain our commitment to those who have given so much in their service to our country.

Secretary Nicholson had told us that the current budget shortfall would be made up in two ways. The first would be to use approximately \$600 million from maintenance and capital expenditure accounts, redirecting approximately half of such moneys to operating expenses. According to the Secretary, new construction would not be affected. Yet that leaves undone many pressing projects such as critical repairs and renovations. In many cases, these projects cannot be wisely deferred. The second means of addressing the shortfall would be to use approximately \$400 million from a carryover account. This approach simply depletes resources and digs a deeper hole for the Department in the next fiscal year.

The answer to this problem does not lie in amplifying the shortfall in this fiscal year. We do not undertake emergency appropriations lightly, but we simply cannot deplete resources, and fail to properly budget for the needs of veterans. Those who have served us in the past, and those who continue to serve today, must know that VA services will not be disrupted. Thus I join my colleagues in supporting an emergency appropriation for the Department of Veterans Affairs to ensure that our veterans shall receive the timely services and support which they so deserve.

The Department faces great challenges. As our veterans grow older, their health care needs increase. The VA faces the same challenges in managing health care costs which all of America faces, yet anyone who has met a veteran with a service-connected injury or disability understands the many additional needs which we must meet, especially in light of the service of millions have given this country. Even today, as over 130,000 stand in areas of conflict to promote liberty for others, we must make clear that we will always stand by them, today, and tomorrow.

Mr. KYL. Mr. President, I am pleased to join with Senator HUTCHISON, Senator CRAIG, and others to offer this amendment responding to new information about shortfalls in the fiscal 2005 budget for the Department of Veterans Affairs.

Naturally, every Member of this body is distressed to learn that the Department is in these fiscal straits and that the Department has made the extent of the problem clear at this date late in the fiscal year.

I am pleased that the Appropriations and Veterans Affairs Committees have moved so quickly to pursue the oversight we now urgently need to determine: 1. How this could have occurred, and 2. what Congress and the VA will need to do differently to ensure that we do not confront shortfalls of this nature next year and thereafter.

But today, we will accomplish the even more urgent work of ensuring that the necessary funds—\$1.5 billion—are available on an emergency basis for the current fiscal year so that there is absolutely no deterioration in the quality of services and facilities for our veterans.

I suppose it is inevitable that everything sooner or later becomes the subject of partisan dispute in Washington, DC, but it is disappointing that some have seen fit to make support for our veterans a partisan weapon.

I hope the action we take today will go some distance toward demonstrating that the irresistible temptation some feel to try to take partisan advantage notwithstanding and that Congress stands united in support of those who have served and sacrificed.

Mr. McCAIN. Mr. President, I will be necessarily absent for the later part of the day as I will be attending the Oath of Office Ceremony at the United States Naval Academy where my son is being sworn in as a midshipman.

I want to express my strong support for the two amendments that will be voted on today to address the unexpected and unacceptable funding shortfall for Veterans Administration medical services. I strongly endorse the two amendments that I am confident will be adopted overwhelmingly. It is incumbent on the Congress and the administration to continue to monitor the VA's funding situation closely and ensure proper medical assistance is readily available to our deserving veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be sufficient second. The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I believe we are out of speakers, and we are prepared to yield back time. So I would yield to the Senator from Nevada, who I guess will wrap up debate, and then we can move on.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 15 minutes 29 seconds remaining.

Mrs. MURRAY. I yield to the Senator from Nevada. I believe the Senator from Colorado will be here for a couple of minutes. I will use the last 2, and we will be done on our side.

I yield to the minority leader.

The PRESIDING OFFICER. The minority leader is recognized.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. REID. If the Presiding Officer would alert me when I have used 9 minutes.

The PRESIDING OFFICER. The Chair would be happy to.

Mr. REID. Mr. President, like many Americans, I listened carefully to the President's Iraq speech last night. As I said in a letter to him yesterday prior to his speech, his address to the Nation afforded him an excellent opportunity to present to the American people his plan for success, to discuss the costs and sacrifices that will be required in the days ahead, and to assure our troops, active and retired, that he is committed to doing everything he possibly can to see that they get the services they have earned.

Unfortunately, I believe the President's address fell short on all of those accounts, and I will have more to say in the days and weeks ahead about the speech and the path forward in Iraq. But having said this, there is one part of the President's address that bears directly on my letter and the matters before the Senate right now. At the end of his speech, the President called on Americans to find a way to thank the men and women defending our freedom by flying a flag, sending letters to our troops in the field, helping the military families down the street, or going to the new Defense Department Web site. I think we owe the men and women in uniform—of course we owe them flying flags, mailing letters, and logging on to this new DOD Web site, but we owe them far more than that.

I share and support the sentiment and will continue to make sure we recognize the services and sacrifices of our military personnel and their families. Although the President chose not to mention our veterans in his address last night, as I suggested, I believe we have an equally solemn obligation—I choose that word purposely—to recognize their sacrifices and to thank them for their willingness to defend our freedom. The amendments before us give us the opportunity to do just that.

Just as the obligation is clear, so is the need. At the start of the year, we knew that over 130,000 troops had returned home from Iraq and Afghanistan. Analysts told us to expect that an additional 150,000 soldiers, sailors, and airmen would return in the months ahead. That is why in January and February Democrats, led by Senators

MURRAY and BYRD, warned that the war in Iraq and the war on terror were generating hundreds of thousands of new veterans who would soon swamp the existing capacity of the VA health care system.

The Senator from Washington said this over and over again. She called me during her campaign last October and indicated there was a problem. After the election, she was concerned about the veterans, and we talked several times about veterans. So I applaud and commend the Senator from Washington for being so deliberate, so consistent and persistent in these efforts.

In addition to that, we were warned that many of the soldiers had suffered traumatic injuries that would require extended and intensive care. When I say this, my mind goes back to last Thanksgiving when I went to Bethesda and visited marines who had returned home with missing limbs, some who had been damaged in other ways. But before I left they asked me to go into the intensive care ward, and that is something that I will never, ever forget, the pictures of those men. Thank goodness I did not see any women. It would have been even more traumatic for me, I am sorry to say. I still feel that. I could see my little daughter there, which I did not—but it was very bad, terrible head injuries.

We had all these warnings, Democrats and independent veterans groups, to conclude that the veterans health care system was massively underfunded and unless drastic steps were taken immediately, tens of thousands of veterans, men and women, would be denied access to the health care this Nation owes them. Unfortunately, the Republicans responded by denying a problem existed. The Senate addressed issues that do not make a difference to most Americans. We worked for almost 2 months on something called the nuclear option, which was a way to try to help five people the President wanted to be judges. Other matters were just put to the side. Of course, this administration has wasted day after day, week after week, month after month talking about privatizing Social Security, but a problem does exist, and instead of talking about those issues, we should have been talking about veterans health care.

Keep in mind, the majority defeated Democratic efforts to provide our veterans the health care and resources they so clearly and desperately needed. At a time when hundreds of thousands of veterans were returning home in need of health care, the Bush administration submitted a budget request in February that did not contain a single dollar in additional resources to care for the newest generation of veterans. The administration budget was so out of step with reality that the head of the VFW, Veterans of Foreign Wars, called it shameful. That is a quote, "shameful."

The national commander of AMVETS called it, "woefully inadequate."

What did our Republican colleagues in the Senate do with that woefully inadequate and shameful budget? Did they support Democratic efforts to support veterans benefits, needed additional benefits? No.

Did they support Democratic efforts to increase veterans funding on other legislative vehicles? Did they make veterans a top priority of this session of the Congress?

The answer to every one of those questions, unfortunately, is no, no, no, no. While Senate Republicans found plenty of time to pursue issues that didn't matter, and don't matter, to the American people—I have named a few. We spent quite a lot of time on a matter that I don't think mattered for most Americans, but some of the things we worked on were intervening in the most private and personal decision a family can make—they found no time for tens of thousands of soldiers who they knew were coming home soon to a health care system that lacked resources to meet their needs.

On three separate occasions this year Senator MURRAY and Senate Democrats, led by Senator PATTY MURRAY, asked the Senate to vote on additional resources for the veterans health care system. On each occasion, Senate Republicans, including the lead sponsor of one of the amendments we will soon vote on, voted no: “no” to add additional funding for our veterans, “no” to giving them the quality health care they have earned, “no” to keeping our Nation's commitment to those who have served.

Three strictly party-line “no” votes by the Republicans.

The response of the Bush administration was similar and similarly out of touch. Rather than acknowledge there was a problem and addressing the concerns raised by Democrats and outside groups, the Bush administration initially chose a path of denial that ultimately bordered on outright deceit.

In April, after Senator MURRAY offered an amendment on the emergency supplemental to increase veterans health care funding by \$1.9 billion, VA Secretary Nicholson—by the way, his qualifications are he was chairman of the national Republican Party. He is head of the veterans benefits now—he said:

I can assure you that the VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal. . . . I do not foresee any challenges. . . .

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. REID. I will use leader time now for the rest of my remarks.

Continuing with Mr. Nicholson:

I do not foresee any challenges that are not solvable with our own management decision capability.

The concerns raised by this head-in-the-sand statement were greatly exacerbated yesterday. At a hearing before the Senate Veterans' Affairs Committee, Veterans Affairs officials from

the Bush administration made two astonishing admissions. First, Mr. Nicholson acknowledged that funding for veterans health care programs is short by at least \$2.6 billion because the administration dramatically underestimated the number of military personnel returning from Iraq and Afghanistan. This is the latest example of how poorly the administration planned for and prepared this Nation for what would be required in Iraq and the war on terror.

Second, and even more troubling, VA Under Secretary Perlin testified to Congress that at the same time Secretary Nicholson was assuring Congress no additional resources were needed, the VA was already dipping into reserve funds to meet its operational needs. And Secretary Nicholson admitted that a management decision had been made in early April—that is why I called what he said before “deceitful”—made in early April to also dip into capital funds to keep veterans health care operations going.

What does this mean? Taking away from capital projects, hospitals that need to be renovated and repaired, outpatient clinics that need to be rebuilt. They were dipping into those funds when he was before competent committees of this Congress not telling the truth, misleading us, being deceitful.

Think about this for just a bit. The administration sends hundreds of thousands of men and women, our troops, abroad to fight in Iraq and elsewhere but says it didn't expect they would return home and need health care services? The administration then fails to provide any additional funds to address the health care needs of these soldiers and, when pushed by Democrats, tells Congress no additional funds are needed. And in the final act, the administration acknowledges that the very time it was insisting no additional funds were needed, the VA was tapping into reserve funds, and the VA Secretary had decided to pay for day-to-day health care expenses by dipping into capital funds, which would severely impact medical facilities across our whole country—including, I might say, a major medical center that is needed in the most rapidly growing veterans population of any place in America, in Las Vegas, NV. Quite a performance.

Fortunately, today the Senate has a new day before it. At long last, we have the administration and Senate Republicans acknowledging there is a problem. And at long last, Senate Republicans are now willing to join Senate Democrats to do something about it. Although Republican support for our veterans has been long in coming, I welcome the 11th-hour conversion. While the needs of our veterans were not enough to get the attention of some of our colleagues on the other side of the aisle, apparently the 2006 elections are.

Regardless of their motivation, we welcome their support. I only hope the

administration and Senate Republicans remain willing and eager to join with us in the future to ensure that our troops—active and retired—and their families, receive the respect and recognition they deserve.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. CRAIG. Mr. President, I thought my comments on this issue had concluded, but I feel the statements just made by the Democratic leader deserve some response.

I will work very hard to sustain a calm tone and a bipartisan tone, as has been the character of the debate on this issue up until just a few moments ago when it took a dramatically partisan tone, tuned to the November 2006 elections. To me, that is disappointing, at best, and it is, at best, very misdirected.

To suggest that the Secretary of Veterans Affairs is only a party chairman means that that minority leader has not even read his bio, nor does he care to. So let me suggest that this Secretary of Veterans Affairs is a 1961 graduate of the U.S. Military Academy at West Point, he served 8 years on active duty as a paratrooper and Ranger-qualified Army officer, then 22 years in the Army Reserves. While he was in the Army Reserves, he finished his master's degree at Columbia University in New York City and his law degree at Denver University.

It means that you have to be highly qualified to be “just” a party chairman.

No, I am sorry, Democratic leader. This Secretary is highly qualified to be Secretary.

I am disappointed, at best, and I hope my colleagues will join with me in an overwhelming disappointment at a dramatically partisan statement at a time when this chairman has worked in good faith to be extremely bipartisan to resolve a problem.

The minority leader forgets that every year during the Clinton administration they proposed to underfund the Veterans Affairs and Veterans' Administration and we, in a bipartisan way, said “no.” And every year since then, in the Bush administration, they funded it less than the Congress did. And we said “no,” because we expected a higher level of service than the budget crunchers down at OMB would admit; Democrats and Republicans, that is the fact that the minority leader has forgotten for the purpose of partisan politics.

Minority Leader REID, I am highly disappointed. I will step back from the level of anger. You have impugned the integrity of a brave American, who is serving as Secretary of our Veterans' Administration, and you have impugned my integrity as a Senator, and I am disappointed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left?

The PRESIDING OFFICER. Five minutes and fifty seconds.

Mrs. MURRAY. The Senator from Colorado is here and would like to make a statement. I ask if he could use 3 minutes, and I can use the remaining time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, let me at the outset say that the problem we are trying to deal with in the Senate is a matter of great importance to our veterans. Let me also say I believe the Senate Veterans' Affairs Committee has jumped on this problem to try to figure out a way that we can move forward. I think the most important response to this kind of crisis, where we are leaving so many veterans out of the fold in America, given the kind of shortfall we are seeing in health care, is that we acknowledge a problem, first of all; and, second of all, once having acknowledged the problem, that we move to fix the problem; and then, third, that we make sure that the problem does not happen again.

What we are doing with today's amendment sponsored by Senator MURRAY and Senator BYRD is fixing the problem for this year so we are able to provide the health care services to which our veterans are entitled. It is not good enough for us to support our troops in Iraq, as we all should. It is also necessary—mandatory—for us to make sure that when our troops return from Iraq or Afghanistan, we take care of them here at home.

The Veterans' Administration and the budgets that they have proposed have failed to do that because of the chronic underfunding that they have put on the table. If you analyze the underfunding we are looking at today, we potentially could be looking at a cut to veterans health services of somewhere between 10 percent and 15 percent. This is a problem which we need to address as a Congress for the years ahead as well.

This amendment that Senator MURRAY and Senator BYRD have put forward is a step in the right direction because it will help us fix a problem for this year. I am a proud cosponsor of that amendment. I believe both Senator BYRD and Senator MURRAY have done the right thing. I applaud Senator MURRAY's leadership in the committee to raise this issue to the attention of Senator CRAIG and the rest of the members of that committee.

But it is also very important that the Veterans' Administration, through Veterans Health, helps us figure out a way of avoiding this problem in the future. We should not let our soldiers from Iraq and Afghanistan down, and the only way we can do that is if we fix the funding formulas and fix the assumptions that are currently made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized. She has 2 minutes and 15 seconds.

Mrs. MURRAY. Mr. President, as we wind up the debate, it would be easy for me to stand here on the floor of the Senate—after months of saying we need to address this issue, we need an emergency supplemental and we are finally here—to say I told you so. But that is not how I feel right now.

What I am thinking about at this point is my own father, who was a veteran of World War II, one of the first soldiers into Okinawa, who was injured, sent to Hawaii, was in the hospital there for 3 months, and he went back to serve in Okinawa again and then was in a wheelchair for most of my life before he passed away.

I am thinking of the men and women in the veterans' hospital in Seattle WA, back in 1972 when I was a senior in college and I volunteered at the veterans' hospital there during the Vietnam war, working on the psychiatric ward with young men and women my age who were returning from Vietnam and understanding what they were going through, and then going back onto the street and the public not aware of the sacrifice of these soldiers.

I am thinking of the young men and women I recently met in Iraq serving us today, who were asking us: Will my country be there for me?

I can assure you none of those soldiers were saying: Will the Republicans be there for me? Will the Democrats be there for me? They were asking: Will we, as Americans, be there for them? With Democrats and Republicans alike just about to vote for this amendment—that will make the underlying amendment \$1.5 billion with the amendment of the Senator from Pennsylvania—what we can say is that this Senate stands in full support of our soldiers, from previous conflicts as well as the ones who are serving us today. I think that is a powerful message and one of which I am very proud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I thank the Senator from Washington again, as I did earlier, for her work. I thank her also for the tone and for the way she presented her case. I think it would express the concern and frustration on both sides of the aisle about the problems we are confronting and have confronted for many years in providing adequate funding through administration after administration—at least three I am aware of, three administrations I am aware of where the administration has not properly funded veterans' health care in particular. The Congress has always had to come and add more money. This is nothing new. What is new in this case is that we have had to come at a late time and add additional resources. I think it is unfortunate.

As I said earlier, I was very critical of this administration for not being more forthright and felt, as the Senator from Idaho suggested, that when we cast our votes against the Murray

amendment, we did so not with the information we needed. The administration, justifiably, should be criticized for that.

Unfortunately, the tone the Senator from Nevada took, the Democrat leader, was not one of frustration that all were sharing but simply an attempt to launch into a partisan attack which, given the nature and tenor of what we have been working on, was very unfortunate. One of the most unfortunate comments, which I hope the Senator from Nevada will think better of and come back and correct the record, was to suggest that "the only qualifications of the Secretary of Veterans Affairs is that he was chairman of the Republican National Committee" is an insult to the Secretary of Veterans Affairs and his service to this country.

This is a man who is a West Point graduate who served 8 years in active military and served tours in Vietnam. He earned the Bronze Star. He earned the Combat Infantryman Badge, the Meritorious Service Medal, and two Air Medals. This is not a man whose only qualification was he was chairman of the RNC. He went on and served in the Reserves for 20 years, earned additional degrees, ran and started a business, and was ambassador to the Holy See. This man has a lot more qualifications as Secretary of Veterans Affairs than many prior Secretaries. I hope the Senator from Nevada would reconsider his shot at this Secretary.

Do I have concerns about the information provided? Absolutely. Does the Secretary have to come and have an accounting for what he said and what he did in his short term now as Secretary? Absolutely. Has he been called on the carpet in both the House and Senate? Absolutely. Will he be over the next few months? Absolutely. But to take a shot at him personally in such a partisan fashion is beneath the leader of the Democrat Party. I hope the leader of the Democrat Party would show some leadership in civility when it comes to addressing people who have served this country honorably and continue to do their best.

I yield back the remainder of my time and ask the votes on the Santorum and Murray amendments be stacked sequentially at a time so designated by the leaders.

I ask that Senator SNOWE be added as a cosponsor to the Santorum amendment.

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

Mrs. MURRAY. I ask that Senator CORZINE be added as a cosponsor to the Murray amendment, as well.

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

Mrs. MURRAY. We will shortly vote on the Santorum amendment, then the Murray amendment, as amended. I urge all of my colleagues to support both amendments.

The PRESIDING OFFICER. Those votes will occur at a time to be ascertained.

Mr. SANTORUM. I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, my understanding is the next order of business would be my amendment numbered 1059, and there is 10 minutes per side?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask to claim as much time as I may consume from the 10 minutes. Perhaps we can move through this rather quickly.

This relates to an issue I have already spoken to the Senate about on two occasions. It relates to a soldier named Carlos Lazo. Carlos Lazo escaped Cuba on a raft. He tried to escape once and was caught and put in prison in Cuba. The second time he escaped on a raft, he got to this country. His wife and children were not able to get out of Cuba. After he got to this country, he subsequently joined the National Guard, and went to Iraq on behalf of this country to fight in Iraq. Sergeant Lazo received the Bronze Star for from his country for courage and bravery in fighting in Iraq. He is now back in the U.S. from his service in Iraq.

He has a son who has been quite ill in Cuba, so he wanted to go see his sick son in Cuba. His Government, the U.S. Government, the Government that he served by going to fight for freedom in Iraq, said: No, you are not free to travel to Cuba to see your son. Why is that the case? Because the President of the United States has created a new regulation, and the regulation says you can only travel to Cuba once every 3 years.

So this soldier, the soldier that wins the Bronze Star fighting for this country in Iraq, is told he can't go to see his sick son because he does not have the freedom to do that. He visited me and asked me about it. I called Condoleezza Rice. She didn't call back, Bob Zoellick her deputy did. I called the Secretary of the Treasury, Secretary Snow. He did not call back. One of his underlings did. I called Karl Rove at the White House. He called back, and later the Chief of Staff's office called me and said that relative to Karl Rove's call, Bob Zoellick in the State Department would handle it. And I have not heard back from him. We talked once. He said he would call back, and I have not had the call.

The question is this, Is there a humanitarian relief exception to the travel ban for someone with a sick kid in Cuba, for a soldier to go see his sick kid? The answer, according to the head of the Office of Foreign Assets Control at Treasury, which runs this is, no, there is no humanitarian relief. He said: We get calls from people who say

my mother is going to die in a few days, and we can't give them the opportunity to go to Cuba to see them if they have traveled once before in the 3-year period.

He said: I understand what you are saying, Mr. Senator, but we turn them all down because we must.

I said: But you created the regulation. What on Earth are you thinking about?

This soldier's story—and I have told the story about the woman that distributed free Bibles in Cuba, who gets fined by her Government, the U.S. Government, for doing it—this soldier's story begs out and screams for attention by this Congress. So I have offered an amendment that will provide for humanitarian circumstances under which Americans can travel to Cuba to visit or care for a member of the person's family who is seriously ill, injured, or dying; make funeral or burial arrangements for a member of the individual's family.

I am just wondering who in this Chamber is going to stand up for this soldier and this soldier's right. It is not just him, it is the others who are applying who say their mother or father or child is dying and now they are now being turned down by the Federal Government because there is no humanitarian exception.

This is unforgivable. There ought to be a humanitarian exception. I hope my colleagues will stand up for this soldier's rights. He fought for freedom in Iraq and now doesn't have the freedom to see his sick son? What can we be thinking about? Why do I need to go further?

I have spoken about this issue previously, but Sergeant Lazo obviously comes to us because he has a selfish interest. It is in seeing his sick son. That is a pretty good selfish interest as far as I am concerned. Others have come to me. Joan Slote, who is in her midseventies, took a bicycle trip in Cuba and got fined by her Government. It is unbelievable what is going on.

I come to the Senate today only because I am persuaded from last week's visit with Sergeant Lazo that this ought to stop. This Congress ought to have the courage to stand up and do what is right. If we don't have the courage to do this, we don't have the courage to object to anything the White House does. This came from the White House. This is all about politics. This rule that says Americans visit their family in Cuba only once in three years is all about Florida politics. Everybody in this Chamber knows it.

This amendment does not overturn the travel rule with Cuba. I happen to think people ought to be able to travel to Cuba. I know Fidel Castro pokes his finger in America's eye. The quicker we get rid of that Government, the better. But the fact is, we will do that, it seems to me, by allowing trade and allowing travel, just as we do with Communist China and Communist Vietnam. But that is not the way this coun-

try deals with Cuba because of Florida politics. We have decided that Sergeant Lazo shall not be allowed to go see his sick child.

The question is, Will the Senate, will the men and women in the Senate, have the courage and the good sense to cast the right vote and say to Sergeant Lazo and others, If you have a member of your family who is seriously ill, injured, or dying, you have a right to go see them? We will give you the license to do that.

We have had vote after vote on these issues. The question today is will we have enough Senators to decide to use a little common sense? If you care about families—a lot of people are talking about profamily these days—if you care about family, if you are profamily, cast the right vote. Cast the right vote on this amendment.

My understanding is the Senator from Montana will have some time, as well.

I reserve my remaining 3 minutes 50 seconds.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from North Dakota brings up a good point on humanitarian needs. I don't know what the specifics are in the case of the sergeant. I have a strong feeling toward the sergeant. If he has family, and with the service to his country, I am prone to find out why his permission to travel to that country under these circumstances was denied. There must be something out there that we do not know.

We have been reluctant in our dealings with Mr. Castro and Cuba. Embargos and this type thing only hurt the people who are the average citizens of a country. I have a feeling for this. However, there is an objection to it. We will have a vote on it. I appreciate the Senator from North Dakota bringing up this circumstance. We should look into it and find out what the circumstance is behind it. There are some more maybe pending that we do not know anything about. Nonetheless, we will vote on this amendment.

Mr. President, I have no more comments on this. I reserve the remainder of my time. There was a speaker to come to the floor, and he has not arrived yet, so I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COBURN). Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Well, Mr. President, if we are going to use the other time for someone who opposes the amendment, I would like to use my several minutes to close the debate on this amendment. So I ask unanimous consent to reserve my time.

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

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENSIGN. Mr. President, I rise to oppose Senator DORGAN's attempt to waive the rules of the Senate. All of us operate under the constraints of the rules. The rules create a level playing field, provide stability, and bind the Senate together. According to CRS, similar attempts to waive the rules to legislate on appropriations bills have been tried twice since 1989, and failed both times. There is a good reason why the rules have not been successfully waived in recent Congresses. If waiving the rules becomes the practice of the Senate, just another tool for Senators, there will be chaos.

Many of my colleagues were Senators during times when authorizing on appropriations was routine. Do we want to potentially go down this path again? I think not.

Is my colleague seeking to waive the rules for a national emergency, an emergency in his State, relief from a terrorist attack, or a wartime emergency? No. He is seeking to waive the rules of the Senate to overturn regulations on travel to Cuba.

The regulations targeted by Senator DORGAN's amendment do not eliminate family travel. They simply limit the amount of times you can travel to Cuba for family visits—once every 3 years; in case of necessity—and limit it to visiting actual direct relatives. There used to be a tremendous abuse of people vacationing in Cuba claiming to visit their third uncle on their grandmother's side.

According to the State Department, the new regulations, which went into effect in July 2004, have cost the Castro dictatorship up to \$375 million in lost revenue. I believe this is a good thing. Most of the money from travel, dollar stores, and hotels go directly to Cuba's military.

Recently, great media attention has been given to the case of SGT Carlos Lazo of Spokane, WA, who has two sons in Cuba. It is for cases of this nature that U.S. law allows his sons to visit him in the United States on a visitor's visa or to immigrate to the United States.

The proper statement for the Senate at this time is to go on record to demand that Castro let these boys go so they can see their father. I, for one, will do everything possible to see that his sons get here and have been assured that our State Department will work to facilitate this. The proper statement for the Senate is not to waive the rules of the Senate to create chaos in this Chamber and let more money go to subsidize Castro's repressive regime.

Mr. President, I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it will be unbelievable to me if the Senate

buys this line that somehow waiving the rules creates chaos in the Senate. That must be confusing appealing the ruling of the Chair with waiving the rules. Waiving the rules does not create any chaos. It simply says in this circumstance, with this set of facts, this Senate says that soldier, who fought in Iraq and won a Bronze Star, ought to have the right to see his sick kid. If this Senate cannot find that common sense, then there is something wrong, something dreadfully wrong.

So we are told: Well, why don't you have the kids come to the United States. Did you forget the word "sick"? We have a sick kid here, among other things. But this is not about common sense; it is about politics. It is about Florida politics. That is why a new regulation went into effect that replaced the old one. And, by the way, the old regulation did have a humanitarian exception. It did have a circumstance where this soldier would have been able to go to Cuba to see his sick son.

But when the President made it a new rule, a new regulation—only one visit every 3 years—they eliminated all exemptions. It does not matter. Your mother is dying on Saturday? Tough luck. A real "profamily" stand, as far as I am concerned. It seems to me there ought to be a humanitarian exception.

Look, if I were doing what I wanted here, I would lift the travel limitations completely. I am not doing that. I am providing a humanitarian exemption to say that if a member of your immediate family is seriously ill, injured, or dying, you ought to be able to get a license to go see them 90 miles off the coast of Florida.

So if you want to come to the floor and decide we should not do this, then, please, if you don't mind, call Sergeant Lazo tonight—I will give you his telephone number—and tell him why you don't think he has the freedom to see his sick kid. A guy who put on the uniform and traveled halfway around the world to fight for this country does not have the freedom to go see his sick child. There is something fundamentally bankrupt with that thought process.

If this Senate does not have the backbone to stand up to the White House on this—and, yes, it is the White House; that is who formed the rule, a rule with no exemption at all, no humanitarian exemption—if we do not have the backbone to stand up on this, I probably will not come with another story like this, because if you cannot do it for this soldier, you cannot do it for anybody. But it ought not just be this soldier, it ought to be anybody who has a sick or a dying relative who ought to have the right to go see them 90 miles off the coast of Florida.

This is not rocket science. For all the times that people stand up and talk about being compassionate, caring about the individual, talking about freedom, for all of those occasions they

talk about being profamily, let's see it. Let's see it manifested on this vote, at this time. Do not vote against this and say: Oh, it had something to do with suspension, it had something to do with this, that, or the other thing.

This is simple. You cannot misunderstand this vote: Do you believe this guy ought to have the right to see his sick kid or not? Do you believe the American people ought to have the right to travel in circumstances where one of their relatives is sick, injured, or dying? If you do not, then vote against my amendment. But if you believe in some common sense here, then, please, support this amendment. Send the right message.

This does not eliminate the travel ban. It does provide the humanitarian exemption that used to always exist and should exist again.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, we have another speaker coming on our side who is on his way.

In the meantime, Mr. President, I ask unanimous consent that I yield time to Senator KYL for the purpose of withdrawing his amendment.

Mr. DORGAN. Mr. President, I will support that request, but I want to mention to my colleague from Montana that prior to going to the final vote, I believe Senator REID wishes time to speak. So I want to make sure that is preserved prior to final passage.

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

The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Montana.

AMENDMENT NO. 1050 WITHDRAWN

Mr. President, I first ask unanimous consent to withdraw amendment No. 1050.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, let me explain briefly what the amendment is, and why I filed it, and why we need to deal with that subject matter in the future.

I have spoken with Senator BURNS about this and have his agreement that he will try to work with us to find a way around the problem that the amendment was designed to resolve. I appreciate his cooperation in that regard.

Actually, for several years I have discussed this on the floor. We have had agreements in the past that the authorizing committees would work with us to change the formula for the Clean Water Act. We have not been able to get that done yet. So I am, once again, noting the fact that under the EPA-funded study to determine the needs of the States—a similar study which is used under the Clean Water Act—Arizona ranks 10th in terms of needs in the country, 10th out of all of the States.

In terms of the funding provided by the formula under this act, Arizona

ranks 51st among the 50 States. Now, you may say: 51st? There are only 50 States. That is right. Actually, Arizona ranks behind Guam and Puerto Rico. So here we have one of the fastest growing States, with some of the greatest needs—according to the EPA, 10th in the country in needs—and the formula puts Arizona worse than any other State in the Union. That has to be fixed.

I believe my colleagues will understand if I say that in Arizona we cannot allow this situation to continue any longer. So if my colleagues do not like the formula we have put forward that would resolve this issue, then I invite them to come forward with some other kind of formula that would resolve the issue. But we are not going to very long abide by a situation which has been going on now for years that continues to put Arizona at the very bottom when our needs rank very close to the top.

Again, I appreciate the commitments that have been made by the distinguished chairman, the Senator from Montana, to try to work with us to find a way around this. I do appreciate that this is primarily an authorizing problem, so we will be talking to the authorizing chairmen as well. My colleagues will hear more about this in the future. In the meantime I have withdrawn the amendment that would fix this. But I hope my colleagues will work with us in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Arizona. There is a larger problem on the Arizona River. We are all aware of it. It is going to take a lot of us working together to deal with that river because of population growth, especially in the winter-time, from Lake Mead and going south. Arizona is only a little piece of that. But, nonetheless, the Senator is very much interested in what happens all the way down, for the simple reason that with Nevada, Arizona, and California, it will take a lot of people working together to deal with that problem. I appreciate the Senator's interest in that, and I do pledge to work with the Senator on authorization.

Mr. President, I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1059

Mr. MARTINEZ. Mr. President, I rise to speak against amendment No. 1059 which would attempt to change foreign policy toward Cuba in an appropriations bill, which I think procedurally, as well as substantively, is the wrong thing to do. I urge my fellow Senators to vote "no" on this amendment.

The amendment would seek to unconditionally grant a concession to the repressive Castro regime. This is a government and a country that currently suppresses the human rights of its people. It has been on the list of states that assist terrorism, consistently

right there with North Korea and other countries that are not particularly helpful to our global war on terror.

Aside from that, this policy of travel consists as one leg or one part of a more comprehensive travel policy toward Cuba that the United States put in place under the leadership of our President about a year and a half ago. It created some restrictions on travel. It limited travel even among Cuban families.

I know this community well. I know it is a policy that is largely supported by that community. I also would tell you that there is, in my own life, the knowledge that the denial of family reunification is something that for over 40 years the Cuban system has utilized as part of their endeavor in order to control people.

I had lived in this country for 4 years, and during those 4 years of separation from my mother and father—between the ages of 15 and 19—my family was not able to travel here to visit me. They were not allowed by the Cuban Government to at any point leave Cuba to visit.

The case of this brave soldier, whom I greatly respect and honor, Mr. Lazo, who has served his country bravely in Iraq, has been brought up. Let me say, specifically, on that case, this young man, who has sons in Cuba, wishes to go to Cuba to visit his sons. It is understandable. He has been there in the past 3 years. He wants to go again. His sons are 16 and 19.

We have asked Mr. Lazo if he would allow us to bring his children here so they could visit here. One of them has had some illness. Currently, he is not under medical care, but he has been recently. He could certainly seek medical care here when he came, under his father's auspices.

In addition to that, I believe it would be a nice thing for these children to have an opportunity to visit in a free society and a free country. That request, that offer, has been refused. For family reasons or other reasons, he doesn't care to pursue that. He wants to go there. I understand that. But I don't believe we can change the foreign policy of the United States to suit one individual situation.

I am sympathetic to family travel. I am sympathetic to humanitarian problems that may arise from time to time in people's families. I have lived those in my own family and my own life. However, I believe the policy of the United States, the law of the United States, ought to be followed and that it would be wrong for us in this instance at this time to change what is established foreign policy of our country, established in terms of our relationship with Cuba, simply to take care of this individual situation. I would like to think of how we might work on a humanitarian travel policy that might even include Cuba making concessions but that it would not be a unilateral concession to this tyrannical government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. Mr. President, all time has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1046

Mr. BURNS. Mr. President, we have accepted amendment No. 1046 on both sides. I ask unanimous consent that amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1046) was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Tennessee, Mr. ALEXANDER, the Senator from Delaware, Mr. CARPER, and the Senator from Pennsylvania, Mr. SANTORUM, be added as cosponsors to amendment No. 1046.

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

Mr. SARBANES. Mr. President, I express my appreciation to the managers of the legislation for accepting this amendment. The amendment provides for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. I was joined in this by my able colleague, Senator MIKULSKI, and by the two Virginia Senators, Mr. WARNER and Mr. ALLEN.

The year 2007—less than 2 years from now—marks the 400th Anniversary of the Founding of Jamestown, the first permanent English settlement in America.

The critical role that Captain John Smith played in the founding of Jamestown and in exploring the Chesapeake Bay region during the years 1607 to 1609 was a defining period in the history of our Nation. His contemporaries and historians alike, credit Smith's strong leadership with ensuring the survival of the fledgling colony and laying the foundation for the future establishment of our Nation.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as President of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native American leaders from around the Bay region. His relationship with Pocahontas is now an important part of American

folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists.

The remarkably accurate maps and charts that Smith made of his voyages into the Chesapeake Bay and its tributaries served as the definitive map of the region for nearly a century. His voyages, as chronicled in his journals, ignited the imagination of the Old World, and helped launch an era of adventure and discovery in the New World. Hundreds, and then thousands of people aspired to settle in what Smith described as one of "... the most pleasant places known, for large and pleasant navigable rivers, heaven and earth never agreed better to frame a place for man's habitation." Even today, his vivid descriptions of the Bay's abundance still serve as a benchmark for the health and productivity of the Bay.

With the 400th anniversary of the founding of Jamestown quickly approaching, the designation of this route as a national historic trail would be a tremendous way to celebrate an important part of our Nation's story and serve as a reminder of John Smith's role in establishing the colony and opening the way for later settlements in the New World. It would also give recognition to the Native American settlements, culture and natural history of the 17th-century Chesapeake. Similar in historic importance to the Lewis and Clark National Trail, this new historic watertrail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our nation and to better understand the contributions of the Native Americans who lived within the Bay region.

Equally important, the Captain John Smith Chesapeake National Watertrail can serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 millions Americans living in the Bay's watershed, but for visitors to this area. The water trail would be the first National Watertrail established in the United States and would allow voyagers in small boats, cruising boats, kayaks and canoes to travel from the distant headwaters to the open Bay—an accomplishment that would inspire today's explorers and would generate national and international attention and participation. The Trail would complement the Chesapeake Bay Gateways and Watertrails Initiative and help highlight the Bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

This proposed trail enjoys bipartisan support in the Congress and in the States through which the trail passes. The proposed trail has been endorsed

by the Governors of Virginia, Pennsylvania, Delaware and Maryland. The measure is also strongly supported by The Conservation Fund, Izaak Walton League, the Chesapeake Bay Foundation and the Chesapeake Bay Commission.

But designating a new National Historic Trail is essentially a two-step process. First, Congress must authorize the Department of Interior to undertake a study of the national historic significance of the proposed trail and the feasibility of designating such a trail. National Historic Trails must meet 3 criteria: they must be nationally significant; have a documented route through maps or journals; and provide for recreational opportunities. Once the study is complete—usually a 3-year process that involves public hearings and input—a recommendation is submitted to the Secretary of Interior to designate the trail and Congress must enact legislation to authorize the trail.

We hope to make up some of the time by the work that is already underway by public and private sector organizations to document the history of Jamestown and John Smith's travels.

However, unless we can get this provision enacted shortly, the Park Service will be unable to complete the study and make recommendations on the proposed trail in conjunction with that anniversary.

Mr. President, we hope to get this study done before the Jamestown celebrations. In 2007, they are scheduled for celebrations at Jamestown. It will be a big national event. The Captain John Smith Watertrail is obviously very much connected to the Jamestown settlement. It involves, of course, the Chesapeake Bay. We are very hopeful this study will prove the feasibility of designating this water trail. I am pleased to join with my colleagues in putting this idea forward. Again, I thank the managers of the legislation for accepting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I commend my distinguished colleague from Maryland and Senator MIKULSKI and others. The two Virginians and the two Marylanders have joined together, and it is a very important step to be taken in connection with a national commitment to the recognition of the Jamestown period.

I wish we could in some way reduce this for the record, but we simply can't do it. There is an excellent review in the National Geographic of June of this year, on the whole area. It is something that I think an inordinate number of Americans will be interested in reading about because it goes to the very roots of the foundation of this great Nation.

I thank the distinguished managers of the bill.

Come 2007, we will celebrate the 400th Anniversary of the founding of James-

town, the first permanent English settlement in the New World, as well as the heroics of its first leader, Captain John Smith.

Lasting from 1607–1609, John Smith's historic 3,000-mile exploration of the Chesapeake's main stem and tributaries made him the first ambassador to the native peoples of the Chesapeake, allowing for the exchange of cultural customs and material goods.

Along his journey, Smith noted the incredible bounty of the Bay, writing that "oysters lay thick as stones" and fish were so prevalent you could catch them "with frying pans."

What would this trail accomplish? It would allow Americans to retrace the paddle strokes and footsteps of Captain Smith, to gain a better understanding of the perils he and his fellow settlers faced during the voyages they took to better understand the New World.

Ultimately, this proposed trail seeks to celebrate Captain Smith's foresight, the founding steps of America, and the bounty of the Chesapeake Bay. I urge my colleagues to join me in supporting this feasibility study for the Captain John Smith Chesapeake National Historic Watertrail.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we are ready to move. I would call for the regular order under the previous order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Parliamentary inquiry: Was the amendment agreed to?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. SARBANES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a series of stacked votes in relation to the amendments in the order they were offered, to be followed by third reading and a vote on passage of the bill as provided under the previous order. I also ask unanimous consent that there be 2 minutes between each vote.

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

VOTE ON AMENDMENT NO. 1071

The PRESIDING OFFICER. The question is on agreeing to the Santorum amendment to the Murray amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Thune
Crapo	Leahy	Vitter
Dayton	Levin	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The amendment (No. 1071) was agreed to.

Mr. BURNS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1052, AS AMENDED

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Murray amendment.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on the Murray amendment, as amended. I remind all of our colleagues, this has been a long road in coming to get to the point today where we stand as a united body to make sure we provide the funds for our veterans that are needed in this coming fiscal year.

As I said when we ended this debate, this is not a Republican issue; this is not a Democratic issue; this is an American issue. It is the right thing to do as we head into the Fourth of July recess to know that we are providing the funds in an emergency supplemental to make sure none of our members in the service from prior conflicts or the wars today who are coming home will be denied the services they have been promised.

This is a proud moment for the Senate. I want to work with my colleagues now to make sure the House and the White House work with us to expeditiously get these funds in place for our veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this is, in a sense, the identical vote we just cast. This is the Murray amendment, as amended by the Santorum-Hutchison-Craig amendment. I encourage my colleagues to vote for this amendment.

I again thank the Senator from Washington. As we said during the debate, she was right and we got bad information. The Senator from Idaho, the Senator from Texas, as well as cooperation on the other side of the aisle, have gotten to the bottom of this. We have a lot more work to do. This is a good first step, and I encourage an "aye" vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1052, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Thune
Crapo	Leahy	Vitter
Dayton	Levin	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The amendment (No. 1052), as amended, was agreed to.

AMENDMENT NO. 1059—MOTION TO SUSPEND

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the motion of the Senator from North Dakota, Mr. DORGAN, to suspend paragraph 4 of rule XVI to consider his amendment No. 1059.

Mr. DORGAN. Mr. President, I am not going to belabor the discussion. I

think all Members understand what this is. This vote will be on whether we decide to provide a humanitarian relief piece in the legislation that otherwise does not allow a soldier—who went to Iraq to fight for America's freedom in Iraq, won the Bronze Star, and comes back here to have the freedom—to go see a sick child in Cuba. Why? Because there is no humanitarian relief in the regulation that was passed by the President.

I am not going to go on at great length. I have spoken about this three times. It is not just about this soldier but about others. When I called down to the Treasury Department, they said: No, there is no opportunity for this soldier to go see a sick child. In fact, we have people calling here saying, My mother is going to die on Sunday according to the doctor, and we say, Sorry you can't go. That is the regulation. The new regulation says you get one visit in 3 years. If you had that visit, no matter what is happening to your family in Cuba, you can't go. Period. So this young man goes to Iraq, fights for his country, wins the Bronze Star, and doesn't have the freedom to go see his sick child in Cuba. That is wrong, and everybody in this Chamber ought to know it.

Mr. NELSON of Florida. Mr. President, I rise to oppose suspending the rules to take up the Dorgan amendment to revise rules on family travel to Cuba.

I have always supported a strong economic embargo against Cuba, as well as a ban on tourist travel to the island. I believe it is in our national interest to keep the pressure on the Cuban dictatorship, and not give Fidel Castro access to resources that make it easier for him to oppress the Cuban people.

At the same time, how we treat Cuban-Americans during their moments of family tragedy reflects on our character as a Nation. We should ensure that our policy demonstrates compassion for these fellow citizens in their moments of grief. I have many constituents who have faced such wrenching circumstances in their lives.

Unfortunately, my colleague from North Dakota is proposing a fairly significant change in U.S. foreign policy as part of an unrelated appropriations bill. In order for us to take up the amendment, the Senate would have to vote to suspend its own rules that ban legislating on an appropriations bill.

I am not opposed to a debate about whether our current policies on Cuban-Americans' ability to travel to see their relatives may be too restrictive and whether they are in need of adjustments. But if we are to have such a debate, my colleagues in the Senate deserve enough time to consider fully such a major change in U.S. foreign policy. I would be willing to work with my colleagues to try to fashion a proposal that could gain broad support

and would go through the proper legislative process. But for now, for the reasons I have stated, I must vote not to suspend the rules.

Mr. BURNS. Nobody can sum this argument better than the Senator from Florida and the Senator from Nevada. I would say this: This is a change in policy and regulation, and we should consider that.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. COBURN). Mr. President, on this vote, the Senator from Florida, Mr. MARTINEZ, is absent and would have voted nay. If I were permitted to vote, I would vote yea. Therefore, I withhold my vote.

RECESS

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair. Standby for further instructions from Capitol Police.

Thereupon, the Senate, at 6:26 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The clerk will resume the rollcall.

The assistant legislative clerk continued with the call of the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The yeas and nays resulted—yeas 60, nays 35, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—60

Akaka	Dodd	Lugar
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Hagel	Reed
Burr	Harkin	Roberts
Byrd	Hutchison	Rockefeller
Cantwell	Inouye	Salazar
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Stabenow
Collins	Kerry	Sununu
Conrad	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Thune
Dayton	Leahy	Voinovich
DeMint	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—35

Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Frist	Reid
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Chambliss	Hatch	Smith
Cochran	Inhofe	Snowe
Coleman	Isakson	Specter
Cornyn	Lautenberg	Stevens
Corzine	Lott	Vitter
Dole	McConnell	

PRESENT AND GIVING A LIVE PAIR—1

Coburn

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 35. Two-thirds of the Senators voting, a quorum being present, not having voting in the affirmative, the motion is rejected.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. COLEMAN. 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 Montana.

Mr. BURNS. Mr. President, this about winds up our work.

Mr. President, I raise a point of order on the pending amendment.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

GRANTS MANAGEMENT

Mr. INHOFE. Mr. President, amendment number 1051 concerns the manner in which the Environmental Protection Agency awards direct assistance grants. Over the past 10 years, regardless of Presidential administration, the U.S. Government Accountability Office and EPA Inspector General have been extremely critical of the way EPA awards and administers grants programs. As chairman of the Senate Environment and Public Works Committee, I have made oversight of EPA grants management a Committee priority. Each year, the EPA awards half its budget in grants amounting to over \$4 billion. This amount is comprised of non-discretionary grants awarded pursuant to regulatory or statutory formula for expenditures such as capitalization funding for State and local programs and comprised of discretionary grants awarded to a variety of recipients. In a hearing before the Environment and Public Works Committee early last year, the Government Accountability Office and EPA inspector general offered testimony critical of the lack of competition in awarding discretionary funds, the lack of measurable environmental results, and an overall lack of accountability of EPA personnel and grant recipients. More specifically, the GAO testified that due to a lack of competition in grants, EPA can't ensure the most qualified applicants receive grant awards. The EPA inspector general even testified that due to a lack of competition, there is

an appearance of preferential treatment in grant awards. On March 31, 2005, the inspector general released an audit concluding that EPA needs to compete more grants and recommended that EPA eliminate non-competitive justifications for national organizations that represent the interests of State, tribal, and local governments. My amendment reflects the inspector general's recommendation and would simply require open competition to ensure the value of those awards. However, the EPA inspector general's recommendation may be too broad of an approach. Perhaps the most important question that can be raised concerning EPA grants is the question, "What is the benefit to the environment?" The EPA has an obligation to ensure taxpayers that it is accomplishing its mission of protecting human health and the environment with the funds it awards each year. My interest is ensuring that EPA direct assistance grants demonstrate environmental value and EPA enacts necessary measures to reach that aim. Can I get the commitment from the chairman of the Interior Appropriations subcommittee to work with me to sufficiently address this issue?

Mr. BURNS. I appreciate the concerns raised by the chairman of the Environment and Public Works Committee and commit to working with him to address this issue of importance to him and the Environment and Public Works Committee.

Mr. INHOFE. I thank the Senator from Montana and chairman of the Interior Appropriations subcommittee for his commitment to work with me on this matter of great importance to me, and I congratulate him on a job well done with respect to this appropriations bill. With his commitment I will withdraw my amendment 1051 to H.R. 2361.

TRIBAL ASSISTANCE GRANTS

Mr. SMITH. Mr. President, in the Senate Report for the FY 2006 Interior and Related Agencies Appropriations bill, S. Rpt. 109-80, under State and Tribal Assistance Grants programs within the Environmental Protection Agency accounts, one of the line items gives a grant to a town in Oregon called Winchester. It is my understanding that the intended town which is seeking the grant of Federal assistance for water improvements is actually Winchester Bay, OR.

Mr. WYDEN. I concur with my colleague and ask through the chair that the managers of this bill fix this small but important typographical error in conference on this bill with the House of Representatives.

Mr. BURNS. Yes, we will certainly do that.

Mr. DORGAN. I concur with my colleague that we will indeed try to fix this conference.

REPLACEMENT OF THE FILENE CENTER MAIN GATE

Mr. WARNER. I would like to engage the chairman in a colloquy on the facility needs at Wolf Trap National

Park for the Performing Arts. The President's budget request includes \$4,285,000 to replace the main gate facility at the Filene Center. This project also includes the replacement of three temporary trailers. The purpose of this project is to vastly improve visitor services and security at the main gate entrance. These facility improvements are seriously needed to replace outdated and inadequate space for park employees, volunteers, park police and visitors. The current facilities, which have been considered "temporary" for over 20 years are functionally obsolete leaving visitors to wait in long lines for restrooms, and ticketing services.

I recognize that the Park Service's construction budget is under significant financial constraints, but I must emphasize the financial contributions made by the Wolf Trap Foundation to begin the conception design work of this long-awaited project. I respectfully request that the chairman keep these facts in mind, and ask if he could share with the Senate his views on this important project.

Mr. BURNS. I thank the Senator from Virginia, Mr. WARNER, for his support for this unique Park Service asset. As the Senator from Virginia has indicated, the facilities at the Filene Center's main gate are in serious need of replacement to improve employee space and visitor services. The Senator from Virginia has my commitment to ensure that the needs of this facility are fully evaluated as we work with our colleagues in the House of Representatives on the FY 2006 Interior and Related Agencies Appropriations bill.

Mrs. MURRAY. Mr. President, I engage the Senator from Montana, the distinguished subcommittee Chairman, and the Senator from North Dakota, the distinguished subcommittee ranking member, in a brief colloquy to clarify the location of the Forest Service land acquisition project listed as the "I-90 Corridor" on page 87 of the committee report.

Mr. BURNS. The subcommittee would be happy to assist the Senator in this matter.

Mrs. MURRAY. The project called "I-90 Corridor" is listed in the committee report as being in the Okanogan-Wenatchee National Forest. The parcels that are designated for acquisition by the Forest Service in FY 2006 are actually located in the Mt. Baker-Snoqualmie National Forest. I ask the Chairman and Senator DORGAN if that is their understanding as well?

Mr. BURNS. It is my understanding.

Mr. DORGAN. I concur and suggest we address this error through the conference report.

Mrs. MURRAY. I thank the chairman and ranking member, and appreciate the suggestion that we clarify this in the conference report accompanying H.R. 2361, so that the report will read "Mt Baker-Snoqualmie National Forest—I-90 Corridor" in the State of Washington.

Mr. BURNS. We will see that the change is made.

Mrs. MURRAY. I thank Chairman BURNS and Senator DORGAN for their assistance in clarifying this matter.

BIA WATER TECHNICIAN TRAINING PROGRAM

Mr. DOMENICI. Mr. President, I speak on the pending Interior and Related Agencies Appropriations bill for FY 2006. I would to discuss the Committee recommendation for the Bureau of Indian Affairs, BIA, Water Management and Planning program.

I thank the distinguished Chairman of the Interior Appropriations Subcommittee, Senator BURNS, and the distinguished ranking member, Senator DORGAN, for restoring \$2 million to the President's budget request for BIA Water Management and Planning. These funds are very important to the Indian Tribes and Pueblos in the State of New Mexico.

I am particularly interested in the Water Technician Training program that is funded within this BIA program. The BIA Water Technician Training program trains Native Americans to manage water resources on their reservation lands. The program trains tribal members in a broad range of water-related fields, including hydrology, fish and wildlife biology, irrigation, soil surveys, dam operation, surface and ground water pollution, and forest management. Training is offered at university campuses, including New Mexico State University.

The program curriculum is developed with Federal agency partners, including the Bureau of Reclamation, Army Corps of Engineers, Department of Interior agencies, the Environmental Protection Agency, and the Forest Service. With this technical training, tribal members work to manage and preserve water and other natural resources for the benefit of the tribe. The program provides educational and employment opportunities and economic benefits.

May I inquire of the distinguished Chairman if it is the intention of the Subcommittee in restoring \$2 million to the BIA Water Management and Planning Program to continue the Water Technician Training program, which is currently receiving \$400,000?

Mr. BURNS. The Senator from New Mexico is correct. The committee restored \$2 million to the BIA budget request for Water Management and Planning activities and continues funding for the BIA Water Technician Training program, which the administration proposed to eliminate.

Mr. DORGAN. I agree with the distinguished Senator from Montana that this is the intent of the committee bill, and the Senate expects the administration to fund the BIA Water Technician Training program at the current level of \$400,000.

Mr. DOMENICI. I thank my colleagues for this assurance. I appreciate their confirmation as to continuation of funding for the BIA Water Technician Training program.

GRAND TETON NATIONAL PARK VISITORS CENTER

Mr. THOMAS. Mr. President, I would like to ask the distinguished chairman for his assistance in solving a problem that I hope he, too, would agree needs fixing.

In the fiscal year 04 and fiscal year 05 appropriations, Congress provided a total of \$8 million in the NPS construction account to build a visitors center at Grand Teton National Park. Private partners will contribute \$10 million.

The Park Service has asked the private partners to deposit their share in an escrowed Treasury account prior to the start of construction. To meet that requirement, the private partners will borrow the funds from a commercial bank and therefore begin accruing interest expense immediately even though the majority of the funds may not be needed for 12 to 18 months.

The private partners would prefer to meet their commitment by giving the NPS an irrevocable letter of credit due and payable from a bank or financial institution organized and authorized to transact business in the United State. It would save them upwards to \$800,000 in interest payments over the construction period—funds that could be used for other park projects.

The National Park Service believes they don't have the authority to accept a letter or credit unless specifically authorized by Congress, Anti-Deficiency Act, 31 U.S.C. 1341(a)(1).

As chairman of the National Parks Subcommittee of the Energy and Natural Resources Committee, it is my goal to encourage partnerships that benefit our parks while at the same time insuring that the Government's interest is protected.

I ask that we work together between now and conference to evaluate ways these two goals can be accomplished. Specifically, I would like to grant the NPS the authority to accept an irrevocable letter of credit if we can be convinced the government's interest would be protected.

Mr. BURNS. Mr. President, the role of partnerships is rapidly changing and our subcommittee has encouraged the Park Service to develop guidelines and standards for their partners. I am encouraged by the progress. It also seems appropriate that we not hobble partners with unnecessary and expensive requirements. I will be glad to look at ways to do that.

RAHWAY VALLEY SEWERAGE AUTHORITY

Mr. LAUTENBERG. Mr. President, I would like to bring to the Senator's attention a very important project in my home State of New Jersey that I believe should be given strong consideration for funding. The Rahway Valley Sewerage Authority is currently undertaking a project on a grand scale. In 1998, the Environmental Protection Agency directed the authority to expand its wastewater treatment capacity in order to meet wet weather sanitary sewage overflow requirements by 2008. The estimated cost of this large project was \$68 million at the time.

That estimate proved to be optimistic. The present day cost estimate for the project is \$235 million.

Mr. CORZINE. Mr. President, I thank my colleague, Senator LAUTENBERG, for bringing this project to the attention of the ranking member of the Interior Appropriations Subcommittee. This project is quite costly for the authority and the State of New Jersey and will lead to the tripling of sewer rates for residents in 12 communities in the area. I believe that any funding assistance that the federal government can provide would be put to very good use.

Mr. DORGAN. Mr. President, I thank the Senators from the State of New Jersey. This program sounds very important but how does the Rahway Valley Sewerage Authority plan to tackle this large task?

Mr. LAUTENBERG. The authority, as required by the consent order, has developed a comprehensive strategic plan to comply with the order. A critical component of the plan is the construction of a new gravity relief sewer that will convey combined sanitary sewage overflows for enhanced treatment at the upgraded plant. The authority has focused its request for Federal funding exclusively on this gravity relief sewer facility. The gravity relief sewer facility is estimated to cost \$10.9 million in its entirety. Federal funding can play an important role in financing this cost and in facilitating the early construction of this much needed project.

Mr. DORGAN. I thank my colleagues from New Jersey and I thank them for bringing this project to my attention. This does sound like a good project and as this bill moves to conference we will try and do what we can for it.

Mr. BURNS. I concur with the ranking member. I believe this project does have merit, and we will see what we can do for this project as this bill moves to conference.

COMPETITIVE SOURCING PROCESS

Mr. FEINGOLD. Mr. President, it is no secret that there have long been concerns about the competitive sourcing process at the Forest Service. I commend the chairman and ranking member for their attention to this issue in the underlying bill, which reflects those concerns by limiting the amount of funding that the Forest Service may use during fiscal year 2006 for competitive sourcing studies and related activities. The underlying bill also requires agencies funded by this bill to "include the incremental costs directly attributable to conducting the competitive sourcing competitions" in any reports to the Appropriations Committee about such studies and stipulates that such costs should be reported "in accordance with full cost accounting principles." The fiscal year 2006 Interior appropriations bill that the other body passed last month contains similar language, and also directs the Forest Service to provide quarterly reports on its related business process reengineering efforts.

The American people deserve to know how their tax dollars are being spent and if the Forest Service's competitive sourcing process is resulting in true savings, which should include a full cost accounting of all of the related savings and losses associated with this process.

An amendment I proposed to the bill would have required the General Accountability Office to conduct an audit of existing Forest Service competitive sourcing procedures and to make recommendations on how these procedures can be improved, including recommendations on what accounting practices should be adopted, by the Forest Service to improve accountability.

It is my understanding that the chairman and the ranking member have agreed to work with me to request such an audit.

Mr. BURNS. The Senator is correct. I am willing to work with the Senator from Wisconsin, Mr. FEINGOLD, and the ranking member of the subcommittee, Mr. DORGAN to request in writing this audit by the Government Accountability Office.

Mr. DORGAN. I would be happy to assist with such a request for a GAO audit of the Forest Service's competitive sourcing initiative.

Mr. FEINGOLD. I thank the chairman and the ranking member for their assistance on this important issue. I look forward to reviewing GAO's findings.

NORTHEAST STATES FORESTRY RESEARCH COOPERATIVE

Mrs. CLINTON. Mr. President, I rise today to discuss an important matter with the Chairman and ranking member of the Interior Appropriations Subcommittee regarding a provision in the Senate bill which provides funding for the Northeast States Forestry Research Cooperative.

Congress authorized the creation of the Northeast States Forestry Research Cooperative in the 1998 Agricultural Research Act. The authorization directed the Secretary of Agriculture to provide funding to land grant colleges and universities and natural resources and forestry schools in the States of New York, Maine, New Hampshire, and Vermont for research, technology transfer and other activities related to ecosystem health, forest management, development of forest products and alternative renewable energy.

While I certainly support funding for Maine, Vermont and New Hampshire, I believe that New York, and our lead institution, the SUNY College of Environmental Science and Forestry, has been left out of the funding pool and ought to be included in this year's Interior Appropriations bill.

Mr. BURNS. I thank the Senator from New York for her comments about the Northeast States Forestry Research Cooperative. We did provide additional funding to allow Maine to become integrated into the cooperative and I appreciate the Senator's position

with respect to her State of New York. I will consider additional funding as the bill moves to conference.

Mr. DORGAN. Mr. President, I thank the Senator from New York. I know the Senator has advocated for including New York in the account that funds the Northeast States Forestry Research Cooperative. This is a great program that provides significant research, economic development, and technology transfers related to our Nation's forests. I applaud the Senator for her continued advocacy and I want to assure her that I will work with the Chairman to consider additional funding as the Interior bill moves to conference with the House.

Mrs. CLINTON. I thank the Chairman and ranking member of the Interior Appropriations Subcommittee. When one considers that New York's northern forests are more than three times the size of those in New Hampshire and Vermont combined, I believe that adding New York for funding is the right thing to do.

The forest products industry is a major contributor to the New York State and national economy. New York's forest products industry is the fifth largest manufacturing sector employing more than 60,000 people. It is estimated that forest-based manufacturing and forest-related tourism and recreation contribute more than \$9 billion to New York State's economy each year. Jobs in these areas must be sustained to ensure our forest communities remain strong. These forests must be managed wisely through sustainable development that recognizes the needs of these communities, but also values the benefits derived from America's forests. This is particularly true when considering that these forests cover 75 percent of the critical New York City watershed.

This investment will provide economic benefits that contribute to "smart energy" demonstrations and commercialization of wood-based bio-refining technology which will advance biofuels, and other natural industries in New York State.

I thank the chairman and ranking member for their willingness to consider additional funding to include New York as part of the Northeast States Forestry Research Cooperative.

LAKE MEAD NATIONAL RECREATION AREA WATER SYSTEMS

Mr. REID. I am proud to represent a State with so many natural treasures. Of particular importance to me is the Lake Mead National Recreation Area, which is managed by the National Park Service. Because of its amazing natural beauty and its proximity to the residents of both southern Nevada and northern Arizona, Lake Mead receives nearly 10 million visitors a year. I rise today to bring attention to a water and wastewater maintenance project at Lake Mead that is need of serious attention. Is the distinguished ranking member familiar with the beautiful Lake Mead National Recreation Area?

Mr. DORGAN. I am indeed. The Senator should be proud to have such a jewel in his State. Lake Mead is not only a great recreation site within Nevada's borders, but is known worldwide for its clean waters and the unforgettable Hoover Dam that was a vital public works project during the Great Depression. I understand that the project that the distinguished minority leader is concerned with was included in the President's budget as one of the Park Service's main priorities. Is that correct?

Mr. REID. The Senator from North Dakota is correct. Because Lake Mead's water and wastewater facilities were constructed in the 1950s, and some as long ago as the 1930s, the National Park Service and the President put these projects forward as priorities. Failure of the water systems—including force mains, gravity mains and manholes—would cause significant risks to public health and the environment due to discharges of raw sewage from these systems. Sewage is generated at the lowest point in these systems due to waste-generating activities occurring close to the lake, so the pristine water quality of Lake Mead and Lake Mohave could be jeopardized if there were a major spill caused by catastrophic failure of one of these mains. Failure of any force main would also virtually shut down all commercial, residential, and recreational use within the development and could expose visitors and employees and their families to the risk of disease transmission via direct physical contact with raw sewage, as well as undermining roads, buildings, utility lines, or other structures due to high-pressure spray. In short, this is no little problem.

Mr. BURNS. It is my understanding, Mr. President, that the administration's budget requested \$9.4 million to deal with phase-1 improvements to the water and wastewater systems at Lake Mead.

Mr. REID. The Senator is exactly right.

Mr. BURNS. Well, let me assure the minority leader that we will look for ways to help fund this long overdue maintenance of Lake Mead's water and wastewater systems. One option we can consider is to find funding for the failing wastewater system this year—I am told this is roughly \$2.7 million—since it seems to pose the greatest threat to Lake Mead and its visitors. And we will certainly give the rest of the project the attention it deserves.

Mr. REID. The chairman and ranking member are very kind to share my interest in this project. I greatly appreciate their assistance on this important issue.

INDIAN HEALTH FACILITIES IN NEVADA

Mr. REID. The Indian Health Service which is funded by this bill, is the agency charged with providing health care services to Native American people. We in this body must work to ensure that the Indian Health Service is meeting the needs of all Native Ameri-

cans. My State is home to 22 Indian tribes, all of which are served by the Phoenix area office of the IHS. That same office also provides health services to the Indians of Arizona and Utah, except for the Navajo Nation. Am I correct that this year's appropriations bill contains \$8 million in funding for the construction of one of the ambulatory care clinics in the Phoenix area of the IHS?

Mr. BURNS. The Senator is correct. The Phoenix Indian Medical Center Hospital System is at the top of the priority list for replacement of its inpatient facility. As part of this replacement, three ambulatory clinics will be constructed in the region to provide better health care services to the tribes in the area, including those in Nevada. The amount of \$4 million in planning funds for design of two of the center's clinics was provided last year. This year, an additional \$8 million for the construction of one of the clinics that is part of that project is recommended in the Senate bill.

Mr. REID. I thank the Senator. The tribes in my State are supportive of efforts to improve health care for tribes in Phoenix. They have told me that—of all the challenges that confront tribes today—health care is by far the most urgent, and perhaps the most daunting. I thank the Senator and the members of his subcommittee for realizing the importance of Indian health care and providing resources for it.

However, the tribes in my State face another challenge in terms of the replacement of this medical center system. The current plans call for the replacement of three out-patient clinics in the Phoenix metropolitan area, and will provide for the eventual renovation of the in-patient medical center. These are important projects. However, tribes in Nevada cannot realistically make use of these centers. Tribes in Northern Nevada, for instance, are more than a day's drive from Phoenix.

I am told that the Indian Health Services' plans to replace the Phoenix Indian Medical Center system were developed without adequately accounting for the health care needs of eligible beneficiaries in outlying areas, like Nevada, Utah or rural Arizona. I am also told that should those plans move ahead, the resulting health care delivery system will disadvantage eligible beneficiaries that reside a distance away from the Medical Center.

In order to address these concerns, it is especially important to me that the IHS meet and discuss with Nevada tribes ways to improve health care services in Nevada, including facility needs and the Contract Health Services Program. In addition, I expect that these meetings will result in a report to the committee, with recommendations, to assist the committee in its ongoing efforts to improve the quality of health care for Nevada's Native Americans.

Mr. DORGAN. I thank the Senator. My State has several Indian tribes as

well, and I am aware of the challenges that they face. I assure the minority leader that the committee is aware of the Indian health needs in Nevada and expects that IHS will, No. 1, continue to meet and discuss with the 22 tribes in Nevada, as well as the Intertribal Health Board of Nevada and the Intertribal Health Board of Nevada, in an effort to find ways to improve the delivery and quality of health services to Native Americans in Nevada, and, No. 2, will report back to the committee in writing, with recommendations, on how to improve secondary and tertiary care in Nevada.

Mr. BURNS. My State of Montana is home to tens of thousands of Native Americans, and I am familiar with the health care challenges that they and other Native Americans around the Nation face. I understand that the minority leader expects IHS to meet with all Nevada tribes to discuss ways to improve their health care services.

Mr. REID. Mr. President, I look forward to working with the Senators to ensure that Indian beneficiaries in Nevada receive the critical health care funding that they need. I thank the Senators for their work on behalf of Native Americans throughout Nevada and the Nation, and I thank them for engaging in this colloquy.

AMENDMENT NO. 1030

Mr. BINGAMAN. Mr. President, on May 24, 1999, the Bureau of Indian Affairs produced an agreement regarding the funding formula for the two BIA postsecondary schools Southwestern Indian Polytechnic Institute, known as SIPI, and Haskell Indian Nations University. SIPI and Haskell agreed that while base funding for each institution would not be impacted, all new funds would be proportionately distributed to each school based on unmet student need. In accordance with the agreement, BIA developed a formula for unmet need.

In the conference report to Public Law 106-113, the Interior Appropriations bill, Congress then directed BIA to allocate funds for SIPI and Haskell for fiscal year 2000 as determined by such formula. Since then, however, BIA has not used the formula agreed upon by all parties, but should have, as Congress directed.

Mr. BURNS. The Senator from New Mexico is correct.

Mr. DORGAN. I agree with the chair and the Senator from New Mexico.

Mr. BINGAMAN. I ask if the chair and ranking member would work with me, should funding become available, to find \$178,730 in conference for SIPI, which is the amount of funds I believe is needed to correct this situation for the period that the formula should have been used according to Congressional direction, up to and including fiscal year 2006.

Mr. BURNS. I will be happy to consider the Senator's request should funding become available.

Mr. DORGAN. I, too, will do my best to help solve this problem.

HIGHLANDS CONSERVATION ACT

Mr. CORZINE. Mr. President, on November 30, 2004, President Bush signed the bipartisan Highlands Conservation Act into law to authorize up to \$11 million per year over the next 10 years for land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands Region.

This law recognizes the national significance of land and water resources in the 3.5 million acre Highlands Region which stretches from northwestern Connecticut, across the lower Hudson River Valley in New York, through New Jersey and into east-central Pennsylvania. It will safeguard these critical resources to protect the pristine wilderness and wildlife of the Highlands.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York–New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people; 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the New York–New Jersey Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

Mr. LAUTENBERG. According to the Forest Service, more than 5,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected. As the demand for new housing and other types of development continues to alter the vast areas of forest and open space in our region, it is important that Congress acts now to provide funding to preserve the high priority open space that remains. I appreciate the consideration by my colleagues from North Dakota and Montana of the importance of protecting the Highlands Region.

Mr. CORZINE. I was proud to work with my colleagues in the Senate, Senators LAUTENBERG, CLINTON, SCHUMER, SPECTER, SANTORUM, LIEBERMAN and DODD, and my colleague in the House of Representatives, Congressman FRELINGHUYSEN to enact the Highlands Conservation Act into law. To secure appropriations to match the authorization, we requested from the Interior Appropriations Committee \$11 million to support open space protection in the four Highlands States for fiscal year 2006. Unfortunately, that funding was not included in the bill. This vital funding is needed to protect the Wyanokie Highlands, Scotts Mountain and Musconetcong Ridge in New Jer-

sey, as well as to protect threatened areas in New York, Connecticut and Pennsylvania. It would also allow the USDA Forest Service to update its 1992 study of the Highlands Region to include the States of Connecticut and Pennsylvania. We would like to work with the chairman and ranking member to ensure they are protected. Will the Senators agree that should funding become available during the conference proceedings that they will work with us to secure funds to meet the goals of the Highlands Conservation Act and protect the Highlands, especially the New Jersey Region?

Mr. DORGAN. I agree with the Senators from New Jersey that the Highlands Region is a vital national resource. If there are funds available in the conference report, I will work with the Senators to see if we can secure the funding needed to protect this region.

Mr. BURNS. I understand the importance of the Highlands Region. Should funding become available during conference proceedings, I will work with my colleagues to seek funds to support land conservation partnership projects and open space purchases from willing sellers in the Highlands region.

AMENDMENT NO. 1031

Mr. BINGAMAN. Mr. President, my amendment provides more opportunities for Youth Conservation Corps to partner with the land management agencies funded through this bill. In addition, according to agency information, it would save the taxpayers money.

For decades, we have included a provision in this bill requiring the land management agencies to carry out some of their projects in partnership with the Youth Conservation Corps. In the mid-1970s, we funded the YCC program at \$60 million each year. Unfortunately, Congress has more or less forgotten the YCC for the last 5 years, which is how long it has been since we increased the modest setaside for the programs to about \$7 million.

YCC projects range from building trails and campsites, to restoring watersheds and monuments, to eradicating exotic pests and weeds. The Youth Corps bring to the agencies enthusiastic young adults that are ready to work hard to improve our public lands. The youth corps members come away with a good job and invaluable experiences.

In New Mexico, for example, the Rocky Mountain Youth Corps has partnered with all of these agencies to carry out many projects over the years. One project was to create a scenic lakeside trail with an interpretive nature component in the Carson National Forest. Recently, the site was listed as one of the top 15 camping sites in New Mexico, and the lakeside trail is an integral component of that camping experience.

We held a hearing on the YCC program in the Committee on Energy and Natural Resources a few years ago, and the Park Service Director testified

that his agency received \$1.70 in benefits for every \$1.00 it invested in YCC projects. The Fish and Wildlife Service estimated that it received \$2.00 dollars for every \$1.00 it invested. Supporting this program is good fiscal policy.

My amendment would provide a modest increase of almost \$2 million in the YCC setaside, to be spread among the four agencies. This does little more than prevent the program from shrinking from where it was 5 years ago, but it would result in tangible benefits to our youth, our public lands, and our budget.

This amendment is good education policy, good public lands policy, good economic policy, good government policy, and good fiscal policy. I am gratified that this amendment was adopted.

AMENDMENT NO. 1050

Mr. KYL. Mr. President, I rise today to speak to the withdrawal of my amendment No. 1050 to H.R. 2361, the pending Interior Appropriations bill. Although the amendment was withdrawn, I remain committed to addressing the funding inequities in the EPA-administered Clean Water Act State Revolving Fund—CWA SRF—the primary Federal mechanism for financing clean water and wastewater infrastructure projects nationwide.

I applaud both Senator BURNS and Senator DORGAN, the chairman and ranking member respectively, for recognizing the importance of this program and funding it at the fiscal year 2005 level of \$1.09 billion in this tight budget year.

Our States do depend on CWA SRF to provide much needed financial assistance in the form of low interest loans to towns and cities to help defray the costs of maintaining and upgrading their water treatment systems. It is especially beneficial for small rural water companies that serve so much of the Western and Midwestern States.

However, providing level funding for the CWA SRF is not enough. We have a more fundamental problem that needs to be addressed with regard to the CWA SRF. That is, the inequities built into the current CWA SRF formula which will determine how much of the \$1.09 billion each State gets. Senator BURNS recognizes that too, and has agreed to work with me to correct it.

Congress adopted the current allocation formula in the 1987 amendments to the Clean Water Act. The formula was developed behind closed doors during the conference.

Nowhere in the legislative history of Congress' final action on the 1987 amendments is there a clear statement about how it came up with the final allocation formula—it is even difficult to guess. The conference report on the final legislation merely states: "The Conference substitute adopts a new formula for distributing construction grant funds and the state revolving loan fund capitalization grant funds and the state revolving loan fund capitalization grants among the states for

fiscal years 1987 through 1990." The allocations are fixed, statutory percentages. That is to say, once the Act was signed into law, each would receive the same share of available funds in perpetuity, unless the Act itself is amended.

This is not the first time I have come to the floor to persuade my colleagues to act to change this formula, and I doubt it will be the last. Some of you may remember that we had a very good debate on August 2, 2001, during the Senate's consideration of the VA-HUD appropriations bill on this very issue that resulted in the Senate expressing its sense about the need to report authorizing legislation that included an equitable, needs-based formula.

As my constituents remind me, we have yet to either amend or reauthorize the portion of the Clean Water Act pertaining to the CWA SRF or the faulty formula. Year after year promises are made but nothing happens. The authorizing committee has had years to change the formula and has not done so. There is a reason nothing happens—because the States that benefit from the current formula do not want it to change. There is nothing wrong with that. I do not blame them, but there comes a time when one's patience wears thin. I think we have an obligation to say enough is enough. We must change the formula.

After all, let's look at the current situation we face in the bill before us. We are appropriating dollars to an unauthorized program—it expired in 1990—using a statutory formula set 19 years ago that bears no relationship to the actual needs reported by the states. That is sad, and it needs to change.

It is interesting to note that, when Congress enacted the 1996 Safe Drinking Water Act, we ensured that no such inequity would haunt the newly created Drinking Water State Revolving Fund. From its inception, the Drinking Water Fund was allocated on the basis of a quadrennial infrastructure needs survey conducted by the various States under EPA supervision and guidance. The survey involves the States in determining their own needs for drinking water infrastructure to ensure compliance with EPA regulations. The EPA, in turn, validates the state submissions and compiles them in a report to Congress. The EPA then allocates Drinking Water Fund appropriations on the basis of each State's proportional share of the total need.

There is a fundamental fairness associated with allocating the funds on the basis of the survey. The States themselves participate in the survey. The EPA has oversight, but in the end, valid needs are simply compiled into the aggregate, and the resulting State share of the total national need determine Drinking Water Fund allocations among the States.

Unfortunately, as we all know, the same is not true for the much larger CWA SRF. A Clean Water Needs Survey is performed by the States every 4

years called the "Clean Watershed Needs Survey" and the EPA in fashion similar to the compilation of the Drinking Water Needs Survey validates the State's submissions and compiles them in a report to Congress. The Clean Watershed Needs Survey, however, has no impact on CWA SRF allocations.

I believe, as I am sure do most of my fair-minded colleagues, that we must work together to right this wrong. There is no reason for the Drinking Water Fund to be allocated fairly on the basis of actual need, while the CWA SRF is allocated on an arcane set of fixed percentages that were established before most of us were elected to Congress.

So what does my amendment do? What my amendment would do is update the funding formula using the Drinking Water Fund formula as precedent. Under my amendment, each State would receive funds based on its share of the total 20 year-clean watershed infrastructure needs, as documented in the most recent Clean Watershed Needs Survey, with no State receiving less than 1 percent of the total appropriated for the CWA SRF. There would be up to 1.5 percent set aside for Indian Tribes and 0.25 percent for all the U.S. territories.

What I am saying is, let's even out the playing field and make sure that everybody gets at least a share closer to what the EPA says they deserve to have. That is what we are trying to do, make it fair for everybody.

Let me cite some examples that demonstrate the fundamental unfairness of the current formula in contrast to my amendment. There are 12 States that are receiving more funding than the minimum allocation and more than they documented in needs in the survey. These States would lose the windfall they are currently receiving under my amendment.

But there are some States, like New Jersey and Florida, that are receiving significantly less than their share. My amendment would correct this inequity. New Jersey, for example, would receive about \$45 million under the current formula. It would receive almost \$61 million under my amendment—about a \$16 million increase. Florida would receive about \$37 million under the current formula but would receive almost \$48 million under my amendment—about a \$10 million increase. The increases these States receive demonstrate the fact that they have been significantly shortchanged in the past. My home State falls into this category. Arizona ranks 10th in need according to the latest EPA Clean Watershed Needs Survey. However, Arizona ranks dead last, behind all the States and Puerto Rico in the percentage of needs met under the current formula. In terms of dollars, Arizona would receive about \$7 million under the current formula, but would receive almost \$31 million under my amendment. I am sure now it is clear why I am standing here.

My amendment also helps small States. Those States would receive the minimum allotment, which is actually a greater percentage than they should based on the needs they documented in the needs survey. There are five other States that will see a reduction in what they receive, but these States have had a larger percentage of their total needs funded under the current formula since it was enacted. The state of New York is an example. New York is No. 1 in need and No. 1 in total dollars received out of the CWA SRF. I should point out that although New York's total allocation would go down under my amendment it would continue to rank No. 1 in terms of dollars allocated. New York would receive approximately \$95 million.

The formula that I proposed in my amendment assures that each State could meet the clean water needs of its citizens by bringing fundamental fairness to the allocation of the appropriated dollars. It ensures that all States receive a fair share, and recognizes that needs change over time. By changing the formula to comport with the needs survey, it will adjust to changing circumstances and, thus, will protect all states.

If my colleagues have a better formula I urge them to come forward with it. This issue is not going away. Senator BURNS recognizes that. In return for my withdrawal of this amendment, he has agreed to work with me to persuade the authorizing committee to get this done. I thank him for that.

Mr. CHAFEE. Mr. President, I wish to register my opposition to the Kyl amendment No. 1050 to H.R. 2361, the Senate Interior Appropriations bill.

The Clean Water State Revolving Fund Program is essential for protecting public health, watersheds, and the natural environment by providing critical federal seed money for the maintenance and improvement of water infrastructure. Despite important progress in protecting and enhancing water quality since the enactment of the Clean Water Act in 1972, serious water pollution problems persist throughout the Nation.

The need for continued Federal investment in the Nation's water infrastructure is undeniable. The Environmental Protection Agency's September 30, 2002 Clean Water and Drinking Water Infrastructure Gap Analysis found that there will be a \$535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. In November 2002, the Congressional Budget Office estimated that the annual investment in clean water infrastructure needs to be at least \$13 billion for capital construction and \$20.3 billion for operation and maintenance.

The Kyl amendment would restructure the current formula for distributing federal funding to the states under the Clean Water State Revolving Fund, SRF, Program. As chairman of

the Subcommittee on Fisheries, Wildlife, and Water, with authorizing jurisdiction over the Clean Water Act and the SRF Program, I thank Senator KYL for his interest in the clean water formula.

However, I believe the Interior appropriations bill is the wrong forum for discussion of any statutory changes to the Clean Water SRF formula. Members of the subcommittee and the Environment and Public Works Committee are working closely to craft water infrastructure legislation that would authorize new funding for the Clean Water and Drinking Water SRFs, as well as address the antiquated Clean Water SRF formula.

Senator KYL is correct, the Clean Water SRF formula is in need of revision. Arizona is one of many States that have seen their needs grow since the last time the formula was updated in 1987. The Environment and Public Works Committee is working on the necessary changes to the SRF, and hope to move water infrastructure legislation by the end of the summer.

I encourage my fellow colleagues to oppose the Kyl amendment and support the ongoing process of updating the Clean Water formula by the Environment and Public Works Committee.

Mr. INHOFE. Mr. President, to begin, let me assure my colleague that as chairman of the Environmental and Public Works Committee, I am fully aware of how important this issue is to his State of Arizona. His State's current allocation under the Clean Water Act is well below the State's proportional need.

As my colleague knows, the EPW Committee has for the past two Congresses passed legislation to reauthorize the Clean Water and Drinking Water SRFs. In those bills, the committee also rewrote the clean water formula. My colleagues Senators JEFFORDS, CHAFEE and CLINTON and I are working on a new proposal and feel confident that unlike our previous efforts, this bill will be enacted into law.

My State of Oklahoma would get more money under the Kyl formula than under the current allocation. I would like to support your amendment because it brings more dollars home to Oklahoma. However, all States need more water infrastructure money as their systems age and struggle to meet the ever-growing list of Federal regulations. There is a significant nationwide shortage of funds that is affecting all States.

Given current Federal appropriations, there is simply no way to rewrite the formula so that all States win. If we change the formula, without reauthorizing the State Revolving Loan Funds, some States will have to lose money. In order to assure that each State receives sufficient funds to run an effective program, we need to enact water infrastructure legislation which raises the authorization level for this important program while also addressing the formula. The committee's long-

term goal is to keep everyone whole because all States need more money not less. I hope all of my colleagues who care strongly about the Kyl amendment will rally around the bill that we hope to pass out of committee next month.

The committee will do as the Senate promised Senator KYL during the 107th Congress and pass another formula. We will put forth a proposal that minimizes the pain to those States that will see their clean water funding cut while providing modest increases to other States. We will continue to work to increase the authorization to this important program so that the needs of all States can be met.

I appreciate my colleague's willingness to withdraw his amendment and allow the committee to do its work.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Kyl amendment No. 1050.

This amendment seeks to change the distribution formula for the Clean Water State Revolving Fund which sends money to the states for water infrastructure projects.

The Clean Water Act is within the jurisdiction of the Environment and Public Works Committee, of which I am the ranking member. We are aware of the issues raised by Senator KYL in this amendment—the distribution formula is outdated. It was adopted in 1987 and has not changed.

Arizona receives a very small percentage of the total through this formula. However, an appropriations bill is not the right place for this change in authorizing legislation. A change of this magnitude needs to be worked through the authorizing committee.

There are serious consequences to this type of action. For example, under the Kyl formula, the State of Ohio loses 30 percent of its current allocation. Tennessee would lose 32 percent. Michigan would lose 57 percent. Massachusetts would lose 38 percent of its current allocation.

In the last two Congresses, the EPW Committee has acted to update the formula and increase funding levels for the Clean Water State Revolving Fund. This Congress, we are again planning to move this legislation through the committee in just a few weeks.

I cannot support an amendment making a change of this significance on an appropriations bill. There are also some problems with the language in the Kyl amendment.

It calls for States to receive at least 1 percent of the total if their need is less than 1 percent and it simultaneously calls for all other States to receive their need. This is simply impossible to do.

With a finite pot of money, in order to establish a 1 percent floor, it is necessary to take some funds away from nonfloor States. The Kyl amendment fails to include this step in the process.

In addition, the Kyl amendment includes a provision dealing with unallocated balances. Again, there are

no unallocated balances in a formula that distributes 100 percent of the available money.

The Senate should not act on an authorizing change of this magnitude on an appropriations bill. The Environment and Public Works Committee is on the verge of marking up legislation dealing with this exact issue.

In addition, there are technical problems with the Kyl amendment that would make it impossible to implement. Therefore, I urge my colleagues to vote "no" on the Kyl amendment.

Mr. DODD. Mr. President, I was necessarily absent from the Senate yesterday and missed rollcall votes 158 through 160. There were two reasons for my absence. First, I attended a memorial service for Mrs. Marcia Lieberman, the mother of our colleague, JOSEPH LIEBERMAN. Second, I attended memorial services for Robert Killian Sr., the former Lieutenant Governor of Connecticut, a close friend to me and my family. Had I been present for these votes, I would have voted as follows:

Rollcall vote No. 158: "Yea"; rollcall vote No. 159: "Nay"; rollcall vote No. 160: "yea".

Mr. JEFFORDS. Mr. President, I would like to spend a moment talking about the funding of critical programs under the jurisdiction of the Environmental Protection Agency, EPA. While I am pleased with the Appropriations Committee's efforts to fund the State Revolving Fund for Wastewater Treatment and for Drinking Water at the highest possible levels, I am gravely concerned about the overall cut in environmental spending contained in the bill before us today.

A clean and healthy environment may be our most important legacy for our children. It saddens me to think that under the guise of fiscal responsibility, the bill before us today cuts spending at the Environmental Protection Agency, EPA, to levels not seen since fiscal year 2001. This bill funds the EPA at \$7.88 billion. As recently as fiscal year 2004, the EPA received \$8.365 billion. This is a cut of almost \$500 million in just 2 years.

Because of the administration's fiscal policies and priorities, which have led to record deficits, we are now going to underfund many programs that are important to the protection of public health and the environment. While I appreciate the dire straits that the Interior Subcommittee members found themselves in, particularly relative to other subcommittee's allocations, I am very concerned with some of the proposed cuts. In addition, I am very concerned that these levels will drop further in conference with the House, which is significantly more hostile to such programs under its current leadership.

I want to highlight a few of the funding reductions in air protection programs that I am concerned about and hope will be increased in conference.

The bill includes a reduction for the Clean Air Allowance Trading program.

This reduction will impede the implementation of the administration's recently and much-touted clean air interstate rule.

The bill recommends a large reduction in EPA's Federal Vehicle and Fuels Standards and Certification Program. Such a cut from the budget request appears designed to harm the Agency's ability to proceed on a number of fronts that would otherwise produce cleaner vehicles and air sooner. Specifically, the cuts will make it harder for EPA to propose and finalize, as promised in regulation and, in some cases, directed by Congress, a rule on mobile source air toxics, on locomotive and marine diesel engine emissions performance, and on small engine emissions standards.

This bill would cut by 10 percent EPA's research on national air quality standards. Such a cut goes against continuing scientific revelations about the significant harm that air pollution at all levels causes to public health. In addition, this cut could further delay the already late implementation rules for PM-2.5 and the second phase on the ozone standard. At a time when EPA should be focusing heavily on revisions to the PM-2.5 and ozone standards, and the necessary scientific research to support those reviews, as well as providing critical advice to the States and local governments on the most effective methods of control and monitoring, these reductions cause me great concern.

The bill would reduce the budget request for Federal Support for Air Quality Management by \$22.7 million. This will cut back on plans for the national clean diesel initiative and substantially delay the EPA's efforts to improve the reliability and availability of Air Quality Index forecasts around the Nation. As Senators may know, this is a particularly important tool for the growing population of asthmatic children. Parents need to know ahead of time if the day will be code red, orange or otherwise dangerous to vulnerable populations. Related cuts in the Clean Schoolbus program request also need to be restored.

Finally, while I appreciate that this bill rejects the administration's proposed cuts in the domestic stratospheric ozone program, we seem to be headed again toward underfunding our commitment to the Montreal Protocol. This international treaty has been a resounding success in helping to protect the ozone layer from CFCs. I do not know of a good reason for the United States not to contribute its ratified share of the costs of phasing out ozone depleting substances and developing alternatives on a global basis.

This bill would cut spending at the EPA by \$144 million from last year's level, and this does not take into account inflation or the mandatory cost of pay increases. I will vote for this bill in the hopes that it will become better in conference, and with the recognition that the appropriators have done a good job with limited resources.

Mr. OBAMA. Mr. President, I speak about the plight of children afflicted by elevated levels of lead in their blood. Although it has been three decades since lead was a component of paint, the effects of lead paint continue to linger in homes across the country. As the lead paint flakes off, the dust is inhaled, and some kids eat the chips.

Lead is a highly toxic substance that can produce a range of health problems in young children, including damage to the kidneys, the brain, and bone marrow. Even low levels of lead in pregnant women, infants, and children can affect cognitive abilities and fetal organ development and lead to behavioral problems.

Over 430,000 children in America have dangerously high blood lead levels. This is a particularly serious problem for Illinois, which has the highest number of lead-poisoned children in the nation. In Chicago alone, 6,000 children have elevated blood lead levels.

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act. The law required the Environmental Protection Agency, EPA, to promulgate regulations by October 1996 regarding contractors engaged in home renovation and remodeling activities that create lead-based paint hazards. Renovation and repair of older residences is the principal source of lead-paint exposure to U.S. children. According to Federal studies, a large majority of the approximately 20 to 30 million renovations done on older homes each year are done without lead-safe cleanup and contamination practices.

The EPA analysis has found that a lead paint regulation would protect 1.4 million children and prevent 28,000 lead-related illnesses every year. Such a regulation would also lead to a net economic benefit of between \$2.7 billion and \$4.2 billion each year.

Despite the clear health and economic benefits, these regulations are now 9 years overdue, and there is no sign that EPA is moving any closer to issuing the required rules. Last month, I joined with Senator BOXER and Representatives WAXMAN, LYNCH, and TOWNS to express our concern about EPA's complete disregard of the statutory mandate to issue lead paint regulations.

To address the problem, I have introduced an amendment that would stop EPA from spending money on any actions that are contrary to Congress' 1992 mandate to issue lead paint regulations, including any delaying of the regulations. I thank the managers of this bill, Senator BURNS and Senator DORGAN, for their support of this amendment and for including it in the bill.

I hope EPA will read this amendment and understand that the time for these common-sense lead regulations is long overdue.

Mr. MCCAIN. Mr. President, today the Senate is considering the Interior, Environment, and Related Agencies

Appropriations bill for Fiscal Year 2006. This bill provides approximately \$26.2 billion in discretionary spending—approximately \$542 million over the President's request—for the Forest Service, the Environmental Protection Agency, the Indian Health Service, most agencies of the Interior Department—except the Bureau of Reclamation, and the National Foundation on the Arts and the Humanities. I commend the members of the Senate Appropriations Committee, and in particular, the efforts of the Interior Appropriations Subcommittee, for completing this appropriation bill in a timely manner.

Unfortunately, as is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contains earmarks and pork projects which have not been authorized or requested. The bill provides funding for critical programs like forest health and restoration, superfund cleanup, the Land and Water Conservation Fund, and PILT, but all too often, many of these accounts are eroded by unnecessary, unrequested earmarks.

This is especially frustrating given the \$600 million annual maintenance backlog that is crippling the National Park system. There is not a single member of this body who does not have a National Park or monument, or other Park Service unit in his or her State that is not in need of attention. And while curbing the use of earmarks might not solve our Nation's enormous deficit or save our National Parks from long-term dilapidation, doing so would be a good step in repairing our broken appropriations process.

Let's take a look at some of the earmarks that are in this bill or its accompanying report: \$875,000 for a new water storage tank in the Town of Westerly, RI; \$1,000,000 for water treatment projects in the Town of Waitsfield, VT; \$2,465,000 for sudden oak death research; \$200,000 for a poultry science project at Stephen F. Austin State University, Texas; \$1,000,000 for statewide cesspool replacement in the County of Maui, HI; \$1,800,000 for eider and sea otter recovery work at the Alaska SeaLife Center; \$1,114,000 for a research laboratory in Sitka, AK; \$500,000 for the University of Northern Iowa to develop new environmental technologies for small business outreach; \$250,000 for paper industry by-product waste reduction research in Wisconsin; \$500,000 to continue research on pallid sturgeon spawning in the Missouri River; \$400,000 to complete a bear DNA sampling study in Montana—the fourth consecutive year this earmark has been added to an appropriations vehicle; \$450,000 for a well monitoring project in Hawaii; \$5,100,000 to complete the visitor center at the Little Rock Central High School National Historic Site, Arkansas; \$6,059,000 to rehab bathhouses at Hot Springs National Park, AR; \$160,000 for soil survey mapping in Wyoming;

\$400,000 for studies on the impact of lead mining in the Mark Twain National Forest; \$500,000 for restoration at the Mark Twain Boyhood Home National Historic Landmark in Missouri.

In what has become perhaps one of the greatest examples of pork barrel politics, the Forest Service has lost more than \$850 million since 1982 on timber sales and the construction of access roads for commercial logging in Alaska's Tongass National Forest. More than 4,000 miles of these roads criss-cross the Tongass and have accrued at least \$100 million in deferred maintenance while serving little public purpose. And every year, Congress continues to appropriate funds to build new roads without accounting for the encumbrance imposed by existing roads. I support commercial logging, but not when it requires Federal subsidies that offer no return to the taxpayer. These federally funded roads are meant to stabilize the price of timber logged from the Tongass, but the program actually costs the Federal treasury tens of millions of dollars each year—nearly \$48 million in fiscal year 2004 alone—because the value of Tongass lumber is not competitive and so the Forest Service takes a loss on almost every timber contract it manages. To clarify, Mr. President, that is hundreds of millions in Federal subsidies just to lose hundreds of millions in unprofitable logging.

Mark Twain, a cynic of politicians and government, once wrote: "One of the first achievements of the legislature was to institute a ten-thousand-dollar agricultural fair to show off forty dollars worth of pumpkins." I can only speculate what Mark Twain would say about the egregious waste of taxpayer money allocated to continue the timber subsidy program in the Tongass National Forest.

I am pleased to have joined with Senator SUNUNU and others in offering an amendment which would prohibit funding for road building in the Tongass National Forest. I hope my colleagues' will support this amendment.

Many of my colleagues may have forgotten, but it is a violation of Senate rules to legislate on an appropriation bill. Directing or authorizing policy is a function reserved for the authorizing committees, not the appropriations committee. As is done far too frequently, this appropriations bill includes a variety of policy changes. Examples include: Language that authorizes the construction of a replacement IHS facility in Nome, AK, on land owned by the Sound Health Corporation; Language that allows the Secretary of the Interior to collect parking fees at the U.S.S. Arizona Memorial; Language that restricts the use of Forest Service answering machines during business hours unless the answering machine includes an option that enables callers to reach an individual. Why is this appearing in an appropriation bill? Perhaps the appropriators could exert jurisdiction over the waiting lines at the DMV?

Also, language that requires National Recreation Reservation Service call centers to be located within the United States and language that extends Abandoned Mine Land program until June 30, 2006. This is the third time the AML program has been extended via the appropriations process.

I may not have qualms with many of these particular expenditures and policy items. Some of them may be truly needed and deserving of swift passage. However, it is the casual disregard for Senate procedure that concerns me deeply. We need to be protecting the American taxpayer, not waving rules and passing appropriation bills with wasteful spending. We need to be thinking about the future generations who are going to be paying the tab for our continued spending, not delivering pork projects to special interests and their lobbyists. Surely, my colleagues are aware of the fiscal challenges facing this Nation. The national debate is consumed by questions like: How will we pay for rising Medicare and Medicaid costs? Will we be protected from rising energy costs? Will Social Security be there for our children? The answers to those questions fall to the Congress my friends.

Mr. BURNS. Mr. President, I want to thank a lot of folks for their work on this bill we have considered today and over the last few days. This has been a bill we have worked our way through. I wish we could have sped it up. I thank the minority staff, Peter Kiefhaber and Rachael Taylor and Brooke Thomas. Of course, I thank my good friend from North Dakota who has really been good to work with. Also, over on our side, I thank Bruce Evans, Rebecca Benn, Leif Fannesbeck, Ginny James, Ryan Thomas, Michele Gordon, and Ellis Fisher. I thank that staff because they have done yeomen's work. They have worked very long hours in order to pass this bill.

I ask the Senator, do you have any closing remarks?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague, Senator BURNS, who I think has done a wonderful job. I appreciate working with him and his staff. I think this is a good bill, produced under difficult circumstances. This bill is actually substantially below the current fiscal year's spending.

The professional staff on the majority side—Virginia James, Leif Fannesbeck, Ryan Thomas, Rebecca Benn, and Michele Gordon—have done a great job. Also, I thank Rachael Taylor on the minority side. And Bruce Evans and Peter Kiefhaber, the two clerks, both have done a lot of work to get us to this point. I want them to know how much we appreciate their work.

Mr. BURNS. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The question is on engrossment of the

amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The minority leader.

SENATOR FRANK R. LAUTENBERG CASTS HIS 7,000TH ROLLCALL VOTE

Mr. REID. Mr. President, the next vote that will be cast by my friend from New Jersey, Senator LAUTENBERG, the junior Senator from New Jersey, will be his 7,000th vote.

Senator LAUTENBERG was elected in 1982 to the Senate, and served three terms before taking a "sabbatical" in 2000. I repeat, he was not defeated, he took a "sabbatical." He decided to take leave of the Senate for a while. He ran again in 2002, when Senator Torricelli retired, and the Democrats were desperate for someone who could win in New Jersey. He stepped forward because he is always a sure winner. Senator LAUTENBERG has the rare distinction of having held both of New Jersey's Senate seats.

Senator LAUTENBERG may be a "freshman" of sorts, but the only other two Senators from New Jersey who have cast more rollcall votes than the junior Senator from New Jersey, my friend Senator LAUTENBERG, are Harrison Williams, who cast 8,349 votes over the course of his career, and Clifford Case, who cast 7,684 votes. Senator LAUTENBERG is third, having cast more votes than Senator Bradley, for example.

Senator LAUTENBERG's parents were poor but hard-working immigrants who came to America through Ellis Island. Senator LAUTENBERG joined the Army when he was 18 and served in the European Theater during World War II. When he returned from the war, he went to Columbia University on the GI bill. Then he and two friends started a payroll company. It was very small. They started from scratch. But they did not just start a company, they started an entire industry: computer services.

Today, that company—that little startup company, ADP—has annual sales of almost \$8 billion a year, and employs 42,000 people worldwide. It issues the paycheck of one out of every six private sector workers in America, and it processes over 850 million investor transactions and communications every year.

After establishing and running one of the most successful businesses in America, Senator LAUTENBERG decided to "give something back," so he became a commissioner at the Port Authority of New York and New Jersey. Then after serving as a commissioner at the Port Authority of New York and

New Jersey, FRANK LAUTENBERG became Senator FRANK LAUTENBERG. Senator LAUTENBERG's motto is "Only in America."

He has done many great things legislatively. They are too many to list here tonight. But one thing I will always look back at, as to what this great Senator did, is what he did for my children. Years ago, when we traveled back and forth across the country, my children were allergic to cigarette smoke, literally allergic. They did not like it, and the little ones cried. Children in America no longer have to worry about that because of the Senator from New Jersey. He did a favor for me—because it made it so much easier on my children—and the rest of America.

Senator LAUTENBERG is a great Senator. The people of New Jersey are so fortunate this good man, who was financially set, would take public service as his life's work. I so admire him. I know the rest of my colleagues join me in congratulating the "junior" Senator from New Jersey on this significant milestone in an already accomplished career.

(Applause, Senators rising.)

Mr. LAUTENBERG. Thank you very much.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Democratic leader for those kind comments. I had hoped he would go on a little longer.

(Laughter.)

But, in any event, I thank you and all of my colleagues.

There are 7,000 votes. If I were asked to recite which of those I liked the best or which of those I disliked the most, I would be hard pressed to remember them. But the fact is, even though we have disagreements on some issues and agreements on others, I speak sincerely when I say I am proud to serve with all of you.

I know each of us has a responsibility that carries way outside this Chamber. We make the decisions here. But the desire to be of service and the obligation originates in places that we are all too familiar with. So we have differences.

I am going to stick up for my views, and I know others will stick up for theirs. The fact is, we are here to serve. I am proud to serve with each and every one of you. I am grateful for the commentary and thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, being the junior Senator from New Jersey, I must say that of all of the people I have watched live the American dream and then believe that it is their obligation to give back—the distinguished minority leader itemized the life of FRANK LAUTENBERG—no one cares more about that American dream and making sure it is available for his children

and all the children of America. I have to say as a colleague but, more importantly, as a friend, I am honored to serve with you every day, and I appreciate very much what you have done for the State of New Jersey. I know the people of the State of New Jersey care very deeply about FRANK LAUTENBERG.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, a number of people have asked about the schedule. We will have two more votes tonight. We will have a vote on final passage and then on a motion to proceed to the CAFTA bill. We will be addressing CAFTA tonight, and we will be on it—there are 20 hours—tonight and through tomorrow. We will be completing two appropriations bills before we leave this week, which means tonight will be busy. We will have no rollcall votes after the two which will be back to back shortly. We will be debating CAFTA through tomorrow, and then we will do two other appropriations bills sometime before we leave. It means that we may well be here Friday to vote, which we talked about earlier this morning.

In addition, as we said this morning, both the Democratic leader and I, when we come back after our recess, it is going to be important for people to recognize the huge amount that we have to do. We are competing with people going back to their States, people who are saying we need to work Tuesdays, Wednesdays, and Thursdays, but not Fridays and Mondays because we have other things to do. We are going to have to have people here voting on Mondays when we announce that and also on Fridays. But with that, we have two votes tonight. They will be back to back, and no more rollcall votes after those two.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I am wondering if we could have unanimous consent that these next two votes be 10 minutes each. Everybody is here—10 minutes on the first one, 10 minutes on the second one. Then we can move on to the CAFTA bill at that time. I ask unanimous consent that be the case.

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

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—94

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Murray
Allen	Durbin	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Obama
Biden	Feingold	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Boxer	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Isakson	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kerry	Kohl
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	McConnell	

NOT VOTING—6

Bennett	Gregg	Martinez
Coburn	Lieberman	McCain

The bill (H.R. 2361), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate begin consideration of S. 1307, the CAFTA legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I move to proceed to S. 1307.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT REQUEST—LEGISLATIVE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote, Senator ALLARD be recognized for

the purpose of proceeding to the Legislative Branch appropriations bill under a consent agreement that there be 10 minutes equally divided for debate prior to the vote; finally, that this amount of time count against the majority's time under CAFTA.

We have cleared the Legislative Appropriations bill and this would allow us to consider that bill quickly, without a rollcall vote. Then we can begin the debate on CAFTA. Debate on the CAFTA legislation is under a statutory 20-hour time limit. Therefore, I expect the next vote to be the last vote of the evening.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, for the information of colleagues, this will be the last vote of the evening. We will be proceeding with CAFTA tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. GREGG), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—61

Alexander	DeMint	Lugar
Allard	DeWine	McCain
Allen	Dodd	McConnell
Baucus	Dole	Murkowski
Bingaman	Domenici	Murray
Bond	Ensign	Nelson (NE)
Brownback	Feinstein	Pryor
Bunning	Frist	Roberts
Burns	Graham	Santorum
Burr	Grassley	Sessions
Cantwell	Hagel	Shelby
Carper	Harkin	Smith
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Talent
Collins	Jeffords	Voinovich
Conrad	Kyl	Warner
Cornyn	Leahy	Wyden
Craig	Lincoln	
Crapo	Lott	

NAYS—34

Akaka	Inouye	Reid
Bayh	Johnson	Rockefeller
Biden	Kennedy	Salazar
Boxer	Kerry	Sarbanes
Byrd	Kohl	Schumer
Clinton	Landrieu	Snowe
Corzine	Lautenberg	Stabenow
Dayton	Levin	Thomas
Dorgan	Mikulski	Thune
Durbin	Nelson (FL)	Vitter
Enzi	Obama	
Feingold	Reed	

NOT VOTING—5

Bennett	Gregg	Martinez
Coburn	Lieberman	

The motion was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1307) to implement the Dominican Republic-Central America-United States Free Trade Agreement.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. It is my understanding under the rule there is 10 hours on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield 5 hours to the ranking member of the Finance Committee, Mr. BAUCUS, and 5 hours to Senator DORGAN.

The PRESIDING OFFICER. The Senator has that right.

Who yields time on the bill?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Tonight the Senate begins its consideration of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, more commonly known as CAFTA. I will be speaking in some detail on this trade agreement tomorrow, but for tonight I want to open the debate with some observations about the process that brought us here.

CAFTA has proved itself to be the most controversial trade agreement to come before the Congress since the North American Free Trade Agreement a decade ago. It did not have to be this way. When the story of CAFTA is written, whether it passes or fails, the theme will be the politics of the last minute because even as we bring this bill to the floor parts of the CAFTA package are still being negotiated. In fact, they are being negotiated as we speak. We need to do better.

The Founding Fathers, in their wisdom, assigned primary responsibility for trade policy to the legislative branch. Article I, section 8, clause 3 of the Constitution states:

The Congress shall have the power . . . to regulate Commerce with foreign Nations.

It quickly became obvious, however, that Congress is a body ill-suited by structure to negotiate trade agreements. So our predecessors quickly figured that the actual negotiating would have to be delegated to the executive branch. Still, the constitutional responsibility for trade remains with the Congress. That is why under U.S. law no trade agreement is self-executing.

Trade agreements such as CAFTA have no force or effect on domestic law

until Congress passes implementing legislation. A system where one branch of the Government negotiates trade agreements and another must approve them and turn them into domestic law presents many challenges. To work well, it requires the highest degree of coordination between executive and legislative priorities.

Over the years, this system of shared responsibilities has been formalized into Senate procedures commonly called fast trade, or more recently, trade promotion authority. These procedures require the executive to negotiate agreements that meet a long list of congressional priorities, and they require very close consultation between the executive and Congress at every stage of the process.

I am sure that Ambassador Portman, our current USTR, and his staff can document that they followed these statutory procedures to the letter for CAFTA. I do not disagree. Their problem is that process for the sake of process does not work if there is no true spirit of cooperation. A statute can require a meeting, but a meeting of the minds cannot be mandated by law. A true meeting of the minds is what we need to make the consultative process work the way it is intended to work.

Congress and the executive need to be working closely together at every stage of a trade negotiation to make sure that everyone's priorities are being addressed, maybe not all agreed to but certainly all addressed. Unfortunately, that is not what happened with CAFTA.

Early on in the CAFTA negotiations, I could see that sugar was going to be a difficult issue so I asked former USTR Ambassador Zoellick to meet with the Senate sugar caucus. That meeting was not required by trade promotion authority, but it made sense to try to address a difficult issue as soon as possible. The meeting took place and views were exchanged, but there was no meeting of the minds and little attempt to continue the dialogue. Not surprisingly, CAFTA's sugar provisions were unacceptable to many Members, but CAFTA sat unchanged for more than a year.

Suddenly, last week, there began a series of around-the-clock sugar negotiations. Those negotiations were ongoing this morning when the Finance Committee marked up CAFTA. They are still ongoing as we speak. So those of us who have sugar producers in our States still do not know for sure what CAFTA means for our constituents.

This would have been resolved and should have been resolved months ago. We should not be on the floor debating an implementation package that is not final. The story is similar for the labor provisions. From the beginning, it was clear that labor rights were going to be a contentious issue in CAFTA. So I, together with a number of colleagues, began a dialogue with Ambassador Zoellick. We sought assurances that CAFTA's labor provisions would be

stronger than those in other recent free-trade agreements, but little progress was made. Suddenly, within the past few weeks, there began a series of around-the-clock meetings between Ambassador Portman and several Democratic Senators and Members of the House.

Just this morning, as the Finance Committee came together to vote on CAFTA, brandnew labor and capacity-building provisions were revealed.

We should not be on the floor debating CAFTA when the ink is not yet dry on these provisions and nobody really knows what they mean. I know that there is another way. I have seen it work.

In the fall of 2003, I put out a series of proposals for strengthening CAFTA's environmental chapter. Ambassador Zoellick and I had a productive yearlong dialogue on these issues. It was very constructive, very rewarding. He was engaged; I was engaged. With commitment on both sides, we agreed on key improvements that are included in the text of this agreement. This is the model I want to follow in the future, not the last minute dealmaking but the long, thoughtful dialogue working to find accommodation, find agreement, which builds a greater consensus for trade, let alone the agreement in question.

Trade promotion authority expires in 2007. At that time, Congress will consider whether there are ways to improve the process. The truth is, the process is only as good as the goodwill of the people using it.

I do not say this to lay blame. We are all responsible. Members of the Senate are caught up in the press of business and do not always focus on their priorities early enough in the trade negotiation process. The executive hears but does not always follow the advice or pay attention to the advice it receives from Members of the Senate. The same would be the case for House Members.

Still, in the end our trade policy is only successful when it reflects the priorities of both the Congress and the executive.

In the coming months and years, let us rededicate ourselves to the purpose behind the process. Let us work together and truly mean it. That is the way we get things done. Again, under the Constitution, Congress has primacy in trade, but because we are not a parliamentary form of government but a constitutional form of government with separate branches we, by necessity, have to delegate the negotiating of trade agreements to the executive. But to make this work and to continue to have a consensus and to build a consensus on trade agreements, the administration must consider the wishes of Congress much more seriously in the future. Otherwise, it runs the real risk of losing, perhaps, trade promotion authority for other similar agreements.

I say this also because we stand at a moment in history, at a time when the United States has to work much more

aggressively, much more cooperatively among ourselves, different sectors of the country, to meet the competitive challenges that we face overseas. Whether it is China, Japan, Europe, the flattening of the Earth, or changes in telecommunications technologies, we have to work a lot harder, invest more in education, address the high health care costs that put our American companies at competitive disadvantage, and be much more aggressive in enforcing our trade laws. There are many more actions we must take. When that happens, the more the President and the Congress in good faith can totally put politics aside because this is an American issue. This is not a partisan issue. This is an issue for America. If they were to do so, and we were to do so, we will fulfill the responsibilities we have, and it will help our people at the same time.

At the appropriate time, I will later yield time to the senior Senator from Connecticut, Mr. DODD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I begin my remarks I want to thank the Senator from Montana, the ranking Democrat on the committee, and the former chairman of the committee for his cooperation and good-faith effort to have the Senate and our committee work to get its job done. Even though he has a different view on this legislation than I do, he has been very cooperative in helping things happen, even though he disagreed. I think it is that spirit that gets things done in the Senate. It is kind of the tradition of our committee, but I think it is particularly true of his and my working relationship. So I thank him very much.

Mr. BAUCUS. Mr. President, I must respond to that gracious statement by my good friend from Iowa. No member of this body can be more blessed to have a partner to work with in such cooperation and good spirit than I. I am lucky—more importantly the Senate is lucky—to have the chairman of the Finance Committee. He is a wonderful person to work with. We work very closely together. We are a real team and we think that our States are better for it. We also think that the country is better served as well.

For whatever reason, whether it is true or not, I want to very much give my utmost thanks and compliments to the senior Senator from Iowa.

Mr. GRASSLEY. I thank the Senator. Following on the spirit of the statement that he made and probably not directly germane to this discussion, though, is also the fact that too often the public draws conclusions that all we do is have partisan fights, Republican and Democrat, and that we are always at each other's throats. I think people, including my constituents in Iowa, get that view because conflict makes news. They never hear of the cooperative efforts that we have made.

In fact, the very week this bill was voted out of committee, we had some differences that were not entirely partisan. There were some Republicans who agreed with Senator BAUCUS and some Democrats who agreed with me on this bill. It was a very narrow margin in our committee. But that very same week we voted out a bipartisan Energy bill on a 20-to-0 vote, which shows one gets a lot of attention and the other one doesn't. But I think it shows you can have differences and still make the system work.

As you would expect, I have talked about this legislation over a long period of time. I am glad we are to the point of the Senate consideration of it, so it is no surprise to you or anybody else that I support what is referred to as the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. I am just going to shortly call that the Central American Free Trade Agreement or CAFTA for short.

The bill before us, then, implements the trade agreement that was negotiated between our executive branch and the leaders of these five countries over the past several months. Our President gets the authority to negotiate through what we call the trade promotion authority legislation, where Congress has the constitutional control over international trade; it is our constitutional responsibility. But since it is impossible for 535 Members of Congress to negotiate legislation, we delegate, under strict procedures, the President making those negotiations. These negotiations went on for several months, maybe even over a period longer than a year, and was signed a year ago.

Congress then has the responsibility of considering it. In most cases, we end up agreeing to it, but we pass these free-trade agreements—whether they are bilateral, multilateral or regional—in the form of legislation, so Congress has control over the final product and implements our constitutional responsibility through the agreements being passed by Congress in the form of legislation.

That is where we are now: The Senate's final consideration of adopting a law that includes the contents of the negotiated agreement between the United States and these five countries of Central America.

This agreement strengthens the ties of friendship, cooperation, and economic growth between our Nation and the growing economies of Central America and the Dominican Republic. It is also an agreement that is fundamentally in our national economic and security interests. If it were not in our national economic and security interests, obviously we would have no business having our President negotiate it. Or if it were not in our interests and he did negotiate it, the Congress should not be passing it as law.

Today, when it comes to the economic interests that we have with this

legislation, most imports from the region enter our market duty free. They come from those countries into our market duty free. In contrast, exports from the United States to those countries face a myriad of tariffs and non-tariff barriers in the region. That is where we are now. That is the status quo.

I have a chart here that obviously is not going to contain every product. I am not going to have on the chart every product that goes back and forth between our countries. But this chart illustrates, on this side where you see various products—let's say just on grains. I will just go to the first line. We pay now a 10.6-percent tariff to get our products into these countries. If those countries were shipping the same product to us, they would be paying zero tariffs.

Now, with this agreement before the Senate that we are considering, when it is fully implemented—because some of these are phased in—you will see that we will not have any tariffs that we now pay for getting our products into the countries. And of course it has not changed anything for them.

But this chart shows, if we do not do anything, what the status quo is. The status quo is on that side of the chart. It is kind of a one-way street. All the advantages are from products coming from Central America into America. All of the impediments are against products going from the United States down to those countries. So on this side of the chart, after the legislation is passed, you see a two-way street. You see the status quo has ended.

Let's be clear. A vote against this agreement is a vote for the status quo. It is a vote to maintain unilateral trade and to keep tariff barriers to our exports very high. I could say this another way by saying that the "F" in Central American Free Trade Agreement, the "F" in CAFTA, once we pass it, is really going to make it a Central American Fair Trade Agreement.

You can see what is unfair to American producers now. What is very unfair to American producers now, shipping to those countries down there, becomes a level playing field. It becomes a fair agreement, a fair, level playing field.

A vote against this agreement is a vote that denies logic. Make no mistake, these tariff barriers to our exports are real. They affect everyday Americans, maybe not in a way that they know, but when you study it, you see how it impacts them.

Under the status quo, an off-road loader manufactured by Caterpillar in Peoria and exported to Costa Rica must pay a 14-percent tariff. This is equal to a \$140,000 tax on our export. With CAFTA, the tariff goes to zero—not tomorrow, but immediately. This is good news then for those UAW workers at Caterpillar, in Peoria, who make this vehicle within the United States.

On another example under the status quo is microchips produced in New

Mexico and/or Oregon face a 10-percent tariff today. With this Central American Free Trade Agreement this tariff barrier is eliminated.

Under the status quo, manufactured auto parts cannot even sell in the Central American market. You don't get them in. It isn't a question of how high is the tariff; you can't get them into the market. Under CAFTA, we will be able to export these manufactured goods to the Central American market. So this means new opportunities for companies such as CARDONE Industries and their workers in Philadelphia, PA.

Under the status quo—in other words, if we didn't pass this agreement—DVDs produced across the country would be subject to tariffs of up to 20 percent before they can be sold to consumers in Central America. But with this agreement becoming law, those DVDs become tariff free, leveling the playing field, being fair to workers in America.

The story is very similar for products that I am very much involved in, in my State of Iowa, products from U.S. farms. Today, over 99 percent of the food and agricultural products that we import from the region of Central America come into the United States duty free, as evidenced by the zeroes there on the second column. Meanwhile, our food and agricultural exports to Central America are hit with an average 11-percent tariff, with some tariffs ranging as high as 150 percent.

CAFTA levels the playing field for U.S. farmers. It takes one-way trade and makes that one-way trade into a two-way street. It tears down unfair barriers to our agricultural exports. It gives our farmers a chance to compete in a growing and vibrant market of 40 million consumers.

If anybody thinks that globalization is bad, do you know what they are saying? They are saying that the United States ought to concentrate on selling to Americans. We make up 5 percent of the world's population; 95 percent of the world's population is outside the United States. That is a market that we need to be competing in. We are an exporting nation—agriculture, manufacturing, services. If we are an exporting Nation and our market is 95 percent of the people in the rest of the world, we have to be playing on that field. This gives us an opportunity to play on that field, not with all the other 95 percent of the people in the world, but at least with 40 million of those consumers who live in these five countries.

These barriers I have just referred to are real for our U.S. farmers. Pork producers in my home State of Iowa face import tariffs from 15 percent to 40 percent. When we have full implementation of this agreement, Iowa producers will be able to export pork products duty and quota free.

Today, rice producers from across the South must overcome in-quota tariff rates of from 15 percent to 60 percent.

These tariffs are phased out and eventually eliminated under this agreement.

Prohibitive tariffs of up to 40 percent lock our beef exports out of the Central American market. This agreement provides immediate duty-free, quota-free access for high-quality U.S. beef, with eventual elimination of all tariffs on U.S. beef. And value-added agricultural products, such as breakfast cereal, will see tariffs reduced from 32 percent to zero immediately, providing new opportunities for U.S. workers.

The fact is, virtually every major agricultural producer in the country, in the United States, will benefit from the passage of this agreement, including dairy, Vermont; poultry, Arkansas; apples, Oregon and New York; barley, Montana; frozen french fries, Maine; nuts, New Mexico; dried beans, Wyoming. All in all, the total given to us by economists at the American Farm Bureau Federation is an estimated net gain to U.S. agriculture of nearly \$1.5 billion each year upon full implementation.

The agreement also opens the services market to U.S. service exports. Key sector opportunities include telecommunications, banking, insurance distribution, audiovisual and entertainment, energy, transport and construction.

Our high-tech sector stands to benefit; the Dominican Republic, Guatemala, Honduras, Costa Rica, and El Salvador will join the agreement and eliminate tariffs on imports of high-technology products, thereby saving United States exporters more than \$7 million annually on import duties that would be paid today.

The agreement goes far beyond reducing important tariffs, putting into place strong investment protections, anticorruption provisions, intellectual property protections, strong provisions on labor in the environment. This agreement is a solid win for the U.S. economy. It is a solid win also for the neighbors of these Central American countries.

For a third time, I say, let's be very clear. The alternative to this agreement is nothing but the continuation of the status quo. It is unilateral access to our markets and nothing in return for American exports. I don't think the status quo is good enough for our farmers and our workers. I don't think Congress should vote to keep barriers to our exports to these countries high when they can be eliminated. This is what this vote on the Central American Fair Trade Agreement is all about. It all boils down to a vote for unilateral trade and the status quo or a vote to reduce barriers for our farmers and workers. To me it is a very simple answer. Get this agreement passed as fast as we can and bring this level playing field for our farmers, our service industries, our manufacturers.

Too often, we talk in economic terms about trade. There are other compelling reasons to support this agreement.

Over 20 years ago, Congress first opened our markets to products from Central America and the Caribbean. Why did we do that? That part of the world was in turmoil. Central America was a region in great political and economic upheaval. Civil strife, civil war, and political violence were part of daily life. As a result, too many innocent people lost their lives and many more lost their livelihood.

I have a chart of headlines accurately reflecting that gruesome and chaotic violence that was going on at that time. Whether it was Nicaragua, Honduras, or El Salvador, it was constant conflict. The headlines accurately reflect that violence.

So where are we 20 years later? We see a very different Central America. Through sustained political and economic engagement with the region, including the continuation of the unilateral trade preferences for over 20 years, the United States of America has helped this part of the world develop a very different story today. Today, that story is that with progressive leadership of these democratic governments, the people of Central America are enjoying the fruits of freedom, the fruits of democracy that we would describe as elected governments, participatory democracy, choice for the voters, and, as a result, generally stable civil societies.

Now we have this situation in Central America. These leaders, who many of us have had an opportunity to meet with, have given us confidence that this sort of leadership will continue in the future, but these leaders want more for their country. They want to cement the gains of the last 20 years since the civil wars have ended. They want to build a better foundation for that future. Part of that better foundation is the progressive ideas that are articulated in the CAFTA agreement. These ideas came not from the United States but from the leaders of Central America who first approached us with the idea of strengthening our trade relations at the Quebec Summit of the Americas in April 2001.

The fact is that passage of CAFTA is good both for our geopolitical and economic interests. We have very little to lose. We have much to gain with its passage. In contrast, we have much to lose and we have little to gain if this agreement is defeated.

I have a letter displayed from President Carter. He makes the point I just made very well. In that letter he recently wrote, saying through CAFTA:

Our own national security and hemispheric influence will be improved with enhanced, improved stability, democracy and development in our poor fragile neighbors in Central America and the Caribbean.

Continuing from President Carter:

There are now democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the Presidents of the six nations had to contend with their own companies that fear competition with United States firms. They have put their credibility on the line, not only with

this trade agreement but more broadly by promoting market reforms that have been urged for decades by United States presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

The stakes are high. President Carter, being a President with a global view, saying the stakes are high, lends a great deal of credibility in a bipartisan way—he is a Democrat, I am a Republican—to the reasons and rationale behind this. That going beyond the economics of trade to the good that comes from trade.

I often say during debates on trade in this body we as political leaders, as Senators, our President of the United States, the Cabinet, our diplomatic corps, we always think we are negotiating all these things, we are making decisions that are going to bring about world peace.

Obviously, we set a standard or at least create an environment for either a peaceful society or a less peaceful society to exist. Our efforts are a spit in the ocean compared to what business men and women in America and other countries do in millions of transactions and the dialog they have in the process, breaking down, misunderstanding, creating friendship through what they do at their level, their citizen level of participating much more so than we can.

The things that are evidenced by our trade agreements over the last 50 years—and this is a little part of this 50-year effort to promote international commerce—have set a stage where business and commerce is doing more to bring about world peace than we as political leaders can do.

The United States, I suppose, has about 300 million people now; 40 million people down there. It is a small part of the world.

How do you make progress in peace? You make progress in peace by inches, not by miles. This may be a couple inches of helping us down the path to world peace, but we need to take every opportunity we can to encourage commerce. Yes, it creates jobs. It creates prosperity. It is also going to help bring about greater world understanding.

This is a very good agreement. I hope it receives very broad support in the Senate. I hope through my views I have helped colleagues understand the importance of it. I hope those colleagues will join me to ensure that we do not undermine the significant progress that has been made in this region of Central America over the last 20 years and to ensure our American exporters can enjoy the benefits of this agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent that I may be able to use such time as I consume from the time under the control of Senator BAUCUS.

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

Mr. DODD. Mr. President, first of all, I commend our colleague from Iowa, the chairman of the Finance Committee, and Senator BAUCUS, the ranking member from Montana, and the other members of the Finance Committee for their efforts on behalf of the Central America-Dominican Republic Free Trade Agreement, or CAFTA, as it is known by most who follow this debate and discussion.

I voted for the motion to proceed. I would have preferred we had a little more time. I realize we are moving rather quickly on this legislation. I hoped we would have a few more days to work on this legislation, but obviously that is not the case. We are moving ahead with the 20 hours of debate under the procedures as established by the Congress to have a fast-track procedure when dealing with trade agreements. So we are given the time we have to debate and discuss these matters.

I am going to take advantage of this time and lay out for my colleagues and others my interests and my concerns about this matter.

First of all, let me say, as someone who has spent almost a quarter of a century in this body, I have dedicated a great deal of my service to my interest in Latin America, my interest in Central America, and the Caribbean. That interest arose almost 40 years ago when, as a recent graduate from college, I joined John Kennedy's Peace Corps and traveled to the Dominican Republic, where I spent the next 2 years as a young man in the mountains of what is called the Cordillera Central of the Dominican Republic not far from the Haitian border as a Peace Corps volunteer. I have a deep, deep affection for the people of the Dominican Republic, the people of Haiti, and the people of the Caribbean and Central America.

My oldest brother Tom was a professor at Georgetown University for 27 years and taught Latin American diplomatic history and also was our Ambassador to the nation of Uruguay and the nation of Costa Rica. Two others of my brothers studied in Mexico. My sisters speak Spanish. My mother did as well. There has been a strong interest in my family in Latin America for many years.

My strong hope and desire, as I rise this evening to talk about this agreement, is to be able to be supportive when the vote occurs at the end of the 20 hours of debate. I think it is important we try to do everything we can to improve the quality of the lives of the

people who live in these countries. They have been through an awful lot just during my tenure here in this body.

For those who were Members of this body back 25 years ago, 24 years ago, we had some long and extensive debates about the political events in Central America. Civil wars raged. In Guatemala, the civil war raged for decades, as a matter of fact, long before I arrived in the Senate. You had civil wars raging in El Salvador, the civil war that went on in Nicaragua. The economic difficulties in Honduras were tremendous.

There has been political turmoil in the Dominican Republic. In fact, the year before I arrived in the Dominican Republic as a Peace Corps volunteer, there had been a minirevolution there, which caused Lyndon Johnson to send the USS *Boxer* off to the coast of the Dominican Republic. The Marines went down in 1965 and, in fact, were still there in 1966, when I arrived there as a Peace Corps volunteer, as a young man, to work in the mountains of that country.

Also, natural disasters have struck. I cannot recount the number of times they have hit the Dominican Republic and Haiti over the last number of years. Hardly a year goes by that some tragedy does not occur in these countries. Certainly, hurricanes have swept across the Island of Hispaniola, which is home to both Haiti and the Dominican Republic. I know my colleagues will recall the mud slides in Haiti, where literally thousands have lost their lives.

And then there are the repeated hurricanes that have hit Central America. I recall going down, in early 1993, after one of those hurricanes hit Nicaragua, to work with then-Vice President Gore's wife, Tipper Gore, trying to clear mud out of schools and impoverished communities. Bridges were wiped out. Crops were lost. The country was devastated.

To put it in brief, without going into long detail, these five countries of Central America and the Dominican Republic—Haiti is not included in this agreement. I regret that. I wish we were doing something more about Haiti. This body, a year ago, unanimously adopted a concessionary agreement with Haiti. Unfortunately, the other body refused to take up the matter. It could have made a difference, in my view, to provide some real assistance to people who are so desperately in need of help, the island nation of Haiti. It is one of the great tragic cases in the world, let alone in this hemisphere, the conditions under which people live there.

I had hoped we might bring up that concessionary agreement again, either as a part of or in conjunction with this CAFTA agreement. The irony, in a way, if this agreement is adopted, is that we will be providing some meaningful assistance to the Dominican Republic, which inhabits two-thirds of the

Island of Hispaniola, and doing virtually nothing for one-third of the island where the most desperate conditions prevail—in Haiti. But hope springs eternal, and I hope, before this Congress adjourns, we will be able to convince the other body that there is a reason to try to do what we can for Haiti.

But back to the matter at hand, and that is this agreement affecting the Central American nations and the Dominican Republic. The people of these nations deserve our help, deserve something that will improve the quality of their lives. If that does not happen, quite candidly, what you are going to see is what people have done historically. They will express their feelings with their feet. They will walk. They will move. They will migrate. In many instances, I presume they will come to this country however they can make it here. We welcome, obviously, immigration. But a flood of immigration, which can occur as a result of economic conditions, in this country is something we ought to be mindful of as we consider the implications of this proposal.

So again, my hope is to be able to be supportive.

Let me outline, if I may, briefly, what my interests are. I had a very good meeting today with Ambassador Portman. I did not know him terribly well before, but I was very impressed with him and the team. We spent about an hour in my office discussing this matter. We had a very good meeting at the White House not too many days ago. President Bush, very graciously, invited a group of us down—I gather he has done that on several occasions now—along with people who are not committed to this agreement, to listen to various ideas. I commend him for that. I think there is a true desire to try to build strong support for this agreement in this body and in the other, if we can.

So if I can, Mr. President, very briefly, I would like to lay out my concerns, what I am doing, what I have done today, what I am doing this evening, and what I will do tomorrow morning in anticipation of a vote occurring either tomorrow or on Friday, with my strong, fervent hope that I will be able to support this agreement. But let me lay out my concerns. As you know, I have long been concerned, as I mentioned, and involved in all aspects of our policies with respect to the countries of Central America and the Dominican Republic. For those of us who were serving in this Chamber in the 1980s, we all remember the dark days and bitter debates about events in the region at that time and the U.S. response to them. Happily, those dark days are now behind us. Today, the situation, if you will, in Central America is a far more positive and fruitful one. The debate is, of course, how to enhance our economic relations with the region in a manner that benefits the United States and our neighbors.

I believe there are real possibilities for the CAFTA-Dominican Republic

agreement being a vehicle for enhancing those relations and strengthening democratic institutions throughout the region. But I also believe that, even at this late date, there need to be certain understandings and clarifications if, in fact, we are going to achieve the very goals the CAFTA-Dominican Republic agreement lays out. Those clarifications relate to certain aspects of the agreement, if it is truly going to live up to the expectations the parties have set forth in it.

Those of us who want to advance respect and adherence to core internationally recognized labor standards were somewhat disappointed that the agreement is a weak instrument for doing so. In fact, it is weaker than current provisions under the Caribbean Basin Trade Partnership Act, which currently links unilateral trade benefits from the United States to the Caribbean Basin Trade Partnership Act-eligible countries to international workers' rights.

I welcome the efforts of Senator BINGAMAN, our colleague from New Mexico, to strengthen the capacity of these countries to effectively enforce and uphold internationally recognized labor rights. I believe the provision agreed to by the administration, to provide an additional \$3 million to fund the International Labor Organization programs in CAFTA-DR countries, is a step in the right direction.

Ambassador Rob Portman has committed, on behalf of the Bush administration, to provide these moneys to the International Labor Organization so the organization can monitor and verify progress in the Central American and Dominican Republic Governments' efforts to improve labor law enforcement and working conditions.

To strengthen the effectiveness of the ILO in carrying out its work in the region, I believe there needs to be a clear understanding, before we vote on the CAFTA-DR agreement, of exactly what would be entailed in those ILO programs if they are going to be effective. That is why I met today with Ambassador Portman and have contacted the CAFTA-DR Ambassadors from these countries to describe what I believe is needed to make the ILO initiative meaningful.

Let me spell it out, if I can, very briefly. And it is not unreasonable and does not require renegotiation in any way.

I have requested answers in writing from the affected CAFTA-DR Governments as to whether jointly or severally they would each welcome and support ILO efforts to improve labor enforcement and working conditions in their countries in relationship to the implementation of the CAFTA-DR agreement. We would support and welcome an active role for the ILO representatives and their countries, including acceptance of the principle that ILO representatives would be granted unfettered access to workplaces, be permitted to establish mechanisms for receiving and investigating

matters related to core ILO labor standards, make private recommendations to worker and employer organizations and appropriate officials within each Government, as well as issue periodic public reports of its findings on matters of concern related to the enforcement of core ILO international labor standards as specified in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work and its followup adopted by the International Labor Conference in 1998.

I am not breaking new ground here at all. In fact, what I have just described is included in other labor and other trade agreements, most specifically the trade agreement with Cambodia which was renewed by the Bush administration only recently, adhering to the very principles that were negotiated under the Clinton administration. So this is something that has already been accepted.

Let me tell you why these provisions are important and why I think they help what we are trying to achieve with this trade agreement. I am hopeful the administration and the agreement governments will find this clarification useful and acceptable. If so, I believe the CAFTA-DR agreement will have made an important contribution to strengthening democracy in the region and improving the daily lives of their citizens. I await word from them in the coming hours.

As I said, I very much want to be able to support this agreement. But I also want to have some confidence that I will be helping to raise the living standards of American and CAFTA-Dominican Republic workers and not be an accomplice to a rush to the bottom in weakening working conditions in either the United States or elsewhere in the region. Let me be clear that we aren't somehow raising the bar on the issue of respect for core labor rights. Existing trade preference programs for the region provide that the President should at least take into account the extent to which beneficiary countries provide internationally recognized workers rights.

As currently written, the CAFTA-DR agreement would weaken standards these countries have been living under through the Caribbean Basin Initiative and Generalized System of Preferences. Instead of asking them to do more with the CAFTA-DR agreement, we are asking them to do less. Moreover, currently the trade benefits can be withdrawn in these other countries if a country lowers its labor laws below international standards or simply fails to meet those standards. And they can be withdrawn if a government directly violates internationally accepted workers rights that might not be protected under their laws. But this will not be the case under CAFTA and the Dominican Republic.

Let me reemphasize that. Under the Caribbean Basin Initiative agreements, we established very well for all in-

volved that International Labor Organizations labor standards, which are not terribly high standards, ought to be enforced collectively. The irony would be that we are now moving away from the very agreement that has been beneficial to the Caribbean Basin Initiative countries. In fact, some of these countries are obviously under that agreement now, and these standards would be lowered, not enhanced, at a time we have been trying to improve conditions.

This is also important to us from an economic standpoint. It has always been our goal with trade agreements with less developed countries to try to create wealth, to be wealth producing in our trade agreements. Obviously, this is critically important in the long term because our higher value goods and our higher value services need to have markets in these underdeveloped countries. If there is not wealth creation in these nations, then how will they ever afford to buy the products and the services that are higher cost? We have always tried to, as part of our trade agreements, improve those standards with a long-term vision that we would be a beneficiary as a result of wealth creation. And also it helps to improve tremendously living standards in the countries with whom we are trading.

Moreover, the lack of an objective standard is troubling because it could create a race-to-the-bottom mentality where investors and companies play governments against each other seeking lower labor standards in a quest for increased profits. That type of situation would wreak havoc on civil society in these countries. At a time when we are trying to promote more civil societies, to strengthen democratic institutions, it could have the opposite effect. It could cost also American workers their jobs. By having one standard that applies to all, you avoid the race to the bottom which could occur.

Let me make the point. Under this agreement each country would set its own labor standard, whatever they decided. They are required to enforce that labor standard. But there is no requirement of what that labor standard ought to be. For those who have followed events at all in these countries and have great affection for them, you don't need to have a PhD to understand there is a lot of difficulty when it comes to labor standards. That is why we have insisted on the ILO standards across the board generally, to try to maintain a more decent level. When you leave it up to each one of these countries to set their own standards and then only require that they meet them, you are obviously inviting the kind of race to the bottom I have just described.

For the most part, CAFTA and DR nations have laws on their books, but they face a lack of resources and domestic political opposition from influential people which prevents them from enforcing these laws. This state-

ment was expressed by U.S. Trade Representative Rob Portman at a June 9, 2005 speech, only a few days ago, that he gave before the Hispanic Alliance for Free Trade. I commend him for his speech. Let me quote it, if I may. In that speech Ambassador Portman said:

The ILO study demonstrated that the laws on the books are not the main issue. The major problem is that enforcement of those laws clearly needs improvement.

Ambassador Portman went on to say:

You can read the State Department's annual human rights report and quickly conclude that enforcement needs to be improved. You can read a recent White Paper published by the Labor Ministers of Central America, who themselves acknowledge that enforcement needs to be improved.

These are good statements. They are strong statements, and I agree with our ambassador when he makes them. That is all I am suggesting with the language that I have submitted to Ambassador Portman and to the Central American countries earlier this evening. In my opinion, enforcement problems are not a result of malice on the part of these leaders. I believe that these leaders and these countries want to do the right thing. But I would remind my colleagues that our neighbors to the South are democratic countries. As in all democracies, they have to deal with powerful opposition interests.

The administration seems to hold the view that the support for expanded trade and economic growth is incompatible with advocating core labor standards in developing countries. I believe the opposite is the case. In fact, when we have insisted upon better labor standards, we end up with a far better trading environment. In case after case after case, when we have insisted on stronger ILO standards, we have had a better trading relationship. When we have not, it has gone in the opposite direction. In fact, experts for the well-respected Institute for International Economics have concluded that "core labor standards support sustainable and broadly shared political, social, and economic development."

The operative word here is "shared," shared among citizens, not simply a handful of people who have the resources and the political influence to effect them.

So if this agreement is fixable—and I believe it is—it could be a win-win proposition. I believe it can be, and I hope the administration and the CAFTA-DR governments will welcome this fleshing out of the ILO role.

Again, I commend Senator BINGAMAN and Rob Portman and the administration for being willing to sit down at a late hour and to welcome ideas about how we might make this a stronger agreement. I think the votes are probably here to pass an agreement even without these suggestions, but I think it is a better trade agreement if we have the kind of ILO standards I have talked about.

Again, I emphasize, I very much want to support this agreement. I think it

would make a difference in the long run, not only for our own country but also for these struggling democracies in Central America and the Dominican Republic. These are good friends. They have been through an awful lot. I mentioned earlier the political turmoil and strife, the loss of life through civil wars, the natural disasters that have crippled them. They deserve better. They are not going to get it through foreign aid. I know that. But they could get it through an improved trading relationship, by lowering barriers and working cooperatively. My hope is we will do it. There is only a small amount of trade between ourselves and these countries. It amounts to very little in terms of overall trade dollars. But I think we set a standard that could be used throughout the region in the coming years.

My hope—even at this late hour, without in any way requiring that we reopen the process for negotiation—is that by just requiring that the ILO would be allowed to actually visit sites in these countries, not just the labor ministries, which is what the agreement does right now—under the agreement, the ILO would go to the labor ministry and say: Are you complying or not complying. Obviously, we know what the answer will be. You are asking the very people to discipline themselves. Obviously, they are not likely to conclude that they are not complying. By doing what we did in the Cambodian Free Trade Agreement, in permitting the ILO inspectors to actually have site visits to determine whether the laws are being enforced and then, of course, to be able to work with employers as well as employees to try to fix the problem that exists there, we do a lot to strengthen this agreement.

Again, I don't think it is asking too much. It goes a long way to making this a better and stronger agreement. It will do many good things for the people of these countries. I urge the administration and these CAFTA countries with whom we have been communicating today to consider this language offered. I have had a rather positive response so far from several of them, not all of them. My hope is that Ambassador Portman, on behalf of the administration, would be willing to accept this additional language to be included in correspondence along the lines that was provided to Senator BINGAMAN.

I have drafted a letter to Ambassador Portman that outlines what I have described here this evening. I am not going to include that letter in the RECORD. I would rather Ambassador Portman have a chance to see it before it becomes a public document for him to take a measure of it and to let me know whether something might be done along the lines we described here. I look forward tomorrow to addressing this issue again during further debate. My strong hope would be to be able to stand before this body and to offer my

unconditional support for this agreement. I believe what we have offered here is a reasonable proposal, one that could be included in this agreement and one that will allow us to have a strong vote.

My hope is it would convince some of our colleagues in the other Chamber who have expressed strong reservations about this agreement to come onboard. Most of the reservations have been focused on the labor standard issue. Again, I think we can strengthen that and convince many of our colleagues to support this agreement. The people of these little countries, desperately poor people, deserve better. If democracy is going to work here, if economic opportunity is to occur, then we ought to be doing more.

We have trade agreements with big powerful countries. Too often we allow too much to slip by and to allow these countries to take advantage of us. These small countries deserve some help and support. We spent \$5 billion in the 1980s financing and underwriting a part of the civil war that occurred there. Thousands lost their lives. A great deal of our treasury was expended in Central America. It is time we expended some effort to see these people have a chance for a better life.

I think this agreement can do it. A few changes that we have suggested could help us achieve that goal. I look forward to that opportunity occurring with a decision by the administration and the CAFTA countries.

Mr. President, I would like to address the Senate on another matter. I want to be careful to make sure no one else wants to be heard on this matter.

Let me inquire of the Chair, would it be appropriate for this Member to ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. That would be appropriate.

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

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

A FREE PRESS

Mr. DODD. Mr. President, two days ago the U.S. Supreme Court refused to consider overturning contempt citations against two journalists, Judith Miller and Matthew Cooper. This decision by the Court effectively paves the way for these two reporters to be sent, possibly, to jail. Yesterday the District of Columbia Circuit Court upheld the convictions of four additional journalists for contempt. They may appeal to the Supreme Court, but they are justifiably concerned that the Supreme Court will decline to consider their case, just as the Court declined to consider the Miller and Cooper cases the other day.

What did those journalists do to deserve criminal contempt convictions? Nothing more than their jobs, in my view. That is, they did nothing more than refuse to reveal to law enforcement officials the identity of sources

to whom they had pledged confidentiality.

Thomas Jefferson once said that were he to have to choose between a free country and a free press, he would select the latter.

He understood—as did the other Founding Fathers—that nothing was more important to a free people than the free flow of information. An informed citizenry is the first requirement of a free, self-governing people.

Armed with knowledge, our people can govern themselves and hold accountable their elected leaders and other high public and private officials.

Today, that principle of a well-informed electorate holding their leaders accountable is at risk.

Along with the 6 journalists I have just mentioned, there are 20 or more others who have been convicted or face conviction for protecting the confidentiality of their sources. This is an unusually high number by historical standards.

Senator LUGAR and I have introduced legislation, S. 340, the Free Flow of Information Act. We are joined in the other body by Representatives SPENCE and BOUCHER. The purpose of this legislation is to protect the free flow of information that is so essential to maintaining our free society.

This legislation is not about conferring special rights and privileges on members of the Fourth Estate. It is, rather, intended to protect the right of all citizens to inform and be informed—including by speaking with journalists in confidence.

The bill is hardly radical in concept. It is based on Justice Department guidelines and on statutes that currently exist in 31 States and the District of Columbia. While those State and DC statutes would not be preempted, the bill would establish a uniform Federal standard for Federal cases involving journalists and their sources. It would balance the legitimate and often compelling interest in law enforcement with the critical need in a free society to protect the free flow of information.

It would achieve this balance by protecting the confidentiality of sources—while at the same time allowing courts to compel journalists to produce information about wrongdoing if that information is essential to an investigation and cannot be obtained from other sources.

Imagine for a moment what would happen if citizens with knowledge of wrongdoing could not come forward and speak confidentially with members of the press. Serious journalism would virtually cease to exist. Wrongdoing would not be uncovered. We would never have learned about the crimes known as “Watergate” but for the willingness of sources to speak in confidence with reporters.

My colleagues, when journalists are hauled into court by prosecutors, when they are threatened with fines and imprisonment if they do not divulge the

sources of their information, then we are entering dangerous territory for a democracy, because that is when citizens will fear persecution simply for stepping out of the shadows to expose wrongdoing. When that happens, the information our citizens need to govern will be degraded—making it more and more difficult to hold accountable those in power.

And when the public's right to know is threatened, then all of the other liberties that we hold dear are threatened.

We are under no illusions as to the difficulty of our task in advancing this legislation.

We know that there are those who have a pavlovian response to words like "reporter" and may react negatively to this legislation. We also understand that it is critically important that we balance our Nation's compelling interest in preserving the free flow of information with its no less compelling interest in pursuing wrongdoing by criminals and others that would jeopardize the freedoms that we cherish as Americans.

Mr. President, again, I am joined by Senator LUGAR and my colleagues in the House, Congressmen SPENCE and BOUCHER. We would like to see some legislation at least be debated on the floor of the Senate and possibly passed by both Houses, if we have a chance to debate this.

The fact that reporters are going to jail because of their refusal to identify confidential sources ought to raise the concerns of everyone, regardless of their ideology or politics. We all understand there is a danger in this if we lose what has been critical as part of our self-governance. This evening, with two reporters we know facing very serious jail sentences, with others who may face similar sentences, with some 20 other people who have either been convicted or presently are in the process, we think it is very important that we act in this matter. We know it is not necessarily popular. This is not about reporters, it is not about the press, it is about whether the citizenry is going to have access to information they deserve to get. It is not about protecting journalists or sources if that is the only way we can get information we need to pursue criminal prosecutions. It ought not to be the first arrow drawn out of the prosecutor's quiver trying to deal with these matters. Too often that happens. They need to work harder to get to the bottom of these cases, without dragging the reporters in front of these courts.

I hope our colleagues on both sides of the aisle—conservatives, liberals, independents, moderates, or whatever—would be able to come together around this idea that in a free society of the 21st century the confidentiality of sources is something we ought to be willing to stand up and support. I urge my colleagues to consider this legislation and the leadership to put it on the calendar.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

CONGRATULATING CHAMPION GOLFER MICHAEL CAMPBELL

Mr. SMITH. Mr. President, I rise today to speak to a resolution I will submit honoring a true champion. I rise today out of two affections in my life: one for the land of New Zealand, and another grows out of my enjoyment of the game of golf.

Ten days ago, on June 19, Michael Campbell became the first New Zealander to win one of the United States Golf Association's major championships in 43 years, besting a field of the world's most talented golfers.

Mr. Campbell showed great perseverance and mettle throughout the Open, mastering an immensely challenging course. He was also the first player to come from behind to win a U.S. Open in 7 years.

Mr. Campbell's win is yet another chapter in a proud tradition of excellence in international sports for New Zealand.

The Kiwis have won two of the last three America's Cup yacht races and netted three gold and two silver medals at last summer's Olympic Games in Athens.

The competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's indigenous seagoing explorers, the Maori, of whom Michael Campbell is a descendant.

Mr. Campbell's victory in the U.S. Open also provides us with the opportunity to reflect on our relationship with New Zealand and at the same time to shape the future of our friendship.

Staunch allies in the two World Wars in the 20th century, New Zealand and its people have made tremendous sacrifices and heroic efforts to help protect freedom and democracy in the world.

Those efforts continue today, as New Zealand contributes regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism, and has helped to reconstruct a new, democratic Iraq.

Even though there have been some bumps in the road—the deterioration of

the Australia-New Zealand-United States alliance comes to mind—New Zealand has been a great friend and an enduring ally over the years.

It is my hope that we will continue to foster this friendship.

On that note, I commend Michael Campbell and the nation of New Zealand for this momentous victory and express arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

ENERGY POLICY ACT OF 2005

Mr. DODD. Mr. President, yesterday I was necessarily absent from the Senate during final passage of H.R. 6, the Energy bill. I was attending the funeral of Mrs. Marcia Lieberman, the mother of my good friend and our colleague, Senator LIEBERMAN. Had I been here, I would have voted for the bill, albeit with considerable reservations.

I commend the chairman and ranking member for their hard work in crafting a bipartisan bill. But let me be clear, this bill is not perfect. All things being equal, it seeks to balance the economic needs of our country with the well-being of our environment and sets out a policy to provide Americans with a reliable and affordable supply of energy.

Overall, the Senate Energy bill is a more balanced approach to energy tax policy than the House bill. It provides just under 50 percent of the tax incentives to renewable energy and energy-efficient buildings, homes and appliances. Unfortunately, the bill also provides 50 percent of tax incentives to mature industries such as oil, gas, coal and nuclear.

The bill now includes a renewable portfolio standard, by which electric utilities must generate 10 percent of their power from renewables by 2020. In the past, I voted for a higher percentage because I believe our Nation can and should use even more renewable energy. However, the bill begins a smart, economic, and environmentally friendly path for this country to take and I am pleased that the Senate acted.

For the first time, the Senate is on record in acknowledging the existence of global warming and recognizing the need to take mandatory, market-based steps to slow, stop or reverse the growth of greenhouse gas emissions. It is a start, a baby step, but again, it puts this country on the right path and I look forward to working with my colleagues to determine the right proposals to combat these emissions. Air pollution must be reduced. Long-term exposure to toxic emissions and unhealthy air has been linked to increased risk of cancer, reduced lung function in children, and premature death of people with heart and lung disease. Asthma rates in Connecticut are over two and a half times the national average; 7.9 percent of adults and 8.9 percent of children under age 18 in Connecticut have asthma.

I am pleased the Senate included an amendment that I offered to study the

effect of electrical contaminants on the reliability of energy production systems, including nuclear power facilities. In April, 2005, the Millstone 3 nuclear power plant in Waterford, CT, automatically shut down and the Nuclear Regulatory Commission, NRC, determined the cause to be a failure of a circuit card in a computerized reactor protector system. It was revealed that "tin whiskers" were present on the circuit card which led to the subsequent shutdown. Earlier this year, the January 10, 2005, edition of *Fortune* magazine had a lengthy article entitled, "Tin Whiskers: the Next Y2K Problem?" The article explained the seriousness of this problem.

Finally, I am just as pleased with a few items that were not included in the Senate bill. Unlike the House, this bill does not grant retroactive liability to producers of MTBE, a gasoline additive that my home State of Connecticut has already banned. I urge my colleagues to keep this provision out of the conference report. There is no explicit opening of the Arctic National Wildlife Refuge, although there are attempts to open that pristine land through other pieces of legislation. Finally, the Senate bill steers clear of removing environmental protections from the Safe Drinking Water Act and the Clean Water Act. Nor does the bill reduce environmental review for energy projects.

I am disappointed that H.R. 6 includes language to inventory the Outer Continental Shelf, OCS, including what is currently covered by a 23-year moratorium. Since 1982, Congress and the executive branch have prohibited new offshore leases in the OCS. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and could well set us on a slippery slope to drilling and exploration in these environmentally sensitive areas.

I am also troubled by section 381 of the underlying Senate bill that preempts state authority and gives exclusive authority to the Federal Energy Regulatory Commission, FERC, with regard to the siting, construction or expansion of liquefied natural gas terminals. I understand the need for increasing our supply of natural gas, but I have grave concerns over the process for siting LNG facilities. This hits close to home because there is a proposal to place a 1,200 foot long, 180 foot wide, 100 foot high LNG facility within Long Island Sound. FERC authority is also augmented by authorizing it to site transmission facilities in certain areas if a State fails to act within one year. Again, every State's authority is undercut by this provision.

I am deeply concerned that the bill terminates FERC's proposed rulemaking for Standard Market Design, SMD, while doing nothing to address FERC's actions with regard to Locational Installed Capacity, LICAP. My attempts to insert a simple sense of the Senate amendment to clarify that gov-

ernors and utility regulators throughout New England are opposed to LICAP and FERC should take their concerns and alternative proposals into account before a final ruling in September, were refused. The theoretical purpose of LICAP is to set prices that will provide an economic incentive for construction of new generation within New England. However, as proposed by FERC, LICAP will cost ratepayers more than \$14 billion over 4 years without any guarantee that new generation will be built, with no penalty for not building new generation, and with no provision for refunding payments if no generation is built. I will continue to work with my colleagues to address this unfair situation.

Finally, on the day after the price of a barrel of crude oil topped \$60 for the first time, we must recognize that this Energy bill does virtually nothing to stem the tide of rising oil, gasoline, and heating oil prices. The majority defeated efforts to even urge the administration to divert oil from filling the Strategic Petroleum Reserve, SPR, and to release oil from the SPR through a swap program.

I urge my colleagues participating in the conference to stand firm on the will of the Senate and return an energy conference report that moves our country on the path to energy security.

Mr. KERRY. Mr. President, last Thursday, June 23, the full Senate voted to pass amendment No. 825, the small business and farm energy emergency relief amendment of 2005, to the Energy bill, H.R. 6. I thank my colleagues for supporting my amendment. I want to also thank the cosponsors, Senators REED, SNOWE, KOHL, LEVIN, BAUCUS, JEFFORDS, HARKIN, PRYOR, SCHUMER, LAUTENBERG, KENNEDY, and LIEBERMAN.

Mr. President, the purpose of this amendment is to help small businesses and small farms struggling to make ends meet with the record high cost of energy—natural gas, heating oil, gasoline, propane, kerosene. We can do this very easily by making those small businesses eligible to apply for low-cost disaster loans through the Small Business Administration's Economic Injury Disaster Loan Program. To help small farms and agricultural businesses, Senator KOHL has included a provision making them eligible for loans through a similar loan program at the Department of Agriculture. It also includes a provision by Senator LEVIN, passed unanimously last time this was considered in Committee and the full Senate to promote the use of alternative energy sources.

The need for this type of safety net is clear. The volatile and significant rise in cost for these fuels over the past several years has threatened the economic viability and survival of many small businesses. For example, last week the spot price for oil hit a record high of \$58.90, a cost when adjusted for inflation that has not been seen in over 20 years. This is raising the price of

gasoline, with the average U.S. price now at \$2.16 per gallon, an increase of 22 cents compared to last year. The cost of home heating oil has jumped as much as 45 percent, and the natural gas market is likely to tighten over the next few months as summer cooling demand picks up. Prices are projected to continue to increase as the winter heating season boosts natural gas demand.

As we've heard in testimony after testimony, these prices hurt small manufacturers that rely heavily on natural gas and cite energy costs as one of the top three factors driving them out of business. These prices hurt farmers that rely on natural gas and propane and gasoline to run their farms and produce crops. And these prices hurt small heating fuel dealers in the northeast.

Most small companies typically have small cash flows and narrow operating margins and simply don't have the reserves to compensate for significant and unexpected spikes in operating costs. For those businesses financially harmed by the energy prices, they need access to capital to mitigate or avoid serious losses or going out of business. Commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan.

There has been a bipartisan push for this assistance in Congress twice in the past few years. In the 107th Congress, in 2001, I introduced virtually the same bill, S. 295, and was joined by 34 cosponsors to pass it in the full Senate. Of those who voted to pass the bill, 77 are still in the Senate, including 37 Republicans. Most recently, in November, during the consideration of the mega funding bill, the fiscal year 2005 Omnibus Appropriations conference report, Senator REED, as head of the Senate Northeast-Midwest Coalition, worked to have a version of this amendment adopted as part of the bill. Seventeen Senators signed a letter to chairmen STEVENS and GREGG, and ranking members BYRD and HOLLINGS requesting its inclusion. It makes no sense, but out of 3,000 pages of legislation and almost \$400 billion in spending, this assistance was not included because the administration objected. The little guy was not helped.

As frustrating as that is, and while it would have been most helpful to these businesses—from small heating oil dealers to small manufacturers—to enact the legislation in November when the prices were at an all-time high, we can still be helpful now.

In that spirit, along with my colleagues mentioned earlier, I am very pleased to have offered the Small Business and Farm Energy Emergency Relief Act of 2005, S. 269, as an amendment to that energy bill. I ask my colleagues in the Senate and House to preserve the provision in the final bill—conference—as they work out differences between the two sides.

Mr. President, we have built a very clear record over the years on how this legislation would work and why it is needed. I am glad that my colleagues have gotten behind this bill and have put us one step close to making this law in the near future. In the past, this assistance has received bipartisan support and I am glad that this year is not different.

I ask unanimous consent that a copy of a bipartisan letter of support and a copy of the cosponsors from past bills be printed in the RECORD.

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

DEMONSTRATING BIPARTISAN SUPPORT OVER
YEARS

List of S. 295 cosponsors: Senators Bond, Lieberman, Snowe, Bingaman, Landrieu, Johnson, Domenici, Levin, Wellstone, Jeffords, Harkin, Schumer, Clinton, Kohl, Edwards, Leahy, Baucus, Collins, Dodd, Chafee, Bayh, Kennedy, Inouye, Daschle, Akaka, Corzine, Reed, Murray, Cantwell, Cleland, Enzi, Torricelli, Smith, and Specter.

List of those who voted to pass S. 295 and are still in the Senate: Senators Allard, Allen, Bennett, Biden, Boxer, Breaux, Brownback, Bunning, Burns, Byrd, Campbell, Carnahan, Carper, Cochran, Conrad, Craig, Crapo, Dayton, DeWine, Dorgan, Durbin, Ensign, Feingold, Feinstein, Fitzgerald, Frist, Graham, Gramm, Grassley, Gregg, Hagel, Hatch, Helms, Hutchinson, Hutchison, Inhofe, Kyl, Lincoln, Lott, Lugar, McCain, McConnell, Mikulski, Miller, Murkowski, Nelson, Nelson, Nickles, Reid, Roberts, Rockefeller, Santorum, Sarbanes, Sessions, Shelby, Smith, Smith, Stabenow, Stevens, Thomas, Thompson, Thurmond, Voinovich, Warner, and Wyden. (40 Democrats, 37 Republicans, 1 Independent)

List of signatories to approps letter: Senators Reed, Collins, Kerry, Bingaman, Specter, Leahy, Dodd, Chafee, Kennedy, Lautenberg, Jeffords, Lieberman, Bayh, Schumer, Sarbanes, Mikulski, and Clinton.

U.S. SENATE,

Washington, DC, November 16, 2004.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Chairman, Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. FRITZ F. HOLLINGS,
Ranking Member, Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS STEVENS, BYRD, GREGG AND HOLLINGS: We are writing to request you include a provision in the fiscal year 2005 Omnibus Appropriations Conference Report to make heating oil distributors and other small businesses harmed by substantial increases in energy price eligible for Small Business Administration (SBA) disaster loans. Many small businesses are being adversely affected by the substantial increases in the prices of heating oil, propane, kerosene and natural gas. The recent volatile and substantial increases in the cost of these fuels is placing a tremendous burden on the financial resources of small businesses, which typically have small cash flows and narrow operating margins.

Heating oil and propane distributors, in particular, are being impacted. Heating oil and propane distributors purchase oil through wholesalers. Typically, the distributor has 10 days to pay for the oil. The money is pulled directly from a line of credit either at a bank or with the wholesaler. Given the high cost of heating oil, distributors' purchasing power is much lower this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery; therefore, their financial resources for purchasing oil for customers and running their business are limited. Heating oil and propane dealers need to borrow money on a short-term basis to maintain economic viability. Commercial lenders typically will not make loans to these small businesses because they usually do not have the increased cash flows to demonstrate the ability to repay the loan. Without sufficient credit, these small businesses will struggle to purchase the heating fuels they need to supply residential customers, businesses and public facilities, such as schools. These loans would provide affected small businesses with the working capital needed until normal operations resume or until they can restructure to address the market changes.

SBA's disaster loans are an appropriate source of funding to address this problem. The hurricanes that caused significant damage to the Gulf Coast along with the current instability in Iraq, Nigeria and Russia caused a surge in the price for oil and important refined products, especially heating fuels. The conditions restricting these small businesses' access to capital are beyond their control and SBA loans can fill this gap when the private sector does not meet the credit needs of small businesses.

A similar provision passed the Small Business Committee and Senate with broad bipartisan support during the 107th Congress when these small businesses faced substantial increase in energy prices. In addition, there is precedence for this proposal as a similar provision was enacted in the 104th Congress to help commercial fisheries failures.

Thank you for your consideration. Please find enclosed suggested draft language for the proposal. If your staff has questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224-0606.

Sincerely,

Jack Reed, John F. Kerry, Arlen Specter, Christopher J. Dodd, Edward M. Kennedy, James M. Jeffords, Evan Bayh, Susan M. Collins, Jeff Bingaman, Patrick J. Leahy, Lincoln D. Chafee, Frank Lautenberg, Joseph I. Lieberman, Charles E. Schumer, Paul S. Sarbanes, Hillary Rodham Clinton, Barbara A. Mikulski.

Mr. BAUCUS. President, I wish to explain my climate change votes. This is an important debate, and I appreciate the efforts of my colleagues to contribute substantively to our understanding of the issue and to offer solutions.

First, let me be clear that although I voted for Senator HAGEL's amendment relating to the promotion of climate change technology at home and abroad, I do not think that amendment goes far enough to address the issue of rising greenhouse gas emissions. At the very least, I would like to see more aggressive timetables and proposals for Federal action than are contained in Senator HAGEL's amendment.

At the same time, I am still not comfortable supporting the approach of Senator LIEBERMAN and Senator MCCAIN. I admire their hard work and dedication in advocating for immediate action to control U.S. emissions of greenhouse gases. They have helped to educate their colleagues, and have kept the issue on the front-burner in the Senate and made it impossible for us to ignore. And, as they have so often pointed out, the evidence that man-made greenhouse gas emissions are impacting our climate system is growing every year.

However, I am still not ready to support the mandatory cap and trade called for in their amendment that would freeze U.S. emissions of greenhouse gases at 2000 levels in 2010. I still have questions about the costs this proposal would impose on our economy, and in particular on my state that has the largest coal reserves in the lower 48. Projections vary widely, which makes it difficult to weigh costs and benefits. I also have concerns about whether we currently—or will in the immediate future—have the technological capabilities to meet the challenges of the McCain-Lieberman bill, without imposing significant costs on our economy or creating greater volatility in natural gas markets than already exists. Perhaps not in the short term, but beyond 2010, this concern only grows.

These are not trivial questions, particularly when some of our friends in the developing world will soon eclipse the industrialized nations as the largest emitters of greenhouse gases. We cannot ignore that fact, particularly as we contemplate placing a burden on our own economy that could impact our international competitiveness, while at the same time, will have little impact on overall global greenhouse gas concentrations.

I also was unable to support Senator BINGAMAN's sense of the Senate, calling on Congress to implement a mandatory program to reduce emissions of greenhouse gases soon. While I do agree that Congress should take this issue seriously and act sooner rather than later, I can't agree at this point that we are ready to enact a purely mandatory program in the short term.

Crafting truly bipartisan, comprehensive legislation to address greenhouse gas emissions will take a great deal of work that this Congress to date has avoided, except for the concerted efforts of individual Senators, like Senators MCCAIN, LIEBERMAN, BINGAMAN, BYRD and HAGEL. Unfortunately, individual efforts generally are not enough on legislation this complex and far-reaching without the structure and support of a committee-led process, and encouragement from the leadership and the administration.

This must happen, and I have been encouraged to hear many of my colleagues express similar sentiments about pursuing a broader approach to developing climate change legislation,

rather than on an ad hoc basis on the Senate floor, particularly the Chairman of the Senate Energy Committee, Senator DOMENICI. This is a positive development.

Congress must act, and act in a concerted, thoughtful way. That's how we have addressed complicated environmental legislation in the past, including the Clean Air Act. But, we're talking about a potential regulatory scheme that could dwarf the scope and impact of even the Clean Air Act and is directly related to our future economic growth. We're also talking about controlling a gas—CO₂—for which we currently have no widely available, proven control technology. Implementing mandatory controls now looks to a certain extent like stepping off a cliff and hoping something breaks our fall. We need to take the time to do it right. I pledge my assistance to make this happen.

I also continue to believe that this administration must re-engage with the international community in a meaningful way. The best way to move forward in this body is concurrently with an international effort that encompasses all of the major greenhouse gas emitters—and those that will soon become the major emitters. Not only will this accelerate the technology development curve, but it will level the economic playing field. The fact that Kyoto left out much of the developing world, including China and India, was that treaty's fatal flaw. We don't need to go down that path again, and I think the world is ready to step beyond Kyoto.

As the current number one emitter of greenhouse gases, it is incumbent on the U.S. to lead, not follow, in this effort. That's why I supported Senator KERRY's sense of the Senate.

INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. GRASSLEY. Mr. President, I want to take a few minutes to explain my action today related to S. 1239, a bill to amend the Indian Health Care Improvement Act. Today, with great reluctance, I asked Leader FRIST to inform me before entering any unanimous consent agreements related to consideration of this bill, which the Indian Affairs Committee reported by voice vote this morning.

S. 1239 would pencil the Indian Health Service, IHS, an Indian tribe, a tribal organization, or urban Indian organization to pay the monthly part D premium of eligible Medicare beneficiaries. The bill defines eligible beneficiaries as individuals who are Indian and who are eligible for the part D prescription drug benefit, but who do not receive any additional financial assistance made available under the Medicare Modernization Act of 2003, MMA, to beneficiaries with limited incomes.

I am all for providing assistance in paying premiums for beneficiaries in financial need. We devoted a lot of time

to those provisions in the MMA. I am troubled, however, that as currently drafted, S. 1239 would permit the IHS, an Indian tribe, tribal organization, or urban Indian organization to pick and choose who will get premium assistance. Specifically, the bill would allow them to consider an eligible beneficiary's "expected drug utilization" and any other factors to determine the cost-effectiveness of paying the beneficiary's premium.

This provision might be an attempt to reflect that the IHS, tribes, and tribal organizations have limited resources. The bill language, however, raises a number of questions. First, how would the IHS and tribes determine expected drug utilization or cost-effectiveness? Would it be based on the number of drugs a person takes or the severity of illness? Second, how would they account for the fact that a beneficiary's drug needs could change dramatically with just one illness? That is the point of having insurance.

When we crafted the MMA, we were keenly aware of the potential for adverse selection—meaning that beneficiaries might wait until they need part D coverage to enroll in part D. This would have the effect of driving up the cost of the part D premium for all beneficiaries. The additional considerations currently included S. 1239 set a dangerous precedent by seemingly promoting adverse selection in the part D program. This is exactly opposite to what we sought to achieve in the MMA.

Mr. President, I welcome the opportunity to work with the sponsors of S. 1239, Senators MCCAIN, DORGAN, and BAUCUS, and with members of the Indian Affairs Committee on this matter. I had hoped to accomplish that before the bill was reported out of committee. Unfortunately, that did not happen. I do not take actions such as these lightly. But I am deeply troubled that as currently drafted, S. 1239 could end up having unintended consequences for the very people it is intended to assist and for all Medicare beneficiaries.

COMBAT METH ACT OF 2005

Mr. FEINGOLD. Mr. President, I am proud to add my name today as a co-sponsor of the Combat Meth Act of 2005, S. 103. I want to thank Senator TALENT and Senator FEINSTEIN for their leadership on this issue. I have had the opportunity to work with my colleagues on a new version of the bill that I understand will be offered in the Judiciary Committee as a substitute when the bill is marked up, and I am very pleased to support this new version of the Combat Meth Act.

Meth is a highly addictive and particularly destructive drug that can be manufactured from widely available household items. In the last 5 years, the use of this terrible drug has skyrocketed, both nationally and in my home State of Wisconsin. When I talk to prosecutors and police officers from Wisconsin, they consistently tell me that meth use is the most daunting problem they are facing. They tell me

that meth is the single most harmful drug—to addicts, families, children, communities, and the environment—that they have ever dealt with. This bill gives law enforcement officials a chance to stem the growing tide of meth use by restricting access to the cold medicines that are commonly used to make meth and by providing funds for programs that have been shown to combat the meth problem. The bill targets those who purchase over-the-counter drugs for the purpose of manufacturing meth, while still allowing law-abiding Americans to have adequate access to the cold medicines they need.

Methamphetamine is derived from pseudoephedrine, a chemical that is found in most common cold medicines. Meth "chefs" can manufacture the drug by buying large quantities of cold medicine, mixing it with other common chemicals, and heating it. This process can occur nearly anywhere and requires only limited knowledge and experience. Even beginners can easily manufacture this drug.

Given how easy it is to make, it is not surprising that meth use has been increasing rapidly. A recent report from the National Institute on Drug Abuse finds that meth use has swept across the country, starting in Southern California and moving steadily eastward. The situation has become particularly dire in the Midwest, where meth use accounts for more than 90 percent of all drug prosecutions. Literally millions and millions of individuals have reported using meth—and this trend shows no signs of slowing. Meth cases in my home State of Wisconsin have gone up 500 percent in just the last 4 years, from 101 prosecutions in 2000 to 545 in 2004. And Wisconsin is doing much better than many other Midwestern States thanks to proactive efforts by state officials in the late 1990s, before meth had taken hold, to educate communities about the dangers of meth and the need for prevention. These education and prevention efforts paid off, keeping the number of meth labs relatively low in Wisconsin compared to neighboring States, but the problem remains a very serious one.

Both the manufacture and the use of meth have devastating consequences for users and those around them. In the short-term, even occasional meth use leads to a whole host of physical and psychological problems. It causes inflammation of the heart lining, increasing the risk of heart attacks and strokes. It causes damage to the nervous system and creates abscesses on the skin. It also attacks the brain, leading to bouts of paranoia, anxiety, and insomnia.

Meth's long-term effects are even more destructive. It has highly addictive properties, quickly turning occasional users into desperate addicts. Meth addicts often go for days without eating or sleeping. They suffer from a variety of heart ailments and can sustain permanent and often irreversible

brain damage. The drug's effect on the brain also leaves addicts vulnerable to the entire spectrum of mental health problems, from paranoia and depression to aggression and psychosis. And the drug's chemical effects are particularly insidious, meaning that addicts often require extended detoxification periods before they can begin treatment.

Sadly, meth's harmful effects are not confined to its users. The process of manufacturing meth creates unique environmental hazards that can poison surrounding communities. Cooking the chemicals that create meth can lead to explosions, fires, and the release of noxious gases. Remnants from the procedure are often washed down the drain or dumped in the ground, where they can contaminate local water sources.

Another related danger of significant meth use in a community is an increased crime rate. Meth addicts often resort to violence to gain access to the materials they need or to the money they must have to sustain their addiction. Additionally, people who are high on meth are disposed to aggressive and violent behavior. The results are apparent. For example, local news reports indicate that Eau Claire County in Wisconsin, which has been hard hit by the meth problem, has seen a significant increase in meth-related crimes as meth use has become more prevalent. This drug does not just poison users; it can affect entire communities.

And in the unkindest cut of all, children who are exposed to meth manufacturing or use can be scarred for life. Children of meth addicts are exposed to toxic fumes and volatile chemicals, resulting in potentially serious health problems, and they are often abused or neglected by those in the throes of addiction.

This problem calls for immediate Federal action. When Oklahoma was the first State earlier this year to pass a law that successfully restricted access to pseudoephedrine, the sale of products containing pseudoephedrine grew noticeably in neighboring States. The Oklahoma experience shows that States acting alone cannot address what has become a national meth problem. We need a law that creates national standards for the sale of products containing pseudoephedrine and puts the resources of the Federal Government behind the effort to stop meth use.

The new version of the Combat Meth Act provides the national response that we need. It attacks the meth problem at all stages of the process: It gives State and local officials the tools they need to prevent the sale of products used to make meth, to investigate and prosecute meth manufacturers, and to treat meth addicts and protect the children they harm.

This bill helps prevent meth use by restricting the sale of ingredients needed to manufacture meth. Under the new bill, cold medicines that contain pseudoephedrine will be placed behind

pharmacy counters and purchasers will only be able to buy 7.5 grams of the product per month—more than enough for people who really need the medicine but not enough for those who are buying the medicine to make meth. It requires people purchasing pseudoephedrine products to sign a written log, but I am pleased that the new version of the bill ensures the privacy of this potentially sensitive medical information by allowing the information to be used only to find individuals who might be purchasing these products to make meth. The bill also provides funding to States to monitor the sale of products containing pseudoephedrine.

The Combat Meth Act gives States the resources they need to bring meth manufacturers to justice. It provides money for training programs for State and local law enforcement and expands the scope of currently effective meth investigation and clean-up programs. Once meth producers and traffickers are found, this bill helps put them behind bars by hiring additional Federal prosecutors, training local prosecutors in Federal and State meth laws, and cross-designating local prosecutors as Special Assistant U.S. Attorneys, allowing them to bring legal action in Federal courts.

While this bill strengthens enforcement and prosecution measures, it also recognizes that most meth addicts require treatment rather than harsh criminal sanction. To that end, the bill authorizes the creation of a meth treatment assistance center, which will help states learn how to effectively treat those who suffer from this awful addiction. And for this drug's most innocent victims—the children who are exposed to meth by the users around them—the bill provides a \$5 million grant to allow Federal, State, and local entities to work together to help assist and educate children who have been harmed by a family member's meth addiction.

The widespread use of meth, particularly in the Midwest, has become an unsupportable burden for many families and communities. The new version of the Combat Meth Act is a common-sense response to a growing problem one that requires immediate Federal attention. While the bill does not address the increasing problem of meth imports from overseas, it will help cut back on domestic meth manufacturing and the many harms that accompany it. I am proud to support this new version of the bill and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any

kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay Latina woman was walking on the beach with her transgender male partner last year when they were approached by two unknown men. The men began making disparaging and intimidating comments at them. The two men then chased and threw rocks at the victims.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF JUD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that just celebrated its 100th anniversary. On June 24-26, the residents of Jud, ND, celebrated their community's founding and history.

Jud is a small town of 368 citizens in south-central North Dakota. Despite its small size, Jud holds an important place in North Dakota's history. Like many of North Dakota's towns and cities, Jud began with the railroad. The Northern Pacific Railroad reached the present day site of Jud in 1903 and drew up a plot for the town of Gunthorpe. Shortly following this, the town's name was changed to Jud. Between 1905 and 1911 a plethora of businesses sprang up. Among other businesses, the town once had a weekly newspaper, a pool hall and even its own baseball team.

Today, Jud boasts a number of businesses including The Jud Café, Klassie Kurl Beauty Salon, and The Wander In. Especially unique to Jud is the town's impressive compilation of murals, which adorn twenty-six of the town's buildings.

I ask the United States Senate to join me in congratulating Jud, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Jud and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Jud that have helped to shape this country into what it is today, which is why the fine community of Jud is deserving of our recognition.

Jud has a proud past and a bright future.●

100TH ANNIVERSARY OF UPHAM, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North

Dakota that is celebrating its 100th anniversary. During the weekend of July 1st, the residents of Upham, ND, will celebrate their history and the town's founding.

Upham is a small town in north-central North Dakota with a population of 155. Despite its size, Upham holds an important place in North Dakota's history. Upham was founded during the summer of 1905 at a time when the entire State of North Dakota was growing at an incredible rate. During this time, the Towner-Maxbass branch line of the Great Northern Railroad was extended up towards the Souris River Valley. This led to the founding of Upham, which served as a focal point for the Icelandic, Norwegian, German, and German-Russian communities nearby. The first school in Upham was built soon after the town's founding, and it will be having an all student reunion to coincide with the centennial celebration. Upham has flourished as a farming community ever since.

Today, its citizens have settled into a comfortable life style, where families can enjoy the summer butterflies and wild flowers of the J. Clark Saylor National Wildlife Refuge, and the town elders can socialize at the American Legion or the 55+ Club.

I ask the United States Senate to join me in congratulating Upham, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Upham and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Upham that have helped to shape this country into what it is today. I believe that the community of Upham is deserving of our recognition.

Upham has a proud past and a bright future.●

125TH ANNIVERSARY OF BUXTON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. Starting on June 29, 2005, the residents of Buxton, ND, will celebrate their history and founding.

Buxton is a small town in the eastern part of North Dakota with a population of 350. Buxton holds an important place in North Dakota's history. It began in 1880 when Budd Reeve plotted the town known today as Buxton. Budd Reeve obtained the townsite from the Great Northern Railroad in exchange for the land used for the old Union Depot in Minneapolis, MN. On October 5, 1880, three cars of lumber were delivered for the new town. At this time the only construction on the town site was an old sod house homestead. By November 2, 1880, a store had been built from this shipment of lumber and was being operated. During these same months a two-story station and a section house were built by the railroad. It was Budd's wife, Harriett Reeve, who sug-

gested the new town be called "Buxton," for T.J. Buxton, a wealthy Minneapolis businessman and family friend. The post office was established November 8, 1880. Chester Fritz, the famous businessman, financier, and UND benefactor was born in Buxton in 1892.

Even after 125 years, Buxton is still a strong agricultural community. It is home to both the Central Valley Bean Cooperative and the Farmers Union Elevator. Rural Buxton is also home to the Central Valley Public School, which is a cooperative school district with Reynolds, ND.

I ask the United States Senate to join me in congratulating Buxton, ND, and its residents on their first 125 years and in wishing them well through the next century. I believe that by honoring Buxton and all the other historic small towns of North Dakota, we keep pioneering frontier spirit alive for future generations. It is places such as Buxton that have helped to shape this country into what it is today, which is why Buxton is deserving of our recognition.

Buxton has a proud past and a bright future.●

100TH ANNIVERSARY OF STREETER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 1-3, the residents of Streeter will gather to celebrate their community's history and founding.

Streeter is a vibrant community in south central North Dakota. Streeter holds an important place in North Dakota's history. Streeter was founded in the spring of 1905 when Mr. and Mrs. Alex Anderson's homestead was plotted and sold. Mr. and Mrs. Anderson had two daughters, Frances and Florence, whose names marked the first streets in the town. The town was named after the editor and newspaper writer of Emmons County, D.R. Streeter. The school opened in the fall of 1906, and the first council meeting was held on June 22, 1916. By special election in 1950, Streeter became a city, and Oscar Seher was elected mayor.

The residents of Streeter are enthusiastic about their community and the quality of life it offers. Today, Streeter has a bank, three churches, a farmer's co-op elevator, fire department, and post office. A more recent addition is the Streeter Community Cafe, which not only serves home cooking, but offers space for community events.

Planning for the centennial has been underway for the last several years. It is clear from the list of weekend events, which include a dance, parade, games, craft show, auction, and much more, that everyone takes great pride in their community and heritage.

I ask the United States Senate to join me in congratulating Streeter, ND, and its residents on their first 100 years and in wishing them well

through the next century. By honoring Streeter and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Streeter that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Streeter has a proud past and a bright future.●

100TH ANNIVERSARY OF SARLES, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 2nd and 3rd, the residents of Sarles, ND, will celebrate their history during the past 100 years.

Sarles is a small town in the northeastern part of North Dakota, with a population of 25. Despite its small size, Sarles holds an important place in North Dakota's history. The town is located close to the U.S./Canadian border, and was founded when the Great Northern Railroad extended access to this area in 1905. Ever since then, Sarles has served as a port of entry, with customs agent D.W. Elves serving for a large portion of that time. Sarles was founded in 1905, and was named after the newly elected Governor Elmore Y. Sarles, who served from 1905-1906. Sarles went on to produce a governor of its own, Allen I. Olson, who served as North Dakota attorney general from 1972-1980, and North Dakota Governor from 1981-1984. Today, Sarles remains an important port of entry into the United States, and a focal point for the greater farming community in the area.

I ask the United States Senate to join me in congratulating Sarles, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Sarles and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Sarles that have helped to shape this country into what it is today. I believe that the community of Sarles is deserving of our recognition.

Sarles has a proud past and a bright future.●

100TH ANNIVERSARY OF EGELAND, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1-3, the residents of Egeland, ND, will celebrate their community's history and founding.

Egeland is a small town in the northeastern part of North Dakota with a population of just under 50. Despite its size, Egeland holds an important place in North Dakota's history. It began in 1905 when the Soo Line Railroad established a station and a settlement grew around it. Mr. Axel Egeland, a banker

from Bisbee, North Dakota, was employed by the Soo Line Railroad to select the town-site and was, as a Soo agent, given the privilege of naming the new town. Lots were sold August 9, 1905, and on August 23, 1905, the country store and post office called "Lakeview" relocated in the town.

Today, most families in the Egeland area are involved in farming the land. Crops such as wheat, flax, and barley are typical, and farming provides an excellent livelihood for the area's residents. Due to its small size, the youth of Egeland attend school and participate in athletics in the nearby town of Cando. However, the rural nature of the community and the interconnectedness of its members make Egeland a wonderful location to raise a family.

I ask the United States Senate to join me in congratulating Egeland, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Egeland and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Egeland that have helped to shape this country into what it is today, which is why Egeland is deserving of our recognition.

Egeland has a proud past and a bright future.●

TRIBUTE TO SHERIFF JUAN HERNANDEZ

● Mr. DOMENICI. Mr. President, I rise to pay tribute to one of New Mexico's finest public servants, Sheriff Juan Hernandez of Las Cruces whom I am honored to consider a good friend as well.

There are few people in my State's history who have been honored with a special day to recognize their legacy and accomplishments. On December 31, 2004, the Doña Ana County Commission honored retiring Doña Ana County Sheriff Juan Hernandez for his 6 years of service by proclaiming Friday the 31st as Juan Hernandez Day.

Today, I seek to honor this man who has given greatly to his community and to the people of Doña Ana County through his allegiance to public service. Juan has worked in law enforcement for 34 years with both the Sheriff's Department and the Las Cruces Police Department. He served as the Doña Ana County Sheriff from January of 1999 to January of 2005, and I believe it is for this post Juan will always be remembered.

In this elected position, Juan sought not to just serve his county but to find ways to improve it. Though his official title was "Sheriff," he earned himself an added title as the "Grant Writing Machine." Over the past 6 years, Juan Hernandez secured \$4.8 million in Federal grants for a variety of programs whose missions ranged from combating drug use and drunk driving to fighting crime and terrorism within the county.

Juan Hernandez's accolades are numerous and his hard work undeniable.

While I could certainly continue at great length in listing his accomplishments, I believe his own words most eloquently describe the man behind the badge: "When you really make an effort to make a difference, the rewards are greater than you can ever imagine."

I feel especially honored to have seen this man's work first-hand and to have joined his efforts over the past years to develop Doña Ana County. Juan, you have made a difference in many lives, and for that you have my and the State of New Mexico's continued respect and admiration.●

A CENTURY FOR A "COMPANY TOWN"

● Mr. CRAPO. Mr. President, a small town in Idaho celebrates its 100th birthday this month. Potlatch, named after the lumber company that made its home there in the early part of the 20th Century, was started by Frederick Weyerhaeuser after scouts reported that it would be a fine place to establish a lumber company. When the mill opened, it was the largest white pine sawmill in the world and, in a very interesting way, a social experiment. Weyerhaeuser built a "company town" including homes, churches, a post office, schools, commercial buildings and even an opera house and ensured the new towns connectivity to commerce by building a railroad. When you think about it, this is quite a phenomenal achievement even for a large company and showed tremendous business foresight as well as a consideration of the needs of its workers. Older residents even tell stories about the rather unique way that students were kept in line at school: if the students got into trouble, the parents were told that they would lose their job at the mill if the bad behavior continued. How times have changed!

Although the population is only about half of what it was in its heyday, and no longer a "company town," the notion of community that was bred over decades lives on in Potlatch residents today. I congratulate Potlatch on 100 years of community success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE ORDER THAT TAKES ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 OF NOVEMBER 14, 1994, AMENDING EXECUTIVE ORDER 12938 AND EXECUTIVE ORDER 13094 OF JULY 28, 1998, BY BLOCKING PROPERTY OF WEAPONS OF MASS DESTRUCTION PROLIFERATORS AND THEIR SUPPORTERS—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq. (IEEPA), I hereby report that I have issued an Executive Order that takes additional steps with respect to the national emergency declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction (WMD) and the means of delivering them, and the measures imposed by that order, as expanded by Executive Order 13094 of July 28, 1998.

This order is designed to combat WMD trafficking by blocking the property of persons that engage in proliferation activities and their support networks. It is intended to advance international cooperative efforts against WMD financing, including with our G-8 partners and through the Proliferation Security Initiative. This order also provides a model for other nations to follow in adopting laws to stem the flow of financial and other support for proliferation activities, as decided in United Nations Security Council Resolution 1540. It further implements a key recommendation of the Silberman-Robb WMD Commission.

Executive Order 12938, as amended, authorizes the Secretary of State to impose certain measures against foreign persons (individuals or entities) determined to have materially contributed to the proliferation efforts of any foreign country, project, or entity of proliferation concern. The measures that the Secretary of State may choose to impose under Executive Order 12938, as amended, are a ban on U.S. Government procurement from the designated foreign person; a ban on U.S. Government assistance to the designated foreign person; and a ban on imports from the designated foreign person.

Recognizing the need for additional tools to defeat the proliferation of WMD, I have signed the new order, which authorizes the imposition of a new measure—blocking—against WMD proliferators and their support networks. This action, sometimes referred to as freezing, will apply to property and interests in property of persons designated under the order and will

deny such persons access to the U.S. financial and commercial systems. Modeled after Executive Order 13224 of September 23, 2001, the new order provides broad new authorities to target not only persons engaged in proliferation activities, but also those providing support or services to such proliferators.

In particular, the order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of (1) the persons listed in the Annex to the order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of WMD or their means of delivery (including missiles capable of delivering such weapons) by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, proliferation-related activities or any person blocked pursuant to the order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any blocked person.

In addition, the order amends section 4(a) of Executive Order 12938, as amended, by conforming the criteria for determining that a foreign person has engaged in activity described in that order to the criteria for designations by the Secretary of State set forth in section 1(a)(ii) of the new order. Executive Order 12938, as amended, will continue to be an important tool to combat WMD proliferation.

Actions taken under the order become effective on June 29, 2005. The new order recognizes the need for more robust tools to defeat the proliferation of WMD around the world. The steps that we are undertaking in this new order form yet another part of our evolving response to this challenge.

GEORGE W. BUSH.
THE WHITE HOUSE, June 28, 2005.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 432. An act to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

H.R. 3021. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restriction on separated and successor entities to INTELSAT, and for other purposes.

The message further announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2005, the Minority Leader appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. MCCOLLUM of Minnesota.

The message also announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. KENNEDY of Rhode Island.

The message further announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the National Council on the Arts: Mr. MCKEON of California, and Mr. TIBERI of Ohio.

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

ENROLLED BILL SIGNED

At 9:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

MEASURES REFERRED

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

H.R. 432. An act to require the Secretary of the Interior to permit continued occupancy

and use of certain lands and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were discharged from the Committee on Homeland Security and Governmental Affairs by unanimous consent, and ordered placed on the calendar:

S. 590. A bill to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

S. 867. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

S. 892. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

S. 1206. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

S. 1207. A bill to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2810. 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 "Delegation of Authority to the States of Iowa and Kansas for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achievable Control Technology (MACT) Standards" (FRL No. 7927-4) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2811. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Washington; Spokane Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL No. 7929-7) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2812. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of VOC Emissions from Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County" (FRL No. 7927-5) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2813. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NO_x) Regulation and Revised NO_x Trading Rule" (FRL No. 7923-2) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2814. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration; Correction" (FRL No. 7928-4) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2815. 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 "Vermont: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7927-1) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2816. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL No. 7925-8) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2817. 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 Approved Spent Fuel Storage Casks: NUHOMS-24P, -52B, -61BT, -32PT, -24PHB, and -24PTH Revision" (RIN3150-AH72) received on June 27, 2005; to the Committee on Environment and Public Works.

EC-2818. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's annual report summarizing the activities of nonmilitary U.S. international broadcasting: the Voice of America, Middle East Broadcasting Networks, Radio Free Europe/Radio Liberty, Radio Free Asia, the Office of Cuba Broadcasting, and the International Broadcasting Bureau; to the Committee on Foreign Relations.

EC-2819. A communication from the Assistant Legal Adviser for Treaty Affairs, Depart-

ment of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-2820. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-2821. 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 "Trifloxystrobin, Pesticide Tolerances for Emergency Exemptions" (FRL No. 7720-2) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2822. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Highly Pathogenic Avian Influenza; Additional Restrictions" (APHIS Docket No. 04-011-2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2823. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Quarantined Areas" (APHIS Docket No. 05-005-2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2824. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Phytophthora Ramorum; Vacuum Heat Treatment for Bay Leaves" (APHIS Docket No. 04-092-2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2825. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Assessment and Apportionment of Administrative Expenses; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Capital Adequacy Risk-Weighting Revisions" (RIN3052-AC09) received on June 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2826. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Extra Long Staple Cotton Prices" (RIN0560-AH36) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2827. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Clarification as to When a Notice of Intent To Operate and/or Plan of Operation Is Needed for Locatable Mineral Operations on National Forest System Lands" (RIN0596-AC17) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2828. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Child and Adult Care Food Program: Permanent Agreements for Day Care Home Providers" (RIN0584-AD69) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2829. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Changes in Container and Reporting Requirements" (FV05-915-2 IFR) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2830. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Increased Assessment Rate" (FV05-946-1 FR) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2831. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly" (APHIS Docket No. 02-096-5) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006." (Rept. No. 109-95).

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1307. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Tom Luce, of Texas, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LOTT (for himself and Mr. BAUCUS):

S. 1327. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 1328. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

By Mr. BAYH:

S. 1329. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit

for offering employer-based health insurance coverage and to provide for the establishment of health insurance purchasing pools; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. SMITH, Mr. MARTINEZ, Mr. REED, and Mr. DURBIN):

S. 1330. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. THOMAS, Mr. ENZI, Mr. DORGAN, Mr. BURNS, Mr. THUNE, Mr. BINGAMAN, and Mr. BAUCUS):

S. 1331. A bill to amend the Agricultural Marketing Act of 1946 to charge the date of implementation of country of origin labeling to January 30, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; read the first time.

By Mr. CORNYN (for himself, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. TALENT, Mr. SANTORUM, Mr. COLEMAN, Mr. ISAKSON, Mr. ROBERTS, Mr. BROWNBACK, Mr. BOND, Mr. HATCH, Mr. ALLARD, Mr. ALEXANDER, Mr. MARTINEZ, and Mr. PRYOR):

S. 1333. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for country of origin labeling of meat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING (for himself, Mr. STEVENS, and Mr. ROCKEFELLER):

S. 1334. A bill to provide for integrity and accountability in professional sports; to the Committee on Commerce, Science, and Transportation and the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, and Mr. BINGAMAN):

S. 1335. A bill to amend title XVIII of the Social Security Act to preserve access to appeals before administrative law judges under the medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 1336. A bill to establish procedures for the protection of consumers from misuse of, and unauthorized access to, sensitive personal information contained in private information files maintained by commercial entities engaged in, or affecting, interstate commerce, provide for enforcement of those procedures by the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. BAUCUS):

S. 1337. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for herself and Mr. STEVENS):

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, Ms. CANTWELL,

Mr. CARPER, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DAYTON, Mr. REID, Mr. DODD, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Mr. OBAMA, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. WYDEN, Mr. AKAKA, and Ms. SNOWE):

S.J. Res. 20. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, and Mr. VOINOVICH):

S. Res. 184. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 331

At the request of Mr. JOHNSON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 335, a bill to reauthorize the Congressional Award Act.

S. 484

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax

basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 627

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 709

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BURNS) 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.

S. 759

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 792

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 861

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 875

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Utah (Mr. BENNETT), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. GREGG) and the Senator from Wisconsin (Mr. FEINGOLD) 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.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1246

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1269

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1269, a bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

S. 1280

At the request of Ms. SNOWE, the name of the Senator from Mississippi

(Mr. LOTT) was added as a cosponsor of S. 1280, a bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

S. 1305

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1305, a bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes.

S. 1317

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1320

At the request of Mr. DEWINE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 42

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 172

At the request of Mr. BROWNBACK, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 172, a resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for Darfur.

At the request of Mr. CORZINE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 172, *supra*.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1023

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1023 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1025

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 1025 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1030

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 1030 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1046

At the request of Mr. SARBANES, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 1046 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1052

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, *supra*.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of

amendment No. 1052 proposed to H.R. 2361, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. BAUCUS):

S. 1327. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

Mr. LOTT. Mr. President, I rise today to introduce legislation proposing a change to the Internal Revenue Code that has been endorsed by both the Joint Committee on Taxation and the United States Treasury Department. It is a simplification measure that has been passed by this body on three separate occasions, and I am pleased to be joined by the gentleman from Montana, Senator BAUCUS, the Ranking Democratic Member on the Finance Committee, in introducing this common sense legislation today. It is now time for Congress to act again and include this meritorious provision in the next appropriate tax bill reported from the Finance Committee.

Corporations and affiliated groups of corporations, for any number of good reasons, find it appropriate and many times necessary to shed some of their businesses. If the business is not being sold, the Internal Revenue Code makes it possible to reorganize without having to recognize gain on the transaction. A typical transaction is a spin-off transaction performed per the terms of section 355 of the Internal Revenue Code, where a parent corporation distributes the shares of its subsidiary(s) to its shareholders who once had shares of just the parent corporation now have shares of both the parent and the shares of just the parent corporation now have shares of its subsidiary(s) to its shareholders who once had shares of just the parent corporation now have shares of both the parent and the subsidiary. As a matter of long-standing tax policy, there is typically no tax exacted with these kinds of divisions, nor should there be. Typically the business hasn't changed what it is doing; it is simply being done under a separated ownership structure and the shareholders have ownership in two corporations instead of one, with no overall change in their holdings.

In order to be accorded tax-free treatment, section 355 requires the corporation involved in the transaction to be engaged in an "active trade or business." Under the current regulations interpreting section 355 of the Internal Revenue Code, a much more rigorous test of "active trade or business" is imposed if a holding company seeks to spin-off a subsidiary than would be the case if the subsidiary were simply owned directly by the parent corporation. It is a distinction without substance and requires corporations, holding companies, to go through major restructurings to satisfy the requirements of section 355. There is abso-

lutely no substantive policy rationale for such a result. The distinction is inappropriate and has been identified as such by both the staff of the Joint Committee on Taxation and the Treasury Department in 1999 and 2000. This legislation addresses that anomaly and treats both situations equally.

The cost of this provision is minimal, at about \$8 million a year by the last revenue estimate from the staff of the Joint Committee on Taxation. This provision is a small but significant step toward simplification of the tax code, and I urge my colleagues on the Finance Committee and in this body to act on this change one more time, and hopefully for the last time.

Mr. BAUCUS. Mr. President, virtually everyone supports tax simplification. But for some reason, it is awfully hard to accomplish. Today, I am pleased to join my friend and colleague from Mississippi, Senator LOTT, in introducing tax legislation that is non-controversial and a clear tax simplification measure. Further, the bill we are filing today has been supported in the past by the Joint Tax Committee and the U.S. Treasury.

Normally, corporations are taxed on distributions of property to shareholders as if sold at fair market value. However, section 355 of the tax code provides corporations with the flexibility to distribute one or more of their businesses to their shareholders, such as in a spin-off, without triggering tax consequences if the transaction meets important requirements. Through this exception in section 355, corporations may make strategic business decisions without imposing tax burdens on their shareholders, but only if both the distributing and distributed businesses continue as an active trade or business. The regulatory structure that has evolved over the years under section 355 has created very different "active trade or business" tests depending on whether the distributing corporation operates as a holding company or whether it holds the business assets directly. There is no rationale to support that distinction.

Both the staff of the Joint Tax Committee and the Clinton Treasury Department recommended that the rules be conformed as a tax simplification measure. The Senate has passed legislation similar to what we are proposing today on three occasions. And, on one of those occasions, it passed the House as well in legislation that was later vetoed for other reasons. I have heard of no opposition to this change, which would simply apply a "look through" rule for the "active trade or business" test on an affiliated group level, so that parent holding companies could count the active businesses of its subsidiaries. And it would eliminate hours of wasted time and resources in tax planning activities that serve no function other than to try and conform corporate ownership structures to satisfy the literal language of current tax requirements.

Again, I should emphasize that this proposal does not bring wholesale change to section 355. Spin-off requirements dealing with the continuity of historical shareholder interest, continuity of business enterprises, business purpose, and absence of any device to distribute earnings and profits all remain. With a cost of less than \$10 million a year, this is an affordable step we can take now to simplify the Internal Revenue Code.

I am pleased to join with Senator LOTT in working for passage of this important simplification bill, and I urge my colleagues on the Finance Committee and in the Senate give our bill every consideration.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 1328. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Lead-Free Drinking Water Act of 2005 with my colleague Senator SARBANES. We are joined by our colleagues, Congresswoman NORTON, Congressman WAXMAN, and others, who will be introducing the House companion bill today. Today, we introduce this bill for the second time.

Last year, we shared the shock felt by DC residents when it was first reported that lead levels in the DC public water system were significantly higher than Federal guidelines, and had been so for at least 2 years.

We sought answers to the same questions everyone was asking themselves—How much water did I drink? How much water did my children drink? What are the effects of lead in our bloodstream?

We shared the outrage felt by many DC residents, asking ourselves—why were we not told about this sooner? How did this happen? What are we going to do about it?

In the 108th Congress, we attempted to answer those questions. We held a hearing in the Senate Environment and Public Works Committee and listened to the concerns of DC parents worried about their children's health.

We listened to experts who identified weaknesses in the Safe Drinking Water Act and the lead and copper rule, governing how the public is informed when lead is present in a drinking water system and what corrective actions public water systems must take.

One of the most disturbing points is that many of the things that happened in Washington, DC, were within the boundaries of the existing rules that purport to protect the public from lead in drinking water.

We responded by introducing the Lead-Free Drinking Water Act of 2004, which sought to correct the weaknesses in those rules.

Today, we are reintroducing the Lead-Free Drinking Water Act of 2005.

Our bill will overhaul the Safe Drinking Water Act to strengthen the Federal rules governing lead testing and regulations in our public water systems to ensure that our most vulnerable citizens—infants, children, pregnant women, and new moms—are not harmed by lead in drinking water.

Specifically, the bill requires the EPA to reevaluate the current regulatory structure to figure out if it really provides the level of public health protection required.

The bill calls on the EPA to establish a maximum contaminant level for lead at the tap, and if that is not practical given the presence of lead inside home plumbing systems, the bill requires EPA to reevaluate the current action level for lead to ensure that vulnerable populations such as infants, children, pregnant women, and nursing mothers receive adequate protection.

I look forward to working with EPA on this evaluation to determine which approach is most feasible and which provides the greatest level of public health protection.

EPA has three choices: keep current standard, an "action level" at 15 parts per billion; lower the current action level below 15 parts per billion; establish a "maximum contaminant load."

For example, it is clear that a maximum contaminant level, which is measured at the water treatment plant, would do little to protect people from lead-contaminated drinking water at their faucets. Our bill requires that standards be measured at the tap.

A low lead action level measured at the tap could provide more protection than a high MCL measured anywhere in the system if there were extremely strong and effective public notification procedures in place.

Public notice is the key to success of any lead regulation—parents say to me, "If only I had known, I could have protected my family." It is our job to be sure the public notice system we have in place gets people the information they need when they need it.

The bill will require information such as the number of homes tested, the lead levels found, the areas of the community in which they were located, and the disproportionate adverse health effects of lead on infants, be made public immediately upon detection of lead.

In addition, the bill requires that, as part of routine testing conducted, any residents whose homes test high for lead receive notification and appropriate medical referrals within 14 days.

Finally, we don't want the day of an exceedance to be the first time people have heard about lead in drinking water. The bill establishes a basic public education program to ensure that people have a basic understanding that lead may be present in drinking water and what the corrective actions might be even before their water system detects a problem.

The bill requires increased water testing and lead remediation in schools

and day-care centers nationwide. This provision exists in law today, but it was affected by previous litigation. This bill corrects the problem by requiring the Administrator to execute this program if states choose not to. It is wholly unacceptable to do anything less than provide a learning environment for our next generation that does not degrade their intellectual capacity. Our bill provides \$150 million over 5 years for this program.

And we strengthen existing requirements to ensure that all lead service lines will be replaced by a public water system at a rate of 10 percent per year until they are gone.

This is common sense—let us get rid of the lead in our systems and get rid of the lead in our water.

Our bill makes water systems responsible for replacing lead service lines, including the privately owned sections, once a system exceeds lead standards. Homeowners have the final say in whether their line is replaced.

We provide \$1 billion over 5 years for lead service line replacement.

The EPA estimates that our Nation needs \$265 billion to maintain and improve its drinking water infrastructure over the next 20 years.

If we do not address this, we will be facing more and more health and environmental issues as our Nation's water infrastructure degrades.

Lead service lines are only one part of the picture. Leaded solder was banned in 1987. However, "lead-free" plumbing fixtures are currently allowed to have 8 percent lead.

Our bill makes "lead-free" mean lead-free. It defines the term as trace amounts of lead—0.2 percent. It prohibits the use of pipes, or pipe or plumbing fitting or fixtures that are "high lead" which our bill defines as 2.0 percent lead within 1 year. And within 5 years, it prohibits the use of any plumbing components with any more than 0.2 percent lead. This is a huge step toward making our water systems truly lead-free.

Our bill strengthens existing requirements for leaching by requiring independent third-party performance certification.

Finally, our bill requires that the existing requirements for leaching be revised to be as protective as the existing leaching standards in California which have set the bar for plumbing fittings and fixtures.

We urge our colleagues to support this legislation.

Last year, Good Housekeeping independently ran a piece about the Lead-Free Drinking Water Act and gave its readers information to contact us with their support. We received over a thousand responses from individual readers in 48 States and the District of Columbia.

In the 18th century, almost 300 years ago, Ben Franklin concluded that lead was poisonous. In a biography written by Edmund S. Morgan, this story is recounted:

At the request of his friend and English publisher Benjamin Vaughan, he wrote out a proof of what he had once casually mentioned in conversation: his conclusion that lead was poisonous. After detailing his own and other printers' ailments from the continuous handling of lead type, he went on to describe his observations of the grass and plants that died from the fumes near furnaces where lead was smelted, of the effects of drinking rainwater that sluiced off lead roofs, and of his queries to sickened plumbers, painters, and glaziers in a Paris hospital. His observations of the toxic effects of lead, he noted, were nothing new; and he remarked wryly, "how long a useful Truth may be known, and exist, before it is generally received and practised on."

We have known lead is a poison for centuries. What are we waiting for? As we learned from the incidents in Washington, DC, and Boston, there are large deficiencies in Federal safe drinking water regulations. It is time to plug the holes in these regulations and fully protect the public from this poison. It is time to get the lead out.

Safe drinking water is not a privilege; it is a right—whether you live in Washington, DC, or Washington State or Washington County, VT.

I urge my colleagues to join us in working to pass the Lead-Free Drinking Water Act of 2005 to get the lead out of our pipes, out of our water, out of our families, and out of our lives.

By Mrs. CLINTON (for herself, Mr. SMITH, Mr. MARTINEZ, Mr. REED, and Mr. DURBIN):

S. 1330. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today during National Home Ownership Month to introduce the Housing America's Workforce Act.

Affordable and safe housing plays a vital role in creating and sustaining healthy communities and a vibrant workforce. The Housing America's Workforce Act creates incentives to expand employer-assisted housing initiatives across the Nation. I thank Senators SMITH, MARTINEZ, REED, and DURBIN for their co-sponsorship of this important legislation. I would also like to thank Congresswoman NYDIA VELÁZQUEZ for her leadership in introducing the companion bill in the House of Representatives.

The sad truth is that across our Nation, working full-time no longer guarantees that a family will be able to afford a secure and comfortable home. The shortage of workforce housing has become a national crisis as housing costs have far outgrown the rate of inflation in many markets and as the gap between wages and housing costs widens. The result is that affordable housing is out of reach for a growing number of working families. As a result,

people who provide the backbone services for our communities—teachers, firefighters, police officers, and nurses—often cannot afford to live in the communities in which they serve. A recent workforce housing study released by the National Association of Home Builders found that for the most part, workers who provide these vital community services can only find housing they can afford in less than half of the nation's top 25 metropolitan areas.

Across the Nation, the number of working families with critical housing problems (defined as those paying more than half of their income for housing and/or living in dilapidated conditions) has increased by 67 percent between 1997 and 2003 to approximately 5 million families. Families that spend more than half of their income on housing have little income left over for other essentials such as food, healthcare, and transportation.

And despite overall improvements in home-ownership trends since 1978, working families—employed households with children earning less than 120 percent of Area Median Income—have actually experienced a decrease in homeownership rates. A 2004 Center for Housing Policy study shows that the homeownership rate for working families with children was at 62.5 percent in 1978, and only 56.6 percent through 2001.

Employer-assisted housing, EAH, is a local, innovative solution that a growing number of employers are using to meet the housing needs of their employees while increasing the competitiveness of their businesses. There are several types of EAH products, including homebuyer education, down payment assistance, rental assistance and loan guarantee programs. Employers often combine these products to meet their employees' specific needs in the most effective ways.

The benefits for employees and employers are impressive. The employee, in addition to receiving financial support from an employer to buy or rent a home closer to work, also regains extra time—formerly spent in traffic—for family or community life. The employer likewise benefits from a more stable workforce when employees live near work. They enjoy the advantages from the improved employee morale, lower turnover rate and reduced recruitment costs result in bottom line savings that the increased proximity brings. Furthermore, EAH programs benefit not only the workers and employers, but also the entire community. As former commuters buy homes near the jobsite, the surrounding community which previously suffered from traffic congestion, now enjoys new investment and property tax revenues.

The Housing America's Workforce Act is inspired in great part by lessons learned in States and local communities across the Nation, where EAH has proven to be an effective tool to promote housing affordability for working families and community reviv-

talization. Through EAH programs, the private sector becomes part of the solution, investing in housing assistance for employees while experiencing bottom line benefits. This is clearly a public-private partnership that is proven and makes sense.

The Housing America's Workforce Act provides incentives to increase private sector investment in housing in three important ways. First, it offers a tax credit of 50 cents for every dollar that an employer provides to eligible employees up to \$10,000 or six percent of the employee's home purchase price, whichever is less, or up to \$2,000 for rental assistance. Second, to ensure that employees receive the full value of employers' contributions, the Act defines housing assistance as a "nontaxable benefit," similar to health, dental and life insurance. Third, the act establishes a competitive grant program available to nonprofit housing organizations that provide technical assistance, program administration, and outreach support to employers undertaking EAH initiatives.

In New York and in other parts of the country, EAH has caught on with the local business community, elected and appointed officials, and the broader housing arena. Its expansion indicates a growing understanding among the private sector that it pays to invest in workforce housing. I have worked with employers across my State to launch county employer-assisted housing programs in places such as Long Island, Rochester and Westchester.

I have met many of the families that have already benefited from Long Island's EAH program, which I helped launch in 2002. People like the Isaacs family, who were able to buy their first home in North Amityville in 2002 thanks to their employer's participation in the program. Pamela Isaac, like so many employees on Long Island, works as a Dietician at Our Lady of Consolation, part of the Catholic Health Services Network. Catholic Health Services' participation in the employer assisted housing program enabled Pamela and her husband Bartholomew to stay on Long Island and raise their three children in their own home.

I also worked in collaboration with Mayor William A. Johnson of Rochester to jumpstart the City of Rochester's EAH initiative. The City provides \$3,000 for its own employees and also encourages other employers to provide a home purchase benefit by offering to match that benefit dollar for dollar up to a maximum of \$3,000. Therefore, if an employer offered the maximum benefit of \$3,000, he or she would produce a \$6,000 benefit for his or her employees with the city's matching funds.

The Westchester County EAH, which was spearheaded by the Business Council and Fannie Mae, brings together the following Westchester County nonprofit organizations: Housing Action Council, Westchester Residen-

tial Opportunities, Westchester Housing Fund and Community Housing Innovations. Each of these nonprofits provides standardized, comprehensive education and counseling support to participating employers. The initiative also provides matching funds of up to \$3,000 from Westchester County or from the cities of Yonkers, New Rochelle, White Plains or Mount Vernon. In addition, the nonprofit collaborative offers down payment and closing cost assistance programs that can match employer contributions.

The creation of Federal incentives to expand employer-assisted housing has been a consistent recommendation of experts in the broader housing arena, including the Millennial Housing Commission. In addition, former HUD Secretaries Henry Cisneros and Jack Kemp, along with Nic Retsinas and Kent Colton of the Harvard Joint Center for Housing Studies recently released a bipartisan platform for national housing policy, which includes EAH as one of its recommendations.

According to the Society for Human Resources Management's 2004 Benefits Survey, 12 percent of employers offered home ownership assistance in 2004, up from 7 percent in 2002. Since 1991, Fannie Mae has offered a nationwide EAH program through participating lending institutions and employers. Fannie Mae has helped about 750 employers of various sizes implement EAH programs and nearly 570 have been launched since 2000. Freddie Mac launched a similar national program in 1999, which it expanded in 2004. Several states have enacted EAH tax incentive programs, including Illinois, Connecticut, Missouri, and New Jersey.

Employer-assisted housing programs offer a fresh approach to addressing our Nation's housing challenge by allowing the private sector to play a direct role in promoting housing affordability. I hope every Senator will recognize that the Housing America's Workforce Act will create opportunities for us as a Nation to expand these public-private partnerships and will make a profound impact in the lives of our workforce, and I hope that you will support this important piece of legislation.

Mr. SMITH. Mr. President, I rise today to join Senators CLINTON, MARTINEZ, REED, and DURBIN to introduce the Housing America's Workforce Act.

Across the country, low- and moderate-income families face difficulty finding affordable housing. Homebuilding has not kept pace with job growth, and the cost of housing has skyrocketed. In the last 5 years, the number of working U.S. families paying more than half their income to put a roof over their heads has jumped to 4.2 million in 2003 from 2.4 million in 1997, a 76-percent increase in 5 years.

Our bill tries to address the issue of affordable housing from a new perspective, one that allows the private sector to play a direct role in promoting housing affordability. Specifically, our bill would create a Federal tax credit for

businesses that offer housing assistance programs to their low- to moderate-income employees.

Employer assisted housing, EAH, programs have been used successfully for more than 100 years and have proven effective in helping to revitalize neighborhoods and to recruit and retain employees. In my home State of Oregon, EAH programs have been used by employers such as Legacy Emanuel Hospital & Health Center, Housing Authority of Portland, Multnomah County, and Wacker Siltronic.

In 1990, Legacy Emanuel developed an EAH program to encourage employees to purchase homes in the neighborhood near the hospital. The program shortened employee commute time, reduced traffic congestion, and helped spur a dramatic revitalization of the surrounding area. Similar programs have succeeded around the country and have helped to ease the spatial mismatch between where job growth is taking place and where people can afford to live.

Under our bill, housing assistance can be used for either homeownership or rental assistance. Homeownership assistance could be used for down payments, closing costs, financing costs, or contributions to an employee homeownership savings plan, such as an Individual Development Accounts. Rental assistance could be used for security deposits and rental payments.

Employer assisted housing programs are innovative ways to leverage public and private funds to make housing affordable for working families. As such, our proposal has been endorsed by National Housing Conference, National Association of Home Builders, National Association of Realtors, National Association of Housing and Redevelopment Officials, National League of Cities, National Association of Counties, Mortgage Bankers Association, National NeighborWorks Association, AmeriDream, and the National Association of Local Housing Finance Agencies.

I look forward to continuing to work with my colleagues to address the affordable housing shortfall.

By Mr. JOHNSON (for himself, Mr. THOMAS, Mr. ENZI, Mr. DORGAN, Mr. BURNS, Mr. THUNE, Mr. BINGAMAN, and Mr. BAUCUS):

S. 1331. A bill to amend the Agricultural Marketing Act of 1946 to change the date of implementation of country of origin labeling to January 30, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I rise to discuss an issue of great importance to producers and consumers in my home State of South Dakota and across the Nation. Mandatory country of origin labeling, COOL, remains an overwhelmingly popular provision not only as a consumer right-to-know issue, but also as a marketing tool for our Nation's farmers and ranchers.

Mandatory country of origin labeling was signed into law under this most re-

cent Farm Bill and by this current President. As the primary author of the COOL language included in the 2002 Farm Bill, I am increasingly frustrated at the amount of heel dragging this Administration has shown for the program. I rise to introduce a bill to move forward with the implementation of mandatory COOL in a timely and reasonable manner, instating a January 30, 2006 mandatory date of implementation. COOL has experienced great bipartisan support in the Senate. I am pleased that Senator CRAIG THOMAS joins me in this bipartisan effort, as does Senator MIKE ENZI, Senator BYRON DORGAN, and Senator CONRAD BURNS.

I worked with my Senate colleagues to ensure that no delay language was included in the Senate version of the fiscal year 2006 Agriculture Appropriations Bill that was reported out of committee. As a member of the Senate Appropriations Committee, and specifically, the Agriculture Appropriations Subcommittee, I worked with my Senate colleagues to ensure we assembled a satisfactory bill that did not contain the same delay language as found in the House agriculture spending measure. The House fiscal year 2006 Agriculture Appropriations Bill contained a 1-year delay for meat and meat products, which is identical to the situation that unfolded with the program in fiscal year 2004.

While the House version of the fiscal year 2004 spending bill contained a 1-year delay for meat and meat products exclusively, the final omnibus contained a 2-year delay for all covered commodities except fish and shellfish. During closed door consideration of the measure, Senate leadership chose to bow to special interest groups despite the significant support COOL experiences from the majority of consumers and producers. While I was pleased to see the Senate version of the fiscal year 2006 bill that we reported out of committee contained \$3.111 million for an audit-based compliance program for COOL implementation, the United States Department of Agriculture, USDA, Agricultural Marketing Service, AMS, will need substantive funding for the implementation of the full program. While the money funds an audit-based compliance program exclusively for fish and shellfish, additional dollars are needed for the inclusion of all covered commodities.

Mandatory COOL for fish and shellfish was implemented on April 4, 2005. USDA instituted a six month phase-in period to ensure adequate time for compliance, and the Department promulgated an interim final rule on September 30, 2004. Given this process, I see no reason why the Department should not proceed with the promulgation of the interim final rule for all covered commodities at the earliest possible time. If the implementation date is moved to January 30, 2006, then producers and consumers will at least see benefits under the program by late

summer of 2006. Producers and consumers have waited long enough for program implementation, and it is high time USDA move forward with the implementation of this crucial program.

Mr. FEINGOLD. Mr. President, I am proud to join the chairman and the ranking member of the Senate Judiciary Committee in cosponsoring the Personal Data Privacy and Security Act of 2005. This bill is a much-needed solution to the daunting problem of ensuring the privacy and the security of our personal data, which has become such a precious commodity.

As we enter the 21st century, several forces are converging to make our personal information more valuable—and vulnerable—than ever. The world is going digital, and so is our personal data. In this day and age, almost everything we do results in a third party creating a digital record about us—digital records that we may not even realize exist. We seek the convenience of opening bank accounts and making major purchases over the Internet, often without ever speaking to another person face to face or even over the telephone, making identity theft easier and more lucrative. Businesses, nonprofits and even political parties are personalizing their messages, products and services to a degree we've never seen before, and they are willing to invest significant amounts of money in collecting personal information about potential customers or donors. And we are living in an age where identity-based screening and security programs can be vitally important, resulting in more information being collected about individuals in an attempt to identify them accurately.

As a result, personal information has become a hot commodity that is bought, sold, and—as so often happens when something becomes valuable—stolen.

We are at a crossroads. We all know about the security breaches that have been on the front pages of newspapers all over the country for the past 6 months. They have placed the identities of hundreds of thousands of Americans at risk.

But this is about much more than just information security. Until California law required ChoicePoint to notify individuals that their information was compromised and they might be vulnerable to identity theft, many Americans had never heard of this company. As news stories focused on the data broker business, many Americans were surprised to discover that companies are creating digital dossiers about them that contain massive amounts of information, and that these companies sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that Americans need a better understanding of what happens to their information in a digital world—and what kind of consequences they can face as a result.

When I am back home in Wisconsin, I hear from people who do not understand why companies have the right to sell their sensitive personal information. I hear from people who are shocked to discover that personal information about them is available for free on the Internet.

There is no question that data aggregators facilitate societal benefits, allowing consumers to obtain instant credit and personalized services, and police officers to locate suspects. But these companies also gather a great deal of potentially sensitive information about individuals, and in many instances they go largely unregulated.

Too many of my constituents feel they have lost control over their own information. Congress must return some power to individual Americans so that we can all better understand and manage what happens to our own personal data.

The Personal Data Privacy and Security Act takes a comprehensive approach to the privacy and security problems we face. It gives consumers back some control over their own information. The bill requires data brokers to allow consumers to access their own information, and to investigate when consumers tell them that corrections are necessary. And it requires companies to give notice to affected consumers and to law enforcement if there is a serious security breach, so that individuals know their identity may be at risk and can take steps to protect themselves.

In addition, the bill increases penalties for those who steal our identities. It provides grants to State and local law enforcement to help them combat data fraud and related crimes. It requires companies that buy and sell information to have appropriate data security systems in place. It provides protection to Social Security numbers by prohibiting the sale, purchase or display of Social Security numbers, with certain exceptions, and preventing companies from requiring customers to provide their Social Security numbers in order to purchase goods or services. These protections will help safeguard against future privacy violations and security breaches in the commercial data industry. But that is not all this bill accomplishes.

The bill also contains some critically important privacy and security provisions to govern the Government's use of commercial data. This is an aspect of the data broker business that has not yet gotten as much attention in the wake of the recent security breaches. The information gathered by these companies is not just sold to individuals and businesses; Government agencies of all stripes also buy or subscribe to information from commercial sources. The most recent example was the discovery that the Pentagon has a contract with a marketing firm to analyze commercial and other data about high school and college students.

While I believe the Government should be able to access commercial

databases in appropriate circumstances, there are few existing rules or guidelines to ensure this information is used responsibly. Nor are there restrictions on the use of commercial data for powerful, intrusive data mining programs, an issue I have been particularly concerned about. The Privacy Act, which governs when Government agencies themselves are collecting data, does not apply because the information is held outside the Government and is not gathered solely at Government direction.

As a result, there is a great deal we do not know about Government use of commercial data, even in clearly appropriate circumstances such as when the agency's goal is simply to locate an individual already suspected of a crime.

We don't know under what circumstances Government employees can obtain access to these databases or for what purposes. We don't know how Government agencies evaluate the accuracy of the databases to which they subscribe, or how the accuracy level affects government use of the data. We don't know how employees are monitored to ensure they do not abuse their access to these databases, or how those who misuse the information are punished. And we don't know how Government agencies, particularly those engaged in sensitive national security investigations, ensure that the data brokers cannot keep records of who the Government is investigating, records which themselves could create a huge security risk in light of the vulnerabilities that have come to the forefront in recent months.

That is why I am so pleased that this bill includes provisions to address the Government's use of commercial data. A comprehensive approach to data privacy and security would be incomplete without taking on this piece of the puzzle. The bill recognizes there are many legitimate reasons for Government agencies to obtain commercially available data, but that they need to be subject to privacy and security protections. It takes a commonsense approach, pushing Government agencies to take basic steps to ensure that individuals' personal information is secure and only used for legitimate purposes, and that the commercial information the Government is paying for and relying on is accurate and complete.

Specifically, the bill would require that Federal agencies that subscribe to commercial data adopt standards governing its use. These standards would reflect long-standing basic privacy principles. The bill would ensure that Government agencies consider and determine which personnel will be permitted to access the information and under what circumstances; develop retention policies for this personal data and get rid of data they no longer need, minimizing the opportunity for abuse or theft; rely only on accurate and complete data, and penalize vendors who knowingly provide inaccurate in-

formation to the Federal Government; provide individuals who suffer adverse consequences as a result of the agency's reliance on commercial data with a redress mechanism; and establish enforcement mechanisms for those privacy policies.

The bill also extends to other screening programs the existing protections that already are in place to govern the Transportation Security Administration's possible use of commercial data for its identity-based airline passenger screening program, Secure Flight. If the Federal Government is going to rely on commercial data to screen Americans and decide whether to permit them to travel by air or engage in other common activities, it should do so only subject to explicit congressional authorization, as this bill provides. In addition, agencies should have to provide a redress process for those wrongly affected, and should have to operate under rules that govern the access, use, disclosure, accuracy and retention of that data.

The bill also directs the General Services Administration to review Government contracts for commercial data to make sure that vendors have appropriate security programs in place, and that they do not provide information to the Government that they know to be inaccurate. And it requires agencies to audit the information security practices of their vendors.

These are basic good Government measures. They guarantee that the Federal Government is not wasting money on inaccurate data, and that vendors are undertaking the security programs that they have promised and for which the Government is paying.

We live in a new digital world. The law may never fully keep up with technology, but we must make every effort we can. I am proud to be involved in this comprehensive, reasoned approach to privacy and security. I congratulate Chairman SPECTER and Ranking Member LEAHY for their excellent work on this bill. This bill is important and it deserves very serious consideration by the Senate.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; read the first time.

Mr. SPECTER. Mr. President, I rise today to introduce S. 1332, the Personal Data Privacy and Security Act of 2005.

Not too long ago, our personal information—our Social Security numbers, our date of birth, our mothers' maiden name, where we live—all remained relatively private. Where we live, and what we paid for our house, and whether we had a mortgage might have been publicly available, but finding that information out would require a trip to

the local recorders office. Our privacy was preserved by the sheer difficulty of obtaining the information. This privacy—the ability to be left alone—has been a cherished value throughout American history.

As our day-to-day transactions have become electronic, more and more of our personal data has been stored, transmitted and accessed electronically. Almost all of us have benefited from this change. Because our personal information is available electronically, we can purchase goods and services over the phone or on the internet. We can obtain a mortgage or rent an apartment in a matter of hours. We can apply for a credit card while we wait at the store and purchase things on-line. The availability of such information also helps law enforcement agencies conduct investigations and catch criminals. The information has also been used to do good. In one instance, Associated Press journalists matched Social Security numbers obtained from data brokers to Mississippi prison data exposing eight school teachers who failed to report that they had been convicted of sex offenses or drug crimes.

However, as Justice Warren prophetically wrote in the 1963 case, *Lopez v. United States*—a case balancing the privacy interests of an individual with the law enforcement needs of the government—“The fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual.” In electronic form, our personal information is both more valuable and more vulnerable. As we have all witnessed in recent months, electronic data is more vulnerable because it can be accessed from afar and can be stolen in a split second. The problem first became apparent when data brokers, companies that buy and sell our personal data, announced that they had experienced large-scale breaches involving the personal data of hundreds of thousands of Americans. In February, ChoicePoint, one of the Nation’s largest collectors of consumer information, notified over 145,000 Americans of a system security breach. In March, LexisNexis announced that unauthorized persons posing as legitimate customers obtained personal the personal data of over 300,000 Americans.

It soon became apparent that the problem extended beyond data brokers. In April, Carnegie Mellon University notified 19,000 students, alumni, faculty and staff that their personal data may have been compromised. In May, a data storage company lost information on 600,000 current and former employees of Time Warner. In recent days, MasterCard announced 40 million credit card numbers belonging to U.S. consumers were accessed by a computer hacker—the largest breach yet.

Even government agencies have not been immune. Personal data including Social Security numbers on nearly 6,000 current and former Federal Deposit Insurance Corporation employees

was stolen early last year, some of which has been used for fraudulent purposes.

Electronic personal data is more valuable because identity thieves can steal large volumes and use it before anyone knows. For the last 5 years, Identity Theft has topped the FTC’s list of consumer complaints. From 2002 to 2004, the number of complaints rose 52 percent, to 246,570. Put another way, that’s once every 2 minutes. But this is only the tip of the iceberg. Not all consumers report identity theft to the FTC. Not all victims report identity theft to their local police. Sixty percent of those who did file a report with the FTC did not call their local police department. It stands to reason that many did not call the FTC.

A recent study by the Better Business Bureau concluded that 9.3 million Americans were victims of identity fraud in 2004, and that each victim lost approximately \$5,800. Ultimately, nearly 20 percent Americans will become victims of identity theft. Worse, according to the study, it took victims an average of 28 hours on the phone with creditors and credit bureaus to clear their names. I use the term “clear” loosely, because in many cases the damage caused by identity theft is irreversible. Victims will have fraud alerts on their credit reports for years to come, making it more difficult to open new accounts or make major purchases. Some will be erroneously contacted by collection agencies.

Individuals whose personal information is not stolen also suffer. Businesses lose nearly \$50 billion a year from identity thieves posing as customers. These losses translate into increased prices for every consumer.

In some cases, the availability of electronic personal data can lead to tragedy. In 1999, a former high school classmate of Amy Lynn Boyer obtained her former work address and social security number from an on-line data broker. By calling her home and posing as the former employer, he convinced Amy’s mom to give him Amy’s work address. He then drove to Boyer’s workplace and fatally shot her.

In an effort to protect the privacy and security of our electronic personal information, and prevent future tragedies, small and large, my colleague Senator LEAHY and I are introducing the Personal Data Privacy and Security Act of 2005. First, this legislation goes after identity thieves by increasing penalties for crimes involving electronic personal data. For example, it increases penalties for computer fraud when such fraud involves personal data. It also goes after those who intentionally expose Americans to identity theft by punishing those who intentionally conceal a security breach that involves personal data.

The bill also empowers Americans to look after the privacy of their own data. The bill will allow individuals to obtain access to any personal information held by data brokers. For individ-

uals who believe their information is wrong, data brokers must provide them with guidance on how to correct their information.

The legislation also puts the burden those that store, transmit and access electronic personal data. It will require the companies, government agencies, universities that keep significant amounts of personal data to assess the vulnerability of their systems and to adopt policies that will address those vulnerabilities. Some entities will choose to encrypt the personal data that they store and transmit. Others will pick a means more appropriate their size and the sensitivity of their data.

Of course, these provisions do not apply to data held by health care providers and financial institutions that is already regulated by other federal laws. This legislation fills in gaps left by other federal laws. It has become clear that many entities other than health care providers and financial institutions have large amounts of personal information. This legislation would require such entities to adequately protect their electronic data.

Such measures will not always be enough. As I’ve already noted, the nature of electronic data makes it vulnerable even when those who hold it take reasonable steps to protect it. Currently, no federal law requires those who maintain our sensitive personal data to notify affected individuals when such data is lost or exposed. This legislation would require those who maintained such data to notify affected individuals as well as law enforcement. As everyone knows, knowledge is power. Once individuals learn that their personal information is exposed, they can take steps to protect themselves. And, the company, school or agency that experienced the breach must help. They must provide individuals whose data was lost with a monthly credit report and they must provide information on the identity theft victim assistance available to them. For large breaches, the media must be notified. Media reports over the past few months have made Americans far more aware of the problem of security breaches. Hopefully, we can continue to raise awareness by requiring data holders to continue the practice of making public announcements regarding large breaches. Notice will also give law enforcement a head start in the effort to prevent harm to individuals as a result of a breach.

One of the most critical pieces of information that can be lost is one’s Social Security number. We can all think of instances when we’ve been asked for our Social Security number to verify our identities—utilities, doctors, schools—I could go on. In itself, this is not harmful. Problems arise however, when the Social Security number gets passed along to others without the person’s knowledge or permission. The legislation would prohibit companies from buying, selling or displaying a Social Security number without consent

from the individual whose number it is. The bill also would prevent companies from requiring individuals to give their Social Security number in order to obtain goods or services. Finally, it would bar government agencies from posting public records that contain Social Security numbers on the internet. This legislation would not prevent the use of Social Security numbers altogether. We recognize that would not be practical. It would, however, protect the value of Social Security numbers by preventing their proliferation.

Finally, this legislation will protect the privacy of all Americans by providing a check on the government's use of databases maintained by data brokers. As I've already noted, federal law enforcement uses electronic personal data maintained by data brokers to track criminals and criminal activity. Correctly used, these databases can be very useful tools in the fight against crime. However, there should be some check on their use. In addition, the legislation aims at making sure the government's use of such data is secure. It will require audits to ensure that data brokers are keeping law enforcement inquiries private.

This bill represents a comprehensive effort to protect the privacy and security of electronic personal data. Our lives have all been made easier because our personal information is readily available to those who have a legitimate need for it. This legislation aims to keep such information out of the hands of those who have no legitimate need for it. I urge my colleagues to join me in supporting this important legislation. 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. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Personal Data Privacy and Security 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—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

- Sec. 101. Fraud and related criminal activity in connection with unauthorized access to personally identifiable information.
- Sec. 102. Organized criminal activity in connection with unauthorized access to personally identifiable information.
- Sec. 103. Concealment of security breaches involving personally identifiable information.
- Sec. 104. Aggravated fraud in connection with computers.

- Sec. 105. Review and amendment of Federal sentencing guidelines related to fraudulent access to or misuse of digitized or electronic personally identifiable information.

TITLE II—ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT COMBATING CRIMES RELATED TO FRAUDULENT, UNAUTHORIZED, OR OTHER CRIMINAL USE OF PERSONALLY IDENTIFIABLE INFORMATION

- Sec. 201. Grants for State and local enforcement.
- Sec. 202. Authorization of appropriations.
- TITLE III—DATA BROKERS**
- Sec. 301. Transparency and accuracy of data collection.
- Sec. 302. Enforcement.
- Sec. 303. Relation to State laws.
- Sec. 304. Effective date.

TITLE IV—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—Data Privacy and Security Program

- Sec. 401. Purpose and applicability of data privacy and security program.
- Sec. 402. Requirements for a personal data privacy and security program.
- Sec. 403. Enforcement.
- Sec. 404. Relation to State laws.

Subtitle B—Security Breach Notification

- Sec. 421. Right to notice of security breach.
- Sec. 422. Notice procedures.
- Sec. 423. Content of notice.
- Sec. 424. Risk assessment and fraud prevention notice exemptions.
- Sec. 425. Victim protection assistance.
- Sec. 426. Enforcement.
- Sec. 427. Relation to State laws.
- Sec. 428. Study on securing personally identifiable information in the digital era.
- Sec. 429. Authorization of appropriations.
- Sec. 430. Effective date.

TITLE V—PROTECTION OF SOCIAL SECURITY NUMBERS

- Sec. 501. Social Security number protection.
- Sec. 502. Limits on personal disclosure of social security numbers for commercial transactions and accounts.
- Sec. 503. Public records.
- Sec. 504. Treatment of social security numbers on government checks and prohibition of inmate access.
- Sec. 505. Study and report.
- Sec. 506. Enforcement.
- Sec. 507. Relation to State laws.

TITLE VI—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

- Sec. 601. General Services Administration review of contracts.
- Sec. 602. Requirement to audit information security practices of contractors and third party business entities.
- Sec. 603. Privacy impact assessment of government use of commercial information services containing personally identifiable information.
- Sec. 604. Implementation of Chief Privacy Officer requirements.

SEC. 2. FINDINGS.

Congress finds that—

- (1) databases of personal identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;
- (2) identity theft is a serious threat to the nation's economic stability, homeland secu-

rity, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, nonprofit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to insure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government misuse of commercial data endangers privacy, security, and liberty, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGENCY.**—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) **AFFILIATE.**—The term "affiliate" means persons related by common ownership or affiliated by corporate control.

(3) **BUSINESS ENTITY.**—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) **IDENTITY THEFT.**—The term "identity theft" means a violation of section 1028 of title 18, United States Code, or any other similar provision of applicable State law.

(5) **DATA BROKER.**—The term "data broker" means a business entity which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of collecting, transmitting, or otherwise providing personally identifiable information on a nationwide basis on more than 5,000 individuals who are not the customers or employees of the business entity or affiliate.

(6) **DATA FURNISHER.**—The term "data furnisher" means any agency, governmental entity, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof, that serves as a source of information for a data broker.

(7) **PERSONAL ELECTRONIC RECORD.**—The term "personal electronic record" means the

compilation of personally identifiable information of an individual (including information associated with that personally identifiable information) in a database, networked or integrated databases, or other data system.

(8) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(9) **PUBLIC RECORD.**—The term “public record” means any item, collection, or grouping of information about an individual that is maintained by an agency, including—

(A) education, financial transactions, medical history, and criminal or employment history containing the name of an individual; and

(B) the identifying number, symbol, or other identifying particular assigned to an individual, such as—

- (i) a fingerprint;
- (ii) a voice print; or
- (iii) a photograph.

(10) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to sensitive personally identifiable information.

(B) **EXCLUSION.**—The term “security breach” does not include a good faith acquisition of sensitive personally identifiable information if the sensitive personally identifiable information is not subject to further unauthorized disclosure.

(11) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any name or number used in conjunction with any other information to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number;

(B) unique biometric data, such as—

- (i) a fingerprint;
- (ii) a voice print;
- (iii) a retina or iris image; or
- (iv) any other unique physical representation;

(C) unique electronic identification number, address, or routing code; or

(D) telecommunication identifying information or access device (as defined in section 1029(e) of title 18, United States Code).

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

SEC. 101. FRAUD AND RELATED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1030(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking “or” after the semicolon;

(2) in subparagraph (C), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(D) information contained in the databases or systems of a data broker, or in other personal electronic records, as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2005;”.

SEC. 102. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030(a)(2)(D)(relating to fraud and related activity in connection with unauthorized access to personally identifiable information,” before “section 1084”.

SEC. 103. CONCEALMENT OF SECURITY BREACHES INVOLVING PERSONALLY IDENTIFIABLE INFORMATION.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1039. Concealment of security breaches involving personally identifiable information

“Whoever, having knowledge of a security breach requiring notice to individuals under title IV of the Personal Data Privacy and Security Act of 2005, intentionally and willfully conceals the fact of, or information related to, such security breach, shall be fined under this title or imprisoned not more than 5 years, or both.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1039. Concealment of security breaches involving personally identifiable information.”.

SEC. 104. AGGRAVATED FRAUD IN CONNECTION WITH COMPUTERS.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding after section 1030 the following:

“§ 1030A. Aggravated fraud in connection with computers

“(a) **IN GENERAL.**—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly obtains, accesses, or transmits, without lawful authority, a means of identification of another person may, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of up to 2 years.

“(b) **CONSECUTIVE SENTENCES.**—Notwithstanding any other provision of law, should a court in its discretion impose an additional sentence under subsection (a)—

“(1) no term of imprisonment imposed on a person under this section shall run concurrently, except as provided in paragraph (3), with any other term of imprisonment imposed on such person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identifications was obtained, accessed, or transmitted;

“(2) in determining any term of imprisonment to be imposed for the felony during which the means of identification was obtained, accessed, or transmitted, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(3) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section.

“(c) **DEFINITION.**—For purposes of this section, the term ‘felony violation enumerated in subsection (c)’ means any offense that is a felony violation of paragraphs (2) through (7) of section 1030(a).”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following new item:

“1030A. Aggravated fraud in connection with computers.”.

SEC. 105. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO FRAUDULENT ACCESS TO OR MISUSE OF DIGITIZED OR ELECTRONIC PERSONALLY IDENTIFIABLE INFORMATION.

(a) **REVIEW AND AMENDMENT.**—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, digitized or electronic personally identifiable information, including identity theft or any offense under—

(1) sections 1028, 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; or

(2) any other relevant provision.

(b) **REQUIREMENTS.**—In carrying out the requirements of this section, the United States Sentencing Commission shall—

(1) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(A) the serious nature of the offenses and penalties referred to in this Act;

(B) the growing incidences of theft and misuse of digitized or electronic personally identifiable information, including identity theft; and

(C) the need to deter, prevent, and punish such offenses;

(2) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address violations of the sections amended by this Act to—

(A) sufficiently deter and punish such offenses; and

(B) adequately reflect the enhanced penalties established under this Act;

(3) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves—

(A) the online sale of fraudulently obtained or stolen personally identifiable information;

(B) the sale of fraudulently obtained or stolen personally identifiable information to an individual who is engaged in terrorist activity or aiding other individuals engaged in terrorist activity; or

(C) the sale of fraudulently obtained or stolen personally identifiable information to finance terrorist activity or other criminal activities;

(6) make any necessary conforming changes to the Federal sentencing guidelines to ensure that such guidelines (including its policy statements) as described in subsection (a) are sufficiently stringent to deter, and adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) **EMERGENCY AUTHORITY TO SENTENCING COMMISSION.**—The United States Sentencing Commission may, as soon as practicable, promulgate amendments under this section in accordance with procedures established in section 21(a) of the Sentencing Act of 1987 (28

U.S.C. 994 note) as though the authority under that Act had not expired.

TITLE II—ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT COMBATING CRIMES RELATED TO FRAUDULENT, UNAUTHORIZED, OR OTHER CRIMINAL USE OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 201. GRANTS FOR STATE AND LOCAL ENFORCEMENT.

(a) **IN GENERAL.**—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice may award a grant to a State to establish and develop programs to increase and enhance enforcement against crimes related to fraudulent, unauthorized, or other criminal use of personally identifiable information.

(b) **APPLICATION.**—A State seeking a grant under subsection (a) shall submit an application to the Assistant Attorney General for the Office of Justice Programs of the Department of Justice at such time, in such manner, and containing such information as the Assistant Attorney General may require.

(c) **USE OF GRANT AMOUNTS.**—A grant awarded to a State under subsection (a) shall be used by a State, in conjunction with units of local government within that State, State and local courts, other States, or combinations thereof, to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information with State and local law enforcement officers and prosecutors, including the use of multi-jurisdictional task forces.

(d) **ASSURANCES AND ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information, such as penal laws prohibiting—

(A) fraudulent schemes executed to obtain personally identifiable information;

(B) schemes executed to sell or use fraudulently obtained personally identifiable information; and

(C) online sales of personally identifiable information obtained fraudulently or by other illegal means;

(2) will provide an assessment of the resource needs of the State and units of local government within that State, including

criminal justice resources being devoted to the investigation and enforcement of laws related to crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information; and

(3) will develop a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)).

(e) **MATCHING FUNDS.**—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$25,000,000 for each of fiscal years 2006 through 2009.

(b) **LIMITATIONS.**—Of the amount made available to carry out this title in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(c) **MINIMUM AMOUNT.**—Unless all eligible applications submitted by a State or units of local government within a State for a grant under this title have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this title not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this title, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(d) **GRANTS TO INDIAN TRIBES.**—Notwithstanding any other provision of this title, the Attorney General may use amounts made available under this title to make grants to Indian tribes for use in accordance with this title.

TITLE III—DATA BROKERS

SEC. 301. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.

(a) **IN GENERAL.**—Data brokers engaging in interstate commerce are subject to the requirements of this title for any offered product or service offered to third parties that allows access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, unless that product or service is currently subject to similar protections under subsections (b) and (g) of this section, the Fair Credit Reporting Act (Public Law 91-508), or the Gramm-Leach Bliley Act (Public Law 106-102), and implementing regulations.

(b) **DISCLOSURES TO INDIVIDUALS.**—

(1) **IN GENERAL.**—A data broker shall, upon the request of an individual, clearly and accurately disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained for disclosure to third parties in the databases or systems of the data broker at the time of the request.

(2) **INFORMATION ON HOW TO CORRECT INACCURACIES.**—The disclosures required under paragraph (1) shall also include guidance to individuals on the processes and procedures for demonstrating and correcting any inaccuracies.

(c) **CREATION OF AN ACCURACY RESOLUTION PROCESS.**—A data broker shall develop and publish on its website timely and fair proc-

esses and procedures for responding to claims of inaccuracies, including procedures for correcting inaccurate information in the personal electronic records it maintains on individuals.

(d) **ACCURACY RESOLUTION PROCESS.**—

(1) **PUBLIC RECORD INFORMATION.**—

(A) **IN GENERAL.**—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information, and the data broker determines that such information is derived from a public record source, the data broker shall determine within 30 days whether the information in its system accurately and completely records the information offered by the public record source.

(B) **DATA BROKER ACTIONS.**—If a data broker determines under subparagraph (A) that the information in its systems—

(i) does not accurately and completely record the information offered by a public record source, the data broker shall correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) does accurately and completely record the information offered by a public record source, the data broker shall—

(I) provide such individual with the name, address, and telephone contact information of the public record source; and

(II) notify such individual of the right to add to the personal electronic record of the individual maintained by the data broker a statement disputing the accuracy or completeness of the information for a period of 90 days under subsection (e).

(2) **INVESTIGATION OF DISPUTED NON-PUBLIC RECORD INFORMATION.**—If the completeness or accuracy of any non-public record information disclosed to an individual under subsection (b) is disputed by the individual and such individual notifies the data broker directly of such dispute, the data broker shall, before the end of the 30-day period beginning on the date on which the data broker receives the notice of the dispute—

(A) investigate free of charge and record the current status of the disputed information; or

(B) delete the item from the individuals data file in accordance with paragraph (8).

(3) **EXTENSION OF PERIOD TO INVESTIGATE.**—Except as provided in paragraph (4), the 30-day period described in paragraph (1) may be extended for not more than 15 additional days if a data broker receives information from the individual during that 30-day period that is relevant to the investigation.

(4) **LIMITATIONS ON EXTENSION OF PERIOD TO INVESTIGATE.**—Paragraph (3) shall not apply to any investigation in which, during the 30-day period described in paragraph (1), the information that is the subject of the investigation is found to be inaccurate or incomplete or a data broker determines that the information cannot be verified.

(5) **NOTICE IDENTIFYING THE DATA FURNISHER.**—If the completeness or accuracy of any information disclosed to an individual under subsection (b) is disputed by the individual, a data broker shall provide upon the request of the individual, the name, business address, and telephone contact information of any data furnisher who provided an item of information in dispute.

(6) **DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.**—

(A) **IN GENERAL.**—Notwithstanding paragraphs (1) through (4), a data broker may decline to investigate or terminate an investigation of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or irrelevant, including by reason of a failure by the individual to provide sufficient information to investigate the disputed information.

(B) NOTICE.—Not later than 5 business days after making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a data broker shall notify the individual of such determination by mail, or if authorized by the individual, by any other means available to the data broker.

(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

(i) the reasons for the determination under subparagraph (A); and

(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

(7) CONSIDERATION OF INDIVIDUAL INFORMATION.—In conducting any investigation with respect to disputed information in the personal electronic record of any individual, a data broker shall review and consider all relevant information submitted by the individual in the period described in paragraph (2) with respect to such disputed information.

(8) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

(A) IN GENERAL.—If, after any review of public record information under paragraph (1) or any investigation of any information disputed by an individual under paragraphs (2) through (4), an item of information is found to be inaccurate or incomplete or cannot be verified, a data broker shall promptly delete that item of information from the individual's personal electronic record or modify that item of information, as appropriate, based on the results of the investigation.

(B) NOTICE TO INDIVIDUALS OF REINSERTION OF PREVIOUSLY DELETED INFORMATION.—If any information that has been deleted from an individual's personal electronic record pursuant to subparagraph (A) is reinserted in the personal electronic record of the individual, a data broker shall, not later than 5 days after reinsertion, notify the individual of the reinsertion and identify any data furnisher not previously disclosed in writing, or if authorized by the individual for that purpose, by any other means available to the data broker, unless such notification has been previously given under this subsection.

(C) NOTICE OF RESULTS OF INVESTIGATION OF DISPUTED NON-PUBLIC RECORD.—

(i) IN GENERAL.—Not later than 5 business days after the completion of an investigation under paragraph (2), a data broker shall provide written notice to an individual of the results of the investigation, by mail or, if authorized by the individual for that purpose, by other means available to the data broker.

(ii) ADDITIONAL REQUIREMENT.—Before the expiration of the 5-day period, as part of, or in addition to such notice, a data broker shall, in writing, provide to an individual—

(I) a statement that the investigation is completed;

(II) a report that is based upon the personal electronic record of such individual as that personal electronic record is revised as a result of the investigation;

(III) a notice that, if requested by the individual, a description of the procedures used to determine the accuracy and completeness of the information shall be provided to the individual by the data broker, including the business name, address, and telephone number of any data furnisher of information contacted in connection with such information; and

(IV) a notice that the individual has the right to request notifications under subsection (g).

(D) DESCRIPTION OF INVESTIGATION PROCEDURES.—Not later than 15 days after receiving a request from an individual for a description referred to in subparagraph

(C)(ii)(III), a data broker shall provide to the individual such a description.

(E) EXPEDITED DISPUTE RESOLUTION.—If by no later than 3 business days after the date on which a data broker receives notice of a dispute from an individual of information in the personal electronic record of such individual in accordance with paragraph (2), a data broker resolves such dispute in accordance with subparagraph (A) by the deletion of the disputed information, then the data broker shall not be required to comply with subsections (e) and (f) with respect to that dispute if the data broker provides—

(i) to the individual, by telephone, prompt notice of the deletion; and

(ii) to the individual a right to request that the data broker furnish notifications under subsection (g).

(e) STATEMENT OF DISPUTE.—

(1) IN GENERAL.—If the completeness or accuracy of any information disclosed to an individual under subsection (b) is disputed, an individual may file a brief statement setting forth the nature of the dispute.

(2) CONTENTS OF STATEMENT.—A data broker may limit the statements made pursuant to paragraph (1) to not more than 100 words if it provides an individual with assistance in writing a clear summary of the dispute or until the dispute is resolved, whichever is earlier.

(f) NOTIFICATION OF DISPUTE IN SUBSEQUENT REPORTS.—Whenever a statement of a dispute is filed under subsection (e), unless there is a reasonable grounds to believe that it is frivolous or irrelevant, a data broker shall, in any subsequent report, product, or service containing the information in question, clearly note that it is disputed by an individual and provide either the statement of such individual or a clear and accurate codification or summary thereof for a period of 90 days after the data broker first posts the statement of dispute.

(g) NOTIFICATION OF DELETION OF DISPUTED INFORMATION.—Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified, a data broker shall, at the request of an individual, furnish notification that the item has been deleted or the statement, codification, or summary pursuant to subsection (e) or (f) to any user or customer of the products or services of the data broker who has within 90 days received a report with the deleted or disputed information or has electronically accessed the deleted or disputed information.

SEC. 302. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) PENALTIES.—Any data broker that violates the provisions of section 301 shall be subject to civil penalties of not more than \$1,000 per violation per day, with a maximum of \$15,000 per day, while such violations persist.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A data broker that intentionally or willfully violates the provisions of section 301 shall be subject to additional penalties in the amount of \$1,000 per violation per day, with a maximum of an additional \$15,000 per day, while such violations persist.

(3) EQUITABLE RELIEF.—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever it appears that a data broker to which this title applies has

engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this title, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this title;

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title;

(C) obtain—

(i) damages in the sum of actual damages, restitution, or other compensation on behalf of affected residents of the State; and

(ii) punitive damages, if the violation is willful or intentional; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) ATTORNEY GENERAL AUTHORITY.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;
 (B) administer oaths and affirmations; or
 (C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1931 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

- (i) is an inhabitant; or
- (ii) may be found.

SEC. 303. RELATION TO STATE LAWS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the access, use, compilation, distribution, processing, analysis, and evaluation of any personally identifiable information by data brokers, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 301, relating to individual access to, and correction of, personal electronic records.

SEC. 304. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE IV—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—Data Privacy and Security Program

SEC. 401. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the privacy, security, confidentiality, integrity, storage, and disposal of personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 402 for protecting personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to—

- (1) financial institutions subject to—
 - (A) the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and
 - (B) examinations for compliance with the requirements of this Act by 1 or more Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(2) “covered entities” subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

SEC. 402. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—Unless otherwise limited under section 401(c), a business entity subject to

this subtitle shall comply with the following safeguards to protect the privacy and security of personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program, written in 1 or more readily accessible parts, that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

- (A) ensure the privacy, security, and confidentiality of personal electronic records;
- (B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of personal electronic records; and
- (C) protect against unauthorized access to use of personal electronic records that could result in substantial harm or inconvenience to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of personally identifiable information or systems containing personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of personally identifiable information; and

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of personally identifiable information.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of personally identifiable information, including by employees and other individuals otherwise authorized to have access; and

(iii) protect personally identifiable information during use, transmission, storage, and disposal by encryption or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations).

(5) ACCOUNTABILITY.—Each business entity required to establish a data security program under section 401 shall publish on its website or make otherwise available the terms of such program to the extent that such terms do not reveal information that compromise data security or privacy.

(b) TRAINING.—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) VULNERABILITY TESTING.—

(1) IN GENERAL.—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) FREQUENCY.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) RELATIONSHIP TO SERVICE PROVIDERS.—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to this section, section 401, and subtitle B.

(e) PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

- (1) technology;
- (2) the sensitivity of personally identifiable information;
- (3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

- (A) mergers and acquisitions;
- (B) alliances and joint ventures;
- (C) outsourcing arrangements;
- (D) bankruptcy; and
- (E) changes to personally identifiable information systems.

(f) IMPLEMENTATION TIME LINE.—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

SEC. 403. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any business entity that violates the provisions of sections 401 or 402 shall be subject to civil penalties of not more than \$5,000 per violation per day, with a maximum of \$35,000 per day, while such violations persist.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A business entity that intentionally or willfully violates the provisions of sections 401 or 402 shall be subject to additional penalties in the amount of \$5,000 per violation per day, with a maximum of an additional \$35,000 per day, while such violations persist.

(3) EQUITABLE RELIEF.—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever it appears that a business entity or agency to which this subtitle applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this subtitle, the Attorney General may bring a civil action in an appropriate district court of the United States to—

- (A) enjoin such act or practice;

(B) enforce compliance with this subtitle; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(C) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle;

(C) obtain—

(i) damages in the sum of actual damages, restitution, or other compensation on behalf of affected residents of the State; and

(ii) punitive damages, if the violation is willful or intentional; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) ATTORNEY GENERAL AUTHORITY.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1) nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1931 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 404. RELATION TO STATE LAWS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to security programs for personally identifiable information, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 401(c), relating to entities exempted from compliance with subtitle A.

Subtitle B—Security Breach Notification

SEC. 421. RIGHT TO NOTICE OF SECURITY BREACH.

(a) IN GENERAL.—Unless delayed under section 422(d) or exempted under section 424, any business entity or agency engaged in interstate commerce that involves collecting, accessing, using, transmitting, storing, or disposing of personally identifiable information shall notify, following the discovery of a security breach of its systems or databases in its possession or direct control when such security breach impacts sensitive personally identifiable information—

(1) if the security breach impacts more than 10,000 individuals nationwide, impacts a database, networked or integrated databases, or other data system associated with more than 1,000,000 individuals nationwide, impacts databases owned or used by the Federal Government, or involves sensitive personally identifiable information of employees and contractors of the Federal Government—

(A) the United States Secret Service, which shall be responsible for notifying—

(i) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code; and

(ii) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(B) the attorney general of each State affected by the security breach;

(2) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a), pursuant to subsection (b); and

(3) any resident of the United States whose sensitive personally identifiable information was subject to the security breach, pursuant to sections 422 and 423, but in the event a business entity or agency is unable to identify the specific residents of the United States whose sensitive personally identifiable information was impacted by a security breach, the business entity or agency shall consult with the United States Secret Service to determine the scope of individuals who there is a reasonable basis to conclude have

been impacted by such breach and should receive notice.

(b) CONSUMER REPORTING AGENCIES.—Any business entity or agency obligated to provide notice of a security breach to more than 1,000 residents of the United States under subsection (a)(3) shall inform consumer reporting agencies of the fact and scope of such notices for the purpose of facilitating and managing potential increases in consumer inquiries and mitigating identity theft or other negative consequences of the breach.

SEC. 422. NOTICE PROCEDURES.

(a) TIMELINESS OF NOTICE.—

(1) IN GENERAL.—Except as provided in subsection (c), all notices required under section 421 shall be issued expeditiously and without unreasonable delay after discovery of the events requiring notice.

(2) 14-DAY RULE.—The notices to Federal law enforcement and the attorney general of each State affected by a security breach required under section 421(a) shall be delivered not later than 14 days after discovery of the events requiring notice.

(3) REQUIRED DISCLOSURE.—In complying with the notices required under section 421, a business entity or agency shall expeditiously and without unreasonable delay take reasonable measures which are necessary to—

(A) determine the scope and assess the impact of a breach under section 421; and

(B) restore the reasonable integrity of the data system.

(b) METHOD.—Any business entity or agency obligated to provide notice under section 421 shall be in compliance with that section if they provide notice as follows:

(1) WRITTEN NOTIFICATION.—By written notification to the last known home address of the individual whose sensitive personally identifiable information was breached, or if unknown, notification via telephone call to the last known home telephone number.

(2) INTERNET POSTING.—If more than 1,000 residents of the United States require notice under section 421 and if the business entity or agency maintains an Internet site, conspicuous posting of the notice on the Internet site of the business entity or agency.

(3) MEDIA NOTICE.—If more than 5,000 residents of a State or jurisdiction are impacted, notice to major media outlets serving that State or jurisdiction.

(c) DELAY OF NOTIFICATION FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If Federal law enforcement or the attorney general of a State determines that the notices required under section 421(a) would impede a criminal investigation, such notices may be delayed until such law enforcement agency determines that the notices will no longer compromise such investigation.

(2) EXTENDED DELAY OF NOTIFICATION FOR LAW ENFORCEMENT PURPOSES.—If a business entity or agency has delayed the notices required under paragraphs (2) and (3) of section 421(a) as described in paragraph (1), the business entity or agency shall give notice 30 days after the day such law enforcement delay was invoked unless Federal law enforcement provides written notification that further delay is necessary.

SEC. 423. CONTENT OF NOTICE.

(a) IN GENERAL.—A business entity or agency obligated to provide notice to residents of the United States under section 421(a)(3) shall clearly and concisely detail the nature of the sensitive personally identifiable information impacted by the security breach.

(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include—

(1) the availability of victim protection assistance pursuant to section 425;

(2) guidance on how to request that a fraud alert be placed in the file of the individual

maintained by consumer reporting agencies, pursuant to section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c-1) and the implications of such actions;

(3) the availability of a summary of rights for identity theft victims from consumer reporting agencies, pursuant to section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g);

(4) if applicable, notice that the State where an individual resides has a statute that provides the individual the right to place a security freeze on their credit report; and

(5) if applicable, notice that consumer reporting agencies have been notified of the security breach.

(c) **MARKETING NOT ALLOWED IN NOTICE.**—A notice under subsection (a) may not include—

- (1) marketing information;
- (2) sales offers; or
- (3) any solicitation regarding the collection of additional personally identifiable information from an individual.

SEC. 424. RISK ASSESSMENT AND FRAUD PREVENTION NOTICE EXEMPTIONS.

(a) **RISK ASSESSMENT EXEMPTION.**—A business entity will be exempt from the notice requirements under paragraphs (2) and (3) of section 421(a), if a risk assessment conducted in consultation with Federal law enforcement and the attorney general of each State affected by a security breach concludes that there is a de minimis risk of harm to the individuals whose sensitive personally identifiable information was at issue in the security breach.

(b) **FRAUD PREVENTION EXEMPTION.**—A business entity will be exempt from the notice requirement under section 421(a) if—

(1) the nature of the sensitive personally identifiable information subject to the security breach cannot be used to facilitate transactions or facilitate identity theft to further transactions with another business entity that is not the business entity subject to the security breach notification requirements of section 421;

(2) the business entity utilizes a security program reasonably designed to block the use of the sensitive personally identifiable information to initiate unauthorized transactions before they are charged to the account of the individual; and

(3) the business entity has a policy in place to provide notice and provides such notice after a breach of the security of the system has resulted in fraud or unauthorized transactions, but does not necessarily require notice in other circumstances.

SEC. 425. VICTIM PROTECTION ASSISTANCE.

Any business entity or agency obligated to provide notice to residents of the United States under section 421(a)(3) shall offer to those same residents to cover the cost of—

(1) monthly access to a credit report for a period of 1 year from the date of notice provided under section 421(a)(3); and

(2) credit-monitoring services for up to 1 year from the date of notice provided under section 421(a)(3).

SEC. 426. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any business entity that violates the provisions of sections 421 through 425 shall be subject to civil penalties of not more than \$5,000 per violation per day, with a maximum of \$55,000 per day, while such violations persist.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A business entity that intentionally or willfully violates the provisions of sections 421 through 425 shall be subject to additional penalties in the amount of \$5,000 per violation per day, with a maximum of an additional \$55,000 per day, while such violations persist.

(3) **EQUITABLE RELIEF.**—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) **INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—Whenever it appears that a business entity or agency to which this subtitle applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this subtitle, the Attorney General may bring a civil action in an appropriate district court of the United States to—

- (A) enjoin such act or practice;
- (B) enforce compliance with this subtitle; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) **OTHER INJUNCTIVE RELIEF.**—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this subtitle, the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

- (A) enjoin that practice;
- (B) enforce compliance with this subtitle;
- (C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of that State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other equitable relief as the court may consider to be appropriate.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

- (i) written notice of the action; and
- (ii) a copy of the complaint for the action.

(B) **EXCEPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION WHEN PRACTICABLE.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the attorney general of a State files the action.

(3) **ATTORNEY GENERAL AUTHORITY.**—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

- (A) conduct investigations;
- (B) administer oaths or affirmations; or
- (C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection process may be served in any district in which the defendant—

- (i) is an inhabitant; or
- (ii) may be found.

SEC. 427. RELATION TO STATE LAWS.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to protecting consumers from the risk of theft or misuse of personally identifiable information, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) **EXCEPTIONS.**—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under—

(1) section 3(9), relating to the definition of “security breach”;

(2) paragraphs (1)(A), (2), and (3) of subsection (a), and subsection (b) of section 421, relating to the right to notice of security breach;

(3) section 422, relating to notice procedures;

(4) section 423, relating to notice content, except that nothing in this section shall prevent a State from requiring notice of additional victim protection assistance by that State; and

(5) section 424, relating to risk assessment and fraud prevention notice exemptions.

SEC. 428. STUDY ON SECURING PERSONALLY IDENTIFIABLE INFORMATION IN THE DIGITAL ERA.

(a) **REQUIREMENT FOR STUDY.**—Not later than 120 days after the date of enactment of this Act, the Department of Justice shall enter into a contract with the National Research Council of the National Academies to conduct a study on securing personally identifiable information in the digital era.

(b) **MATTERS TO BE ASSESSED IN REVIEW.**—The study required under subsection (a) shall include—

(1) threats to the public posed by the unauthorized or improper disclosure of personally identifiable information, including threats to—

- (A) law enforcement;
- (B) homeland security;
- (C) individual citizens; and
- (D) commerce;

(2) an assessment of the benefits and costs of currently available strategies for securing

personally identifiable information based on—

- (A) technology;
- (B) legislation;
- (C) regulation; or
- (D) public education;

(3) research needed to develop additional strategies;

(4) recommendations for congressional or other policy actions to further minimize vulnerabilities to the threats described in paragraph (1); and

(5) other relevant issues that in the discretion of the National Research Council warrant examination.

(c) **TIME LINE FOR STUDY AND REQUIREMENT FOR REPORT.**—Not later than 18-month period beginning upon completion of the performance of the contract described in subsection (a), the National Research Council shall conduct the study and report its findings, conclusions, and recommendations to Congress.

(d) **FEDERAL DEPARTMENT AND AGENCY COMPLIANCE.**—Federal departments and agencies shall comply with requests made by the National Science Foundation, National Research Council, and National Academies for information that is necessary to assist in preparing the report required by subsection (c).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated to the Department of Justice for Department-wide activities, \$850,000 shall be made available to carry out the provisions of this section for fiscal year 2006.

SEC. 429. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

SEC. 430. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of enactment of this Act.

TITLE V—PROTECTION OF SOCIAL SECURITY NUMBERS

SEC. 501. SOCIAL SECURITY NUMBER PROTECTION.

(a) **IN GENERAL.**—No person may—

(1) display any individual's social security number to a third party without the voluntary and affirmatively expressed consent of such individual; or

(2) sell or purchase any social security number of an individual without the voluntary and affirmatively expressed consent of such individual.

(b) **PREREQUISITES FOR CONSENT.**—To obtain the consent of an individual under paragraphs (1) or (2) of subsection (a), the person displaying, selling, or attempting to sell, purchasing, or attempting to purchase the social security number of such individual shall—

(1) inform such individual of the general purpose for which the social security number will be used, the types of persons to whom the social security number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of such individual.

(c) **HARVESTED SOCIAL SECURITY NUMBERS.**—Subsection (a) shall apply to any public record of a Federal agency that contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

(d) **EXCEPTIONS.**—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

(1) as required, authorized, or excepted under Federal law;

(2) to the extent necessary for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(3) to the extent necessary for a national security purpose;

(4) to the extent necessary for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(5) to the extent necessary for research conducted for the purpose of advancing public knowledge, on the condition that the researcher provides adequate assurances that—

(A) the social security numbers will not be used to harass, target, or publicly reveal information concerning any individual;

(B) information about individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(C) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about individuals;

(6) if such a number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

(7) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all or a portion of a business; or

(8) to the extent only the last 4 digits of a social security number are displayed.

SEC. 502. LIMITS ON PERSONAL DISCLOSURE OF SOCIAL SECURITY NUMBERS FOR COMMERCIAL TRANSACTIONS AND ACCOUNTS.

(a) **IN GENERAL.**—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding the following:

“SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF SOCIAL SECURITY NUMBERS FOR COMMERCIAL TRANSACTIONS AND ACCOUNTS.

“(a) **ACCOUNT NUMBERS.**—

“(1) **IN GENERAL.**—A business entity may not—

“(A) require an individual to use the social security number of such individual as an account number or account identifier when purchasing a commercial good or service; or

“(B) deny an individual goods or services for refusing to accept the use of the social security number of such individual as an account number or account identifier.

“(2) **EXISTING ACCOUNT EXCEPTION.**—Paragraph (1) shall not apply to any account number or account identifier established prior to the date of enactment of this Act.

“(b) **SOCIAL SECURITY NUMBER PREREQUISITES FOR GOODS AND SERVICES.**—A business entity may not require an individual to provide the social security number of such individual when purchasing a commercial good or service or deny an individual goods or services for refusing to provide that number except for any purpose relating to—

“(1) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

“(2) a background check of the individual conducted by a landlord, lessor, employer, or voluntary service agency;

“(3) law enforcement; or

“(4) a Federal, State, or local law requirement.

“(c) **APPLICATION OF CIVIL MONEY PENALTIES.**—A violation of this section shall be deemed to be a violation of section 1129(a).

“(d) **APPLICATION OF CRIMINAL PENALTIES.**—A violation of this section shall be deemed to be a violation of section 208(a)(8).”.

SEC. 503. PUBLIC RECORDS.

(a) **IN GENERAL.**—Except as provided in paragraph (2), paragraphs (a) and (b) of section 501 shall apply to all public records posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency.

(b) **EXCEPTIONS.**—

(1) **TRUNCATION AND PRIOR DISPLAYS.**—Section 501(a) shall not apply to—

(A) a public record which displays only the last 4 digits of the social security number of an individual; and

(B) any record or a category of public records first posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency prior to the date of enactment of this Act.

(2) **LAW ENFORCEMENT.**—Nothing in this subsection shall be construed to prevent an entity acting pursuant to a police investigation or regulatory power of a domestic governmental unit from accessing the full social security number of an individual.

SEC. 504. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS AND PROHIBITION OF INMATE ACCESS.

(a) **PROHIBITION OF USE OF SOCIAL SECURITY NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL ENTITIES.**—

(1) **IN GENERAL.**—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

“(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.”.

(2) **EFFECTIVE DATE.**—The amendment made under paragraph (1) shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) **PROHIBITION ON INMATE ACCESS TO SOCIAL SECURITY NUMBERS.**—

(1) **IN GENERAL.**—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by subsection (b), is further amended by adding at the end the following:

“(xi) (I) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals.

“(II) For purposes of this clause, the term ‘prisoner’ means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to conviction of such individual of a criminal offense.”.

(2) **EFFECTIVE DATE.**—The amendment made under paragraph (1) shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 505. STUDY AND REPORT.

(a) **BY THE COMPTROLLER GENERAL.**—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study and prepare a report on—

(1) all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law; and

(2) the uses of social security numbers in Federal, State, and local public records.

(b) **CONTENT OF REPORT.**—The report required under subsection (a) shall—

(1) identify users of social security numbers under Federal law;

(2) include a detailed description of the uses allowed as of the date of enactment of this Act;

(3) describe the impact of such uses on privacy and data security;

(4) evaluate whether such uses should be continued or discontinued by appropriate legislative action;

(5) examine whether States are complying with prohibitions on the display and use of social security numbers—

(A) under the Privacy Act of 1974 (5 U.S.C. 552a et seq.); and

(B) the Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et seq.);

(6) include a review of the uses of social security numbers in Federal, State, or local public records;

(7) include a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(8) include a review of the advantages, utility, and disadvantages of public records that contain social security numbers, including—

(A) impact on law enforcement;

(B) threats to homeland security; and

(C) impact on personal privacy and security;

(9) include an assessment of the costs and benefits to State and local governments of truncating, redacting, or removing social security numbers from public records, including a review of current technologies and procedures for truncating, redacting, or removing social security numbers from public records (with separate assessments for both paper and electronic records);

(10) include an assessment of the benefits and costs to businesses, non-profit organizations, and the general public of requiring truncation, redaction, or removal of social security numbers on public records (with separate assessments for both paper and electronic records);

(11) include an assessment of Federal and State requirements to truncate social security numbers, and issue recommendations on—

(A) how to harmonize those requirements; and

(B) whether to further extend truncation requirements, taking into consideration the impact on accuracy and use;

(12) include recommendations regarding whether subsection (a) should apply to any record or category of public records first posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency prior to the date of enactment of this Act; and

(13) include such recommendations for legislation based on criteria the Comptroller General determines to be appropriate.

(c) **REQUIRED CONSULTATION.**—In developing the report required under this subsection, the Comptroller General shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Conference of State Court Administrators;

(3) the Department of Justice;

(4) the Department of Homeland Security;

(5) the Social Security Administration;

(6) State and local governments that store, maintain, or disseminate public records; and

(7) other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(d) **TIMING OF REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to Congress its findings under this section.

SEC. 506. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any person that violates the provisions of sections 501 or 502 shall be subject to civil penalties of not more than \$5,000 per violation per day, with a maximum of \$35,000 per day, while such violations persist.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—Any person who intentionally or willfully violates the provisions of sections 501 or 502 shall be subject to additional penalties in the amount of \$5,000 per violation per day, with a maximum of an additional \$35,000 per day, while such violations persist.

(3) **EQUITABLE RELIEF.**—Any person who engages in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law

(b) **INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—Whenever it appears that a person to which this title applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this title, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this title; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) **OTHER INJUNCTIVE RELIEF.**—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this section, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this Act;

(C) obtain damages, restitution, or other compensation on behalf of residents of that State; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) **NOTIFICATION WHEN PRACTICABLE.**—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) **ATTORNEY GENERAL AUTHORITY.**—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations;

(C) or compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 507. RELATION TO STATE LAWS.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to protecting and securing social security numbers, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) **EXCEPTIONS.**—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under—

(1) section 501(b), relating to prerequisites for consent for the display, sale, or purchase of social security numbers;

(2) section 501(c), relating to harvesting of social security numbers; and

(3) section 504, relating to treatment of social security numbers on government checks and prohibition of inmate access.

TITLE VI—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

SEC. 601. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.

(a) **IN GENERAL.**—In considering contract awards entered into after the date of enactment of this Act, the Administrator of the General Services Administration shall evaluate—

(1) the program of a contractor to ensure the privacy and security of data containing personally identifiable information;

(2) the compliance of a contractor with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a contractor have been compromised by security breaches; and

(4) the response by a contractor to such breaches, including the efforts of a contractor to mitigate the impact of such breaches.

(b) **PENALTIES.**—In awarding contracts for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall include the following:

(1) Monetary or other penalties—

(A) for failure to comply with subtitles A and B of title IV of this Act;

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; or

(C) if a contractor is notified by an individual that the personally identifiable information being provided is inaccurate and it is in fact inaccurate.

(2) Accuracy update requirements that obligate a contractor to provide notice to the Federal department or agency of any changes or corrections to the personally identifiable information provided under the contract.

SEC. 602. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information, and ensuring remedial action to address any significant deficiencies.”.

SEC. 603. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking “or”; and

(2) in subparagraph (A)(ii), by striking the period and inserting “; or”; and

(3) by inserting after clause (ii) the following:

“(iii) purchasing or subscribing for a fee to personally identifiable information from a commercial entity (other than news reporting or telephone directories).”.

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 60 days after the date of enactment of this Act, no Federal department or agency may procure or access any commercially available database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall include a description of—

(A) such database;

(B) the name of the commercial entity from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal department or agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement with the commercial entity, provisions—

(A) providing for penalties—

(i) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; or

(ii) if the entity is notified by an individual that the personally identifiable information being provided to the Federal department or agency is inaccurate and it is in fact inaccurate; and

(B) requiring commercial entities to inform Federal departments or agencies to which they sell, disclose, or provide access to personally identifiable information of any changes or corrections to the personally identifiable information.

(c) INDIVIDUAL SCREENING PROGRAMS.—Notwithstanding any other provision of law, commencing 60 days after the date of enactment of this Act, no Federal department or agency may use commercial databases to implement an individual screening program unless such program is—

(1) congressionally authorized; and

(2) subject to regulations developed by notice and comment that—

(A) establish a procedure to enable individuals, who suffer an adverse consequence because the screening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

(B) ensure that Federal and commercial databases that will be used to establish the identity of individuals or otherwise make assessments of individuals under the system will not produce a large number of false positives or unjustified adverse consequences;

(C) ensure the efficacy and accuracy of all of the search tools that will be used and ensure that the department or agency can make an accurate predictive assessment of those who may constitute a threat;

(D) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

(E) establish sufficient operational safeguards to reduce the opportunities for abuse;

(F) implement substantial security measures to protect the system from unauthorized access;

(G) adopt policies establishing the effective oversight of the use and operation of the system; and

(H) ensure that there are no specific privacy concerns with the technological architecture of the system.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency use of commercial databases, including the impact on privacy and security, and the extent to which Federal contracts include sufficient provi-

sions to ensure privacy and security protections, and penalties for failures in privacy and security practices.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

SEC. 604. IMPLEMENTATION OF CHIEF PRIVACY OFFICER REQUIREMENTS.

(a) DESIGNATION OF THE CHIEF PRIVACY OFFICER.—Pursuant to the requirements under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Public Law 108-447; 118 Stat. 3199) that each agency designate a Chief Privacy Officer, the Department of Justice shall implement such requirements by designating a department-wide Chief Privacy Officer, whose primary role shall be to fulfill the duties and responsibilities of Chief Privacy Officer and who shall report directly to the Deputy Attorney General.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF PRIVACY OFFICER.—In addition to the duties and responsibilities outlined under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Public Law 108-447; 118 Stat. 3199), the Department of Justice Chief Privacy Officer shall—

(1) oversee the Department of Justice's implementation of the requirements under section 603 to conduct privacy impact assessments of the use of commercial data containing personally identifiable information by the Department;

(2) promote the use of law enforcement technologies that sustain, rather than erode, privacy protections, and assure that the implementation of such technologies relating to the use, collection, and disclosure of personally identifiable information preserve the privacy and security of such information; and

(3) coordinate with the Privacy and Civil Liberties Oversight Board, established in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), in implementing paragraphs (1) and (2) of this subsection.

Mr. LEAHY. Mr. President, today we introduce the Specter-Leahy Personal Data Privacy and Security Act of 2005. Reforms are urgently needed to protect Americans' privacy and to secure their personal data. There have been steady waves of security breaches over the past 6 months, with the latest involving a database containing 40 million credit card numbers at a company that most Americans never knew existed.

These security breaches are a window on a broader, more challenging trend. Advanced technologies have improved our lives and can help make us safer. Private data about Americans has become a hot commodity. This personal and financial information about each of us suddenly is a treasure trove, valuable and vulnerable, but our privacy and security laws have not kept pace. The reality is that in the digital era, a robust market has developed for collecting and selling personal information. Today, all types of corporate and governmental entities routinely traffic in billions of digitized personal records about Americans.

The data broker market has exploded in size to meet this demand. Insecure databases are now low-hanging fruit for hackers looking to steal identities and commit fraud. We are seeing a rise

in organized rings that target personal data to sell in online, virtual bazaars.

In this information-saturated age, the use of personal data has significant consequences for every American. People have lost jobs, mortgages and control over their credit and identities because personal information has been mishandled or listed incorrectly. This trend raises new threats to our personal security as well as to our privacy. In one disturbing case, a stalker purchased the Social Security number of a woman with whom he was obsessed, used that information to track her down. He killed her, and then shot himself.

Americans everywhere are wondering, "Why do all these companies have my personal information? What are they doing with it? Why aren't they protecting it better?" And they are right to wonder. It is time for Congress to catch up with the data market and to show the American people that we are aware of these threats and will protect the privacy and security of their personal information.

Chairman SPECTER and I have worked closely together over many months to craft comprehensive legislation to fix key vulnerabilities in our information economy. We thought through these issues carefully and took the time needed to develop well-balanced, focused legislation that provides strong protections where necessary. We also provide tough penalties and consequences for failing to protect Americans' most personal information. Reforms like these are long overdue. This issue and our legislation deserve to become a key part of this year's domestic agenda so that we can achieve some positive changes in areas that affect the everyday lives of Americans.

First, our bill requires data brokers to let people know what information they have about them, and to allow people to correct inaccurate information. These principles have precedent from the credit report context, and we have adapted them in a way that makes sense for the data brokering industry. It's a simple matter of fairness.

Second, we would require companies that have databases with personal information on Americans to establish and implement data privacy and security programs. Any company that wants to be trusted by the public in this day and age must vigilantly protect databases housing Americans' private data. They also have a responsibility in the next link in the security chain, to make sure that contractors hired to process data are on the up-and-up and secure. This is critical as Americans' personal information is increasingly processed overseas.

Third, our bill requires notice when sensitive personal information has been compromised. The American people have a right to know when they are at risk because of corporate failures to protect their data, or when a criminal has infiltrated data systems. The notice rules in our bill were crafted care-

fully to ensure that the trigger for notice is tied to risk and to recognize important fraud prevention techniques that already exist. But our priority was making sure that victims have that critical information as a roadmap providing the assistance necessary to protect themselves, their families and their financial well-being.

Fourth, our bill provides tough new protections for Social Security numbers, which are the keys to unlocking so much of our financial and personal lives. The use of Social Security numbers has expanded well beyond the intended purposes. Some uses provide important benefits, but others have made Americans vulnerable. Social Security numbers are for sale online for small fees. Earlier this year, it was reported that a payroll and benefits company put the Social Security numbers of 1,000 workers on postcards—on postcards—brazenly visible for anyone to see. Worse still, those postcards described in detail how those Social Security numbers could be used to access employee benefits online. This is unacceptable, and this bill would make that kind of disregard and sloppiness illegal.

Finally, our bill addresses the government's use of personal data. We are living in a world where the government is increasingly looking to the private sector to get personal data that it could not legally collect on its own without oversight and appropriate protections. So ingrained has the data broker-government partnership become that a ChoicePoint executive stated, "We do act as an intelligence agency, gathering data, applying analytics." While these relationships can help protect us, there must be oversight and appropriate protections.

The recent decision to award ChoicePoint an IRS contract highlights this tension. It is especially galling right now to be rewarding firms that have been so careless with the public's confidential information. The dust has not yet settled and the investigations are incomplete on ChoicePoint's lax security practices. We should at least take a pause before rewarding such missteps with even more government contracts. This bill would place privacy and security front and center in evaluating whether data brokers can be trusted with government contracts that involve sensitive information about the American people. It would require contract reviews that include these considerations, audits to ensure good practice, and contract penalties for failure to protect data privacy and security.

The Specter-Leahy legislation meets other key goals. It provides tough monetary and criminal penalties for compromising personal data or failing to provide necessary protections. This creates an incentive for companies to protect personal information, especially when there is no commercial relationship between individuals and companies using their data.

Our legislation also carefully balances the need for Federal uniformity

and State leadership. States are often on the forefront of protecting privacy and spurring change. The California security breach law has been an important lesson. My State of Vermont was among the first—if not the first—to require individual consent before sharing financial information with third parties, and to require a person or business to obtain consent from individuals before reviewing their credit reports. The role of States is important, and our bill identifies areas that require uniformity while leaving the States free to act elsewhere as they see fit. We also would authorize an additional \$100 million over 4 years to help state law enforcement fight misuse of personal information.

This is a solid bill—a comprehensive bill—that not only deals with providing Americans notice when they have already been hurt, but also deals with the underlying problem of lax security and lack of accountability in dealing with their most personal and private information.

I commend Senator SPECTER for his leadership on this emerging problem. A number of us have been working on these issues—Senator FEINSTEIN, Senator NELSON, Senator CANTWELL and Senator SCHUMER, among others. I appreciate and recognize their hard work and look forward to making progress together. I am pleased to work closely with Senator SPECTER on this and believe that we have a bill that significantly advances the ball in protecting Americans.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

By Mr. CORNYN (for himself, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. TALENT, Mr. SANTORUM, Mr. COLEMAN, Mr. ISAKSON, Mr. ROBERTS, Mr. BROWNBACK, Mr. BOND, Mr. HATCH, Mr. ALLARD, Mr. ALEXANDER, Mr. MARTINEZ, and Mr. PRYOR):

S. 1333. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for country of origin labeling of meat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORNYN. Mr. President, I rise today to introduce the Meat Promotion Act of 2005.

This legislation is long overdue. When implemented, it will help assist our producers of cattle, pork, and other livestock to market and promote their products as born and raised in the United States. This proposal provides an efficient and effective solution to the country-of-origin labeling dilemma.

The Meat Promotion Act of 2005 will benefit U.S. food producers by promoting American-grown foods. This bipartisan effort is widely supported by producers, processors, and retailers as a means to finally move country-of-origin labeling forward.

This legislation provides for USDA implementation of a labeling program

that will be similar to the many voluntary labeling programs that currently exist. Hundreds of programs that label products by region, state, and U.S. brand have already proven their value for producers and consumers alike. The Meat Promotion Act will put the marketplace in charge by allowing producers to meet consumer demand. Where that demand is demonstrated, more products labeled with country-of-origin will become available.

Country-of-origin labeling has been an issue in the Senate for quite awhile, and yet, after all this time, we're no closer to promoting U.S. products than we were a decade ago. In reviewing the storied history of this issue, it's clear that there is not a shortage of viewpoints. One view overwhelmingly vocalized is that U.S. producers of beef and pork want to market and promote their products as born and raised in the United States of America. They are proud of what they produce, and they should be: the U.S. produces the safest, most abundant food supply at the most affordable price, and our livestock producers want to capture the value they add to the market.

But just like every other debate in Washington, the debate over country-of-origin labeling has been about the means to accomplish the goal. It is not that we are fighting about whether or not promoting U.S. product is a good idea. We are fighting about how to do it. Some in the U.S. Senate and some around the country have said: "If it isn't mandatory, it's not labeling," or that the current mandatory labeling law that passed in the 2002 Farm Bill is the only way labeling will work. I strongly disagree.

The current mandatory law is an example of a good idea gone awry. The warning signs of the negative impact of this law have long been on the horizon. On a number of occasions the Government Accountability Office published reports and studies, and testified before Congress about the burdens of mandatory country-of-origin labeling.

In 1999—3 years before the current mandatory labeling law was passed—GAO testified before Congress that "There is going to be significant costs associated with compliance and enforcement" of mandatory labeling. At that same hearing, a representative of the Clinton administration testified that "There are a variety of regulatory regimes for country-of-origin labeling that could be adopted."

In 2000, the GAO released another study indicating that "U.S. Packers, processors, and grocers would, to the extent possible, pass their compliance costs back to their suppliers—U.S. cattle and sheep ranchers—in the form of lower prices or forward to consumers in the form of higher retail prices."

As if that was not enough, again in 2000, the USDA under President Clinton released another report which stated: "[C]ountry-of-origin labeling is certain to impose at least some costs on

an industry which will either be passed back to producers in the form of lower prices or forward to consumers via higher prices. There would also be compliance and enforcement cost to the government. The extent of these costs would vary depending on the nature of the regulatory scheme and the amount of enforcement and compliance action."

Yet despite the warning signs, the current law passed as part of the 2002 Farm Bill.

When USDA issued the proposed rule, it contained a cost-benefit analysis that said implementation could cost up to \$4 billion—with no quantifiable benefit. The rule was followed by a letter from the Director of Office of Information and Regulatory Affairs, Dr. John Graham, which said "this is one of the most burdensome rules to be reviewed by this administration."

And so, I am not surprised by how upset many of my constituents are, and that they have come asked me to do something about the burdens this law imposes on them. They ask: "How can something so popular, like marketing and promoting U.S. products be so expensive?" I am introducing this bill to help relieve that burden.

There has to be a better way to market and promote U.S. products, and I believe the Meat Promotion Act of 2005 will provide a better solution.

Some have said that voluntary labeling is like a voluntary speed limit—that it won't work. On what basis do they make that claim? Products like Certified Angus Beef, Angus Pride, Rancher's Reserve; these are all labeled on a volunteer basis under existing USDA programs. If producers want to have their products labeled, then they should participate in a voluntary labeling program rather than impose a costly burden on entire segments of our Nation's economy.

Others have argued that this is about food safety. Let's not kid ourselves: country-of-origin labeling is a product-marketing program, period. The security of our Nation's food supply is assured by a science-based, food-safety inspection system, not by labeling programs. In fact, the mandatory labeling law exempts food service and poultry. If this debate is about food safety, why are all poultry and the majority of beef imports for foodservice allowed an exemption? These exemptions clearly demonstrate food safety is not at issue.

Some have also pointed to the mandatory labeling law now in effect on seafood and fish, saying that the sky has not fallen on those industries. That is subject to interpretation. GAO analysis of the seafood provisions of the mandatory labeling law shows that the seafood industry could face up to \$89 million in start-up costs and up to \$6.2 million in additional costs in year 10 of the program. Likewise, USDA estimated total recordkeeping at \$44.6 million for the first year and \$24.4 million in subsequent years. The Office of Management and Budget found the rule to

be an "economically significant" regulatory action and USDA believes the rule would adversely affect—in a substantial way—a key sector of the economy. GAO B-294914.

What do these numbers mean in a practical way? It means that these expenses are paid for out of the pockets of hardworking Americans, to fund a program that could be more efficient, more effective, and less costly.

I stand with the livestock producers that want to market and promote the products they are proud to raise. I believe they should be able to market and promote their products as born, raised, and processed in the United States, and I believe the Meat Promotion Act of 2005 provides the most effective and efficient opportunity for them to do so, while adding value to their bottom line and helping the economy of rural America.

By Mr. BUNNING (for himself and Mr. STEVENS):

S. 1334. A bill entitled "The Professional Sports Integrity and Accountability Act"; to the Committee on Commerce, Science, and Transportation and the Committee on Finance.

Mr. STEVENS. Mr. President, I am pleased to support the efforts of my colleague Senator BUNNING in holding professional sports leagues in the United States to a higher standard with respect to testing their athletes for performance-enhancing drugs. Senator BUNNING's bill, "The Professional Sports Integrity and Accountability Act," is another step toward holding professional sports leagues accountable as custodians of our Nation's pastimes. I have cosponsored a similar bill with Senator MCCAIN, and I look forward to working with both of them in the effort to rid professional sports of performance-enhancing drugs and setting a positive example for our youth who are using these substances at an alarming rate.

Over the past few years, the Commerce Committee has taken a series of actions to review the issue of performance-enhancing drug use at all levels of athletic competition, professional and amateur. The results of that review have been alarming. The evidence is clear that an increasing number of young amateur and U.S. Olympic athletes are using these substances for a multitude of reasons, but primarily to enhance athletic performance. Some experts suggest that many of these young athletes seek to emulate their professional sports heroes and are drawn to whatever it takes to achieve similar athletic greatness. For those skeptics who question this link and doubt the powerful effect that athletes have on the lives of kids, I remind them of the five-fold increase in the sales of the steroid-like substance androstenedione—better known as "andro"—that occurred after Mark McGwire admitted to using the substance in 1998 while chasing Major League Baseball's home run record.

Since then, the problem of harmful supplement use among children and teenagers has reached epidemic proportions.

In 2004, more than 300,000 high school students used anabolic steroids, which are scheduled as a controlled substance in the United States. Evidence shows that teenagers are using these substances not only for athletic performance enhancement, but also for vanity. Recent news reports have indicated that when surveyed, an estimated 5 percent of high school girls and 7 percent of middle school girls admitted using anabolic steroids at some point in their lives. Steroid use has doubled among high school students since the early 1990s.

The adverse health consequences associated with such use are indisputable. Medical experts warn that the effects on children and teenagers include stunted growth, scarring acne, hormonal imbalances, liver and kidney damage, as well as an increased risk of heart disease and stroke later in life. Psychologically, steroids have been associated with increased aggression, suicide, and a greater propensity to commit serious crimes.

Notwithstanding the dire health effects of anabolic steroids or steroid-like substances, the use of any performance-enhancing substance for the sole purpose of gaining a competitive edge over an opponent is unfair. Professional sports leagues must be held to the highest standard and be held accountable to their players, American consumers who pay to see a fair competition on the playing field, and the young athletes who are led by the example of professional athletes.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, and Mr. BINGAMAN):

S. 1335. A bill to amend title XVIII of the Social Security Act to preserve access to appeals before administrative law judges under the medicare program; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today to introduce the Justice for Medicare Beneficiaries Act of 2005, legislation that will ensure that Medicare beneficiaries who are denied health-related benefits can appeal these denials in a meaningful way. Very simply, this initiative will ensure that Medicare beneficiaries have access to timely, impartial, and in-person hearings before Administrative Law Judges.

Sec. 931 of the Medicare Prescription Drug, Improvement, and Modernization Act requires the transfer of the Medicare appeals process from the Social Security Administration (SSA) to the Department of Health and Human Services (HHS). A proposed rule recently put forth indicates that current HHS plans to bring about this transfer will significantly and negatively affect Medicare beneficiaries' ability to seek redress from the denial of benefits such as access to prescription medicines, home health services, and services provided at skilled nursing facilities.

Specifically, the Administration's proposed transfer plan, slated to go into effect in only a handful of days on July 1, will reduce the number of sites where these appeal hearings can take place to four from the more than 140 sites currently operating nationwide. Today, Medicare beneficiaries that have filed coverage appeals are granted a hearing before an Administrative Law Judge (ALJ). Under the proposed transfer plan, Medicare beneficiaries will now have their hearings heard via video- or teleconference (VTC) and will only be allowed to appear in person by request and if HHS determines that "special or extraordinary circumstances exist." Moreover, beneficiaries granted an in-person hearing would not be assured that their cases would be heard within the 90-day window currently mandated by law. Lastly, the proposed transfer plan will endanger the independence and impartiality of Administrative Law Judges by requiring them to defer to program guidance provided by the Centers for Medicare and Medicaid Services (CMS) rather than on the Medicare statute and regulations, as they currently do.

Central to our system of justice is the right of aggrieved parties to appear before an impartial judge in person to have their cases heard. Appearing face-to-face before an impartial trier of fact is the best way to ensure that a full and fair hearing occurs. In person hearings allow parties to fully make their case. At the same time, they allow judges to best evaluate the demeanor and condition of the parties, and other aspects of a case. The Administration's proposed rule transferring the Medicare appeals process from SSA to HHS greatly endangers this right by gutting the current practice of guaranteeing the right of Medicare beneficiaries to appear in person before an ALJ when having their appeals heard and instead will now presume that these hearings will be heard via video- or teleconference.

Often when we talk about the denial of Medicare benefits, we are talking about the denial of services that literally have the ability to save lives. Medicare provides a critical safety net for millions of elderly and disabled beneficiaries and the proposed transfer plan's almost wholesale reliance on novel VTC technology may endanger the ability of many Medicare beneficiaries to accurately and personally portray the severity of their own health conditions.

The Justice for Medicare Beneficiaries Act of 2005 will ensure those Medicare beneficiaries that have filed coverage appeals have access to timely, impartial, and in-person hearings before Administrative Law Judges. Specifically, this initiative will ensure that Medicare appeals will be heard in person before an ALJ, as they presently are. While all Medicare beneficiaries will be entitled to appear in person for their hearing, any beneficiary may choose to have their hearing heard via video- or teleconference.

The legislation that I introduce today is in no way designed to prevent the adoption of the promising technology represented by VTC. Rather, this initiative simply seeks to preserve the critically important ability of Medicare beneficiaries to appear before the very judges charged with hearing their coverage appeals. By preventing the great majority of Medicare beneficiaries from appearing in person before the judge hearing their Medicare appeals, the Administration's proposed plan will greatly harm their ability to accurately and completely present all of the facts relevant to their case. And while I understand that many Medicare beneficiaries will choose to have their appeals heard via either video- or teleconference, I believe that we must preserve for Medicare beneficiaries the ability to appear in person before a judge when their cases are heard.

The legislation will also require that all Medicare coverage appeal hearings, regardless of whether a Medicare beneficiary appears in person or chooses to appear via video- or teleconference, will be heard within 90 days as mandated by the Benefits Improvement and Protection Act of 2000. All Medicare beneficiaries deserve to have their appeals heard in a timely manner regardless of whether their cases are heard in person or via utilizing VTC technology.

The Justice for Medicare Beneficiaries Act will also address the Administration's plans to reduce the number of sites where Medicare appeal hearings may be heard in person from the more than 140 sites currently available to four. This legislation will require at least one site for the hearing of in-person Medicare appeals in each state, the District of Columbia, and territory, with the nation's five largest states featuring two hearing sites geographically distributed throughout the state.

Lastly, this legislation will ensure the independence and impartiality of Administrative Law Judges by relieving them of the proposed transfer plan's mandate to grant "substantial deference" to CMS program guidance. Medicare beneficiaries appealing coverage decisions should be fully confident that the judges deciding their appeals are bound only by the merits of their case and not undue pressure from agency of administration interference.

I want to thank Senators KENNEDY, KERRY, and BINGAMAN for joining me in sponsoring this important initiative. The Justice for Medicare Beneficiaries Act is also supported by a number of national and local organizations dedicated to preserving the continued ability of Medicare beneficiaries to access needed health care services. Endorsing the legislation that I introduce today are the Center for Medicare Advocacy located in my own state of Connecticut, the National Health Law Program, the National Senior Citizens Law Center, the Medicare Advocacy Project of Vermont Legal Aid, the Medicare Advocacy Project of Greater

Boston Legal Services, and the Senior Citizens' Law Office of Albuquerque, NM.

In Congress we far too rarely have the opportunity to stave off problems before they occur. Rather, too often we are forced to involve ourselves in matters only after they have already wreaked havoc on the lives of our constituents. With passage of the Justice for Medicare Beneficiaries Act of 2005, we have the opportunity to avoid the adverse impact that the Administration's proposed transfer plan will likely have on Medicare beneficiaries. This legislation will preserve for our nation's 41 million Medicare beneficiaries the ability to timely appear in person before judges who will impartially determine which health care services they're entitled to receive under Medicare. Medicare beneficiaries deserve no less than the vital protections offered by this act and I ask for the support of my colleagues for this critically important initiative.

By Mr. ENZI (for himself and Mr. BAUCUS):

S. 1337. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today along with my colleague Senator BAUCUS from Montana to introduce a bill that will help bring about a more reliable system of medical justice for all Americans.

In the last Congress, we had three robust debates on a critical issue—medical liability reform. Though a majority of the Members of this body wanted to begin working to pass legislation, we didn't have the 60 Senators necessary to invoke cloture and begin the real work on the bills. That was disappointing, because skyrocketing medical liability insurance premiums are forcing doctors to move their practices to States with better legal environments and lower premiums. This is endangering the availability of critical healthcare services in many areas of Wyoming and other states.

Throughout our debate, I heard many of my colleagues say that they wanted to work on this issue, but that they simply could not support the bill as it stood. While I disagreed with their positions then, I respected their opposition. I also trust that they sincerely wanted to help solve our Nation's medical liability and litigation crisis.

During those debates, I noticed something interesting. While we argued the "pros and cons" of the bills, no one stood up to defend our current system of medical litigation. In fact, even some of the lawyers in this body agreed that our medical litigation system needs reform.

Why didn't we hear anyone defend the merits of our current medical litigation system? It's because our system

doesn't work. It simply doesn't work for patients or for healthcare providers.

Compensation to patients injured by healthcare errors is neither prompt nor fair. The randomness and delay associated with medical litigation does not contribute to timely, reasonable compensation for most injured patients. Some injured patients get huge jury awards, while many others get nothing at all.

Let's look at the facts. In 1991, a group of researchers published a study in the *New England Journal of Medicine*. The study, known as the Harvard Medical Practice Study, was the basis for the Institute of Medicine's estimate that nearly 100,000 people die every year from healthcare errors.

As part of their study, the researchers reviewed the medical records of a random sample of more than 31,000 patients in New York State. They matched those records with statewide data on medical malpractice claims. The researchers found that nearly 30 percent of injuries caused by medical negligence resulted in temporary disability, permanent disability or death. However, less than 2 percent of those who were injured by medical negligence filed a claim. These figures suggest that most people who suffer negligent injuries don't receive any compensation.

When a patient does decide to litigate, only a few recover anything. Only one of every ten medical malpractice cases actually goes to trial, and of those cases, plaintiffs win less than one of every five. In addition, patients who file suit and are ultimately successful must wait a long time for their compensation—the average length of a medical malpractice action filed in state court is about 30 months.

While the vast majority of malpractice cases that go to trial are settled before the court hands down a verdict, the settlements even then don't guarantee that patients are compensated fairly, particularly after legal fees are subtracted. Research shows that for every dollar paid in malpractice insurance premiums, about 40 cents in compensation is actually paid to the plaintiff—the rest goes for legal fees, court costs, and other administrative expenditures.

To sum up: most patients injured by negligence don't file claims or receive compensation. Few of those that do file claims and go to court recover anything, and those who are successful wait a long time for their compensation. And those who settle out of court end up receiving only 40 cents for every dollar that healthcare providers pay in liability insurance premiums.

It's hard to say that our medical litigation system does right by patients in light of those facts. Unfortunately, our system doesn't work for healthcare providers either.

Earlier, I spoke about those Harvard researchers who found that fewer than 2 percent of those who were injured by

medical negligence even filed a claim. As they reviewed the medical records for their study, the researchers also found another interesting fact—most of the providers against whom claims were eventually filed were not negligent at all.

That's right—most providers who were sued had not committed a negligent act.

In matching the records they reviewed to data on malpractice claims, the Harvard researchers found 47 actual malpractice claims. In only 8 of the 47 claims did they find evidence that medical malpractice had caused an injury. Even more amazingly, the physician reviewers found no evidence of any medical injury, negligent or not, in 26 of the 47 claims. However, 40 percent of these cases where they found no evidence of negligence nonetheless resulted in a payment by the provider. Basically, the researchers found no positive relationship between medical negligence and compensation.

That study was based on 1984 data. The same group of researchers conducted another study in Colorado and Utah in 1992, and they found the same thing. As in the 1984 study, they found that only 3 percent of patients who suffered an injury as a result of negligence actually sued. And again, physician reviewers could not find negligence in most of the cases in which lawsuits were filed.

Now, I assume that the patients who sued had either an adverse medical outcome, or at least an outcome that was less satisfactory than the patient expected. But our medical litigation system is not supposed to compensate patients for adverse outcomes or dissatisfaction—it's supposed to compensate patients who are victims of negligent behavior. It's supposed to be a deterrent to substandard medical care.

It's not fair to doctors and hospitals that they must pay to defend against meritless lawsuits. Nor is it fair that they must face a choice between settling for a small sum, even if they aren't at fault, so that they avoid getting sucked into the whirlpool of our medical litigation system.

It's not hard to understand why physicians and hospitals and their insurers want to stay out of court. When they lose, the decisions are increasingly resulting in mega-awards based on subjective "non-economic" damages. The number of awards exceeding \$1 million grew by 50 percent between the periods of 1994–1996 and 1999–2000. Today, more than half of all jury awards exceed \$1 million.

As a result, when a patient suffers a bad outcome and sues, providers have an incentive to settle the case out of court, even if the provider isn't at fault. But is this how our medical litigation system is supposed to work—as a tool for shaking down our healthcare providers?

Let's face it—our medical litigation system is broken. It doesn't work for

patients or providers. Even worse, it replaces the trust in the provider-patient relationship with distrust.

Then, when courts and juries render verdicts with huge awards that bear no relation to the conduct of the defendants, this destabilizes the insurance markets and sends premiums skyrocketing. This forces many physicians to curtail, move or drop their practices, leaving patients without access to necessary medical care. This is a particular problem in states like Wyoming, where we traditionally struggle with recruiting doctors and other healthcare providers.

Perhaps we could live with this flawed system if litigation served to improve quality or safety, but it doesn't. Litigation discourages the exchange of critical information that could be used to improve the quality and safety of patient care. The constant threat of litigation also drives the inefficient, costly and even dangerous practice of "defensive medicine."

Yes, indeed, defensive medicine is dangerous. A recent study found that one of every 1200 children who receive a CAT scan may die later in life from radiation-induced cancer. Knowing this puts a physician faced with anxious parents in a difficult situation. Does the doctor use his or her professional judgment and tell the parents of a sick child not to worry, or does the doctor order the CAT scan and subject the child to radiation that is probably unnecessary, just to provide some protection against a possible lawsuit?

We have a medical litigation system in which many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive compensation end up with about 40 cents of every premium dollar after legal fees and other costs are subtracted. And the likelihood and the outcomes of lawsuits and settlements bear little relation to whether or not a healthcare provider was at fault.

We like to say that justice is blind. With respect to our medical litigation system, I would say that justice is absent and nowhere to be found.

During our debates in the last Congress, I said that the current medical liability crisis and the shortcomings of our medical litigation system make it clear that it is time for a major change. I also said that regardless of how we voted, we all should work toward replacing the current medical tort liability scheme with a more reliable and predictable system of medical justice.

Today, Senator BAUCUS and I are introducing a bill that would help achieve that goal.

Most of us are familiar with the report on medical errors from the Institute of Medicine, also known as the IOM. Many of us may be less familiar with another report that the IOM published in 2003. That report is called "Fostering Rapid Advances in Healthcare: Learning from System Demonstrations."

Our Secretary of Health and Human Services at that time, Tommy Thompson, challenged the IOM to identify bold ideas that would challenge conventional thinking about some of the most vexing problems facing our healthcare system. In response, an IOM committee developed this report, which identified a set of demonstration projects that committee members felt would break new ground and yield a very high return-on-investment in terms of dollars and health.

Medical liability was one of the areas upon which the IOM committee focused. The IOM suggested that the federal government should support demonstration projects in the states. These demonstrations should be based on "replacing tort liability with a system of patient-centered and safety-focused non-judicial compensation."

The bill we are introducing today is in the spirit of this IOM report. This bill, the Fair and Reliable Medical Justice Act, would authorize funding for States to create demonstration programs to test alternatives to current medical tort litigation.

The funding to States under this bill would cover planning grants for developing proposals based on the models or other innovative ideas. Funding to States would also include the initial costs of getting the alternatives up and running.

The Fair and Reliable Medical Justice Act would require participating states and the Federal Government to collaborate in continuous evaluations of the results of the alternatives as compared to traditional tort litigation. This way, all States and the federal government can learn from new approaches.

By funding demonstration projects, I believe Congress could enable States to experiment with and learn from ideas that could provide long-term solutions to the current medical liability and litigation crisis.

In introducing this bill, I wanted to provide some alternative ideas that would contribute to the debate. As a result, the bill describes three models to which states could look in designing their alternatives.

For instance, a State could provide healthcare providers and organizations with immunity from lawsuits if they disclose an error that results in an injury and make a timely offer to compensate an injured patient for his or her actual net economic loss, plus a payment for pain and suffering if experts deem such a payment to be appropriate. This could give a healthcare provider who makes an honest mistake the chance to make amends financially with a patient, without the provider fearing that their honesty would land them in a lawsuit.

Another idea would be for a state to set up classes of avoidable injuries and a schedule of compensation for them, and then establish an administrative board to resolve claims related to those injuries. A scientifically rigorous proc-

ess of identifying preventable injuries and setting appropriate compensation would be preferable to the randomness of the current system.

Still another option would be for a state to establish a special healthcare court for adjudicating medical malpractice cases. For this idea to work, the State would need to ensure that the presiding judges have expertise in and an understanding of healthcare, and allow them to make binding rulings on issues like causation compensation, and standards of care.

We already have specialized courts for complicated issues like taxes and highly charged issues like substance abuse and domestic violence. With all the flaws in our current medical litigation system, perhaps we should consider special courts for the complex and emotional issue of medical malpractice.

I believe one thing in our medical liability debate is absolutely clear—people are demanding change. The States are debating liability reform, and a number of states have enacted new laws. States are heeding this call for change, and Congress should support those efforts.

My own State, Wyoming, had had a number of lively legislative debates on medical liability reform over the past few years, but we have a constitutional amendment that prohibits limits on the amounts that can be recovered through lawsuits. The Wyoming Senate has considered bills recently to amend our State's constitution to create a commission on healthcare errors. That commission would have the power to review claims, decide if healthcare negligence had occurred, and determine the compensation for the death or injury according to a schedule or formula provided by law.

According to the key sponsor of these bills, Senator Charlie Scott, one of the biggest obstacles to passage is the uncertainty surrounding this new idea. No one has any basis for knowing what a proper schedule or formula for compensation would be. No one knows how much the system might cost, or how much injured patients would recover compared to what they recover now.

Senator Scott wrote me to say that federal support for finding answers to these questions might help the bill's sponsors sufficiently respond to the legitimate concerns of their fellow Wyoming legislators. We should be helping state legislators like Senator Scott develop thoughtful and innovative ideas such as the one he has proposed. That's one of the reasons I am offering this bill.

Clearly, the American people and their elected representatives have identified the need to reform our current medical litigation system. There is a real medical liability crisis, and Congress needs to act sooner rather than later.

My cosponsor Senator BAUCUS and I voted differently on medical liability reform in the last Congress, but we

both agree that we ought to lend a hand to States that are working to change their current medical litigation systems and to develop creative alternatives that could work much better for patients and providers. The States have been policy pioneers in many areas—workers' compensation, welfare reform, and electricity deregulation, to name three. Medical litigation should be the next item on the agenda of the laboratories of democracy that are our 50 States.

No one questions the need to restore reliability to our medical justice system. But how do we begin the process? One way is to foster innovation by encouraging States to develop more rational and predictable methods for resolving healthcare injury claims. And that is what the Fair and Reliable Medical Justice Act aims to do.

In the long run, we would all be better off with a more reliable system of medical justice than we have today. I know that my fellow Senators recognize this, so I hope my colleagues on both sides of the aisle will work with me and Senator BAUCUS on this legislation.

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. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Reliable Medical Justice Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to restore fairness and reliability to the medical justice system by fostering alternatives to current medical tort litigation that promote early disclosure of health care errors and provide prompt, fair, and reasonable compensation to patients who are injured by health care errors;

(2) to promote patient safety through early disclosure of health care errors; and

(3) to support and assist States in developing such alternatives.

SEC. 3. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 3990. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

"(a) IN GENERAL.—The Secretary is authorized to award demonstration grants to States for the development, implementation, and evaluation of alternatives to current tort litigation for resolving disputes over injuries allegedly caused by health care providers or health care organizations.

"(b) DURATION.—The Secretary may award up to 10 grants under subsection (a) and each grant awarded under such subsection may not exceed a period of 5 years.

"(c) CONDITIONS FOR DEMONSTRATION GRANTS.—

"(1) REQUIREMENTS.—Each State desiring a grant under subsection (a) shall—

"(A) develop an alternative to current tort litigation for resolving disputes over injuries

allegedly caused by health care providers or health care organizations that may be 1 of the models described in subsection (d); and

"(B) promote a reduction of health care errors by allowing for patient safety data related to disputes resolved under subparagraph (A) to be collected and analyzed by organizations that engage in voluntary efforts to improve patient safety and the quality of health care delivery.

"(2) ALTERNATIVE TO CURRENT TORT LITIGATION.—Each State desiring a grant under subsection (a) shall demonstrate how the proposed alternative described in paragraph (1)(A)—

"(A) makes the medical liability system more reliable through prompt and fair resolution of disputes;

"(B) encourages the early disclosure of health care errors;

"(C) enhances patient safety; and

"(D) maintains access to liability insurance.

"(3) SOURCES OF COMPENSATION.—Each State desiring a grant under subsection (a) shall identify the sources from and methods by which compensation would be paid for claims resolved under the proposed alternative to current tort litigation, which may include public or private funding sources, or a combination of such sources. Funding methods shall to the extent practicable provide financial incentives for activities that improve patient safety.

"(4) SCOPE.—

"(A) IN GENERAL.—Each State desiring a grant under subsection (a) may establish a scope of jurisdiction (such as a designated geographic region, a designated area of health care practice, or a designated group of health care providers or health care organizations) for the proposed alternative to current tort litigation that is sufficient to evaluate the effects of the alternative.

"(B) NOTIFICATION OF PATIENTS.—A State proposing a scope of jurisdiction under subparagraph (A) shall demonstrate how patients would be notified that they are receiving health care services that fall within such scope.

"(5) PREFERENCE IN AWARDING DEMONSTRATION GRANTS.—In awarding grants under subsection (a), the Secretary shall give preference to States—

"(A) that have developed the proposed alternative through substantive consultation with relevant stakeholders; and

"(B) in which State law at the time of the application would not prohibit the adoption of an alternative to current tort litigation.

"(d) MODELS.—

"(1) IN GENERAL.—Any State desiring a grant under subsection (a) that proposes an alternative described in paragraph (2), (3), or (4) shall be deemed to meet the criteria under subsection (c)(2).

"(2) EARLY DISCLOSURE AND COMPENSATION MODEL.—In the early disclosure and compensation model, the State shall—

"(A) require that health care providers or health care organizations notify a patient (or an immediate family member or designee of the patient) of an adverse event that results in serious injury to the patient, and that such notification shall not constitute an acknowledgment or an admission of liability;

"(B) provide immunity from tort liability to any health care provider or health care organization that offers in good faith to pay compensation in accordance with this section to a patient for an injury incurred in the provision of health care services (limited to claims arising out of the same nucleus of operative facts as the injury, and except in cases of fraud related to the provision of health care services, or in cases of criminal or intentional harm);

"(C) set a limited time period during which a health care provider or health care organization may make an offer of compensation benefits under subparagraph (B), with consideration for instances where prompt recognition of an injury is unlikely or impossible;

"(D) require that the compensation provided under subparagraph (B) include—

"(i) payment for the net economic loss of the patient, on a periodic basis, reduced by any payments received by the patient under—

"(I) any health or accident insurance;

"(II) any wage or salary continuation plan;

or

"(III) any disability income insurance;

"(ii) payment for the non-economic damages of the patient, if appropriate for the injury, based on a defined payment schedule developed by the State in consultation with relevant experts and with the Secretary in accordance with subsection (g); and

"(iii) reasonable attorney's fees;

"(E) not abridge the right of an injured patient to seek redress through the State tort system if a health care provider does not enter into a compensation agreement with the patient in accordance with subparagraph (B) or if the compensation offered does not meet the requirements of subparagraph (D) or is not offered in good faith;

"(F) permit a health care provider or health care organization that offers in good faith to pay compensation benefits to an individual under subparagraph (B) to join in the payment of the compensation benefits any health care provider or health care organization that is potentially liable, in whole or in part, for the injury; and

"(G) permit any health care provider or health care organization to contribute voluntarily in the payment of compensation benefits to an individual under subparagraph (B).

"(3) ADMINISTRATIVE DETERMINATION OF COMPENSATION MODEL.—

"(A) IN GENERAL.—In the administrative determination of compensation model—

"(i) the State shall—

"(I) designate an administrative entity (in this paragraph referred to as the 'Board') that shall include representatives of—

"(aa) relevant State licensing boards;

"(bb) patient advocacy groups;

"(cc) health care providers and health care organizations; and

"(dd) attorneys in relevant practice areas;

"(II) set up classes of avoidable injuries, in consultation with relevant experts and with the Secretary in accordance with subsection (g), that will be used by the Board to determine compensation under clause (ii)(II);

"(III) modify tort liability, through statute or contract, to bar negligence claims in court against health care providers and health care organizations for the classes of injuries established under subclause (II), except in cases of fraud related to an injury, or in cases of criminal or intentional harm;

"(IV) outline a procedure for informing patients about the modified liability system described in this paragraph and, in systems where participation by the health care provider, health care organization, or patient is voluntary, allow for the decision by the provider, organization, or patient of whether to participate to be made prior to the provision of, use of, or payment for the health care service;

"(V) provide for an appeals process to allow for review of decisions; and

"(VI) establish procedures to coordinate settlement payments with other sources of payment;

"(ii) the Board shall—

“(I) resolve health care liability claims for certain classes of avoidable injuries as determined by the State and determine compensation for such claims;

“(II) develop a schedule of compensation to be used in making such determinations that includes—

“(aa) payment for the net economic loss of the patient, on a periodic basis, reduced by any payments received by the patient under any health or accident insurance, any wage or salary continuation plan, or any disability income insurance;

“(bb) payment for the non-economic damages of the patient, if appropriate for the injury, based on a defined payment schedule developed by the State in consultation with relevant experts and with the Secretary in accordance with subsection (g); and

“(cc) reasonable attorney’s fees; and

“(III) update the schedule under subclause (II) on a regular basis.

“(B) APPEALS.—The State, in establishing the appeals process described in subparagraph (A)(i)(V), may choose whether to allow for de novo review, review with deference, or some opportunity for parties to reject determinations by the Board and elect to file a civil action after such rejection. Any State desiring to adopt the model described in this paragraph shall indicate how such review method meets the criteria under subsection (c)(2).

“(C) TIMELINESS.—The State shall establish timeframes to ensure that claims handled under the system described in this paragraph provide for adjudication that is more timely and expedited than adjudication in a traditional tort system.

“(4) SPECIAL HEALTH CARE COURT MODEL.—In the special health care court model, the State shall—

“(A) establish a special court for the timely adjudication of disputes over injuries allegedly caused by health care providers or health care organizations in the provision of health care services;

“(B) ensure that such court is presided over by judges with health care expertise who meet applicable State standards for judges and who agree to preside over such court voluntarily;

“(C) provide authority to such judges to make binding rulings on causation, compensation, standards of care, and related issues with reliance on independent expert witnesses commissioned by the court;

“(D) provide for an appeals process to allow for review of decisions; and

“(E) at its option, establish an administrative entity similar to the entity described in paragraph (3)(A)(i)(I) to provide advice and guidance to the special court.

“(e) APPLICATION.—

“(1) IN GENERAL.—Each State desiring a grant under subsection (a) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

“(2) REVIEW PANEL.—

“(A) IN GENERAL.—In reviewing applications under paragraph (1), the Secretary shall consult with a review panel composed of relevant experts appointed by the Comptroller General.

“(B) COMPOSITION.—

“(i) NOMINATIONS.—The Comptroller General shall solicit nominations from the public for individuals to serve on the review panel.

“(ii) APPOINTMENT.—The Comptroller General shall appoint, at least 11 but not more than 15, highly qualified and knowledgeable individuals to serve on the review panel and shall ensure that the following entities receive fair representation on such panel:

“(I) Patient advocates.

“(II) Health care providers and health care organizations.

“(III) Attorneys with expertise in representing patients and health care providers.

“(IV) Insurers.

“(V) State officials.

“(C) CHAIRPERSON.—The Comptroller General, or an individual within the Government Accountability Office designated by the Comptroller General, shall be the chairperson of the review panel.

“(D) AVAILABILITY OF INFORMATION.—The Comptroller General shall make available to the review panel such information, personnel, and administrative services and assistance as the review panel may reasonably require to carry out its duties.

“(E) INFORMATION FROM AGENCIES.—The review panel may request directly from any department or agency of the United States any information that such panel considers necessary to carry out its duties. To the extent consistent with applicable laws and regulations, the head of such department or agency shall furnish the requested information to the review panel.

“(f) REPORT.—Each State receiving a grant under subsection (a) shall submit to the Secretary a report evaluating the effectiveness of activities funded with grants awarded under such subsection at such time and in such manner as the Secretary may require.

“(g) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance to the States awarded grants under subsection (a).

“(2) REQUIREMENTS.—Technical assistance under paragraph (1) shall include—

“(A) the development of a defined payment schedule for non-economic damages (including guidance on the consideration of individual facts and circumstances in determining appropriate payment), the development of classes of avoidable injuries, and guidance on early disclosure to patients of adverse events; and

“(B) the development, in consultation with States, of common definitions, formats, and data collection infrastructure for States receiving grants under this section to use in reporting to facilitate aggregation and analysis of data both within and between States.

“(3) USE OF COMMON DEFINITIONS, FORMATS, AND DATA COLLECTION INFRASTRUCTURE.—States not receiving grants under this section may also use the common definitions, formats, and data collection infrastructure developed under paragraph (2)(B).

“(h) EVALUATION.—

“(1) IN GENERAL.—The Secretary, in consultation with the review panel established under subsection (e)(2), shall enter into a contract with an appropriate research organization to conduct an overall evaluation of the effectiveness of grants awarded under subsection (a) and to annually prepare and submit a report to the appropriate committees of Congress. Such an evaluation shall begin not later than 18 months following the date of implementation of the first program funded by a grant under subsection (a).

“(2) CONTENTS.—The evaluation under paragraph (1) shall include—

“(A) an analysis of the effect of the grants awarded under subsection (a) on the number, nature, and costs of health care liability claims;

“(B) a comparison of the claim and cost information of each State receiving a grant under subsection (a); and

“(C) a comparison between States receiving a grant under this section and States that did not receive such a grant, matched to ensure similar legal and health care environments, and to determine the effects of the grants and subsequent reforms on—

“(i) the liability environment;

“(ii) health care quality;

“(iii) patient safety; and

“(iv) patient and health care provider and organization satisfaction with the reforms.

“(i) OPTION TO PROVIDE FOR INITIAL PLANNING GRANTS.—Of the funds appropriated pursuant to subsection (k), the Secretary may use a portion not to exceed \$500,000 per State to provide planning grants to such States for the development of demonstration project applications meeting the criteria described in subsection (c). In selecting States to receive such planning grants, the Secretary shall give preference to those States in which State law at the time of the application would not prohibit the adoption of an alternative to current tort litigation.

“(j) DEFINITIONS.—In this section:

“(1) HEALTH CARE SERVICES.—The term ‘health care services’ means any services provided by a health care provider, or by any individual working under the supervision of a health care provider, that relate to—

“(A) the diagnosis, prevention, or treatment of any human disease or impairment; or

“(B) the assessment of the health of human beings.

“(2) HEALTH CARE ORGANIZATION.—The term ‘health care organization’ means any individual or entity which is obligated to provide, pay for, or administer health benefits under any health plan.

“(3) HEALTH CARE PROVIDER.—The term ‘health care provider’ means any individual or entity—

“(A) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or

“(B) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

“(4) NET ECONOMIC LOSS.—The term ‘net economic loss’ means—

“(A) reasonable expenses incurred for products, services, and accommodations needed for health care, training, and other remedial treatment and care of an injured individual;

“(B) reasonable and appropriate expenses for rehabilitation treatment and occupational training;

“(C) 100 percent of the loss of income from work that an injured individual would have performed if not injured, reduced by any income from substitute work actually performed; and

“(D) reasonable expenses incurred in obtaining ordinary and necessary services to replace services an injured individual would have performed for the benefit of the individual or the family of such individual if the individual had not been injured.

“(5) NON-ECONOMIC DAMAGES.—The term ‘non-economic damages’ means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, and all other non-pecuniary losses of any kind or nature, to the extent permitted under State law.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary. Amounts appropriated pursuant to this subsection shall remain available until expended.”

Mr. BAUCUS. Mr. President, I rise today to join Senator ENZI in introducing the Fair and Reliable Medical Justice Act of 2005. We have debated the medical liability issue in this chamber for years now. But the Senate has failed to take action to make the situation better. We need to deal with the issue of rising liability costs, and I think this bill is a good place to start.

One of my top priorities in the Senate is ensuring appropriate access to affordable, quality health care. In a rural State such as Montana, where health care providers are often few and far between, that is a tall order. It is a job that is made all the harder by rising medical liability insurance premiums.

To ensure proper access to care, we need to make certain that our health care providers can afford their medical liability insurance. We also need to make sure that patients who are harmed by medical mistakes have access to timely, reasonable compensation for their injuries.

The Fair and Reliable Medical Justice Act promotes the testing of alternatives to current medical tort liability litigation. It aims to increase the number of injured patients who receive compensation for their injuries, and make such compensation more accurate and more timely, all at lower administrative costs than current systems. The bill also encourages patient safety by promoting disclosure of medical errors, unlike the current system which does not encourage disclosure.

The Fair and Reliable Medical Justice Act would establish State-based demonstration programs to help States test alternative systems of health care-related dispute resolution under three different models: early disclosure and compensation; administrative determination of compensation; and special health care courts. Under the bill, states may develop other alternative plans for resolving health care related disputes as well.

The first model involves a system of early disclosure, which encourages providers to disclose medical errors that harm patients and offer just compensation for injuries. This model would maintain patients' access to the traditional legal system if claims cannot be resolved by early disclosure, or in cases resulting from criminal or intentional harm or fraud.

The second model would establish a board made up of providers and health care organizations, advocates, and attorneys. The board would establish classes of avoidable injuries and determine compensation rates for each, including economic and non-economic losses, and attorneys' fees.

The third model involves special health care courts, presided over by judges with special health care expertise, and assisted by independent experts. The judges would be subject to the same criteria as other State judges and sit on the court voluntarily.

These models are based on innovative efforts currently underway in the private sector and in some States, where success is already being achieved. I think it is time for us to try to encourage more innovation and expand the range of options being considered. State-based demonstrations provide a great setting for experimentation and learning. The Institute of Medicine suggested as much in its 2002 report en-

titled "Fostering Rapid Advances in Health Care: Learning from System Demonstrations."

I thank Senator ENZI for his leadership on this issue. I am proud to have worked with him to develop legislation that I believe will enhance patient safety. It is unacceptable that around 100,000 Americans die annually as a result of medical errors. And it is unacceptable that many patients hurt by medical errors receive no compensation for their injuries.

This bill is a good opportunity for us to make progress on both fronts—to look at the medical liability issue from a new perspective, through a set of commonsense pilot projects centered on improving patient safety. I urge my colleagues to support this important effort.

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

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce a measure of benefit to my home State of Alaska, the Alaska Water Resources Act of 2005. The importance of water resource data collection to a State that has a resource-based economy cannot be overstated. Economic development is predicated on access to an adequate water supply, and in my State there is inadequate hydrologic data upon which to secure both economic development and the health and welfare of Alaskan citizens.

Alaska is an amazing State from a hydrological viewpoint. It is home to more than 3 million lakes—only about 100 being larger than 10 square miles—more than 12,000 rivers and uncounted thousands of streams, creeks and ponds. Together these water bodies hold about one-third of all the fresh water found in the United States.

Alaska is home to a number of large rivers. The Yukon, which originates in western Canada, runs 1,400 miles—discharging from 25,000 cubic feet of water per second in early spring to more than 600,000 cubic feet per second in May during the spring thaw. The Yukon drains roughly 330,000 square miles of Alaska and Canada, about one-third of the State. Besides the Yukon, Alaska is home to nine other major rivers and creeks all running more than 300 miles in length: the Porcupine, Koyukuk, Kuskokwim, Tanana, Innoko, Colville, Noatak, Kobuk and Birch Creek.

Alaska residents from early spring to fall face substantial flood threats, from spring flooding caused by breakup and ice damming to fall's heavy rains, but the State has fewer than 100 stream gaging stations operated by the U.S. Geological Survey—Alaska having less than 10 percent of the stream flow in-

formation that is taken for granted by all other States in the Nation. Alaska averages one working gage for each 10,000 square miles, while, as an example, Pacific Northwest States average one gage for each 365 square miles. To emphasize the lack of data now available for Alaska, I would point out that to equal the stream gage density of the Pacific Northwest States, my State would need to have over 1,600 total gage sites.

Alaska also supports the Nation's least modern and undeveloped potable water distribution system. Water for Alaska towns outside of the more densely populated "Railbelt" comes predominately from surface water sources. Surface water sources often result in supply/storage problems since these surface sources freeze and are unavailable for up to half the year. The chances for water-borne contaminants to affect potable water supplies, including fecal matter from Alaska's plentiful wildlife populations, human waste from inadequate or nonexistent sewage treatment facilities, and natural mineral deposits (natural arsenic levels in mineralized zone creeks frequently exceeding EPA standards) are present and increasing. In areas that predominately depend on groundwater sources, such as the "Railbelt," there is only very limited knowledge of the nature and extent of the aquifers that support those critical groundwater supplies. Extensive permafrost further complicates the potential for adverse impacts to Alaska. In portions of Southcentral Alaska where there is a dependence on groundwater as the source for an adequate healthy water supply, the availability of that supply is starting to be in jeopardy. Allocations of water need to be based on scientific data, and the data needed upon which the allocations are made is unavailable. Users of water are only beginning to realize the potential conflicts that may arise, and the limits on future economic development that may result from inadequate knowledge of the water resource, particularly in the Matanuska-Susitna Borough, on the Kenai Peninsula and to a lesser extent in portions of the Municipality of Anchorage where groundwater provided by wells is a crucial part of the State's water distribution system and where there is little known about the size, capacity, extent and recharge capability of the aquifers that these wells tap.

Alaska, according to the Alaska Department of Environmental Conservation, still has some 16,000 homes in 71 generally Native villages not being served by piped water or enclosed water haul systems. There are still 55 villages in Alaska where up to 29 percent of the residents are not served by sanitary water systems, with more than 60 percent of residents not being served in 16 villages. Even though since Statehood the State and Federal governments have spent \$1.3 billion on rural water-sanitation system improvements in Alaska, the state has an estimated need for nearly \$650 million in

additional funding to complete installation of a modern water-sanitation system.

Planning and engineering for those locations cannot be completed without better information as to the availability and extent of supply of water and better analysis of new technologies that could be used for water system installations, including possible desalination for some island and coastal communities.

For all these reasons, today I am introducing legislation authorizing the Department of the Interior's Commissioner of Reclamation and the Director of the U.S. Geological Survey to conduct a series of water resource studies in Alaska. The studies will include a survey of water treatment needs and technologies including desalination treatment, which may be applicable to the water resources development in Alaska. The study will review the need for enhancement of the National Streamflow Information Program administered by the U.S. Geological Survey. The Streamflow review will determine whether more stream gaging stations are necessary for flood forecasting, aiding resource extraction, determining the risk to the state's transportation system and for wildfire management. Groundwater resources will also be further evaluated and documented to determine the availability of water, the quality of that groundwater, and the extent of the aquifers in urban areas.

This type of study, already conducted for most all other States in the Nation, should help Alaska better plan and design water systems and transportation infrastructure and also better prepare for floods and summer wildfires.

There is literally "water, water everywhere" in Alaska, but too often, especially in communities such as Ketchikan that take water from surface sources, or the rapidly growing Mat-Su Valley, there may be less water to drink during unusually dry summers. There is a real and growing problem of maintaining an adequate supply of sufficient, pure water. This problem is only going to grow with a growing population and economy. This bill is designed to provide more information to help communities plan for future water needs and to help State officials plan for flood and fire safety concerns and economic development.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, Ms. CANTWELL, Mr. CARPER, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DAYTON, Mr. REID, Mr. DODD, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Mr. OBAMA, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. WYDEN, Mr. AKAKA, and Ms. SNOWE):

S.J. Res. 20. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, along with Senator COLLINS and 28 of our colleagues, today I am introducing this resolution to halt the Bush administration's flawed and dangerous new rule on toxic mercury emissions. I am pleased that another leading cosponsor of this resolution is the ranking member of the Committee on Environment and Public Works, Senator JEFFORDS.

The Bush administration's new rule will continue to allow mercury, a substance so toxic that it causes birth defects and IQ loss, to continue to poison children and pregnant women. This disastrous rule should not be allowed to stand as the law of the land.

The bipartisan work that produced the Clean Air Act and the 1990 amendments established a process for us to begin cleaning up the toxic mercury spewing out of dirty power plants across the country. The 1990 amendments require the Environmental Protection Agency, EPA, to control each power plant's emissions of mercury and other toxics by 2008 at the latest. The act requires each plant to use the "maximum achievable control technology" on every generating unit. That is the law of the land. Anything less means more pollution.

But instead of working to enforce and implement the Clean Air Act, as two previous administrations had, the Bush administration has turned the Clean Air Act on its head. With this rule the administration revokes a 2000 EPA finding that it is "necessary and appropriate" to require that each power plant apply technology to reduce mercury emissions.

Let me repeat those plain, startling facts: By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. Although I am somewhat impressed that they can make this statement with straight faces, I am appalled at their audacious disregard for the health of the American people, and, like the scientific community, I am baffled by their gymnastic arguments.

The plain and simple truth is that this rule will allow more mercury into our environment than does the current law. Hundreds of the oldest, dirtiest power plants will not even control mercury emissions for more than a decade. That is what this rule gives us: More pollution, for longer than the Clean Air Act allows.

This rule is all the more shameful because the evidence of public health and environmental damage from mercury and other toxics is clear enough for action right now. We do not need to wait

10 or 20 years to know the facts about mercury's threats to human health. In fact EPA itself admits these threats. Look at EPA's own estimate of the number of newborns at risk of elevated mercury exposure, which has doubled to 630,000. EPA also found that 1 in 6 pregnant women has mercury levels in her blood above EPA's safe threshold. The National Academy of Sciences has confirmed scientific research showing that maternal consumption of unsafe levels of mercury in fish can cause neuro-developmental harm in children, resulting in learning disabilities, poor motor function, mental retardation, seizures and cerebral palsy.

Yet it seems the majority in Congress and this administration want to avoid any public daylight on this flawed rule. The Environment and Public Works Committee has refused to even hold a single hearing on this rule. Their aim is to keep the public in the dark, and I would guess that most Americans in fact do not yet know what EPA and the big polluters have been up to with this rule.

One reason for the administration's lack of candor clearly is the discovery that this rule has polluting industries' fingerprints all over it. EPA's first proposal for these rules lifted exact texts from memorandum provided by utility industry lobbyists. Another reason may be because the American people would find a process where the lobbyists are shut in and the public is shut out, where the scientific and economic analysis was manipulated, and where the public's health was ignored.

But the administration's arrogance does not stop there. EPA's own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Unfortunately, their recommendations to improve it were also ignored. So were more than 680,000 public comments—a record for any EPA rule. So were the comments of many state environment departments, attorneys general, doctors, educators, sportsmen groups and EPA's own advisory committees. And, although it should not come as a surprise after 4 years working with this administration, the comments of 45 Senate and 184 House members were also ignored.

Many of us in the Senate have spent the past 2 years—working with 3 different administrators—trying to make the administration follow the Clean Air Act and produce a rule that puts the public's health over the profits of special interests. A rule that heeds the science and encourages available technologies to solve this problem. They failed on all fronts, big time.

Instead they produced a rule that will do nothing for at least a decade, despite years of analysis by EPA showing the need for quick action. According to EPA's own regulatory impact analysis, we will be lucky if 1 percent of power plant capacity will have mercury controls by 2015, and only 3 percent by 2020.

As a Vermonter I know it is "appropriate and necessary" to limit the pollution plumes from grandfathered power plants. You cannot even see my state on EPA's maps showing mercury pollution because so much of it is being dumped on us from upwind power plants. Vermonters and New Englanders have been waiting for decades for EPA to take action so that our lakes can be cleaned up.

For all their talk of family values, the administration has yet again put the value of corporate contributions—not families—first. It is not a family value to tell a whole generation of women that their health is not important. It is not a family value to put another generation of young kids at risk of learning disabilities. These mercury rules do just that.

It is time to put people first, and to stop letting the big polluters and the special interests write the rules and run the show over at EPA.

This resolution will ensure that the health and safety of U.S. citizens are fully considered, before EPA rescinds its commitment to protect public health from the dangers of mercury pollution. To leave mercury pollution from power plants as the only source of toxic air pollution that is allowed to avoid rigorous emissions standards under the Clean Air Act is a risk to the public's health that we need not, and should not, accept.

I urge my colleagues to support this resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations

S. RES. 184

Whereas the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human

Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the only member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .";

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities at the United Nations and its constituent bodies relating to anti-Semitism by each of the countries included in these reports; and

(C) the President should direct the Secretary of State to use projects funded through the Middle East Partnership Initiative and United States overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

Mr. SANTORUM. Mr. President, I rise today to submit a resolution to express the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and to urge action against anti-Semitism by United Nations officials, United Nations member states, and the U.S. government. I am very pleased to be joined in this effort by Senators FEINGOLD, SMITH, COLLINS, COLEMAN, and VOINOVICH, who are original cosponsors of this legislation.

The past several years have revealed an upsurge in anti-Semitic violence around the world. We have seen incidences of it in Europe, the Middle East, and, unfortunately, even at the United Nations. While the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," there are numerous examples of anti-Semitism and anti-Israel actions at the U.N. and by member states.

Allow me to list some examples of anti-Semitic and anti-Israel bias that have been included in the resolution. Clearly false accusations have been made against the Jewish people and the government of Israel at the U.N. Commission on Human Rights. These lies were not corrected for months or, in some cases, ever. Israel also continues to be denied the opportunity to hold a rotating seat on the Security Council, despite the fact that it has been a member of the organization for 56 years. It is the only member of the U.N. to be denied this seat. It continues to be denied the opportunity to

serve as a member of the U.N. Commission on Human Rights. The goals of the 2001 U.N. World Conference Against Racism were undermined by anti-Jewish rhetoric and anti-Israel agendas, which led to both the U.S. and Israel withdrawing their delegations from the conference.

The resolution being submitted today delineates these examples of anti-Semitism, but it also welcomes the steps the U.N. has recently taken to address this problem and urges additional steps to be taken. In 2004, the U.N. Secretary General Kofi Annan acknowledged at the first U.N.-sponsored conference on anti-Semitism that, "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time the world must not—cannot—be silent." In 2004, a committee of the U.N. also adopted a resolution that condemned anti-Semitism and recognized the rise in incidences of intolerance and violence. Upon the 60th anniversary of the liberation of the Auschwitz concentration camps in 2005, the U.N. held an unprecedented session to commemorate the occasion.

However, the United Nations and its member states must go further in combating this menace. The resolution makes it clear that the United States Senate is committed to opposing anti-Semitism and calls on the U.N. to officially and publicly condemn anti-Semitic statements made at its meetings and to hold accountable member states that make such statements. The resolution urges educational awareness programs about the Holocaust to be implemented around the world to combat anti-Semitism, racism, and religious and ethnic intolerance. The U.S. Ambassador to the U.N. should also continue working to reduce anti-Semitic and anti-Israel language and resolutions.

Likewise, the resolution asks for action from the State Department. The U.S. State Department should include information on anti-Semitic activities at the U.N. and by member states in its annual human rights and religious freedom reports. These reports have been very useful in providing important information on the status of human rights and religious freedom around the world, and data on anti-Semitic activities falls clearly within the purpose of these reports. Lastly, the State Department should use projects funded through the Middle East Partnership Initiative and U.S. overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

A similar resolution to this, introduced by Representatives ILEANA ROS-LEHTINEN and TOM LANTOS, passed the House of Representatives earlier this month by a vote of 409 to 2. I am hopeful that the Senate will similarly pass this resolution. It is time for the Senate to speak once more against the scourge of anti-Israel and anti-Semitic

language and activity. This resolution will send a message to the United Nations and its member countries that we will require it to fight anti-Semitism. For this reason, I ask my colleagues to join me in supporting these efforts by cosponsoring this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1068. Mr. BURNS (for himself, Mr. CHAMBLISS, Mr. INHOFE, and Mr. BROWNBACK) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1069. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1070. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1071. Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, Ms. COLLINS, Mrs. MURRAY, Mr. BYRD, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. CANTWELL, Ms. SNOWE, Mr. DEWINE, Mr. CORZINE, and Ms. LANDRIEU) proposed an amendment to amendment SA 1052 proposed by Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1072. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1073. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1074. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1075. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1076. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1068. Mr. BURNS (for himself, Mr. CHAMBLISS, Mr. INHOFE, and Mr. BROWNBACK) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, after line 2, add the following:

SEC. . (a) The Administrator of the Environmental Protection Agency shall conduct a thorough review of all third-party intentional human dosing studies to identify or quantify toxic effects currently submitted to

the Agency under FIFRA to ensure that they:

(1) address a clearly defined regulatory objective;

(2) address a critical regulatory endpoint by enhancing the Agency's scientific data bases;

(3) were designed and being conducted in a manner that ensured the study was adequate scientifically to answer the question and ensured the safety of volunteers;

(4) was designed to produce societal benefits that outweigh any anticipated risks to participants;

(5) adhered to all recognized ethical standards and procedures in place at the time the study was conducted; and

(6) are consistent with section 12(a)(2)(P) of the Federal Insecticide, Fungicide, and Rodenticide Act and all other applicable laws.

(b) The Administrator shall, within 60 days of the enactment of this Act, report to the House and Senate Committees on Appropriations; the Senate Committee on Agriculture, Nutrition and Forestry; and the House Committee on Agriculture on the results of the review required under subsection (a) and any actions taken pursuant to the review.

(c) Within 180 days of the enactment of this Act, the Administrator shall issue a final rule that addresses applying ethical standards to third party studies involving intentional human dosing to identify or quantify toxic effects.

SA 1069. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5 _____. Notwithstanding any other provision of law, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, may provide to the town of Olla, Louisiana, a 1-time exemption from the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) under which the town shall be eligible to receive disaster relief funds made available under that Act for use in addressing damage caused by the tornado that struck the town on November 23, 2004.

SA 1070. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING BORDER SECURITY.

(a) FINDINGS.—Congress finds the following:

(1) The illegal alien population has risen from 3,200,000 in 1986 to 10,300,000 in 2004.

(2) In fiscal year 2001, United States Border Patrol agents apprehended almost 1,200,000 persons for illegally entering the United States.

(3) Senate Report 109-083 states, "there are an estimated 11,000,000 illegal aliens in the United States, including more than 400,000 individuals who have absconded, walking away with impunity from Orders of Deportation and Removal".

(4) Between 1,000 and 3,000 special interest aliens from countries with an active terrorist presence enter the United States each year.

(5) Of the 1,200,000 illegal aliens apprehended on the border between the United States and Mexico, 643 were from countries with known terrorism ties, including Syria, Iran, and Libya.

(6) Senate Report 109-083 states, "officials of the Department of Homeland Security have conceded the United States does not have operational control of its borders", including areas along the 1,989 mile southwest border between the United States and Mexico.

(7) The daily attempts to cross the border by thousands of illegal aliens from countries around the globe continue to present a threat to United States national security.

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

(1) this Nation cannot thoroughly address the security of the United States without recognizing the reality of terrorists taking advantage of inadequacies in border security along the border between the United States and Mexico;

(2) every effort should be made to increase the technology and efficiency in preventing these individuals from entering the United States across the Mexican border;

(3) the Mexican Government has an obligation to secure its side of the border between the United States and Mexico; and

(4) the Mexican Government must commit to addressing inadequacies in its own domestic and border security policies, which are contributing to the present dilemma in border security.

SA 1071. Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, Ms. COLLINS, Mrs. MURRAY, Mr. BYRD, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. CANTWELL, Ms. SNOWE, Mr. DEWINE, Mr. CORZINE, and Ms. LANDRIEU) proposed an amendment to amendment SA 1052 proposed by Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1, line 2,

Strike the word "Sec" through page 1, line 9 and insert the following:

Sec. 429.(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,500,000,000 for the fiscal year ending September 30, 2005, for Medical Services provided by, by the Veterans Health Administration, which shall be available until expended.

SA 1072. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "\$180,000,000" and insert "\$250,000,000".

SA 1073. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making ap-

propriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "\$180,000,000" and insert "\$190,000,000".

On page 85, line 17, strike "\$2,000,000,000" and insert "\$1,990,000,000".

SA 1074. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "\$180,000,000" and insert "\$250,000,000".

SA 1075. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "\$180,000,000" and insert "\$190,000,000".

On page 85, line 17, strike "\$2,000,000,000" and insert "\$1,990,000,000".

SA 1076. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. FEASIBILITY STUDY REGARDING ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE IN TULSA, OKLAHOMA.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 illegal immigrants, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department and later released by the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, the Immigration and Naturalization Service office in Oklahoma City hired 4 new agents.

(4) On January 30, 2003, the Immigration and Naturalization Service office in Oklahoma City added 6 new special agents to its staff.

(5) On September 22, 2004, Immigration and Customs Enforcement authorized the release of 18 possible illegal aliens who were in the custody of the City of Catoosa, Oklahoma Police Department. Catoosa Police stopped a truck carrying 18 persons, including children, in the early morning hours. Only 2 of the detainees produced identification. One adult was arrested on drug possession charges, while the remaining individuals were released.

(6) Oklahoma has 1 Immigration and Customs Enforcement Office of Investigations,

located in Oklahoma City, Oklahoma. Currently, 12 Immigration and Customs Enforcement agents serve 3,500,000 people.

(7) Interstate Highways I-44 and I-75 run through Tulsa, Oklahoma, and transport illegal immigrants to all areas of the United States.

(8) 7 Drug Enforcement Administration agents and an estimated 22 Federal Bureau of Investigation agents are headquartered in Tulsa, Oklahoma, but no Immigration and Customs Enforcement agents are located in Tulsa, Oklahoma.

(9) The establishment of an Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma, would help enforce Federal immigration laws in eastern Oklahoma.

(b) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall commence a study on the benefits and feasibility of establishing an Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 29, 2005, at 9:30 a.m., in open session to consider the following nominations: General Peter Pace, USMC for reappointment to the grade of General and to be Chairman, Joint Chiefs of Staff; Admiral Edmund P. Giambastiani, Jr., USN for reappointment to the grade of Admiral and to be Vice Chairman, Joint Chiefs of Staff; General T. Michael Moseley, USAF for reappointment to the grade of General and to be Chief of Staff of the Air Force; Ambassador Eric S. Edelman to be under Secretary of Defense for Policy; Mr. Daniel R. Stanley to be Assistant Secretary of Defense for Legislative Affairs; and Mr. James A. Rispoli to be Assistant Secretary of Energy for Environmental Management.

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

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 29, 2005, at 3:30 p.m., to receive a classified briefing regarding detention operations and interrogation procedures at Guantanamo Bay.

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

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday June 29, 2005, at 10 a.m., to hear testimony on "Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, June 29, 2005 at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions meet in executive session during the session of the Senate on Wednesday, June 29, 2005 at 9:50 a.m. in SD-430.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 29, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on the following:

S.J. Res. 15 A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. 374 A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

S. 113 A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

S. 881 A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydro-power by the Grand Coulee Dam, and for other purposes.

S. 449 A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

H.R. 797/S. 475 A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

S. 623 A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah and for other purposes.

S. 598 A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

S. . A bill to condemn certain subsurface rights to land held in trust by the State of Arizona, convey subsurface rights held by BLM, for the Pascua Yaqui Tribe.

S. A bill to authorize funding for the National Indian Gaming Commission.

S. 1239, A bill to authorize the use of Indian Health Service funds to pay

Medicare Part D premiums on behalf of Indians.

S.1231, A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

S. A bill to require former federal employees who are employed by tribes to adhere to conflict of interest rules.

S. A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 29, 2005, at 9:30 a.m. for a hearing titled, "Vulnerabilities in the U.S. Passport System Can Be Exploited by Criminals and Terrorists."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 29, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON DISASTER PREVENTION AND
PREDICTION

Mr. BURNS. Mr. President: I ask unanimous consent that Subcommittee on Disaster Prevention and Prediction be authorized to meet on Wednesday, June 29, 2005, at 2:30 p.m., on National Weather Service-Severe Weather.

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

PRIVILEGE OF THE FLOOR

Mrs. CLINTON. Mr. President, I ask unanimous consent that Melissa Ho, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the appropriations bill.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Steve Borchard, a congressional fellow in Senator REID's office, be granted floor privileges for the remainder of the Interior appropriations bill.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that Adam Elkington, Julie Golder, and Jorlie Cruz be granted the privilege of the floor during consideration of the CAFTA implementation bill.

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

Mr. FRIST. Mr. President, I ask unanimous consent that Russell Ugone be granted floor privileges for the remainder of the debate on this bill.

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

APPOINTMENT OF CONFEREES—
H.R. 2361

Mr. FRIST. Mr. President, I ask unanimous consent that with respect to the previously passed Interior appropriations bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Chair appointed Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CRAIG, Mr. ALLARD, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. REID, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. KOHL conferees on the part of the Senate.

MEASURE READ THE FIRST
TIME—S. 1332

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1332) to prevent and mitigate identity theft to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

Mr. FRIST. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR THURSDAY, JUNE 30,
2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, June 30. 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 for the two leaders be reserved, and the Senate then resume consideration of S. 1307, the CAFTA legislation; provided further, that there then be 16 hours remaining under the statute with the time equally divided; provided further, that of the 8 hours of remaining Democratic time, 5 hours be under the control of Senator DORGAN and 3 hours under the control of Senator BAUCUS.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will resume the CAFTA bill. Although there are 16 hours remaining, we do not anticipate either side using all of that time. Half of that time is

controlled by this side of the aisle, and we expect to yield back as much of that time as reasonable in order to complete this bill at some time early enough in the afternoon—hopefully, not evening—so that we can continue with the two additional appropriations bills we had discussed completing prior to our recess. We want to complete the CAFTA and two appropriations bills before we leave for the recess.

I do forewarn Senators that we are going to have a very busy day tomorrow with votes tomorrow, into tomorrow evening, possibly into Friday. There is a possibility we can finish tomorrow night. I think it will be late tomorrow night, but we will finish CAFTA and two more appropriations bills.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:41 p.m., adjourned until Thursday, June 30, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 29, 2005:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A. J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2009. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

KEITH E. EASTIN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MARIO P. FIORI, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CAROLYN Y. PEOPLES.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY. (NEW POSITION)

ROBERT M. KIMMITT, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE SAMUEL W. BODMAN, RESIGNED.

DEPARTMENT OF STATE

KAREN P. HUGHES, OF TEXAS, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, WITH THE RANK OF AMBASSADOR, VICE CHARLOTTE L. BEERS, RESIGNED.

KRISTEN SILVERBERG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE KIM R. HOLMES, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE PETER S. WATSON.

DEPARTMENT OF STATE

JAMES CAIN, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

NATIONAL LABOR RELATIONS BOARD

RONALD E. MEISBURG, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE ARTHUR F. ROSENFELD, TERM EXPIRED.

DEPARTMENT OF EDUCATION

TERRELL HALASKA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE KAREN JOHNSON, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2010. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE EVE SLATER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED:

CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY L. NORTH, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ERIC B. SCHOOMAKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEITH B. ALEXANDER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. KIMMONS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAULETTE M. RISHER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL H. SUMRALL, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT M. CALLAND III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL E. SULLIVAN, 0000

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 30, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine funding for the Corporation for Public Broadcasting.
SD-192

JULY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine stem cell research (single cell technique without destruction of the embryo).
SD-124

JULY 14

2 p.m.
Veterans' Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of

Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.
SR-418

JULY 19

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.
SD-366

JULY 21

10 a.m.
Veterans' Affairs
Business meeting to consider pending VA legislation.
SR-418

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2361, Department of the Interior Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S7543–S7645

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 1327–1338, S.J. Res. 20, and S. Res. 184. **Pages S7613–14**

Measures Reported:

Special Report entitled “Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006”. (S. Rept. No. 109–95)

S. 1307, to implement the Dominican Republic-Central America-United States Free Trade Agreement. **Page S7613**

Measures Passed:

Congresswoman Shirley A. Chisholm Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 571, to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the “Congresswoman Shirley A. Chisholm Post Office Building”, and the bill was then passed. **Pages S7550–51**

Boone Pickens Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 775, to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the “Boone Pickens Post Office”, and the bill was then passed. **Pages S7550, S7551**

Brian P. Parrello Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 904, to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the “Brian P. Parrello Post Office Building”, and the bill was then passed. **Pages S7550, S7551**

Dalip Singh Saund Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 120, to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the “Dalip Singh Saund Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Sergeant First Class John Marshall Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 289, to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the Sergeant First Class John Marshall Post Office Building, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Arthur Stacey Mastrapa Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 324, to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the “Arthur Stacey Mastrapa Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Ray Charles Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 504, to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the “Ray Charles Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Linda White-Epps Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 627, to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, **Pages S7550, S7551**

Connecticut, as the “Linda White-Epps Post Office”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Sergeant Byron W. Norwood Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1001, to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the “Sergeant Byron W. Norwood Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Judge Emilio Vargas Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1072, to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the “Judge Emilio Vargas Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Francis C. Goodpaster Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1082, to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the “Francis C. Goodpaster Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Mayor Tony Armstrong Memorial Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1236, to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the “Mayor Tony Armstrong Memorial Post Office”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Captain Mark Stubenhofer Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1460, to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the “Captain Mark Stubenhofer Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Ed Eilert Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1524, to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the “Ed Eilert Post Office Build-

ing”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Honorable Judge George N. Leighton Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1542, to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the “Honorable Judge George N. Leighton Post Office Building”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Floyd Lupton Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2326, to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the “Floyd Lupton Post Office”, and the bill was then passed, clearing the measure for the President. **Pages S7550, S7551**

Department of the Interior Appropriations: By a unanimous vote of 94 yeas (Vote No. 168), Senate passed H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto: **Pages S7551-97**

Adopted:

By 57 yeas to 40 nays (Vote No. 161), Burns Amendment No. 1068, to direct the Administrator of the Environmental Protection Agency to conduct a review of all third-party intentional human dosing studies to identify or quantify toxic effects. **Pages S7752-60**

By 60 yeas to 37 nays (Vote No. 162), Dorgan (for Boxer) Amendment No. 1023, to prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides. **Pages S7552-61**

Dorgan (for Sarbanes) Amendment No. 1046, to provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. **Pages S7585-87**

By a unanimous vote of 96 yeas (Vote No. 165), Santorum Amendment No. 1071 (to Amendment No. 1052), to provide additional funding for medical services provided by the Veterans Health Administration. **Pages S7569-83, S7586-87**

By a unanimous vote of 96 yeas (Vote No. 166), Byrd (for Murray) Amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration. **Page S7587**

Rejected:

By 39 yeas to 59 nays (Vote No. 164), Sununu/Bingaman Amendment No. 1026, to prohibit the use of funds to plan, design, study or construct certain forest development roads in the Tongass National Forest.

Pages S7562–67, S7568

Withdrawn:

Kyl Amendment No. 1050, to modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds.

Pages S7584–85

Dorgan Amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance.

During consideration of this measure today, the Senate also took the following action:

By 47 yeas to 51 nays (Vote No. 163), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Dorgan Amendment No. 1025, to require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S7561–62, S7567–68

By 60 yeas to 35 nays (Vote No. 167), two-thirds of those Senators voting, a quorum being present, not having voted in the affirmative, the motion to suspend paragraph 4 of Rule XVI to consider Dorgan Amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance, was not agreed to. Subsequently, the Chair sustained a point of order against the amendment, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell.

Pages S7583–84, S7585, S7587, S7588

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Burns, Stevens, Cochran, Domenici, Bennett, Gregg, Craig, Allard, Dorgan, Byrd, Leahy, Reid, Feinstein, Mikulski, and Kohl.

Page S7644

CAFTA Implementation: By 61 yeas to 34 nays (Vote No. 169), Senate agreed to the motion to proceed to consideration of S. 1307, to implement the Dominican Republic-Central America-United States Free Trade Agreement, and Senate then began consideration of the bill.

Pages S7598–S7605

A unanimous-consent agreement was reached providing for further consideration of the bill at 9 a.m. on Thursday, June 30, 2005, provided that there

then be 16 hours of debate remaining under the statute with the time equally divided; further, that the time on the Democratic side be divided with 5 hours under the control of Senator Dorgan and 3 hours under the control of Senator Baucus.

Page S7644

Messages From the President: Senate received the following message from the President of the United States:

Transmitting a report, pursuant to the International Emergency Economic Powers Act, an executive order that takes additional steps with respect to the national emergency declared in Executive Order 12938 of November 14, 1994, amending Executive Order 12938 and Executive Order 13094 of July 28, 1998 by blocking property of weapons of mass destruction proliferators and their supporters; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–16)

Pages S7611–12

Nominations Received: Senate received the following nominations:

A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009.

Keith E. Eastin, of Texas, to be an Assistant Secretary of the Army.

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

Robert M. Kimmitt, of Virginia, to be Deputy Secretary of the Treasury.

Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador.

Kristen Silverberg, of Texas, to be an Assistant Secretary of State (International Organization Affairs).

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

James Cain, of North Carolina, to be Ambassador to Denmark.

Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

Ronald E. Meisburg, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years.

Terrell Halaska, of the District of Columbia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for a term of five years expiring August 27, 2010.

John O. Agwunobi, of Florida, to be an Assistant Secretary of Health and Human Services.

1 Air Force nomination in the rank of general

5 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Page S7645

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Ronald E. Meisburg, of Virginia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2008, which was sent to the Senate on January 24, 2005.

Messages From the House: Page S7612

Measures Referred: Page S7612

Measures Placed on Calendar: Page S7612

Measures Read First Time: Page S7612

Executive Communications: Pages S7612–13

Executive Reports of Committees: Page S7613

Additional Cosponsors: Pages S7614–16

Statements on Introduced Bills/Resolutions: Pages S7616–42

Additional Statements: Pages S7609–11

Amendments Submitted: Pages S7642–43

Authority for Committees to Meet: Pages S7643–44

Privilege of the Floor: Page S7644

Record Votes: Nine record votes were taken today. (Total—169) Pages S7560, S7561, S7568, S7587, S7588, S7597, S7598

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:41 p.m. until 9 a.m., on Thursday, June 30, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S7644–45.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF STATE

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs approved for full Committee consideration proposed legislation making appropriations for the Department of State and foreign operations for the fiscal year ending September 30, 2006.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General Peter Pace, USMC, for reappointment to the grade of gen-

eral and to be Chairman, Joint Chiefs of Staff, who was introduced by Senator Nelson (FL), Admiral Edmund P. Giambastiani, Jr., USN, for reappointment to the grade of admiral and to be Vice Chairman, Joint Chiefs of Staff, who was introduced by Senator Clinton, General T. Michael Moseley, USAF, for reappointment to the grade of general and to be Chief of Staff of the Air Force, who was introduced by Senator Cornyn, Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy, who was introduced by Senator Allen, Daniel R. Stanley, of Kansas, to be Assistant Secretary of Defense for Legislative Affairs, who was introduced by Senator Roberts and former Senator Bob Dole, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management, after the nominees testified and answered questions in their own behalf.

GUANTANAMO BAY

Committee on Armed Services: Committee met in closed session to receive a briefing regarding detention operations and interrogation procedures at Guantanamo Bay from Brigadier General Jay Hood, USA, Commanding General, Joint Task Force—Guantanamo Bay.

SEVERE WEATHER

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction concluded a hearing to examine national weather service issues, focusing on the Federal role in researching, forecasting, and warning the public about hurricanes and tornadoes, after receiving testimony from Max Mayfield, Director, Tropical Prediction Center/National Hurricane Center, and Dennis McCarthy, Director, Office of Climate, Water, and Weather Services, both of the National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce; Asbury H. Sallenger, Jr., Oceanographer, U.S. Geological Survey, Department of the Interior; Doug Ahlberg, Lancaster County Emergency Management, Lincoln, Nebraska; Bill Walsh, WCSC Live 5 News, Charleston, South Carolina; Marc L. Levitan, Louisiana State University Hurricane Center, Baton Rouge, on behalf of the American Association for Wind Engineering; and Timothy A. Reinhold, Institute for Business and Home Safety, Tampa, Florida.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following measures:

S. 1307, to implement the Dominican Republic-Central America-United States Free Trade Agreement; and

S.J. Res. 18, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

MEDICAID

Committee on Finance: Committee held hearings to examine problems that threaten the long term sustainability of Medicaid, focusing on the incidence of Medicaid waste, fraud and abuse, including pharmaceutical pricing schemes perpetrated against state Medicaid programs, receiving testimony from Timothy J. Coleman, Senior Counsel to the Deputy Attorney General, Department of Justice; Robert A. Vito, Regional Inspector General for Evaluation and Inspections, Philadelphia, Office of the Inspector General, Department of Health and Human Services; Patrick J. O'Connell, Texas Office of the Attorney General, Austin; Paul J. Pickerell, Oregon Department of Human Services, Eugene; Julie Stone-Axelrad, Analyst in Social Legislation, Domestic Social Policy Division, Congressional Research Service, Library of Congress; Marjorie E. Powell, Pharmaceutical Research Manufacturers of America, and Judith Feder, Georgetown University Public Policy Institute, both of Washington, D.C.; Joyce Ruddock, MetLife Insurance, Westport, Connecticut, on behalf of the American Council of Life Insurers; Daniel K. O'Brien, Erickson Retirement Communities, and Ruth C. Pundt, both of Parkville, Maryland; and Beatrice Manning, Stow, Massachusetts.

Hearings recessed subject to the call.

U.S. PASSPORT FRAUD

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine vulnerabilities in the United States passport system, focusing on how passport fraud is committed, what key fraud detection challenges the State Department faces, and what effect new passport examiner performance standards could have on fraud detection, after receiving testimony from Jess T. Ford, Director, International Affairs and Trade, Government Accountability Office; Michael L. Johnson, Former Special Agent in Charge (Miami Field Office), Diplomatic Security Service, and Frank E. Moss, Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, both of the Department of State; Donna A. Bucella, Director, Terrorist Screening Center, Transportation Security Administration, Department of Homeland Security; and Thomas E. Bush III, Assistant Director, Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 1317, to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood, with an amendment in the nature of a substitute; and

The nomination of Tom Luce, of Texas, to be Assistant Secretary of Education for Planning, Evaluation, and Policy Development.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States;

S. 374, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River;

S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust;

S. 881, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam;

S. 449, to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971;

H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians;

H.R. 680, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah;

S. 598, to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing;

S. 1291, to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe;

S. 1295, to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission;

S. 1239, to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible Medicare beneficiaries;

S. 1231, to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education, with an amendment in the nature of a substitute;

S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and

S. 731, to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities, with an amendment.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 3100–3125; 1 private bill, H.R. 3126; and 3 resolutions, H.J. Res. 56; H. Con. Res. 195; and H. Res. 344, were introduced.

Pages H5434–35

Additional Cosponsors:

Page H5435

Reports Filed: Reports were filed today as follows:

H. Res. 345, providing for consideration of motions to suspend the rules (H. Rept. 109–159); and

H. Res. 346, providing for consideration of H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States (H. Rept. 109–160).

Page H5434

Speaker: Read a letter from the Speaker wherein he appointed Representative Latham to act as speaker pro tempore for today.

Page H5365

Chaplain: The prayer was offered today by Rev. Michael O. Canady, Director, Missions and Ministries Division, Louisiana Baptist Convention in Alexandria, Louisiana.

Page H5365

Private Calendar: On the call of the Private calendar, the House passed H.R. 432, to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

Pages H5365–66

Amending the Communications Satellite Act of 1962: S. 1282, to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain re-

strictions on separated and successor entities to INTELSAT—clearing the measure for the President.

Page H5372

Suspensions: The House agreed to suspend the rules and pass the following measure:

TANF Extension Act of 2005: H.R. 3021, amended, to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005.

Pages H5372–76

Departments of Transportation, Treasury, and Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for FY 2006: The House began consideration of H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006. Further consideration will continue tomorrow, June 30.

Pages H5376–H5433 (continued next issue)

Agreed in the House to the Knollenberg amendment correcting an error in the dollar amount on page 176 line 26 of the bill.

Page H5376

Agreed to:

Knollenberg amendment that increases funding for the Office of the Secretary of Transportation; increases funding for Tax Law Enforcement for the IRS; and increases funding for the Community Development Fund;

Pages H5386–87

LaTourette amendment that increases funding for Grants to the National Railroad Passenger Corporation (agreed to limit the time for debate);

Pages H5387–97

Velázquez amendment that increases funding for Lead Hazard Reduction; **Pages H5397–99**

Knollenberg amendment that increases funding for Operations of the FAA; **Page H5399**

Gary Miller of California amendment (No. 9 printed in the Congressional Record of June 28) that increases funding for the Community Development Fund; **Pages H5419–21**

Corrine Brown of Florida amendment that strikes a provision relating to Amtrak routes funded under Grants to National Railroad Passenger Corporation (by a recorded vote of 269 ayes to 152 noes, Roll No. 336);

Pages H5403–08, H5432–33 (continued next issue)

Al Green of Texas amendment (No. 3 printed in the Congressional Record of June 27) that increases funding for Fair Housing Activities (by a recorded vote of 231 ayes to 191 noes, Roll No. 338);

Pages H5417–19 (continued next issue)

Nadler amendment that increases funding for Public and Indian Housing, Tenant-Based Rental Assistance (by a recorded vote of 225 ayes to 194 noes, Roll No. 339);

Pages H5422–27 (continued next issue)

Davis of Alabama amendment that adds a new section regarding Revitalization of Severely Distressed Public Housing (agreed to limit the time for debate) (by a recorded vote of 248 ayes to 173 noes, Roll No. 340); **Pages H5429–32 (continued next issue)**

Nadler amendment that increases funding for the Housing Opportunities for Persons with AIDs;

(See next issue.)

Maloney amendment (No. 8 printed in the Congressional Record of June 28), as modified, that increases funding for the White House Privacy and Civil Liberties Oversight Board; **(See next issue.)**

Hooley of Oregon amendment that increases funding for the High Intensity Drug Trafficking Areas Program (by a recorded vote of 315 ayes to 103 noes, Roll No. 343); and **(See next issue.)**

Souder amendment (No. 17 printed in the Congressional Record of June 28) that increases funding for Federal Drug Control Programs (by a recorded vote of 268 ayes to 151 noes, Roll No. 344).

(See next issue.)

Rejected:

Kennedy of Minnesota amendment that sought to increase funding for Homeless Assistance Grants (by a recorded vote of 59 ayes to 362 noes, Roll No. 337); **Pages H5408–12 (continued next issue)**

Waters amendment that sought to increase funding for the Community Development Fund;

(See next issue.)

King of Iowa amendment that sought to reduce funding for salaries and expenses for the U.S. Su-

preme Court (by a recorded vote of 42 ayes to 374 noes, Roll No. 341); and **(See next issue.)**

Herseth amendment that sought to increase funding for salaries and expenses for Courts of Appeals, District Courts, and Other Judicial Services (by a recorded vote of 188 ayes to 232 noes, Roll No. 342).

(See next issue.)

Withdrawn:

Gingrey amendment (No. 1 printed in the Congressional Record of June 27) that was offered and subsequently withdrawn that sought to prohibit the use of funds to provide assistance under the community development block grant program for any private economic development project involving the obtaining of property by eminent domain;

Pages H5427–28

Kilpatrick amendment that was offered and subsequently withdrawn that sought to strike a provision in Title III, regarding Public and Indian Housing, and inserts new provisions; and **Pages H5428–29**

Shuster amendment (No. 13 printed in the Congressional Record of June 29) that was offered and subsequently withdrawn that sought to increase funding for the Federal Buildings Fund of GSA.

(See next issue.)

Point of Order sustained against:

Edwards of Texas amendment that sought to add a new title to the bill to provide funding for the Veterans Health Administration; **Pages H5385–86**

Provision of the bill beginning with the word “to” on page 5 line 25 through the word “Fund” on line 26, regarding Payments to Air Carriers derived from the Airport and Airway Trust Fund; **Page H5397**

Poe amendment (No. 12 printed in the Congressional Record of June 28) that sought to increase funding for Federal Aviation Administration Operations; **Pages H5399–H5400**

Section beginning with the word “for” on page 11 line 22 through the word “Code” on page 12 line 1, regarding Grants-In-Aid for Airports; **Page H5400**

Section beginning with the word “provides” on page 12 line 12 through the word “program” on line 17, regarding Grants-In-Aid for Airports;

Page H5400

Section beginning with the words “not withstanding” on page 16 line 8 through line 17, regarding Federal-Aid Highways; **Page H5401**

Section 110 regarding Administrative Provisions for the Federal Housing Administration; **Page H5402**

Section 112 regarding a Bypass Bridge at Hoover Dam; **Page H5402**

Provision in section 130 beginning with the words “provided further” on page 28 line 15 through page 29 line 2, regarding Administrative Provisions of the National Highway Traffic Safety Administration; **Page H5403**

Provision beginning with the words “provided further” on page 32 line 25 through page 33 line 3, regarding Administrative Expenses for the Federal Transit Administration; **Page H5415**

The phrase “not withstanding any other provision of law” on page 34 line 4, regarding the Highway Trust Fund; **Page H5415**

Section 151 regarding Administrative Provisions for the Federal Transit Administration; **Page H5415**

Section 218 under Administrative Provisions in the Department of the Treasury, regarding the submission of a report to the Committees on Appropriations; **Page H5422**

Section 808 regarding the Buy America Act.

(See next issue.)

H. Res. 342, the rule providing for consideration of the bill was agreed to yesterday, June 28.

(See next issue.)

Presidential Message: Read a message from the President wherein he reported that he issued an Executive Order that takes additional steps with respect to the national emergency regarding proliferation of weapons of mass destruction and the means of delivering them—referred to the Committee on International Relations and ordered printed (H. Doc. 109–38). **(See next issue.)**

Senate Message: Message received from the Senate today will appear in the next issue of the Record.

Senate Referrals: S. 571, S. 775, and S. 904 were referred to the Committee on Government Reform.

Page H5433

Quorum Calls—Votes: Nine recorded votes developed during the proceedings of today and appear on pages H5432–33 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12 midnight.

Committee Meetings

GUANTANAMO BAY—DETAINEE OPERATIONS

Committee on Armed Services: Held a hearing on detainee operations at Guantanamo Bay. Testimony was heard from the following officials of the Department of Defense: BG Jay Hood, USA, Commander; CSM Anthony Mendez, USA, Joint Detention Group; and CDR Cary Ostergaard, USN, Detainee Hospital Commander, all with the Joint Task Force Guantanamo.

SMALL BUSINESS TECHNOLOGIES

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces and the Subcommittee on Projection Forces held a joint hearing on Small Busi-

ness Technologies. Testimony was heard from the following officials of the U.S. Naval Academy, Department of the Navy: Dolores M. Etter, Distinguished Chair in Science and Technology, Electrical Engineering Department; and ENS Bradford L. Bonney, USN, Electrical Engineering Department.

PENSION PROTECTION ACT OF 2005

Committee on Education and the Workforce: Began markup of H.R. 2830, Pension Protection Act of 2005.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 2491, International Solid Waste Importation and Management Act of 2005; H.R. 1065, amended, United States Boxing Commission Act; and H.R. 3084, Drug Free Sports Act.

CREDIT RATING AGENCY DUOPOLY

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “Legislative Solutions for the Rating Agency Duopoly.” Testimony was heard from public witnesses.

NEXT GENERATION INTERNET IPv6

Committee on Government Reform: Held a hearing entitled “To Lead or To Follow: The Next Generation Internet and the Transition to IPv6.” Testimony was heard from Karen Evans, Administrator, Electronic Government and Information Technology, OMB; the following officials of the GAO: David Powner, Director, Information Technology Management Issues; and Keith Rhodes, Chief Technologist and Director, Center for Technology and Engineering; George G. Wauer, Director, Architecture and Interoperability, Office of the Assistant Secretary, Networks and Information Integration and Office of the Chief Information Officer, Department of Defense; and public witnesses.

NARCO-TERRORIST HIGH SEAS ENFORCEMENT

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Interrupting Narco-terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?” Testimony was heard from Ralph Utley, Acting United States Interdiction Coordinator, Office of National Drug Control Policy; the following officials of the Department of Homeland Security: ADM Dennis Sirois, USCG, Assistant Commandant for Operations, U.S. Coast Guard; and Charles E. Stallworth II, Acting Assistant Commissioner, Office of Air and Marine Operations, U.S. Customs and Border Protection; ADM Jeffrey J.

Hathaway, Director, Joint Interagency Task Force South, Department of Defense; and Thomas M. Harigan, Chief of Enforcement Operations, DEA, Department of Justice.

NEXT GENERATION OF NUCLEAR POWER

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled "The Next Generation of Nuclear Power." Testimony was heard from Robert Shane Johnson, Acting Director, Nuclear Energy, Science and Technology, Department of Energy; and public witnesses.

YUCCA MOUNTAIN PROJECT

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled "Yucca Mountain Project: Digging for the Truth." Testimony was heard from Joseph Hevesi, Scientist, U.S. Geological Survey, Department of the Interior; and W. John Arthur III, Deputy Director, Office of Repository Development, Office of Civilian Radioactive Waste Management, Department of Energy.

AIR PASSENGER PRE-SCREENING

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled "Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists." Testimony was heard from Justin Oberman, Assistant Administrator, Secure Flight and Registered Traveler, Department of Homeland Security; former Representative John B. Anderson, State of Illinois; and public witnesses.

HOMELAND SECURITY DEPARTMENT— MISSION-BASED BUDGETING

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled "Transforming the Department of Homeland Security Through Mission-based Budgeting." Testimony was heard from David M. Walker, Comptroller General of the United States, GAO; and public witnesses.

527 REFORM ACT OF 2005

Committee on House Administration: Ordered reported, as amended, without recommendation H.R. 513, 527 Reform Act of 2005.

GLOBAL WATER CRISIS

Committee on International Relations: Held a hearing on The Global Water Crisis: Evaluating U.S. Strategies to Enhance Access to Safe Water and Sanitation. Testimony was heard from the following officials of the Department of State: John F. Turner, Assistant Secretary, Bureau of Oceans and International Envi-

ronmental Scientific Affairs; and Jackee Schafer, Deputy Assistant Administrator, Bureau for Economic Growth, Agriculture and Trade, U.S. Agency for International Development; and public witnesses.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Vanessa Tobin, Chief, Water Environment Sanitation Section, United Nations Children's Fund; and Olav Kjørven, Director, Energy and Environment Group, Bureau for Development Policy, United Nations Development Program.

MISCELLANEOUS RESOLUTIONS; IRAQ'S TRANSITION TO DEMOCRACY

Committee on International Relations: Subcommittee on the Middle East and Central Asia approved for full Committee action the following measures: H. Con. Res. 187, amended, Expressing the sense of Congress concerning Uzbekistan; and H. Res. 343, Commending the State of Kuwait for granting women certain important political rights.

The Subcommittee also held a hearing on Iraq's Transition to Democracy. Testimony was heard from Richard Jones, Senior Advisor to the Secretary and Coordinator for Iraq, Department of State.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on the Western Hemisphere approved for full Committee action the following measures: H.R. 611, amended, Haiti Economic and Infrastructure Reconstruction Act; H.R. 953, Social Investment and Economic Development Fund for the Americas Act of 2005; and H. Con. Res. 175, Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 184, amended, Controlled Substances Export Reform Act of 2005; H.R. 869, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; H.R. 3020, United States Parole Commission Extension and Sentencing Commission Authority Act of 2005; and H.R. 1442, amended, To complete the codification of title 46, United States Code "Shipping," as positive law.

WATER RESOURCES DEVELOPMENT ACT OF 2005

Committee on Rules: Granted by voice vote, a structured rule providing one hour of general debate on H.R. 2864, Water Resources Development Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for 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 from Representatives Duncan, Flake, Oberstar, Eddie Bernice Johnson of Texas, Blumenauer and Stupak.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a rule providing that suspensions will be in order at any time on the legislative day of Thursday, June 30, 2005. The rule provides that the Speaker or his designee shall consult with the Minority Leader or her designee on any suspension considered under the rule. The rule provides that it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

U.S. NANOTECHNOLOGY

Committee on Science: Subcommittee on Research held a hearing on Nanotechnology: Where Does the U.S. Stand? Testimony was heard from Floyd Kvamme, Co-Chair, President's Council of Advisors on Science and Technology; and public witnesses.

NASA AUTHORIZATION ACT OF 2005

Committee on Science: Subcommittee on Space approved for full Committee action, as amended, H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005.

GENETICALLY MODIFIED CROPS

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing entitled "Different Applications for Genetically Modified Crops." Testimony was heard from public witnesses.

OVERSIGHT—MARITIME TRANSPORTATION SECURITY ACT IMPLEMENTATION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Implementation of the Maritime Transportation Security Act. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: RADM Craig E. Bone, USCG, Director, Port Security, U.S. Coast Guard; and Robert Jacksta, Executive Director, Border Security and Facilitation, Office of Field Operations, U.S. Customs and Border Protection.

OVERSIGHT—VETERANS TRANSITION PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held an oversight hearing on the Transition Assistance Program and the Disabled Transition Assistance Program. Testimony was heard from the following officials of the Department of Defense: MG Ronald G. Young, Director, National Guard Bureau Joint Staff; and Craig W. Duehring, Principal Deputy Assistant Secretary, Reserve Affairs; Judith Caden, Director, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, Department of Veterans Affairs; John M. McWilliam, Deputy Assistant Secretary, Operations and Management, Veterans' Employment and Training Service, Department of Labor; Cynthia Bascetta, Director, Veterans' Health and Benefits Issues, GAO; a representative of a veterans' organization; and a public witness.

PRISON INMATES TAX FRAUD

Committee on Ways and Means: Subcommittee on Oversight held a hearing to Examine Tax Fraud Committed by Prison Inmates. Testimony was heard from Representatives Davis of Florida, Keller and Feeney; the following officials of the Department of the Treasury: Nancy J. Jardini, Chief, Criminal Investigation, IRS; and J. Russell George, Treasury Inspector General for Tax Administration; John M.

Moriarty, Inspector General, Department of Criminal Justice, State of Texas; and Jeff Bentley, Criminal Investigator, Department of Corrections, State of South Carolina; and a public witness.

Joint Meetings

UZBEKISTAN CRISIS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a hearing to examine the ongoing crisis in Uzbekistan and its implications for the United States, after receiving testimony from Muhammed Salih, ERK Democratic Party of Uzbekistan, and Galima Bukharbaeva, Institute for War and Peace Reporting, both of Tashkent, Uzbekistan; Holly Cartner, Human Rights Watch, and Robert Templer, International Crisis Group, both of Washington, D.C.; and Marcus Bensmann, Neue Zuercher Zeitung, Germany.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 30, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, 2 p.m., SD-116.

Committee on Armed Services: to hold hearings to examine the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism, 9:30 a.m., SR-325.

Committee on Commerce, Science, and Transportation: Subcommittee on Technology, Innovation, and Competitiveness, to hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future, 9:30 a.m., SR-253.

Committee on Finance: Subcommittee on Taxation and IRS Oversight, to hold hearings to examine savings and investment issues, 2 p.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine challenges of the Middle East road map, 9:30 a.m., SD-419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Education and Early Childhood Development, to hold hearings to examine issues relating to American history, 3 p.m., SD-430.

Committee on the Judiciary: business meeting to consider the nominations of James B. Letten, to be United States Attorney for the Eastern District of Louisiana, and Rod J. Rosenstein, to be United States Attorney for the District of Maryland, both of the Department of Justice, S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted

claims, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 103, to respond to the illegal production, distribution, and use of methamphetamine in the United States, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, committee rules of procedures for the 109th Congress, and other committee matters, 9:30 a.m., SD-226.

Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine securing the cooperation of participating countries relating to the need for comprehensive immigration reform, 2:30 p.m., SD-226.

Select Committee on Intelligence: to hold a closed briefing regarding certain intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: to hold hearings to examine the importance of prevention in curing Medicare, 10 a.m., SH-216.

House

Committee on Education and the Workforce, to continue markup of H.R. 2830, Pension Protection Act of 2005, 10 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing on H.R. 3043, Zero Downpayment Pilot Program Act of 2005, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "The Next Flu Pandemic: Evaluating U.S. Readiness," 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H.R. 611, Haiti Economic and Infrastructure Reconstruction Act; H.R. 2017, Torture Victims Relief Reauthorization Act of 2005; H.R. 3100, East Asia Security Act of 2005; H. Con. Res. 140, Recognizing and affirming the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to withdrawal of water from the Great Lakes and urging that management authority over the Great Lakes should remain vested with the Governors and Premiers; H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of

citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; H. Con. Res. 175, Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; H. Con. Res. 187, Expressing the sense of Congress concerning Uzbekistan; H. Con. Res. 191, Commemorating the 60th Anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; H. Res. 328, Recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the establishment of the Solidarity Trade Union; H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan; and H. Res. 343, Commending the State of Kuwait for granting women certain important political rights, 10:30 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing on The G8 Summit and Africa's Development, 2 p.m., 2172 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, hearing on Nonproliferation and the G-8, 2:30 p.m., 2255 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the following bills: H.R. 3060, Terrorist Death Penalty Enhancement Act of 2005; and H.R. 3035, Streamlined Procedures Act; and to mark up H.R. 1751, Secure Access to Justice and Court Protection Act of 2005, 1 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled "Immigration Removal Procedures Implemented in the Aftermath of the September 11th Attacks," 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing entitled "The Vast North American Resource Potential of Oil Shale, Oil Sands, and Heavy Oils—Part 2," 10 a.m., 1324 Longworth.

Committee on Veterans' Affairs, oversight hearing on the Department of Veterans Affairs' necessity to reprogram \$1 billion to the medical services account in Fiscal Years 2005 and its implication for Fiscal Year 2006, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 3045, Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H-405 Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, June 30

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1307, CAFTA Implementation Act. Also, Senate expects to consider certain appropriations bills when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 30

House Chamber

Program for Thursday: Complete consideration of H.R. 3058, Departments of Transportation, Treasury, and Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for FY 2006. Begin consideration of H.R. 2864, Water Resources Development Act of 2005 (subject to a rule).

(House proceedings for today will be continued in the next issue of the Record.)



Congressional Record

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