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 House in the Pledge of Allegiance.

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 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 1990, 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
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 per-
mit 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) Identification of Property.—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 bound-
daries of Rocky Mountain National Park identified as “residence”, “occupancy area”, and “barn” on the map entitled “Betty Dick Res-
didence 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 enti-
tiled “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 Sec-
retary of the Interior an amount equal to one twenty-fifth of the amount specified in section 3(B) of such agreement.
(d) Consent of Property.—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, and passed, and a motion to con-
clude the call of the Private Cal-
edar.

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 appre-
ciation 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 pro-
gram run by the Department of Defense to recognize and communicate support by citizens for our military men and women. The program high-lighted many ways that Americans can get involved and join in the support ef-
fort. 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 sac-
rifices for us and for our liberty.
AmericaSupportsYou.mil lets all Americans say thanks.

CORPORATE WELFARE DEM-
ONSTRATES NEED FOR LOB-
BYING 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 receiv-
ing 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 result-
ing in $138 billion in additional profits. To those industries, it is just good business: Invest a little now for a big-
ger 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 profes-
sional 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 con-
demn a local home. Have it seized and destroyed so he can build a brand new hotel and mu-
seum. That will give the city greater tax revenue.
The Supreme Court should realize there are consequences for decisions that they make. They affect all Amer-
icans. 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 de-
cision 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 reau-
thorization 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 legisla-
tion. Although domestic violence is blind to race, ethnicity, racial and ethnic minority women, immigrant women es-
pecially, we face unique challenges to reporting and getting help for these victims.

The comprehensive reauthorization of VAWA includes provisions that ad-
dress these concerns.
The bill includes language that would help communities establish specialized domestic violence courts in order to speed up the processing time of domes-
tic violence cases. Also, the bill in-
cludes a provision that would help edu-
cate minority and immigrant communities on how to prevent domestic vio-
lence and provide services available to those victims.

Our efforts to educate the public about domestic violence must directly address factors like cultural dif-
fences, linguistic differences and im-
migration issues.
It is my hope that the reau-
thorization 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 vis-
ted the U.S. naval base at Guanta-
namo Bay.
One Democratic Senator described the
tour as “an eye-opening experi-
ence.”
“We found a well-run and well-orga-
nized 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 return 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 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 hospitals. 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 to congratulate the President 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, 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 view it on local, free, non-commercial public television, especially in small cities and rural communities.

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 $35 billion in Federal funding to improve access to criminal justice, community responses to domestic violence. 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 67% of them involved in over 196,000 of those cases.

The reauthorization that we are putting forward this week will allow 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 end of September. 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? Is it 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 people who write books and publish them and develop software. The creative community is alive and well and working hard in Tennessee.

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 Bosnian 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 190 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 in 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 terrorism.

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 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 ordinary private property owners. It is time for the public to demand better.

Ordinary private property owners stand to suffer from the corrupting influence this sweeping legislation will have because government officials, because government officials can aggressively and unfairly take private property and use, as guaranteed by the fifth amendment, for government officials can aggressively and unfairly take private property and use, as guaranteed by the fifth amendment.

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.

One thing that will not be lost on the American people is that this law is a slap in the face of homeowners, small businesses, and ordinary private property owners. It is a slap in the face of the American people.

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 currents 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 is in the Social Security 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, 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, absentmindedness, 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 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 reintroducing 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 in April was $1 trillion in gimmicks for their re-elections, knowing that they were $1 billion short.

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 and perhaps even diverting Social Security funds, the plan would still force large benefit cuts and in the long run, it means protecting women; it means providing funding to the Violence Against Women 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 gentleman from Texas?

There was no objection.

The Clerk read the title of the Senate bill.

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

No objection.

The Clerk read the Senate bill as follows:

S. 1382

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 "(1)" in clause (1);

(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 (ii) and inserting "organization;" and

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.


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

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

"SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDS.

"The United States shall preserve the space segment capacity of the GMDS.

"This section is not intended to alter the status that the GMDSW would otherwise have under United States laws and regulations of the International Telecommunication Union, with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDS services.

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions.

(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.

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 SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

Mr. Speaker, I ask that my colleagues join me in closing the homeownership gap or the creation of affordable housing.

COMMUNICATIONS SATELLITE ACT OF 1962 AMENDMENTS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill, to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated 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?

No objection.

The Clerk read the Senate bill as follows:

S. 1382

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

SECTION 1. SHORT TITLE.

(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 purposes. 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 1003(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".


Activities authorized by sections 429A and 1108(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 purposes. 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.
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. NUSSEL. Mr. Speaker, I would like to determine whether or not that is his understanding.

Mr. THOMAS. Mr. Speaker, 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 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 TMA since the original authorization of the 1996 welfare reform law expired in 2002. The 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 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 extended welfare programs is finally nearing an end. I look forward to working with our Members to ensure this done so more families can know the dignity of collecting paycheck instead of welfare checks.

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 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 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 jammed ceaselessly divisive bills that have drawn the condemnation of mayors, governors, welfare directors, religious leaders and poverty experts.

The Transitional Medical Assistance is a small program that is, as the gentleman is correct in his understanding.

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 ensure this done so more families can know the dignity of collecting paycheck instead of welfare checks.

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

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On this Republican watch, the House has jammed ceaselessly 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 out of 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 reform 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 200,000 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 finding work. They are not finding work 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. That is why we need to find 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 work to pass a TANF reauthorization bill. Instead, the Republicans try to sell the same worn-out threadbare suit of clothes again.

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 slips 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. In the majority’s plan, the funding cuts suggest their bill is modestly more generous on child care than the administration’s budget. However, that Republican package, in reality, underruns 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 working. 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 time they need us most.

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

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

I would like to remind the gentleman from California, we have two bills, both of which have offered as much as $1 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 public needs to be aware of that.

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 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, yet we have not been able 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 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 micromanage 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.

Mr. Speaker, I propose the 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 many 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, $1 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. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Ms. WOOLSEY).

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.

We pay money to make existing educational 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. 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 the system many times. And believe me, I have paid back the system many times.

As I was moving farther and farther into work, 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 there 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 while making sure 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 since 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 ran away when we talked you to an 8 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 further and further 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 and can go to school and learn and become part of an educated workforce. To fail these children in their earliest years is to create an uneducated 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 that we were 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 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. All bills 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 not Democratic 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 approximation 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 final and 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 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 is on the motion to reconsider. Is there objection to the request of the gentleman from California?

There was no objection.

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.


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.

The motion to reconsider was laid on the table.
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 for Transportation 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 CDBG in HUD, and 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.

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 amendment 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 $35 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 the 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 to do. 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 level of more than $700 million over the administration’s proposals.

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 $1.7 billion last year, but we were able to restore the 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 forward all 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 fully fund every program, but we did fund the higher priorities under our jurisdiction that will deliver the best results to the people, and that is our responsibility.

I would like to take a moment and talk about a few of the amendments that 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 grant, for every economic development grant, for 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. OLVER. 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 have made 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.

Firstly, 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 in the morning on the House floor, 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 Napoliello 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 folks.

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 9 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.

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.

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 142 million 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 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 tomorrow.

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 consolidated program. 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 administratively 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 year.

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 the small point 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 in the work we have more in the 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 chair 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 make real commitments to ourselves and to the people of this Nation to reduce our spending habits. And in this
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 the future of the rail system will 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. Gephardt and Mr. 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, 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 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.

Another shortcoming, in my view, is the fact that it provides a $250 million reduction to 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 before the House, 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.

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 crumbling and zeroed out. Brownfields, for instance. My comunidad has had a number of 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 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.
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 has acted yesterday. 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 signed into law 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 interstate system. There is over $18 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 community to 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 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 all Members.

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 maintenance of over 88,000 miles of highways and other major 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 Northwest Florida 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. KOLLENBERG. 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 offsets the instruction in the CDBG for fiscal year 2006?

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

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

Mr. KOLLENBERG. 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. KOLLENBERG) 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. KOLLENBERG), 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. KOLLENBERG) 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, Heath and Human Services and Education, lament. 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 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 had 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 not still 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 reveal the peace.

Mr. KOLLENBERG. 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 work with them in encouraging their use. I would welcome any comments the Chair might care to make.

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

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

Mr. KOLLENBERG. 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.

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 KOLLENBERG) 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 KOLLENBERG), who was once Chair, both of whom worked with the Subcommittee on the District of Columbia, and the gentleman from Michigan (Chairman KOLLENBERG) as a recent past Chair, for the way they have worked with the
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. OLIVER. 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 their 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 abusive 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 build 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 also have increased. 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 us 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 Michigan.

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 has traditionally looked 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 other 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 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.

Mr. KNOLLENBERG. 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, the elderly, young people, 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 a guarantee every day, 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 our money.

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 with the most aggressive law enforcement program and the most effective law enforcement program, the HDTAs.

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 also grows 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 60 and 90 percent of all clients 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 HDTAs, 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 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 shifting 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 excessively costing 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 in the EAC.

I appreciate the committee’s hard work on this bill. This legislation is not perfect. But it prove voting machine security.

The Appropriations Committee has moved forward today, providing 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 in the name 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 conferences to exceed 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.

PROGRAM 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 Department of the Treasury’s $1.1 billion in funding, 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 to consolidate and streamline 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. 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 by 2006. This would 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, it’s 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 of $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 funded 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 development programs 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. The 6 percent reduction for the Community Development Block Grant program as the bill moves to conference. 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 homecare to the elderly unable to afford it. It also aids the South Brunswick Citizens for Independent Living (CIL), which builds toward the dispersal of 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 minimum amounts set by Congress.

The amendment offered by Mr. EDWARDS: On page 2, following new title and renumber the succeeding titles accordingly: TITLE I—DEPARTMENT OF VETERANS AFFAIRS HUMAN SERVICES'' after notice of the amount and purpose of the appropriation, out of any money in the Treasury not otherwise appropriated, for the administration of Veterans Affairs and veterans described in section 1701 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 medical-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 obligations incurred pursuant to 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. KOLLENBERG. 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 who 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 need. Instead of placing the 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). It was voted down on a partisan basis.

Now the Veterans’ Administration leadership, part of the Bush administration, has admitted we have more than a $1 billion shortfall this year in VA health care funding. That means, Mr. Chairman, that every day that passes, there are veterans that are not receiving the VA health care they need and they deserve.

Mr. EDWARDS. Mr. Chairman, that is, 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 the same today. Let us not let our veterans wait another 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.

I simply want to let you know that I told you so. We warned the majority that, if you listen 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 dng hill 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 Senate has already, 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.

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
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 other points of order? I have other points of order 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 in the rules 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 the floor for debate today? 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. Unless the Committee on Rules has provided exceptions to that, my understanding of the rules is that 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 forum. It 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 hold 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 upwards of 3 months 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 in fact find a 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 following: 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 $6,600,000 shall be available for the Office of the Under Secretary for Transportation for Policy; not to exceed $2,033,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; and not to exceed $2,652,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,220,000 shall be available for the Office of Public Affairs; not to exceed $89,000 shall be available for the Office of the Executive Secretariat; not to exceed $597,000 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 National 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 Assistant Secretary for Transportation, including the salaries and expenses of the Office of the Assistant Secretary for Transportation, including the salaries and expenses of the Office of the Assistant Secretary for Transportation. The Chair finds that this amendment includes an emergency designation and, as such, constitutes legislation in violation of clause 2 of rule XXI.

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.

Mr. KNOLLENBERG. Mr. Chairman, in opposition to the amendment. 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, but I think 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 “creative” 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.

Mr. OBEY. This amendment, as all amendments, would come under clause 3 of rule XXI. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I am not going to become law for 2 or 3 months. The amendment includes an emergency designation. And therefore violates clause 2 of rule XXI.

Mr. Chairman, the gentleman had an opportunity to 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, but I think 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 “creative” business rather than real business. I would look forward to working with the gentleman in the days ahead.

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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.

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

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.
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 $76,122,000)”.  
Page 165, line 21, after the dollar amount, insert the following: “(reduced by $38,000,000)”.  
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-Olver 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, 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 figure 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 members of our 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, 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, I would like to ask the gentleman from Michigan, would the chairman work with us 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 would be more than happy 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 1, line 19, after the dollar amount, insert “(reduced by $7,189,000)”.  
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 3, line 7, 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 $36,325,000)”.  
Page 30, line 19, after the dollar amount, insert “(increased by $629,248,000)”.  
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 $434,992,000)”.  
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 $568,899,000)”.  
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 $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?
Mr. KNOLENNBERG. 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 amendments thereto, except one pro forma amendment each by the chairman 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), as I said, 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 KNOLENNBERG) and the gentleman from Massachusetts (Mr. OBERSTAR) 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 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 investment in 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 toward the future, but this particular piece of legislation effectively strangles 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.

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; $35 billion goes to air travel, America's reliability. 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 offsets 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 FAA or the Department of Transportation, and I think that is the nature of the rules of the game. I think originally we talked about invading perhaps the FAA or the DOT, but that is not adopted, I want Members to be alerted that 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 about $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 we have either to fix 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 the need for passenger rail service, or we can let it fall apart, and leave the country's travelers and businesses with absolutely no alternative form of passenger 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, and 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 whatever it needs to improve its 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 seems to only tolerate or tolerate the铜 Counters. OMB.

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 private, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes would be maintained, and
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 the Amtrak amendment which was $550 million 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.

I want to thank the gentleman from Michigan (Mr. LA TOURETTE) for their work on this amendment. 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.

Mr. LaTOURETTE. Mr. Chairman, I yield 15 seconds to the gentleman. Mr. KNOLLENBERG. Mr. Chairman, I yield 15 seconds to the gentleman. Mr. LaTOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FASCRELL).

Mr. FASCRELL. 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 a rally, 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. These private companies were relieved to be rid of what they knew was inherently a non-profit operation.

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 the Amtrak amendment which was $550 million 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. LA TOURETTE) 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 Charlotte, 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-distance routes.

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

Mr. OBERSTAR. 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.

Mr. OBERSTAR. 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, 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 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 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.
Mr. Chairman, people ride trains in this country when you give them good service. What we have 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're not just fighting the war, we're 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 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. $550 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 like in the 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 predominately 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 corridor, 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.

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 corridor, 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.

It is about intercity rail service that is as 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, the American people depend on Amtrak for both business and pleasure. Instead of bankrupting the organization, we should work together to improve passenger rail. Pass this amendment.
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 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.

If the Department and Amtrak agree 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.

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 of which are 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 point that 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.

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 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 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 funding, which provide science and technology 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.

Either, this 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 may not 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 systemically 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 railroa—to guarantee an Amtrak bankruptcy. We simply must not allow it 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 3,000 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 transporta-portion to be self-supporting or profitable, and we shouldn't require that of Amtrak either. We should fund our transportation sys-tems 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 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 na-tionwide by delaying and canceling fire and life saving projects, accessibility projects for disabled, perimeter and building security projects that protect Federal life and property, and, 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 do about it. The gentle-man'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 adja-cent 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 con-cerns.

Of even greater consequence would be the $456 million cut from the general repair and alteration 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 Fed-eral 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 enforcemten, 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 con-stituents 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 gentle-man’s remarks regarding the Eisen-hower building. It was not authorized. It has not been considered in a prospectus by the committee. The issue is nonexistent.

Mr. Chairman, I yield ½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I applaud the committee for its accomplishments in crafting H.R. 3058, in-cluding increasing funding for cal-long transportation projects 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 not have a positive impact on Amtrak. 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 $225 million less than Congress has appropriated to support the redevel-opment of transportation infra-structure 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 di-ferent 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 our-selves 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 gentlewoman 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 congratulate my chair-man 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 sub-committee. 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.

If I chaired this subcommittee, we included a series of reporting re-quirements and business practice modifi-cactions for Amtrak so the Congress and the American taxpayers would know the financial stakes involved.

These reporting requirements in-cluded developing a quarterly grant process, giving the Secretary of Trans-portation direct oversight into Amtrak decisions, separating out operating and capital expenses, and also requiring monthly financial reports and zero-base budgeting. I insist that Amtrak employ generally accepted ac-counting 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 $240 million loss between the years 2002 and 2004.

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 $3 billion in what they need to repair and improve safety on the railroad tracks.

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 re-store operating expenses and debt service. Amtrak today is not in an accrued deficit. To 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 given 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 cross-country 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?

I support what the gentleman from Michigan (Mr. KNOLLENBERG) has 2 minutes remaining. The gentleman from Ohio (Mr. LA TOURETTE) has 2 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1 1/4 minutes remaining.

Mr. KNOLLENBERG. Mr. Chairman, it is my pleasure to yield 1 1/2 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 interstate. We are going to take passengers off the airplanes, especially east of the Mississippi and up along 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 LaTourrette 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
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?

Mr. OBERSTAR. The gentleman from Minnesota (Mr. OBERSTAR) has 1½ 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 all transportation in Amtrak is a short-sighted, 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 each day, in 25 communities. 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—inland—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 Amtrak 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 the other Amtrak employee, the CEO, David Gunn who says that, with this funding level, Amtrak will close its doors and cease operations nationwide.
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 $3.3 billion over the next 6 years.”

I heard references to needing reform. Well, the welfare 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, 226 miles of rail infrastructure restored, and 50 undergraduate bridges have been improved.

There have been improvements. Those dollars have been invested wisely in the 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. DEBEY. 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. I congratulate them for their work and in doing so urge my colleagues to vote “no” on the LaTourette-Oberstar-Menendez amendment which would restore funding for AMTRAK.

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 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 $1 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 the 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. LA TOUTEURRETTE] essentially does that, we are moving away from that pathway, eventually the train is going to go over the cliff and Amtrak will be no more.

I would suggest that the House recognizes 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. OLVER. 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. ROTHSCHILD].
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 have read a lot of comments about the food service. I conducted a hearing with the housewife 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. KOLLENBERG. 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 reconstructed. 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.

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, 1986.

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 that there 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. An amendment that has been proposed that has an 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.

Mr. Chairman, what is wrong with Amtrak is that Congress has micro-managed its operation. What is wrong
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 who commute 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 approximately $200 million in annual revenues would be lost from the newsstands, convenience stories, cafes, and other retail businesses that are located near the rail lines and that count upon daily commuters for much of their cash flow. 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 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. Without Federal support, Connecticut’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. LA TOURETTE).

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 I, like the gentleman asking me, are 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 and the amendment agreed to.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.
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 great risk are at-risk 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 only provides 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.

The 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 the 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 absolutely 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 FHA program. If Velázquez did not mean to double the total and put it all in the FHP program, I strongly suggest that the gentlewoman 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. 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 critical 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 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.

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 soil. 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 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 begin with 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 one year lost 23 million grants. The HUD Appropriations Act, 2005 provides $69 million in grants for this effort. This situation can only worsen unless the amendment is approved today.

I commend the gentlewoman from New York (Ms. Slaughter) and the gentleman from New York (Velaquez) 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. VELAZQUEZ. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The Acting CHAIRMAN (Mr. FOSSIELLA). Is there objection to the request of the gentlewoman from New York (Velaquez)?

There was no objection.

Ms. VELAZQUEZ. 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 preventive 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 offsets. 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 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. KNOLENBERG. I do, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by gentlewoman from New York (Ms. Velaquez).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KNOLENBERG

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. KNOLENBERG

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

The Clerk read as follows:

Amendment No. 12 offered by Mr. POE:

Page 7, line 8, after the dollar amount, insert ‘‘(increased by $263,000,000)’’.

Page 7, line 10, after the dollar amount, insert ‘‘(reduced by $24,875,000)’’.

Page 7, lines 8, 9, and 11, after the dollar amount, insert ‘‘increased by $263,000,000.’’

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 $263,000,000)’’. Page 30, line 10, after the dollar amount, insert ‘‘(reduced by $24,875,000)’’.

Mr. KNOLENBERG. 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 controller positions anticipated in response to increased traffic volume, an expected 5 percent training failure rate, and the higher-than-normal retirement rates beyond 2014.

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) of aircraft subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for relocations and relocations to placements of $6,424,229,000 shall be available for air traffic services activities; not to exceed $561,042,000 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 $50,582,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $156,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $140,337,000 shall be available for state 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 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 fund. That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of 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. §546(a) to any Federal Aviation Administration employee unless such employee is actually performing duties 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 or expended under the Federal Aviation Administration employee unless such employee is actually performing duties during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended for an agreement with a 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 shall be for financial services associated with OMB Circular A-76 Flight Service Station competition.
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 amendment from $24.875 million 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 putting 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 order against the paragraph. Hearing none, the Chair will rule.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. KNOLLENBERG. I rise to object to the provision that the FAA may transfer the $3,053,000,000 of the Air Traffic Services account which would double the funding for the FAA’s Air Traffic Services account. That proviso is stricken from the bill.

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph. Hearing none, the Chair will rule.

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 rule 22. 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 on the party, 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 reads as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for construction, establishment, technical support services, improvement by contract or purchase, and hire of air navigation 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 purchase, engineering and construction testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and facilities for U.S. military and employees of the Federal Aviation Administration stationed at remote locations where such accommodations are not available; and the purchase 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 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 include one 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, $100,000,000, 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)

(AIRPORT AND AIRWAY TRUST FUND)

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 planning, 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 44721 of title 49, United States Code and $3,500,000,000 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 $3,500,000,000 in fiscal year 2006, notwithstanding section 41743 of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosives detection systems: Provided further, That notwithstanding any other provision of law, not more than $23,464,584 of funds limited under this heading shall be obligated for the fiscal years ending September 30, 2005, under sections 48103 and 48112 of title 49, United States Code $169,000,000 are rescinded.
consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) to Federal-aid airports. Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in conformance with FAA 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 regarding airport sponsors providing services related to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to the distribution of the ob setion to airport 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 airport 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, as 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 and $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 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 shall be available for the implementation or execution of programs for transportation research (as authorized by title 23, United States Code, as amended; section 500 of United States Code; as amended; and sections 5112 and 5204 of Public Law 105-178, as amended) for fiscal year 2006: Provided further, That this limitation on transportation research program shall not apply to any authority previously made available for obligation: Provided further, 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 loan guarantee, a portion of the financial and legal analyses performed on behalf of the Department: Provided further, That such fees are available until expended: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obliga tion 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 System, that are authorized by section 157 of title 23, United States Code, for the highway systems (along with associated approach light ing systems (other than those provided for in subsection (a) of section 44302 of title 49, United States Code) for the Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), the sums authorized to be appropriated for such programs shall be the sums apportioned for the minimum guarantee for Federal-aid highways for the prior fiscal years the sums authorized to be appropriated for such programs (other than the minimum guarantee program) for such fiscal year exceed $2,539,000,000: Provided further, That the sums apportioned for the minimum guarantee for such fiscal year exceed $2,539,000,000, and the Appalachian Development Highway System Program 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 appropriated for such programs that are apportioned to all States for such fiscal year,

the ratio provided under paragraph (1) and the ratio established by the provisions of subsection (b) of section 105 of title 23, United States Code, for the Appalachian Development Highway System Program.

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

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph.

Mr. Chairman, this phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislation on an appropriations bill in violation of House rule XXI.

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 reads 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 from the obligation limitation for Federal-aid highways amounts 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 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 those authorized to be appropriated for Federal-aid highways and highway safety construction programs that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway System, that are authorized by section 157 of title 23, United States Code, for the Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), the sums authorized to be appropriated for such programs shall be the sums apportioned for the minimum guarantee for Federal-aid highways for the prior fiscal years the sums authorized to be appropriated for such programs (other than the minimum guarantee program) for such fiscal year exceed $2,539,000,000, and the Appalachian Development Highway System Program 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 appropriated for such programs that are apportioned to all States for such fiscal year,

the ratio provided under paragraph (1) and the ratio established by the provisions of subsection (b) of section 105 of title 23, United States Code, for the Appalachian Development Highway System Program.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 120 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under subsection 9 of title 23, United States Code, for the construction and maintenance of hurricane and flood-prone roads in Puerto Rico; (4) under sections 131(b) and 131(c) 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 Interstate and Defense Highway Act of 1991; (7) under section 104(d) of the Surface Transportation Assistance Act of 1991; (8) under section 106 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; (9) under section 106 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and (10) for Federal-aid highway purposes, for which obligation authority was made available under the Transportation Equity Act for the 21st Century;
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 Unobligated Authority.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year redistribute 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 the greatest balances 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) Priority of Obligation Limitations to Transportation Research Programs.—The obligation limitation shall apply to transportation research programs as 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 enactment of this Act, the Secretary shall redistribute the obligation limitation provided under subsection (a), the Secretary shall distribute to the States any funds: (1) that are appropriated for fiscal year 2005 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 available 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 an additional 2 years as described in section 125(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for any 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 obligation authority for Federal-aid highway and highway safety construction programs for future fiscal years.

POI NT 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:

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 herein 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, pending appropriation or replenishment for that project.

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:

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 herein 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, pending appropriation or replenishment for that project.
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 for 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 guarantee of the principal amount of obligations under sections 511 through 513 of such Act is outstanding: Provided, That pursuant to section 502 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, $350,000,000, to remain available until September 30, 2006: Provided, That none of the funds herein shall be available for the operation and maintenance of routes RT23, RT24, RT25, RT26, RT27, RT28, RT29, RT30, RT31, RT32, RT33, RT34, RT35, RT36, RT37, RT38, RT39, RT40, RT41, RT42, RT43, RT45, RT46, RT47, RT48, RT49, RT50, RT51, RT52, RT53, RT54, RT55, RT56, as in existence on May 1, 2005: Provided further, That the funds provided, $350,000,000, shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under sections 231 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 shall be available for the operation and maintenance of routes RT23, RT24, RT25, RT26, RT27, RT28, RT29, RT30, RT31, RT32, RT33, RT34, RT35, RT36, RT37, RT38, RT39, RT40, RT41, RT42, RT43, RT44, RT45, RT46, RT47, RT48, RT49, RT50, RT51, RT52, RT53, RT54, RT55, RT56, as in existence on May 1, 2005: Provided further, That the funds provided, $350,000,000, shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under sections 231 and 249 of title 49, United States Code.”
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 State and support this important amendment. If we do not fund Amtrak, we will lose 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. KOLNENBERG. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment would remove from the bill the limitation that Amtrak 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 of $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’.

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 that was established 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 wanted to 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 Jackson-Tampa and Fort Lauderdale, services 738,000 people. No small potatoes. That is a lot of folks. Where are you going to be picking those folks up? Where are you 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.

I want to express in the strongest words here, Mr. Chairman, contrary to what someone 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 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 it. Regardless of what route was 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. Amtrak 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. The American people support Amtrak reform. They do, and, again, we have to go back to 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 sent to Congress. 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.

To 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, one of the few we subsidize aviation. But every ticket that is issued on 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 $500 on 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 85 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 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 that the chairman is trying to accomplish this. This particular piece of legislation is force Amtrak back to the table to talk about what needs to be maintained, what is critical infrastructure, 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 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 think, we could do a lot more, but it is a step 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 by the amendment 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 back to 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 Amtrak and Highways? 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 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. This is the reason we do not have airports in every corner, we do not have the same kind 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.

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, 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 those places, 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 you 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 within 5 years. But 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 fuel 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 the other 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.

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 part, what was earlier was a vote in adding money back to Amtrak, was a vote to allow Amtrak to operate another year, and leave the authors 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, 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 eliminating 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 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 for 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 enough to keep it going.

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, those meals and sleeper 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, and 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 reform, not by the bludgeon of eliminating the routes, the threat of 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 the 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 long-distance train, the Heartland Flyer, and two shorter-distance trains, 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 continues 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 passenger train service, shall 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 this House remains 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 the increased prices for the 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 am a 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 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.

So this amendment will eliminate a provision in the bill that prohibits Amtrak from using funds to operates 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 Amtrak really has the cost 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?

And we have a system that eliminates the cost 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?

MR. MENENDEZ. 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. Congresswoman 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 $35, 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 recover some of the money. 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 cost.

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 we allow the deletion of the lines 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 one of these routes, including my home State of New Jersey. And even if Amtrak were still able to run their short-distance trains, States with Amtrak service would still suffer.

And there are a lot of places, we keep hearing about these luxury service fairs. 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.

And those who starve it, 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 but west even including certainly Fargo, North Dakota; Minot, North Dakota; Cut Bank, Montana; Elko, Nevada; Trinidad, Colorado; Needle, California; Yazo 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 life line 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 save Amtrak about $400 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 its tax receipts to operate all 15 of the railroads 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 overcrowded 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 vote on the amendment resulted as follows: For the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN)—183; Against it—209; one vote not voting.

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Mr. RAHALL. Mr. Chairman, I want to express my appreciation to the Congressmen Menendez and Cummings for bringing this issue before the House.

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 its tax receipts to operate all 15 of the railroads long-distance trains, some of which provide essential services to rural areas, such as my rural district in eastern North Carolina.

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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. 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.

Mr. Chairman, I offer an amendment. The Clerk read the amendment offered by Mr. KENNEDY of Minnesota:

Page 30, line 10, after the 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.

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The amendment offered by Mr. KENNEDY of Minnesota.

The Clerk read the amendment offered by Mr. KENNEDY of Minnesota:

Page 30, line 10, after the dollar amount insert “(increased by $100,000,000)”.

The bill before us today grants $1.34 billion for homeless grants, but it is
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Mr. Chairman, while some can debate whether or not this is the best and most efficient strategy for fighting homelessness, 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, 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 a service that is so obviously no longer needed.

For States like Minnesota, which has a 10-year program to end long-term homelessness, 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.

Mr. Chairman, if we are serious about curbing wasteful government spending and we simply state the resources 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.

Mr. LA TOURETTE. 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.

Mr. Chairman, last week, we had a rather unpleasant debate on this Floor about what we should be doing vis-a-vis Amtrak. We found that 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 whitewashed the books and hacked away at our efforts to help low-income people, and now he has, as he stated it, found some people who understand.

Some of us must tell my colleagues, who 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 the profits of Fannie Mae and Freddie Mac, not tax dollars but some of the profits from Fannie Mae and 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 Amtrak system has some difficulty with disk brakes that were manufactured in a poor fashion, and he needs to do something about it.
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 this 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 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 understanding. I 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. When 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, but I do learn how to do it. I 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. When was the concern for the homeless when you were going to Mars?

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Mr. OLIVER. 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 million 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 that the President's budget 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 executives have made 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 $969 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 that savings of $969 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 take the decision adding $600 million roughly to 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.

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 homelesss 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. PASCARELL. 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 just want to say something different, 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 routes that we have here? There are many 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 bought for them myself. But do not stand there and tell me that I am 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 the other 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 wish to point out 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 as we basically say to some of the people who are currently in Afghanistan and in Iraq when they return home. I suspect that we will see them, not all, but a lot of them on the corners, like we see some of the Vietnam veterans and 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 adequately 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 we want to 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 they will sell you policies 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 a billion and a half. 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, I need to ask you how you stand as far as the poor people of this country. In fact, we do not even use that word around here. 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 any amendment that 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 extra-ordinarily cooperative and bipartisan in word and deed when it came to passenger rail?

Mr. ROTHMAN. Mr. Chairman, first allow me to thank my subcommittee chairman and his staff for being so extra-ordinarily 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 the committee 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. Europe 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 say we do not have the 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 are going to be the first 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?

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 are hiring them to do the job. The solution is simply: Give the IRS chairman the power, the ability to reform our system. Maybe we need a separate capital account to maintain the rails 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 roads and keep the traffic flowing.

The same with airlines. We pay for the mortgage and keep the roof up and all of the structures and systems intact.
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. KNOLENBERG) and the gentleman from Massachusetts (Mr. OLVER) 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 that was 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 enroll 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 of 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 machine electronic 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. When you 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 is one 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 they 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 continue to bear the cost, even as Inspectors General, 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 $56 billion. At a time when we are spending $1 billion a week to support a fragile democracy in Iraq, money which I have supported, an example for the rest of the world and the pride of our own country.

Mr. KOLLNENBERG. Mr. Chairman, I ask unanimous consent that the remainder of this paragraph on 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. 150. For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317(b), 5318, 5319, 5320, 5321, 5322, 5323, 5324, 5325, 5326, 5327, 5328, 5329, 5330, 5331, 5332, 5333, 5334, 5335, and sections 3037 and 3038 of Public Law 105-178, $7,208,700,000, to remain available until expended:

**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 the Office of Planning and Innovation; 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 Communications and Congressional Affairs; not to exceed $7,916,000 shall be available for the Office of Program Management; not to exceed $4,123,000 shall be available for the Office of Budget and Policy; not to exceed $1,113,000 shall be available for the Office of Civil Rights; not to exceed $1,155,000 shall be available for the Office of Planning; not to exceed $2,408,000 shall be available for: Provided further, That $136,276,000 shall be paid to the Federal Transit Administration’s transit planning and research account: Provided further, That $26,250,000, to remain available until expended: Provided further, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That $2,500,000 shall be available for the National Transit database.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5305, $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, there shall be in 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 $26,250,000, to remain available until expended: Provided further, That no more than $150,000,000 of budget authority shall be available for these purposes.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 1507 of the Federal Transit Act of 1998, $2,500,000, 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 to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance, planning, and support and performance reviews of the Job Access and Reverse Commute Grants program.

JOBS AND ACCESS TO REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 1508 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 to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance, planning, and support and performance reviews of the Job Access and Reverse Commute Grants program.

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 submit to Congress an annual report on new starts, proposed allocations of funds for fiscal year 2007: Provided further, That the amount herein appropriated shall be reduced by an equal amount on the initial submission of the President’s budget that the report has not been submitted to the Congress.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)
ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration, as specified by new 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, unbudgeted funds made available for a new fixed guideway systems project 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.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized 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 for 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 to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $150,000,000, 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 expenses 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

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $150,000,000, to remain available until expended.

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, $150,000,000, to remain available until expended.

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, 2006: 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 collections; and 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)

For necessary expenses of the Pipeline and Hazardous Materials Safety Administration, $3,000,000, of which $3,000,000 shall be derived from the 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 the 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, $72,960,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006, of which $57,060,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2006: 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 to any State, agency, or instrumentality of a State other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

ADMINISTRATION

For necessary expenses of the Research and Innovative Technology Administration, $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.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act, 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.

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 the In-

(b) In subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SIRC. 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 Highways” account, the Federal Transit Administration’s “Transit Planning and Research” account, and to the Federal Railroad Administration Safety and Operations account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20100.

SIRC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock hereafter issued to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SIRC. 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 obtains the consent of the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant awarded, 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; (2) airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guidway modernization programs: Provided, That no notice shall involve funds that are not available for obligation.

SIRC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel agencies, 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 as provided.

SIRC. 179. Amounts made available in this Act 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 repay the actual expenses incurred by the Department of Transportation in recovering improper payments; and
(2) To pay contractors for services 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 payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if 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 appropriation the conduct and Office of Inspector General shall certify 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 107–306.

SIRC. 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”. 

SIRC. 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.

SIRC. 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 entities 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.

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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 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 remaining sections.

The Clerk reads 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 $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 $32,611,000 for economic policies and programs activities; not to exceed $32,721,000 for financial policies and programs activities; not to exceed $15,840,000 for financial management, administration, and internal control programs; not to exceed $63,731,000 for administration programs activities: Provided, That $5,649,000 of the amount provided under this heading is for the Office of Terrorism and Financial Intelligence as authorized in Public law 108–477, of which $32,032,000 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: Provided further, That no appropriation for any program activity shall be increased by more than 2 percent by any 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 Sep-

July 29, 2005

CONGRESSIONAL RECORD—HOUSE
DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS
(INCLUDING TRANSFER OF FUNDS)
For development and acquisition of automatic data processing equipment, software, and services, 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 sufficient to satisfy the requirements of the Department’s offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to 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, $31,126,000; of which not to exceed $5,000 shall be available for official reception and representation expenses. Provided further, That these funds shall be transferred to accounts and in amounts sufficient to satisfy the requirements of the Department’s offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to 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.”

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 $100,000) for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $17,300,000, of which not to exceed $2,500 shall be available for official reception and representation expenses. Provided further, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 for the purpose of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $51,126,000, of which not to exceed $5,000 shall be available for official reception and representation expenses; and to not exceed $50,000 for cooperative research and development programs for law oratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT
UNIFIED PUBLIC ENTIRE FUNDS
For necessary expenses of $36,900,000, of which not to exceed $2,500 shall be available for official reception and representation expenses. Provided further, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 for the purpose of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $31,126,000; of which not to exceed $6,000 shall be available for official reception and representation expenses. Provided further, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 for the purpose of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $31,126,000; of which not to exceed $6,000 shall be available for official reception and representation expenses.

BUREAU OF THE PUBLIC DEBT
ADMINISTERING THE PUBLIC DEBT
ACCOUNT
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 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 technology system 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, $31,126,000; of which not to exceed $5,000 shall be available for official reception and representation expenses; and to not exceed $50,000 for cooperative research and development programs for law oratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

INTERNAL REVENUE SERVICE
PROCESSING, ASSISTANCE, AND MANAGEMENT
ACCOUNT
For necessary expenses of the Internal Revenue Service for 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, $1,181,520,000, of which up to $1,100,000 shall be used for the Tax Counseling for the Elderly Program, of which $8,000 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.
Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment. The Clerk reads 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 $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. OLVER), 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 Democrat 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 the American ideal of homeownership for all, we need to restore this funding. If we do not, 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 are fighting against 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 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 marked the funds for the program at the 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 FHA. 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 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 ourselves. 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, fact of 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. We came 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, 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 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 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 perhaps 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 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 try to do something 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 others and they 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, the 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 move to strike the requisite number of words.

Mr. HASTINGS of Florida. 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.

What would 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 funding 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 offering 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 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 initiatives 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 initiatives 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 regret 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 $5.5 cents a person. I would like to be precise. We are taking this out of the $1.6 billion information systems account.

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 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 its rhetoric, more than 3.7 million fair housing violations continue to occur each year.

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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 $5.5 cents a person. I would like to be precise. We are taking this out of the $1.6 billion information systems account.
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. 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 account. The communities to be able to, in the past.

We need to 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 that says, 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 in old, abandoned buildings, 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 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, $30,000 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 cleanups.

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 that we actually authorized as a 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 simpler, 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 use 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 and ways to revitalize sites just take a certain 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 the needs 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 to go out 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. OLIVER), 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, encouraging 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.

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 request.

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 whenever 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 bond of 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 understand. What is 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 6,000 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 individual program. Our 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 for brownfields received in 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 the 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 four 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.

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 that is 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. In New Jersey, 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—housing 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, this 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, redevelop 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.

We connect 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 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 gentleman from Texas (Mr. 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 people who live there 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, $159,000,000, 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 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 and enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, 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

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), $20,310,000.

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 aggregate payroll for the preceding year for the “Tax Law Enforcement” may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate for the Committees on Appropriations of the House Representatives and the Senate for review: Provided, That no funds shall be obligated by the Internal Revenue Service for such purposes for 90 calendar days from the date of receipt of such funds: 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 employee union representatives on any 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 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 90 calendar days from the date of receipt of such funds.

SEC. 204. None of the funds in this title may be used to modify the number or location of Taxpayer Assistance Centers under the Treasury Inspector General for Tax Administration: Provided, That the Treasury Inspector General for Tax Administration, in consultation with stakeholders, shall determine the impact that such closures would have on taxpayer compliance and submits such study to 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 90 calendar days from the date of receipt of such funds.

SEC. 205. None of the funds in this title may be used to modify any law or regulation in the Internal Revenue Service or the Treasury Department: Provided, That no funds shall be obligated by the Internal Revenue Service for such purposes for 90 calendar days from the date of receipt of such funds.

SEC. 206. Appropriations to the Department of the Treasury in this Act shall be available for the House of Representatives and the Senate for review: Provided, That no funds shall be obligated by the Department of the Treasury in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing for the purchase of blank checks or blank stock for printing or engraving: Provided further, That the Secretary may use funds in this Act for the purchase of blank checks or blank stock for printing or engraving: Provided further, That the Secretary may use funds in this Act to pay the cost of printing or engraving that portion of the blank checks or blank stock for printing or engraving that is used to redesign the $1 Federal Reserve note: Provided further, That the Secretary 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 when such debt collection receipts are received in the Debt Collection Fund.

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 when such debt collection receipts are received in the Debt Collection Fund.
TITLIE 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 provi-
sion of tenant-based rental assistance au-
thorized under the United States Housing
Act of 1937, as amended (42 U.S.C. 1437 et seq.)
(‘‘the Act’’ herein, not otherwise provided
for therein), $138,200,000 shall be available un-
til expended, of which $11,331,400,000 shall be avail-
able on October 1, 2005, and $3,000,000,000 shall be avail-
able on October 1, 2006: Provided, That the amounts made avail-
able under this heading are provided as follows:
(1) $14,989,755,725 for renewals of expiring vouchers, with the
first-time renewal of tenant payment or HOPE
VI vouchers: Provided further, That the Sec-
retary shall, to the extent necessary to stay
within the amount provided under this para-
graph, 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 en-
tire amount provided under this paragraph
shall be obligated to the public housing
agencies based on the allocation and pro rata
method described further: Provided further,
That up to $45,000,000 shall be available only
(1) to adjust the allocations for public hous-
ing agencies, after application for an adjust-
ment by a public housing agency and verifica-
tion by HUD, whose allocations under this
heading are provided as follows:
(5) $1,225,000,000 for administrative and
costs for the 2004 fiscal year of the
secretary, in renewal costs resulting from the
connection with efforts to combat crime in
public housing agencies based on the amount
of the Act: Provided. That notwithstanding any
other provision of law, from amounts pro-
vided under this paragraph, the Secretary for
the calendar year 2006 funding cycle shall
provide renewal funding for each public hous-
ing agency and describing how statutory pro-
visions addressing currency manipulation by
currency, and describing how statutory pro-
visions were considered as another nation manipulating its
The Chair finds that this section
includes language imparting direction.
The section therefore constitutes legis-
lation 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 con-
sider. Is that correct?

Mr. KNOLLENBERG. 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
wishes to strike the last word.

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June 29, 2005

CONGRESSIONAL RECORD — HOUSE

H5423

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 current 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 the 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 $150 million while saying the account was fully funded. That was 2 years ago.

Last year, the conference report provided $69 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 hope for low-income families confronted by our Nation’s affordable housing crisis. Once again, the choice is, will we force an existing 15,000 families 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 who are struggling to meet their housing needs by supporting this amendment. I hope everyone will vote yes on the Nadler-Velazquez-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.

I 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.

Sincerely,

[Signature]
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 homes for families with rents 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 30,000 families by reducing the necessary 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 suffering 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 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.

This amendment will 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 PHA, system for PH 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 painstakingly 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 this is not workable by all of the investigation that we have done, and I would urge that we oppose 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. KOLLENBERG) 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 of the unanticipated 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: Future number of amendments 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 Section 8 program, is a survivor. And in an ideal world, we might allocate a little bit more to housing production, etcetera. 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 wish we were in it, but facts are facts.

As to renewals, the gentleman from Michigan may be right 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 and 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 do not make 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 I think we might have come out of a situation that was fraught with confusion for people, and I appreciate his willingness to do this.
The 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 their ability to subsidize, 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 those who are not getting money because they have made mistakes, or to get them out of Los Angeles, and we over subscribed what we had. And we had mistakes in Los Angeles, and we over funded 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.

So if you care about housing in general, if you care about not reducing the need for homeless housing, and the other cutbacks that 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.

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

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 anguish complaints from other Members saying, How can we stop this?

Well, I tell you the best way to stop another wave of threats, 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 are people turned away. 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 save the country $300 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 so much of the bureaucratic issues.

I would certainly say that keeping 15,000 families in their homes instead of 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, many 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 in areas that have been brownfields.

The proposed cuts make this very, very difficult to choose 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 them help.

I would certainly say that keeping 15,000 families in their homes instead of 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.

We know that the tax cuts that we have passed in this Congress have benefitted the richest 1 percent in America. When we were in Los Angeles, the highest per capita tax payer in the country German. 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.

So if you care about housing in general, if you care about not reducing the need for homeless housing, and the other cutbacks that 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. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

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 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 them help.
Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. MENENDEZ. 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 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. KOLLENBERG) 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 is the budget process is. That is what is 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 live and do the things people do at home, the 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.

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 called home, and many, 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 filling 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 of all time. 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 Section 8 program, 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 the 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. Mr. Chairman, 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 this year. 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. 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
The conference report added $89 million above what the House did, $89 million above what the committee said was necessary to fully fund existing Section 8, which is enough for the 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 have made this clear. The amendment that I have offered 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 taken away the personal, economic, and political freedom of people in New London.

Imagine a sign on every piece of property by the exercise of the power of eminent domain. Imagine a sign on every piece of property by the exercise of the power of eminent domain.

The amendment to the Constitution. By a narrow majority just threw up their hands and allowed government to take, for all intents and purposes, whatever 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, a strong 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.

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.

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.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

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

Mr. GINGREY. Mr. Chairman, I, do ask unanimous consent to proceed out of order.

The CHAIRMAN. 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 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 for the exercise of the power of eminent domain.

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 taken away the personal, economic, and political freedom of people in New London.

Imagine a sign on every piece of personal real 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 worth $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 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 year decided that government has 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 an 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, a strong 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.

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.
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 on 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 reads 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 lease 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. Such 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 not exceed what is determined if an agency demonstrates need for renewal of previously issued tenant protection vouchers or of other authorized vouchers to comply with court orders. The precedent committee subcommittee for project-based vouchers in projects ready for occupancy in 2006, and (B) adjustment of the per-voucher cost shall be approved if the determinations (i) demonstrate significant 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 temporary employment; and (v) such 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 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 leading level in 2004 or 2005 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 the terms of the lease agreement under law or orders 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(0)(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, together with 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 that, to the extent necessary within the amounts 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(c) 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 gentlewoman from Michigan?

There was no objection.

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Mr. KOLLENBERG. Mr. Chairman, I reserve a point of order on this amendment. I think it is not on the record.

Ms. KILPATRICE 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 Moving To Work demonstration program and millions more who are waiting for affordable, safe, clean, housing.

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 of 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. KOLLENBERG), the chairman, and the ranking member, the gentleman from Massachusetts (Mr. OLIVER), 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 2005, in my district and districts all over America lost hundreds of thousands of vouchers. And for my district, in the 13th Congressional District, 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 to the gentleman from Michigan?

Ms. KILPATRICE of Michigan. 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.

Mr. KOLLENBERG. 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 that support this fairer funding and work 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 supports the distribution of the 12-month window rather than the 3-month. The National Association of State Housing Authorities 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 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 gentlewoman will yield, I will yield.

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 chair 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 damnedest 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.

Mr. Chairman, if Congress wants to legitimate a fair, balanced policy and seriously consider 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)).
7. National Low Income Housing Coalition.
8. Ohio Housing Authority.

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

The CHAIRMAN. Without objection, the gentlewoman’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. Without objection, the amendment may be offered.

The CHAIRMAN. The Chair is asked to raise the amendment and that we may be offered.

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. KNOLENBERG. 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. Let me 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 take 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 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 that, other than just upgrading, 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 quote, 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 way Jack Kemp and President 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 co-sponsor, 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 infestation, 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 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 the program I have seen in 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.

Our amendment, which I am so pleased to offer with the gentleman from Alabama (Mr. DAVIS), 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. KNOLENBERG. 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
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 Heater, Huguenot, 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 on top of each other. They have been able to move into 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. KNOLENBERG. 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 $76.7 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 $60 million. 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 the cycle of hope. I am looking closely at why the projects do not expedite and why they take them awhile to move to completion, but that is not an argument 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 the case for one 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. Urso), we ought to err on the side of the community of the gentlemwoman 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 yeas’ 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 that is the situation in which we find ourselves with this bill, when priorities of the Republican budget are focused elsewhere and we are sent a budget that puts the future of our Nation’s housing programs in jeopardy.

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 new future for the 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 plazas invite the community in, instead of shut it out. The cycles of poverty and crime are likely to be concentrated at the most distressed and rundown 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 really 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 play-ground, that their family will never have a home they are proud to live in because the goal of HOPE VI is a pipe dream?

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 is a promise to our children, to our families that they live in a building that is unsafe, dilapidated, and beyond repair, we will not abandon them.

And it is a promise to our communities that our commitment continues far beyond the public housing structures provided in communities 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 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 program.

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 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 project, Chatham Square, is a 152–unit residential 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 identify successful mechanisms 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 ayes 269, noes 152, not voting 12, as follows:

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman 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.

AMENDMENT OFFERED BY MS. CORRINE BROWN OF FLORIDA

SEC. 6. The amendment offers to limit further proceedings on the amendment offered by the gentleman from Florida (Ms. CORRINE BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman 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.

The pending business is the demand for a recorded vote.

The vote was taken by electronic device, and there were—ayes 269, noes 152, not voting 12, as follows:
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 official business in the district.

Mr. ROSS (at the request of Ms. PELOSI) for June 28 and the balance of today.

Mr. DAVIES of Georgia, for 5 minutes, today at the request of Mr. DELAY.

Mr. DAVIES of Illinois, for 5 minutes, today on account of official business in the district.

Mr. DAVIES of Kentucky, for 5 minutes, today after 8:00 p.m. on account of emergency.

Mr. TAYLOR of Pennsylvania, for his absence was granted to:

Mr. BOSENFORD, for 5 minutes, today at the request of Ms. WOOLSEY.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereafter 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. DAVIES of Georgia, for 5 minutes, today.

Mr. TAYLOR of Pennsylvania, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPUR, for 5 minutes, today.

(See page 321 for text of Members’ requests.

Mr. DAVIES 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 “Brian P. Parrello Post Office”; to the Committee on Government Reform.

S. 755. 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. 901. 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”.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to the enrolled bill of the Senate of the following title:


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, NROCS, 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, Mr. LAHOOD.

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. 3504) to provide for the transportation and development of water and related resources, to authorize the Secretary of the Army to construct various projects, to make grants and loans to the State of New York, the City of New York, the People’s Republic of China, and the State of Arkansas, 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, Mrs. CHRISTENSEN, Mr. PETERS, Mr. WELLS, Mr. BOOZMAN, and Mr. ISSA):

H.R. 3106. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 3105. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. EDWARDS (for himself, Mr. CAPP, 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 Mr. HARRIS:

H.R. 3107. A bill to protect against child predators and child grooming in persons; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mrs. CAPPS, and Mrs. DAVIS of California):

H.R. 3109. A bill to establish the Commission on the Arctic, to ensure that the United States remains a leader in the Arctic; to the Committees on Transportation and Infrastructure, and in addition to the Committee 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. KIRK:

H.R. 3110. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3111. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 3112. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 2631A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HYDE (for himself, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. PETERS, Mr. WELLS, Mr. BOOZMAN, and Mr. ISSA):

H.R. 3100. A bill to authorize measures to deter theft of property 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. ROSELETT, Mr. RYNOLOUS, and Mr. HOOGS):

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, to cover veterans medical services; to the Committee on Appropriations.

By Mr. SCHIFF (for himself and Mr. PALLEO):

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 the conflict in Armenia, in accordance with section 711 of the Armenia Genocide Recognition Act of 2004, as extended; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself, Mr. OBEKSTAR, 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; pursuant to the authority vested in the Congress by the terms of the law authorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committee 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. LAHOOD:

H.R. 3112. 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 2631A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. SCHIFF:

H. Res. 56. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility yarns; to the Committee on the Judiciary.

By Mr. MURPHY:

H. Res. 62. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility yarns; to the Committee on the Judiciary.

By Mr. SCHIFF:

H. Con. Res. 195. Concurrent resolution commemorating the Armenian Genocide of 1915–1923, using 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. BALTON of Texas, Mr. NEY, and Mr. VELAYDO):

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. Terey.
H.R. 97: Mr. Mica.
H.R. 118: Mr. Cummings, Mr. Lantos, Mr. Mark-Venability, Mr. Roybal-Allard, Mr. Spratt, and Mr. Wexler.
H.R. 151: Mr. Fattah.
H.R. 226: Mr. Fattah.
H.R. 392: Mr. Berman, Mrs. Skakowski, 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. Gutiérrez, and Mr. Kucinich.
H.R. 1410: Mr. Green of Texas.
H.R. 1438: Mr. Simpson.
H.R. 1447: Mr. Pickering.
H.R. 1498: Mr. McNinch, Mr. Costello, Mr. Simpson, Ms. Kaptur, Mr. Gingrey, Mr. Owens, and Mr. Upton.
H.R. 1507: Mr. McGovern, Ms. Schakowsky, Mr. McNught, and Mr. Grijalva.
H.R. 1508: Ms. DeLauro.
H.R. 1558: Mr. Ferguson.
H.R. 1558: Mr. Gordon, Mr. Rangel, and Mrs. Christensen.
H.R. 1671: Mr. Cole.
H.R. 1866: Mr. Clay.
H.R. 1968: Mr. Meeke of Florida and Mr. Lipinski.
H.R. 1704: Ms. Schwartz of Pennsylvania, Mr. Serrano, Mr. McNulty, and Mr. Clay.
H.R. 1710: Mr. Wilder.
H.R. 1710: Mr. Wilder of Pennsylvania, Mr. Black, and Mr. Roybal-Allard.
H.R. 1710: Mr. Wilder of Ohio, Mr. Jefferson, Ms. DeLauro, and Mr. Serrano.
H.R. 223: Mr. Weller, Mr. Langvin, Mr. Boozman, Mr. Meek, 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. 894: Mr. Sánchez of California and Mr. Davis of Florida.
H.R. 920: Mr. Dent.
H.R. 939: Mrs. Napolitano.
H.R. 976: Mrs. Honda.
H.R. 997: Mr. Upton.
H.R. 1010: Mr. Jefferson.
H.R. 1015: Ms. Matsui.
H.R. 1106: Mr. 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. 1231: Mr. Linda, 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: Ms. Sabo.
H.R. 1277: Mr. Fattah.
H.R. 1298: Mr. Lewis of Kentucky, Mr. Frank of Massachusetts, and Mr. Platts.
H.R. 1320: Mr. Christensen, Ms. Schwartz of Pennsylvania, and Mr. Sherman.
H.R. 1355: Mr. Brown of South Carolina and Ms. Hart.
H.R. 1591: 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. Gutiérrez, and Mr. Kucinich.
H.R. 1410: Mr. Green of Texas.
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H.R. 1277: Mr. Fattah.
H.R. 1298: Mr. Lewis of Kentucky, Mr. Frank of Massachusetts, and Mr. Platts.
H.R. 1320: Mr. Christensen, Ms. Schwartz of Pennsylvania, and Mr. Sherman.
H.R. 1355: Mr. Brown of South Carolina and Ms. Hart.
H.R. 1591: Mr. Fattah, Mr. Emanuel, Mr. McNulty, Ms. Schakowsky, Mrs. Tauscher, and Mr. Wynn.
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 judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

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. 11. 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.

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)."
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. 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, 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...
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.

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 circumstances do change, and the dynamics of the days 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 the 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 us for granted, 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 basic formula 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 Legislative Budget and 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. This is almost a $10,000 cut. This chart shows what would happen if this scheme is adopted.

What we are seeing with this proposal is that it would 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. 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. The person who is currently retired.

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 adopted.

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 who will be affected, 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—their own Social Security benefits, 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 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, it is a very different 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 the 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 pensions in which this line represents 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
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 CHENNY, who recently declared that the Iraqi insurgency was in “its last throes.” Nor did he express the pessimistic view 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, the President used 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. This is 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 will 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 citizens 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, there are some 50,000 tons of ammunition and armament. It is a free 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 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 wake-up 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 have 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 Government should be so sure we have a Social Security system that works for all Americans and provides that true sense of security.
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 pushing to provide even greater sums so they can argue 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 help they want and need at the VA.

The administration, when it comes to the Veterans’ Administration and 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 hard and 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.

What we saw was, just 6 months ago, 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. Not only they are long awaiting 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 applied this 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 floor of the Senate and a looming budget 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 deserve. Senator Craig is an outspoken advocate for an 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 have an 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 Senator Craig, in a VA and the veterans.

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 deployed to Iraq and Afghanistan and 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 increase our 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 through the country know: 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 BRYAN 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 the Senate who have stood up 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: We will not even be at a funding crisis during this supplemental, when he used Secretary Nicholson’s letter to justify voting against my amendment, that if he was proved wrong, he would be out here to work with me to provide the funds for the VA. It is critical that we make the mutual commitment to take care of our soldiers.

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't 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 listened to 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 have done for us; 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 works to come to the table in negotiations that 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 Oregon, to make sure that we get this done. And I call on the President and the country now to realize that 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.

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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 better off setting 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 1967 did. They, too, put America first and gave their all. 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. Frankly, I think the President made it clear how high the stakes are in Iraq by demonstating 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 or glory or misery and humiliation.” Al-Qaeda 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 now. 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 so aptly 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 in their countries. 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 for the rest of the Middle East. The Iraqi people 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, of course, 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 are doing so 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 them to their own fate, those 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 for itself, and the 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 of 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.

Mr. 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 over 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. 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 the January 28th, 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 how long it is going to 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 hotbed 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, 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 would do anything to please 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 be persuaded. But the vast majority of Americans that I have talked to would have supported the President as well. It is important for him to point out the successes behind the news and to create a democracy in that part of the world. Our credibility would be absolutely destroyed. An opportunity to create a democracy in that part of the Middle East would have evaporated.

I urge the Senate not to divide over Iraq. 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.

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 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 fear that 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. But I believe there are fundamental differences that make the situation in Iraq for reasons entirely different from the reasons we went into Vietnam. We can and will successfully conclude our operations in Iraq. But we cannot 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.

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
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 ground in Iraq, Afghanistan, and 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 history. If we don't 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 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 war.

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 last 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 served 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 appropriation.

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 Senator THURGOOD MARBURG. 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 and 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, as we try to avoid 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 and 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 lose any of 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 volunteer 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 Navy and the Air Force. They 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. 2511.

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:

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, is hereby designated as the “Congresswoman Shirley A. Chisholm Post Office Building.”
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 4060 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 Heatherville 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.

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.

Mr. BURNS. Without objection, it is so ordered.

Mr. BURNS. 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.
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 currently pending. The Senator from California.

Mr. BURNS. 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?

Mrs. BOXER. That is correct.

Mr. BURNS. 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.

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 in the Agency. 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.

Mr. BURNS. Mr. 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 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 disasterous effects of a policy that is not geared toward success.

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 and where we accepted, in essence, condoning pesticide testing on human beings. We need a timeout. Christie 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) 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—ourselves 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 their nose 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 purge 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 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 process all of these properly, but I will give a few of them. Carbafuran, 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 determined 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 this 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 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 colleagues 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 thereturn 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 nominate. 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. Parents 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 be paid the full frame value of the 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 would not continue to go on with trying to confirm 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 I don’t go 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, only $2 million of the $9 million 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 mission. 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 cannot proceed. Senator BOXER and I lifted our hold and we issued 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. He is a protector of the CHEERS bibles, of the 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 little money because their children were dosed with pesticides, neonates 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 crucial and why we have to protect 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. 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 Burns National Academy of Sciences recommendations 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 development establishment (Human Studies Review Board) would unnecessarily confine EPA’s discretion . . .

So, in other words, they are admitting they are turning away the guidance 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 Florida, 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 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 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 will be dosed with pesticides, 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 deserve to be here. 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 state 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 faith teaches 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 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. 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 the avenue together, we want 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 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 Baptist Churches of America; the Armenian Diocese of the Armenian Church; Christian Church (Disciple of Christ); 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 of America; Ordo Benevolentiae et Laboris (O.B.L.); 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 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. I understand that at the same time another argument was being made by 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?

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 get this 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 children. The fact is, all of the 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 kickback that continues 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 a 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 will go forward and do these dosing studies. It is very recent.

Mr. DURBIN. The EPA is not going to look at these. It is immoral. It is wrong.

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.

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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 tomatoes, vegetables and fruits 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 mycotoxins and vegetables 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 contamination of the pestiferous 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.

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Mr. DURBIN. If the Senator will further yield for a question?

Mrs. BOXER. Yes.
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 pharmaceautical 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. Graham). The Senate 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 regimens. 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.

According to them, 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. 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 draft legislation to the EPA, prohibiting 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 rely on a collection of studies done 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-sanctioned 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 also prohibit the EPA from conducting and sanctioning human studies.

I point out that this issue goes much further than just 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 standard.
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 adverse 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 coperson.

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

Mr. BURNS. Mr. President, we know we can do better 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 that are peer reviewed from many different sources.

What the Senator from California has brought to the Senate today has a few flaws. First of all, they are quoting a bit 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.

Basiclly, 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 nature of this study? In the CHEERS study, the agency proposed to monitor children's exposure to pesticide in a specific population. That is what it 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, working 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 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 use 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. Without relying on 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 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 in the business of sellingpesticides. The AMCA considers the FY06 Interior Appropriations for EPA, for Public Health Pesticides, and ask unanimous consent to print the entire letter in the RECORD.


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 Interior Appropriations, and Related Agencies Appropriations Act, 2006. As currently written, the amendment would prohibit research studies having as its primary purpose to assess the efficacy and safety of pesticides. The AMCA considers the FY06 Interior Appropriations bill in the near future. Thank you for your
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 and 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 willing to do. This 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 the EPA. 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 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 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. It is not that hard. 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 proponent 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 $30 for 2 hours 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 neurotoxin for 5 hours a day for 1 week. The 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 a 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 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 for 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 pesticides 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 doing 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, and 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 this body? He tells me how I feel when I read about the kind of testing they are going to do which my colleagues 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 this 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. We are the people 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 this 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 camcorder, 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 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 that 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 a 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 he gets up and wants to throw away studies, even if they did intentionally dose human beings? Ronald Reagan was faced with that same
Mr. BURNS. Mr. President, my amendment, to answer the National Academy of Sciences point, the six quantifiable 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 foundation of 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. OK. 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 ordered 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. Even 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 Burns amendment.

Mr. BURNS. The Senator has 1 minute prior to the vote on her amendment.

Mrs. BOXER. That is very good. Mrs. BOXER. 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).
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 their amendment. It is 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 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 PRESIDING OFFICER. 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
Courtesty  Lautenberg  Specter
Dayton  Leahy  Stabenow
DeWine  Levin  Talent
Dodd  Lincoln  Thune
Dorgan  magna  Warren
Durbin  Mikulski  Wyden

NAYS—37

Alexander  Crapo  Martinez
Allard  DeMint  McConnell
Allen  Doyle  Roberts
Bond  Domenici  Santorum
Brownback  Russ  Sessions
Bunning  Frist  Shelby
Burns  Grassley  Stevens
Burk  Gregg  Sununu
Chambliss  Hagel  Thomas
Cooper  Hatch  Vitter
Cederman  Inhofe  Voinovich
Coryn  Kyle  Voinovich
Craig  Lott

NOT VOTING—3

Bennett  Lieberman  Lugar

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. DOLE. 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 of 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 Tamara 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 that was not checked out the home to which she was assigned 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.

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 is for child welfare—said on the floor of this 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, stinging 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 responsibilities.

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 on the Indian reservation—a 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 would be a Third World country. Perhaps there 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 $11 billion squirreled away. The Federal Reserve Board was created in the nineteen-teens. We have a rainy-day fund so 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 $1 billion squirreled away. We 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 about suicide, and tomorrow or the next day they may find that young child hanging from the closet at which 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 responsibilities? Do we want to keep our promise and tell people this matters? It does matter.

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 the world 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 waives some applicable sections of the Budget Act. This amendment 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 something 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. 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 co-sponsors 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 the President that it is not the level with which I would like, but it is $1 billion—it does not cover all the bases. It is one of the places we have increased the funds this year’s budget and this year's appropriation. Committees also provided $32 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 levels. The USDA 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 the Native Americans. We are trying to do that 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 colleague from North Dakota—it does not cover all the bases. It 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.

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 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. Nonethe-
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 multituse 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 is 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 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 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 of their 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 that look at the Tongass 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 the Forest Service 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 which is about 9 percent 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 those 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 are the same organizations who are supporting 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 profit from the timber program. As was pointed out, most of the timber programs technically lose money on a profit-and-loss basis. What is really about is, 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 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 $335 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 81 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?

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)

<table>
<thead>
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<th></th>
<th>Region 10 FY04</th>
<th>Region 10 FY05</th>
<th>Region 10 FY06 PB</th>
<th>Forest Products Lab FY04</th>
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<td>26,745</td>
<td>26,704</td>
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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 spent 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 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 the Senator from Alaska would agree that 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 $49 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 the most critical point is why more than 1000 sportsmen 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.

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.

Mr. CRAIG. Mr. President, yesterday, our friend and colleague from New Hampshire said this amendment is not about 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 forest assistance. I doubt that New Hampshire gets any of that. It also includes $257 million for recreation, wilderness, and heritage management.

There is not one word about the recreational industry to the same standard we are holding the logging industry—no subsidy and everybody who pays 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 purpose of harvest 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 redesign the Federal logging program, I urge the amendment’s proponents to submit a plan for consideration.

Ms. MURKOWSKI. I yield my remaining time to the Senator from Arizona.

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.

This amendment is simple and straightforward for one single reason: it ends a fruitless subsidy that costs taxpayers millions of dollars a year. Yes, I do want to see the 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. Now, 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 redesign 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.

Mr. SPECTER. Mr. President, I am controlled by the Senator from New Hampshire and the Senator from Alaska.

Ms. MURKOWSKI. Who yields time?

Mr. SPECTER. Ms. Murkowski.

Ms. MURKOWSKI. 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 my remaining time to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to express my support for the Sununu-Bingaman Tongass amendment.
The Tongass National Forest contains the largest 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, 17 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 earning 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 $33 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 problem we have 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 money away from 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. It is a 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 the Forest Service does so. 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 this 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 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: $3.5 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—2

<table>
<thead>
<tr>
<th>State/Forest</th>
<th>Monetary return per $ invested (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California—Los Padres National Forest</td>
<td>1</td>
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<tr>
<td>California—Mendocino National Forest</td>
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<tr>
<td>California—Six Rivers National Forest</td>
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<tr>
<td>California—Plumas National Forest</td>
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<td>California—Sierra National Forest</td>
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<tr>
<td>California—Cleveland National Forest</td>
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<td>California—Modoc National Forest</td>
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<tr>
<td>California—Sequoia National Forest</td>
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<tr>
<td>Georgia—Chattahoochee-Oconee National Forest</td>
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<tr>
<td>Kentucky—Daniel Boone National Forest</td>
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<tr>
<td>Kentucky—Land Between the Lakes</td>
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<tr>
<td>New Mexico—Carson National Forest</td>
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<td>New Mexico—Chisos National Forest</td>
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<td>New Mexico—Santa Fe National Forest</td>
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<td>New Mexico—Tonto National Forest</td>
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<tr>
<td>Oregon—Ochoco National Forest</td>
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<tr>
<td>Tennessee—Cherokee National Forest</td>
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SEVENTEEN NATIONAL FORESTS THAT HAVE THE SAME MONETARY RETURN PER DOLLAR INVESTED AS THE TONGASS—2

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<thead>
<tr>
<th>State/Forest</th>
<th>Monetary return per $ invested (percent)</th>
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</thead>
<tbody>
<tr>
<td>Arizona—Apache-Sitgreaves</td>
<td>2</td>
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<tr>
<td>Arizona—Coconino National Forest</td>
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<td>Arizona—Copper National Forest</td>
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<td>Arizona—Papago National Forest</td>
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<tr>
<td>Arizona—Pinyon National Forest</td>
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<td>California—Modoc National Forest</td>
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<tr>
<td>Kentucky—Daniel Boone National Forest</td>
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<tr>
<td>Kentucky—Land Between the Lakes</td>
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<td>Tennessee—Cherokee National Forest</td>
<td>2</td>
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<tr>
<td>Utah—Moab-Salt National Forest</td>
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</table>
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). Where are any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Call of the roll]

The result was announced—yeas 39, nays 59, as follows:

[Call of the roll]

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.

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 adopted.

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.

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

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 preposterous 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 veterans 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 an 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 Veterans 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 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...
June 29, 2005

CONGRESSIONAL RECORD — SENATE

2006. Mind you, now, mind you, Mr. President, this is on top—this is on top—of the $1.1 billion-plus shortfall the VA is experiencing this year.

Senator PATTY MURRAY warned of this shortfall 2 months ago. She was right. And she is right now. One does not wait for deep 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' care is 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 CRAIG, Mr. President, 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 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 and women’s health care.

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 the floor?

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-Kyl amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The President 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:

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 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 Senator Santorum 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 Health Administration. We say, 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, Senator, that this amendment that we are about to make today, the Murray-Byrd-Feinstein amendment, 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 within the VA, that we were in error. I wrote Secretary Nicholson la在这 Friday last, and I was very concerned, and I was not happy that we were put in a position to vote against an amendment that 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 happen 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, sent 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 hope 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 floor.

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 funding. And so that was a Friday. The following Monday was 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 the 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,

DIREKSEN SENATE OFFICE BUILDING,
Washington, DC, June 24, 2005.

HON. ROBERT 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 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 and 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 provided 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)

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

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<tr>
<th>YEAS (47)</th>
<th>NAYS (53)</th>
<th>NOT VOTING (0)</th>
</tr>
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<tbody>
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<td>Democrats (45 or 100%)</td>
<td>Republicans (2 or 4%)</td>
<td>Democrats (3 or 96%)</td>
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<tr>
<td>Akaka</td>
<td>Kerry</td>
<td>Chafee, L.</td>
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<td>Kohl</td>
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| Chambliss | McConnell | |
| Coburn | Murkowski | |
| Cochrane | Roberts | |
| Collins | Santorum | |
| Cornyn | Sessions | |
| Craig | Shelby | |
| Crapo | Smith (OR) | |
| DeMint | Snowe | |
| DeWine | Specter | |
| Dole | Stevens | |
| Domenici | Santorum | |
| Ensign | Talent | |
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| Ernst | Thune | |
| Graham (SC) | Vitter | |
| Grassley | Voinovich | |
| Gregg | Warner | |
| Hagel | | |
EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005
(BUDGET WAIVER—VETERANS MEDICAL CARE)

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 (35THS VOTE)

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S511, Hart Sens, Office Bldg. 435-5554
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EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005
(BUDGET WAIVER—VETERANS MEDICAL CARE)

H.R. 1268

"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/STHS VOTE)

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Mr. REID. Now, with an election cycle upon us, he supports, under pressure, voting for veterans. Talk about class politics. The junior Senator from Pennsylvania can’t run from his record. He owes the veterans more.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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 committees—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 publican issue; they are not a Democratic issue; they are an American issue.

From my side, I thank Senator BYRD, who is valiantly as they 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 veterans have not been neglected 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 committee—veterans 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 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 on the reactivity 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 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. 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 to keep 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 salute Senator CRAIG 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 who 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 said to Senator HUTCHISON from Texas, 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 many, many years. 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 as well.

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, MCCaIN, COCHRAN, and 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 I am going to put this 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 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 2006 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 are not going to be able to take care of them, we are working to make sure that there is a serious commitment to taking care of those Active-Duty and Reserve soldiers.

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, CRAIG, 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 planning stage of being 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 a member 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 on 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 veterans 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.

Mr. 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.

Mr. MURRAY. Mr. President, 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 red 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.

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 sought 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 with the VA.

I do not believe that this is a scenario my colleagues would like to repeat in the future. Waiting until VA...
hers 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 sites 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 Senator 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 veterans know this is a crisis. Yesterday, the VA came before the Veterans' Committee. Senator Craig had a hearing and had the Secretary 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 acknowledging that our 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 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 staff 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 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. I 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 not accurate. 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 told 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. Thank you to the folks 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 legislation that is so predictable as 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 haven't done our very best. I don't know how else we could do it. 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 that 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.

If this 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 1.1 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 some it had been a health care system of last 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 these wars. I think that the model had to have 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, and actuarially, they say that they had to have the services of the veterans health care system, which 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.

When that is going on, we have to figure out the rest of the story, and that is what we will be doing. We will be accurate, and we will make sure that this—you never say “never”—will not happen again.

I have had conversations with the Secretary, and he is a very freely advocating 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 as chairman of the committee that met 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 that 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 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 never 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 unimplementable concept. That is what we are about here, to deal with this in a direct way, and that is what we will be doing. 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 appropriation subcommittees have only the rank and number of 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 bi-partisan 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 fund 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 about 5 days ago, I spent 2½ hours with 12 veterans, men and women who had come back 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 tell us what they had done that will cause veterans do not 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 out because one of the services in the 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.

The babies did not have the 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.

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 declined 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 need 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 discussion 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 under 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. Yet, the VA could not have predicted that.

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 deployed all over 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 what our VA system is supposed to do.

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 say these 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 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 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 not talking about uncontrollable violence. We are not talking about rage. We are talking about nightmares. We are talking about 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. This is what we face; 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 and VA 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 model of 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 cannot 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 May. 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 solution 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 that we might need a new amendment.

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 political 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 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 Veterans 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 fiscal and technical failure 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 need the 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 of veterans who served in Vietnam.

Today, as over 130,000 stand in conflict to protect 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 how this could have occurred.

I yield to the minority leader.

The PRESIDING OFFICER. The minority leader is recognized.

PRESIDENT BUSSEY'S ADDRESS TO THE NATION

Mr. REID. If the President's Office 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 mentioned earlier, 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, our troops, this Nation, 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 of all of these 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, and visiting marines who had returned home with missing limbs, some who had been damaged in other ways. But before I left the Senate 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 to see them in flying uniform—of course we owe them flying a flag, sending letters to our troops in the field, helping the military families, and going to the new Defense Department Web site.

I think we owe the men and women in uniform—of course we owe them flying a flag, 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 the President expressed in all of these 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, and going to the new Defense Department Web site. I think we owe the men and women in uniform—of course we owe them flying a flag, 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 women 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 an 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 active-duty, retired, 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 policy and commended the Senator from Washington for being so deliberately, 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 the Senate 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 to see them in flying uniform—of course we owe them flying a flag, sending letters to our troops in the field, helping the military families, and going to the new Defense Department Web site.

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 ploy 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, in the majority defeated Democrats' efforts to ensure that 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."

The national commander of AMVETS called it, "woefully inadequate."

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 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 important task 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 our veterans.

I yield to the Senator from Nevada, who prepared to yield back time. So I would believe we are out of speakers, and we are asked for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays were ordered.

The PRESIDING OFFICER. The chair is recognized.

Mr. McCAIN. Mr. President, I will be necessarily absent for the later part of the day as I will be attending the Oath of Enlistment 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 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. 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.
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 funds? No.

Did they support Democratic efforts to link 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. 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 broken 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 our 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 need, “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 of denial that ultimately bordered on outright deceit.

In April, after Senator MURRAY and Senate Democrats, led by Senator PATTY MURRAY, asked the Senate to vote on additional resources for 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 need, “no” to keeping our Nation’s commitment to those who have served.

In April, after Senator MURRAY of- ered 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 any 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 Sen- ator has used 9 minutes. Mr. REID. I will use leader time now for the rest of my remarks.

Continuing with Mr. Nicholson:

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. Nich-olson acknowledged that funding for veterans health care programs is short by at least $2.6 billion because the ad- ministration dramatically underesti- mated the number of military per- sons serving in Afghanistan and Afgan-istan. 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 Sec- retary Nicholson was assuring Con- gress no additional resources were needed, the VA was already dipping into reserve funds to meet its opera- tional 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, out- patient clinics that need to be rebuilt. They were dipping into those funds at a time when he was before competent commit- tees of this Congress not telling the truth, misleading us, being deceitful.

Think about this for just a bit. The administration sends hundreds of thou- sands of our troops, our soldiers, abroad to fight in Iraq and elsewhere but says it didn’t expect they would return home and need health care serv- ices? 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 need- ed. And in the final act, the adminis- tration acknowledges that the very time it was insisting no additional funds were needed, the VA was dipping into reserve funds, and the VA Sec- retary had decided to pay for day-to-day health care expenses by dipping into capital funds, which would se- verely 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 Republi- cans acknowledging there is a prob- lem. And at long last, Senate Republi- cans 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 rec- ognition they deserve.

The PRESIDING OFFICER. Mr. SANTORUM. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thought my comments on this issue had con- cluded, 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 par- tisan tone, tuned to the November 2006 elections. To me, that is disappointing, at best, and it is, at best, very mis- directed.

To suggest that the Secretary of Vet- erans Affairs is only a party chairman means that that minority leader has not even read his bio. That minority leader has not even read his bio, nor does he care to. So let me suggest that this Sec- retary of Veterans Affairs is a 1961 graduate of the U.S. Military Academy at West Point, he served 8 years on ac- tive duty as a paratrooper and Ranger in the Army Reserves in the Army Reserves. While he was in the Army Reserve, he finished his master’s degree at Columbia Univer- sity in New York City and his law de- gree at Denver University.

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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’ Administra- tion and you have im-
The PRESIDING OFFICER. Five minutes and fifty seconds.

Mrs. MURRAY. The President 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 address 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 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 not good enough 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 something 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 react 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 solving 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—right in your face. 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 that 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 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. They were going through the worst 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, and all of us saying: 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 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 administration 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 care 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 but all was calm and cool. It was 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 statement. Do I have concerns about the information provided? Absolutely. Does the Senate 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 to account for what he said and what he did? Absolutely. Was he called to account for what he said? Absolutely. Has he been called to account for what he said and what he did? Absolutely. Does the Secretary have to come and have an accounting for what he said and what he did? Absolutely. Do I have concerns about the Secretary? 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 amendments.

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. 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 fight 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, back, and I called 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, and 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 rights. It is not just him, it is the others who are applying who say their mother or father or child is dying. 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 see me. 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. My colleagues ought to stand up for this soldier's rights.

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 allowing trade and allowing travel, just as we do with Communist China and Communist Vietnam. But that is not the way this country 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 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 and 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 profanity 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 we speak.

I reserve my remaining 3 minutes 50 seconds.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

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 Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BURNS. I suggest the absence of a quorum.
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 efforts 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 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 during 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 2001, have cost the Castro dictatorship up to $375 million in lost revenue. I believe this is a good thing. Money from travel, dollar stores, and hotels goes 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 record my 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 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, the Senate says this 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 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. 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; it is the backbone of 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 back 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 they have a relative who is 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 anywhere. 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 among the lower 48 States—and the formula puts Arizona worse than any other State in the Union. That has to be fixed.

I believe my colleagues will understand that in Arizona we would not 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 sit 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, not a funding problem. But I am sympathetic 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 interested 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 recognized.

AMENDMENT NO. 1046

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 support 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 to address what 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. It 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 be able 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 address these tensions in our policy but that it would not be a unilateral concession to this tyrannical government.
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 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. And, 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 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 Jamestown, 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 marshy 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 in those waters lay “tide 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. McCONNELL).

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

Alaska          Dole         Lugar
Alexander       Dole         McConnell
Allard          Domici       Mikulski
Allen           Dorgan        Murkowski
Baucus          Durbin        Murray
Bayh            Ensign        Nelson (FL)
Biden           Enzi          Nelson (NE)
Bingaman        Feingold      Obama
Bond            Feinstein      Pryor
Boxer           Fritz         Reed
Brownback       Graham        Reid
Bunning         Grasley       Roberts
Burke           Greer         Rockefeller
Burns           Hagel         Salazar
Byrd            Harkin        Santorum
Cantwell        Hatch         Sarbanes
Carper          Hutchison     Schumer
Chafee          Inhofe        Sessions
Chambliss       Innouye       Shelby
Clinton         Isakson       Smith
Colburn         Jeffords      Snowe
Cooper          Johnson       Specter
Coleman         Kennedy       Stabenow
Collins         Kerry         Stevens
Conrad          Kohl          Sununu
Cornyn          Kyl           Talent
Corzine         Landrieu      Thomas
Craig           Lautenberg    Thune
Crapo           Leahy         Vitter
Dayton          LeVoy         Voinovich
DeMint          Lincoln       Warner
DeWine          Lott          Wyden

NOT VOTING—4

Bennett         Martinez
Lieberman       McCaskill

The amendment (No. 1071) was agreed to.

Mr. BURNS. I move to reconsider the vote.

The motion to lay 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.

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

Alaska          Dole         Lugar
Alexander       Dole         McConnell
Allard          Domici       Mikulski
Allen           Dorgan        Murkowski
Baucus          Durbin        Murray
Bayh            Ensign        Nelson (FL)
Biden           Enzi          Nelson (NE)
Bingaman        Feingold      Obama
Bond            Feinstein      Pryor
Boxer           Fritz         Reed
Brownback       Graham        Reid
Bunning         Grasley       Roberts
Burke           Greer         Rockefeller
Burns           Hagel         Salazar
Byrd            Harkin        Santorum
Cantwell        Hatch         Sarbanes
Carper          Hutchison     Schumer
Chafee          Inhofe        Sessions
Chambliss       Innouye       Shelby
Clinton         Isakson       Smith
Colburn         Jeffords      Snowe
Cooper          Johnson       Specter
Coleman         Kennedy       Stabenow
Collins         Kerry         Stevens
Conrad          Kohl          Sununu
Cornyn          Kyl           Talent
Corzine         Landrieu      Thomas
Craig           Lautenberg    Thune
Crapo           Leahy         Vitter
Dayton          LeVoy         Voinovich
DeMint          Lincoln       Warner
DeWine          Lott          Wyden

NOT VOTING—4

Bennett         Martinez
Lieberman       McCaskill

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 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 travel speaks to 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 colleagues 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 fairly reflect 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 legis-
lative process. But for now, for the rea-
sons I have stated, I must vote not to
suspend the rules.

Mr. BURNS. Nobody can sum this ar-
gument better than the Senator from
Florida and the Senator from Nevada. I
would say this: This is a change in pol-
icy and regulation, and we should con-
sider that.

I yield the remainder of my time.

The PRESIDING OFFICER. The ques-
tion 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 in-
structions 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 con-
tinued with the call of the roll.

Mr. MCCONNELL. The following Sen-
ators were necessarily absent: the Sen-
ator 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. LIEBER-
MAN) is absent due to death in family.

The PRESIDING OFFICER (Mr. DEMIENT). 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

NAYS—35

Alexander Domenici Markowski
Aliard Ensign Nelson (FL)
Allen Fred Reid
Browneck Graham Santorum
Bunning Grassley Sessions
Burns Gregg Shelby
Chambliss Hatch Smith
Cochran Inhofe Snowe
Coleman Isakson Specter
Corzine Lautenberg Stevens
Dole McConnell Vitter

PRESENT AND GIVING A LIVE PAIR—1

Coburn

NOT VOTING—4

Bennett Martineau
Lieberman McConnell

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 voted 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 Sen-
ator 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 amend-
ment falls.

GRANTS MANAGEMENT

Mr. INHOFE. Mr. President, amend-
ment 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 chairmen of the Senate En-
vironment and Public Works Com-
mittee, I have made oversight of EPA
grants management a Committee pri-
ority. Each year, the EPA awards half its
gifts in grants amount to over $4 billion.
This amount is comprised of
discretionary grants awarded pursuant to
regulatory or statutory formula for
expenditures such as capitalization funding for State and local pro-
grams and comprised of discretionary grants awarded to a variety of recipi-
ents. In a hearing before the Environ-
ment and Public Works Committee
early last year, the Government Ac-
countability Office and EPA Inspector
general offered testimony critical of
the lack of competition in awarding
discretionary funds, the lack of meas-
urable 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 that the most qualified appli-
cants receive grant awards. The EPA
inspector general even testified that
due to a lack of competition, there is
an appearance of preferential treat-
ment in grant awards. On March 31,
2005, the inspector general released an
audit concluding that EPA needs to
compete more grants and rec-
commended that EPA eliminate non-
competitive justification for grants
awarded to organizations that represent the inter-
ests of State, tribal, and local govern-
ments. My amendment reflects the in-
spector 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 con-
cerning EPA grants is the question, “What is the benefit to the environ-
ment?” The EPA has an obligation to
ensure taxpayers that it is accom-
plishing its mission of protecting
human health and the environment
with the funds it awards each year.
My interest is ensuring that EPA direct as-
sistance grants demonstrate environ-
mental value and EPA enacts necess-
ary measures to reach that goal. Can
I get the commitment from the chair-
man of the Interior Appropriations
subcommittee to work with me to su-
ciently address this issue?

Mr. BURNS. I appreciate the con-
cerns raised by the chairman of the En-
vironment and Public Works Com-
mittee and commit to working with
him to address this issue of importance
to him and the Environment and Pub-
lic Works Committee.

Mr. INHOFE. I thank the Senator
from Montana and the chairman of the In-
terior 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 appro-
priation 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’s my under-
standing that the intended town which
is seeking the grant of Federal assist-
ance for water improvements is actu-
ally Winchester Bay, OR.

Mr. WYDEN. I concur with my col-
league 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 col-
league that we will indeed try to fix
this conference.

REPLACEMENT OF THE FILENE CENTER

Mr. WARNER. I would like to engage
the chairman in a colloquy on the fa-

culty needs at Wolf Trap National
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 like to ask 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 in 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. 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. 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 States. 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). 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 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 committee 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 the Sewerage treatment capacity in order to meet wastewater 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 $255 million.

Mr. CORZINE. Mr. President, I thank my colleague, Senator LAUTENBERG, for bringing this project to the attention of the Senate. 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 included 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.

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.

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 been long-standing 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 processes” 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 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 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. Mr. President, I thank the ranking member for their attention to this issue. I look forward to reviewing GAO’s findings.

Mr. DORGAN. 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 Interior Appropriations Subcommittee. This is a great program that provides significant research, economic development, and technology transfers related to our National 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 CONSERVATION

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 sewer maintenance project at Lake Mead that deserves your 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 clear 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, including generation 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. And 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 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 $9.1 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.

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 and Haskell for fiscal year 2006 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 and Haskell for fiscal year 2006 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. DORGAN. I, too, will do my best to help solve this problem.
S7592
CONGRESSIONAL RECORD—SENATE
June 29, 2005

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 partnerships 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 national 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. "New housing and other types of development continue 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 colleagues 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. That funding is needed to protect the Wyanokie Highlands, Scotts Mountain and Musconetcong Ridge in New Jersey, 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 Administration and a 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 the 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.

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 has been a sizeable cut. Since then, increased the modest setaside for the YCC has been 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 in funding for the YCC set aside, 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 loan funds and 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 in 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. Change 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 as we are about to revise 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 Program. From 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 determines 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 fix 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. Documented needs in the survey, 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. Arizona 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 $1 billion under my amendment—about a $15 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, it 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, which is 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 under my amendment. 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 under 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 assures 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, I urged him 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 much-needed 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 State Infrastructure 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 legislation to the Subcommittee on Fisheries, Wildlife, and Water, with authorizing jurisdiction over the Clean Water Act and Drinking Water SRFs, as well as address the antiquated Clean Water SRF formula.

I encourage my fellow colleagues to oppose the KYL amendment and support the ongoing process of updating the Clean Water Act by the Subcommittee on Fisheries, Wildlife, and Water, with authorizing jurisdiction over the Clean Water Act.

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 the importance of this issue 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, CHAFFEE 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-increasing impact 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 that would authorize the level of funding 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 increases to others. 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. 1650.

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, my State, 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 17 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 appropriators bill. There are already 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.

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 Water 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 strongly support these proenvironmental policies and priorities, which have led to some problems with the language in the KYL amendment.

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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 provide 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 ozone standards. 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 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 yellow so they can prepare for their children. 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 undermining 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 developments on a global scale.

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 Senate Appropriations Committee, 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 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 300,000 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 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 cleaning 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 three- 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 proceeding 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 BURNJS and Senator DODGSEN, 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, and the Fish and Wildlife Service, and most agencies of the Interior Department—except the Bureau of Reclamation, and the National Foundation on the Arts and 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 Parks 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: $785,000 for a new water storage tank in the Town of Waterly, RI; $1,000,000 for a wastewater 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 elder 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 fuel cell out-reach; $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 kokanee salmon study; $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 $580 million since 1982 on timber sales and the construction of access roads for commercial logging in the 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 funding for 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. I believe that 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 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 appropriate a ten-million-dollar agricultural fair to show off forty dollars worth of pumpkins.” I can only speculate what Mark Twain would have to say about the egregious waste of taxpayer money allocated to continue the timber sales 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 new 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 of 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 from visitors to National Historic Landmarks; Language that restricts the use of Forest Service answering machines during business hours unless the answering machine includes an option that is accessible 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 grinds 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 simple: 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 fail 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 leader, Mr. DORGAN, 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 Fonesbeek, Ginny James, Ryan Thomas, Michele Gordon, and Ellis Fisher. I thank that staff because they have done yeoman’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 Fonesbeek, 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.
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 to for the 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 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 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 going 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 a resident of New Jersey, I know the State of New Jersey. I know the people of the State of New Jersey care very much about Senator 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. LIBERMAN) 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    Dorgan    Nelson (NE)
Baucus    Enzi    Obama
Biden    Feingold    Pryn
Bingaman    Feinstein    Reid
Bond    Frist    Roberts
Boxer    Grassley    Rockefellar
Brownback    Hagel    Salazar
Brownback    Hatch    Santorum
Burdett    Hatch    Sarbanes
Canwell    Hutchison    Schumer
Carper    Inhofe    Sessions
Chafee    Inouye    Shelby
Chambliss    Jefferds    Smith
Clinton    Johnson    Snowe
Cochran    Kennedy    Specter
Cooper    Kyi    Stevens
Coleman    Landrieu    Sununu
Collins    Launenberg    Talent
Conrad    Leahy    Thomas
Corzine    Levin    Thune
Craig    Lincoln    Vitter
Crapo    Lott    Voinovich
Cromartie    Lugar    Warner
Dent    McConnell    Wyden
Dodd

NOT VOTING—6

Bennett    Coburn    McCain
Gregg    Lieberman    Miller

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 CAPTA.

We have cleared the Legislative Appropriations bill and this would allow us to consider that bill quickly, without a rolloff 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 last 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  Akaka  Baucus  Bennett  Coburn  Crapo  Feingold
Allard  Akaka  Bayh  Bennett  Coburn  Conrad  Craig
Allen  Akaka  Bayh  Bingaman  Conrad  Crapo  Eggers
Baucus  Akaka  Bayh  Bingaman  Conrad  Crapo  Ensign
Bingaman  Akaka  Bayh  Bingaman  Conrad  Crapo  Ensign
Bond  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Brownback  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Burns  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Burton  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Cantwell  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Carper  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Chafee  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Chambliss  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Cochran  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Collins  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Conrad  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Corker  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Curnyn  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Craig  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Crapo  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign

NAYS—34

Akaka  Akaka  Bayh  Baucus  Bond  Brown  Burke
Baucus  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Bingaman  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Bond  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Brownback  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Burns  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Burton  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Cantwell  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Carper  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Chafee  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Chambliss  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Cochran  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Collins  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Conrad  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Corker  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Curnyn  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Craig  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign
Crapo  Akaka  Bayh  Brownback  Conrad  Crapo  Ensign

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 10 years, whether it passes or fails, the ten, whether it passes or fails, the theme will be the politics of the last 10 years, whether it passes or fails, the theme will be the politics of the last 10 years, whether it passes or fails, the theme will be the politics of the last 10 years.

The Congress shall have the power . . . to regulate Commerce with foreign Nations.

It quickly became obvious, however, that Congress is 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 track. The 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 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 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.

It quickly became obvious, however, that Congress is 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
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, brand new labor and capacity-building provisions were revealed. We should not be here 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 the agreement 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 we 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 re dedicate 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. 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 this process 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 more aggressive in enforcing trade agreements and doing 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 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 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 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 but also is 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 not possible for the President 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 be bilateral, multilateral—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 fundamental to 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 interest, 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 tariffs you know, eventually 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 about these status quo tariffs, 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—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, they affect everyone. Many 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 used to build roads in 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 Iowa’s agricultural 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 export to consumers in 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 agricultural 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, under CAFTA, all of these tariffs 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 of 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 and 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. companies such as CARDONE Industries in Philadelphia, PA.

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 of $1.5 billion each year upon full implementation.

The agreement also opens the services market to U.S. service exports. Key sector opportunities include telecommunication services, distribution, audiovisual and entertainment, energy, transport and construction.

Our high-tech sector stands to benefit; the Dominican Republic, Guatemala, 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 for labor and the environment. This agreement is a solid win for the United States 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 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, fraught with strife, civil war, and political violence. It was a 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 brutal 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, where they are 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 do not come 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:

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 undermine 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 or a peaceful society to exist. Our efforts are a spilt 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 or half a mile. This is going to bring about 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 this 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.
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 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 wars 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 1999, 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 areas. 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 country did not 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 that. That is, I think, the true desire forigration. 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. It is also true that, last November, I was invited to 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. My provision is 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 will list a few major concerns, which 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 long have 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 those dark days. They 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 seen in it.

Those of us who want to advance respect and adherence to core internationally recognized labor standards were somewhat disappointed that the agreement was 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 countries’ efforts to 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 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 initiatives 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 to strengthen 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 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 ask 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 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 trying 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 involved 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, let it be clear that 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 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 that. 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 why they face a lack of resources and do not need to have a PhD to understand why they face a lack of resources and do not have markets in these underdeveloped countries. If there is not wealth creation, to be wealth producing in our trade agreements, improve those standards. If there is not wealth creation, we have a major problem. As in all democracies, they have to do the right thing. But I would remind my colleagues that our neighbors to the South are democratic countries. As 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 advanced 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 fair 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 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 believe 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 can get to kind of ILO standards I have talked about.

Again, I emphasize, I very much want to support this agreement. I think it 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 study demonstrates that 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 Ministries 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 provisions are not a matter of policy 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 all democracies, they have to deal with powerful opposition interests.

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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 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—would be 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. What we have is 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 go a lot to strengthen that agreement.

Again, I don’t think it is asking too much. It goes a long way to making this a lot stronger 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 the 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 that I described here. I look forward to your comment to address 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 by providing for your 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. Spending $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 if 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.

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 the administration and the CAFTA countries.

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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 FRIST 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 are 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 by the prosecutor’s career in 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 step forward to 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 drafting a bipartisan bill. But let me be clear, this bill is not perfect. All things being equal, it seeks to take 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 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 adopts 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 7.0 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 it to be a reactor 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 this year. The January 10, 2005, edition of Fortune had a lengthy article entitled, "Tin Whiskers: the Next Y2K Problem?" The article explained the seriousness of this problem.

Finally, I am 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 out of any 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 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 deeply concerned that the bill terminates FERC's proposed rule-making for Standard Market Design, SMD, while doing nothing to address FERC's actions with regard to Locationally Installed Capacity, LICAP. My attempts to insert a simple sense of the Senate amendment to clarify that government regulators 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 incentives for building 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 or 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 of the oil is refined in 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 this bill to have a version of this amendment 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 16, 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, PYOR, SCHUMMER, LAUTENBERG, KENNEDY, and LIEBERMAN.

Mr. President, the purpose of this amendment is to help small businesses and farmers 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 low-interest disaster loans through 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 all gas was 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 demands are met.

As we've heard in testimony after testimony, these price increases have harmed farmers financially. Farmers--farmers who 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 resources 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. It makes no sense, out of 3,000 pages of legislation and almost $400 billion in spending, this assistance was not included.

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 Energy and Water Appropriations Subcommittee, has requested to have a version of this amendment adopted as part of the 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.

In that spirit, 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. And, again, I urge my colleagues to pass this legislation.
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 closer to making this law in the near future. In the past, this assistance has helped those small businesses that have been hurt by natural disasters, and I am glad that this year is not different.

I ask unanimous consent that a copy of the 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 signatories to apprpos letter: Senators Reed, Collins, Kerry, Bingaman, Specter, Leahy, Dodd, Chafee, Kennedy, Lautenberg, Jeffords, Lieberman, Bayh, Schumer, Sarbanes, Mikulski, and Clinton.


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 distributor and other small businesses harmed by 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 borrows the oil 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’ profits have suffered this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery, 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 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 to purchase oil or propane 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 Administration (SBA) 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 have 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 increases 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. I have questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224-3606.

Sincerely,

MR. BAUCUS. President, I wish to express my strong support for this proposal. 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 see no 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 keep 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, but what 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, which makes it difficult to weigh the 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.

There 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 greenhouse gas concentrations.

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 emissions will require 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 pursing 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 and forthright 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 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. This is the way 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, that way. 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 as a co-sponsor of the Combat Meth Act of 2005. 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 the Commerce Committee 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 teachers and residents 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 cold medicines 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 individual users 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 515 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. Meth use can cause 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 health 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 go undetected, and even after 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 pollute 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 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 extended 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 misuse these medicines 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 the products to make meth 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 unsustainable burden for many families and communities. The new version of the Combat Meth Act is a commonsense 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 the 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, Sen-

100TH ANNIVERSARY OF UPHAM,

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 Upham, ND, celebrated their community’s founding and history.

Upham has a proud past and a bright future.
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 lifestyle, where families can enjoy the summer butterflies and wild flowers of the J. Clark Salyer 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 125 years, and in wishing them well through the future. 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, which is why Buxton is deserving of our recognition.

Buxton 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. 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 by Mr. and Mrs. Anderson. At the same time, a two-story station and a section house were built by the railroad. It was Budd's wife, Harriett Reeve, who suggested 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 Fritts, the famous businessman, financier, and UND benefactor 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 future. I believe that by honoring Buxton 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 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 southeastern 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 is a community that has a hardware store, a 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 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 north-eastern 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 agents 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 EGELEND, 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 north-eastern part of North Dakota with a population of just under 50. Despite its size, Egeland holds an important place in North Dakota's history. The town was established 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 the 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 small additions to the State 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 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. Through his self-titled words, “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 abuse and its 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 in 1905, it imported 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 town’s 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 in Potlatch during the heyday is as strong as ever. Potlatch has a celebration coming up in a few weeks in honor of their 100th birthday this month. Potlatch, named for 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 in 1905, it imported 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 town’s 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!

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MESSENGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.

(Silberman-Robb WMD Commission.)

EXECUTIVE ORDER THAT TAKES ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 OF NOVEMBER 14, 1994, AMENDING EXECUTIVE ORDER 12584 AND EXECUTIVE ORDER 12994 OF JULY 29, 1994, 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 29, 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 conventions 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 sanctions 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 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 the Treasury, in consultation with the Secretary of State, 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 1621 of the Foreign Intelligence Surveillance Act of 1978. The new order also amends section 4(c)(4) of 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

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Neland, 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. 1328. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restriction on separated entities from INTELSAT, and for other purposes.

The message further announced that pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2006, 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 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 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. Tuberri 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”; 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.

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:


MEASURES REFERRED

The following bills were read the first and 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.

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”; to the Committee on Homeland Security and Governmental Affairs.

S. 892. A bill to designate the facility of the United States Postal Service located at 6200 South Vermont Avenue in Los Angeles, California, as the “Ray Charles Post Office Building”.

S. 1297. 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; 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. 3897) 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 Policy 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 “Appropriation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NOx) Regulation and Revised NOx Trading Rule” (FRL No. 7928–2) 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 Disposal Inclusion” (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. 7926–8) received on June 27, 2005; to the Committee on Environment and Public Works.


EC–2819. 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, which are applicable to other nations; 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, which are applicable to other nations; 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 nonmilitary U.S. international broadcasting: the Voice of America, Middle East Broadcasting, and the International Broadcasting Bureau; to the Committee on Foreign Relations.”

EC–2822. A communication from the Committee on Environment and Public Works.

EC–2823. 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 “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–2824. A communication from the Congression 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” (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 “Additions to the Annual Report of Administrative Expenses, Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Department of Rural Housing: Disqualified 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” (RIN3059–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, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Clarification as to When a Notice of Proposed Rule and Plan of Operation Is Needed for Locatable Mineral Operations on National Forest System Lands” (RIN3059–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” (FV05–915–2 IFR) 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 Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Avocados Grown in South Florida; Changes in Container and Reporting Requirements” (FV06–915–2 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 Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Irish Potatoes Grown in Washington; Compensation Assessment Program” (FV05–915–2 IFR) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2831. A communication from the Congression 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 Agriculture:

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:

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to 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. BAUER): S. 1327. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 336; 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.

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 Mr. CLINTON (for herself, Mr. SMITH, Mr. MARTINEZ, Mr. REED, and Mr. DURENH):

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 1, 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. LINDBERG, Mrs. HUTCHINSON, Mr. TALMADGE, Mr. SANTORUM, Mr. COLEMAN, Mr. ISAKSON, Mr. ROBERTS, Mr. BROWNBACK, Mr. BOND, Mr. HATCH, Mr. ARNOLD, Mr. ALEXANDER, Mr. MARTINEZ, and Mr. PYOR):

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 of administrative law judges under the medicare program; to the Committee on Finance.

By Mr. PYOR:

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 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.

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. KONI, 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.

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 names of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 313, a bill to improve authorities to address proliferation 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. 344

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 344, 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. INOUYE) was added as a cosponsor of S. 521, a bill to amend the Internal Revenue 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 names 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. 826

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 826, 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.
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.

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.

At the request of Mr. Sununu, the name 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.

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.

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.

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.

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.

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.

At the request of Mr. Brownback, the name 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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. Specter) 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.

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
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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 ac-
tive 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 commonsense legislation today. It is now time for Congress to act again and include this meritous 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 recognize gain 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 because most 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 inappropreate 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 this issue in 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, 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 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 for 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 assistance of any device to distribute earnings 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, adequate 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 colleagues Senator SARBANES, Ms. HARRIS, 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 of 1996. New tests for lead are required, but no tests exist to measure lead in drinking water in public water systems. We learned that the public is not informed about potential lead in drinking water.

We responded by introducing the Lead-Free Drinking Water Act of 2004. We were 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.

In the past 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?

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We responded by introducing the Lead-Free Drinking Water Act of 2004. We were 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.

In the past 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.

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In the past 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?

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We listened to experts who identified weaknesses in the Safe Drinking Water Act of 1996. New tests for lead are required, but no tests exist to measure lead in drinking water in public water systems. We learned that the public is not informed about potential lead in drinking water.

We responded by introducing the Lead-Free Drinking Water Act of 2004. We were 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.
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 newborns—are not harmed by 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 requires 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 feasible and 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 to 10 parts per billion; or publish 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 lead-contaminated 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 if 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 mandating a requirement 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 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 $235 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 problem. Lead 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 re-counted:

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 constant inking of lead-based ink, 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 the deaths of leadened 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 receiv’d and practis’d 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 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 that every taxpayer, 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. 1339. 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 many part-time, 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 47 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.

Annually, there are 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. A 2004 Census 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 solution to this nationwide problem. Increasing 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 retraining costs in both the short and long run. In addition to saving 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 St. Louis and local communities across the Nation. The City of St. Louis has proven to be an effective tool to promote housing affordability for working families and community revitalization. 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 “non-taxable 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 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, came to me as a client of our City’s Office 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 program. 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 specifically designed by the Business Council and Fannie Mae, brings together the following Westchester County nonprofit organizations: Housing Action Council, Westchester Residential 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 $13,500, or 50 percent of the non-matching share, 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 Nick 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 1997, 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 in places such as Long Island, Rochester and Westchester.

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 believe every Senator should examine 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. This legislation will provide a fresh approach to encouraging more of our nation’s 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 42 million in 2003 from 24 million in 1997, a 76-percent increase in 5 years.

Our bill tries to address the issue of affordable housing from a new perspective and 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 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 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 job growth 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 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 our Nation’s farmers and ranchers.

Our proposal has been endorsed by the American Farm Bureau Federation, the National Home Builders Association, National Association of Counties, Mortgage Bankers Association, National NeighborWorks Association, AmeriDream, and the National Association of Local Housing Finance Agencies.

I rise to introduce a bill to move forward with the implementation of mandatory COOL in a timely and reasonable manner. In January 30, 2006, the Department of Agriculture should not proceed with the promulgation 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 2005.

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’s 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 date. 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 security of our personal data, which has become such a precious commodity in a digital world—and what kind of information, and that these companies sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that businesses today are collecting and retaining a frightening amount of information, and that these companies sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that businesses today are collecting and retaining a frightening amount of what happens to their information in a digital world—and what kind of consequences they can face as a result.

June 29, 2005

CONGRESSIONAL RECORD — SENATE
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 creditized 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 information.

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 only used for legitimate purposes, and to provide a redress process for those who misuse the information are punished. And we don’t know how Government agencies, particularly those engaged in sensitive national security investigations, access the data broker business and keep track 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.

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 also require 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, including data obtained fraud, abuse, or theft; rely only on accurate and complete data, and penalize vendors who knowingly provide inaccurate information 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. Congress should ensure that 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 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 privacy 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.

We are basing 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 Governmental 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 in support of 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 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. However, as Justice Warren prophetically wrote in the 1965 case, Lemon 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 information 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 their victims even know. 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 of all credit card companies 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. Victims are usually 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 personal data, including her 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 individuals 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 on 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 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. It has become clear that many entities other than health care providers and financial institutions have large amounts of personal information. This legislation therefore 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 steps to take, the 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 their 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. 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 personal information 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.

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 using 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 number 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. Prohibition of access 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 security, 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 take 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, non-profit, and government operations;
(8) data misuse and data breaches can have the potential to cause serious or irreparable harm to an individual’s livelihood, privacy, and liberty and undermine efficient competitive 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” means any agency, any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture, or any business entity, business association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.
(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 corporation, association, venture, or other organization, 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 or any participant, 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...
TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF PERSONALLY IDENTIFIABLE INFORMATION AND PRIVACY

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 1061(d)(7) of title 18, United States Code, is amended by inserting after subsection (c): "(2) SUBMISSION TO COMPUTER NETWORKS.—Any person who, without authorization, downloads, uploads, or otherwise transfers a computer program into, from, or between computer networks, is subject to the provisions of this section if the means of identification was obtained, accessed, or transmitted, a court in its discretion impose an additional term of imprisonment of up to 2 years, standing any other provision of law, should a person in subsection (c) mean any offense that is a felony under section 2332a of title 18, United States Code, and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, a computer that stores or transmits personally identifiable information, including identity theft or any offense under—

(a) Section 1028; 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; or

(b) any other relevant provision.

(b) CONFORMING AND TECHNICAL AMENDMENTS—The amendments made by section 102 of chapter 47 of title 18, United States Code, shall not in any way reduce the term to be imposed for the felony during the 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) SECURITY BREACH.—(A) 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.

(C) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—Sensitive personally identifiable information means any name or number used in conjunction with any other information to identify a specific individual, including—

(i) 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;

(ii) unique biometric data, such as—

(A) a fingerprint;

(B) a retinal or iris image;

(C) any other unique physical representation;

(D) unique electronic identification number, address, or routing code;

(E) 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 PERSONALLY IDENTIFIABLE INFORMATION AND PRIVACY

SEC. 103. CONCEALMENT OF SECURITY BREACH INVOLVING PERSONALLY IDENTIFIABLE INFORMATION.

"Whoever, having knowledge of a security breach involving personally identifiable information; and

"(a) identity theft, 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) SECURITY BREACH.—(A) 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.

(C) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—Sensitive personally identifiable information means any name or number used in conjunction with any other information to identify a specific individual, including—

(i) 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;

(ii) unique biometric data, such as—

(A) a fingerprint;

(B) a retinal or iris image;

(iii) a retina or iris image; or

(iv) any other unique physical representation;

(C) unique electronic identification number, address, or routing code;

(D) telecommunication identifying information or access device (as defined in section 1029(e) of title 18, United States Code).

SEC. 104. AGGRAVATED FRAUD IN CONNECTION WITH COMPUTERS.

"Whoever, during and in relation to any felony; and

"(a) identity theft, 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) SECURITY BREACH.—(A) 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.

(C) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—Sensitive personally identifiable information means any name or number used in conjunction with any other information to identify a specific individual, including—

(i) 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;

(ii) unique biometric data, such as—

(A) a fingerprint;

(B) a retinal or iris image;

(iii) a retina or iris image; or

(iv) any other unique physical representation;

(C) unique electronic identification number, address, or routing code;

(D) telecommunication identifying information or access device (as defined in section 1029(e) of title 18, United States Code).

SEC. 105. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

"Whoever, having knowledge of a security breach involving personally identifiable information, including identity theft or any offense under—

(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, any computer that stores or transmits personally identifiable information, including identity theft or any offense under—

"(a) Section 1028; 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; or

(b) 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 range;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if those offenses involve—

(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 defined in subsection (a) are sufficiently stringent to deter, and adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; or

(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
TITLE II—ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT COMBATANT AND VIOLENT CRIMES TO PREVENT VIOLENT, 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 Attorney General may make grants to States and 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 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 with the State and local law enforcement officers and prosecutors, including the use of multi-jurisdictional task forces.

(b) Applications.—A State seeking a grant under subsection (a) shall submit an application to the 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 to establish and develop programs to provide the source needs of the State and 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 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 with the State and local law enforcement officers and prosecutors, including the use of multi-jurisdictional task forces.

(d) Assurances and Eligibility.—To be eligible for a grant under subsection (a), a State shall provide assurances to the Attorney General that the State—
(i) 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;
(C) online sales of personally identifiable information obtained fraudulently or by other illegal means;
(ii) has been pointed to the source 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
(iii) will develop a plan for coordinating the programs funded under this section with other federally funded technical assistance programs funded under the Violent Crime Reduction Block Grant program (described under the heading "Violent Crime Reduction Block Grant Program and Local Law Enforcement Assistance" of the Department of Justice at such time, in such manner, and containing such information as the Assistant Attorney General may require).

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 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, 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.

SEC. 203. 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 are subject to the requirements of investigations in which, during the 30-day period described in paragraph (1) may be extended for up to 15 additional days if a data broker receives a request for disclosure of information in dispute by an individual during an investigation by any data broker that is relevant to the investigation.

(b) Limitations on Extension of Period to Investigate.—(1) PUBLIC RECORD INFORMATION.—If the completeness or accuracy of any public record information disclosed to an individual under subsection (d) is disputed by the individual and the data broker does not resolve the dispute within 30 days whether 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—
(A) provide such individual with the name, address, and telephone contact information of the public record source;
(B) notify such individual of the right to add to the personal electronic record of the individual maintained by the data broker a statement as to the completeness of the information for a period of 90 days under subsection (e).

(c) Extensions of Period to Investigate.—(1) IN GENERAL.—Notwithstanding any other provision of this title, a data broker is not required to comply with the requirements of this title during the 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 in its systems;
(B) delete the item from the individuals data file in accordance with paragraph (8).

(d) Expansion of Period to Investigate.—(1) IN GENERAL.—If the completeness or accuracy of any non-public record information disclosed to an individual under subsection (b) is disputed by the individual and the data broker does not resolve the dispute 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 in its systems;
(B) delete the item from the individuals data file in accordance with paragraph (8).

(e) Notice Identifying the Data FURNISHER.—If the completeness or accuracy of any non-public record information disclosed to an individual under subsection (b) is disputed by the individual, a data broker shall provide to 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.

(f) Determination that Dispute is FRIVOLOUS or IRRELEVANT.—(1) IN GENERAL.—Notwithstanding paragraphs (1) through (4), a data broker may decline to investigate or terminate an investigation of information offered by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or irrelevant and terminating the investigation by requiring 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.

(1) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

(i) the reasons for the determination under subparagraph (A); and

(ii) a copy of the complaint on which a data broker receives notice of a dispute if the data broker provides—

(I) a written notice of that action; and

(ii) a copy of the complaint for that action.

(2) 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 notify and consider all relevant information submitted by the individual in the period described in paragraph (2) with respect to such disputed information.

(B) TREATMENT OF INACCURATE OR UNVERSIFIABLE 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 furnished 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 INFORMATION PURSUANT TO PARAGRAPH (5) (I).—In general.—Not later than 5 business days after the completion of an investigation under this section, a data broker shall provide to an individual a written notice to an individual of the results of the investigation, by mail or, if authorized by the individual for that purpose, by any other means available to the data broker.

(i) ADDITIONAL REQUIREMENT.—Before the expiration of the 5-day period, as part of, or in addition to such notice, a data broker shall 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 PROCEDURE.—Not later than 15 days after receiving a request from an individual for a description referred to in subparagraph (c)(i)(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 determines in accordance with subparagraph (A) by the deletion of the disputed information, then the data broker shall not be required to comply with subparagraphs (c)(ii) and (iii) 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 State, a right to request that the data broker furnish notifications under subsection (g).

(F) 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.

(G) NOTIFICATION OF DISPUTE IN SUBSEQUENT REPORTS.—Whenever a statement of a dispute is filed under subsection (e), unless there is a reasonable ground 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.

(H) 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 to an individual 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 the deleted or disputed information or has electronically accessed the deleted or disputed information.

SEC. 302. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) Preliminary. A 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 this subsection is 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.

(b) EQUIitable RELIEF.—A data broker engaged in interstate commerce that violates this section shall be enjoined from further violations by a court of competent jurisdiction.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are in addition to and shall not affect any other rights and remedies available under law.

(d) 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, in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(D) obtain such other relief as the court determines to be appropriate.

(e) 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.

(f) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an act of such a broker which applies to 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 in the United States district court of the State involved, or any other court of competent jurisdiction, to—

(A) enjoin such 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 the affected residents of the State; and

(ii) punitive damages, if the violation is willful or intentional;

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(g) NOTICE.—

(1) 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.

(2) NOTICE TO INDIVIDUALS.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(i) in any action brought under paragraph (1); and

(ii) file petitions for appeal.

(h) PENDING PROCEEDINGS.—If the Attorney General 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.

(i) RULE OF CONSTRUCTION.—For purposes of bringing any civil action pursuant to paragraph (1), nothing in this Act shall be construed to preclude any attorney general 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 PROCEEDS.—
(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 PROCEEDS.—In an action brought under this subsection, process may be served in any district in which the defendant—
(i) is an inhabitant; or
(ii) has property that is the subject of the action.

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 or regulate 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 IDENTIFIABLY 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, 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 requirements and implementing regulations under the Gramm-Leach-Bliley Act (13 U.S.C. 6801 et seq.); and

(B) examinations for compliance with the requirements of the 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 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—

(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;

(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;

(D) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) 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; and

(ii) protect against any anticipated vulnerabilities to the privacy, security, or integrity of personal electronic records, and take reasonable steps to secure and protect personally identifiable information or systems containing personally identifiable information;

(B) implement and maintain appropriate policies, technologies, and safeguards to protect the privacy and security of personally identifiable information; and

(C) ensure that its business operation and practices are designed to comply with its privacy and security requirements.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity engaged in interstate commerce that involves collecting, transmitting, using, storing, or disposing of personally identifiable information shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program to control the risks identified under paragraph (3); and

(b) DATA PRIVACY AND SECURITY PROGRAM.—To implement this subsection, a business entity or agency to which this subtitle applies to the extent that such business entity or agency is 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 privacy, security, 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, or a maximum of $35,000 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, in addition to 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 the requirements of this subtitle 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, 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—
(1) in the sum of actual damages, restitution, or other compensation on behalf of the affected residents of a State; and
(2) punitive damages, if the violation is willful or intentional; and
(D) obtain such legal and equitable relief as the court determines to be appropriate.

(2) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under paragraph (1), the court may 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 may be 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) obtain compliance with this subtitle;
(C) obtain—
(1) damages in the sum of actual damages, restitution, or other compensation on behalf of affected residents of the State; and
(2) punitive damages, if the violation is willful or intentional; or
(D) obtain such 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 the 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) STATE ENFORCEMENT.—
(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable jurisdictional requirements under section 1331 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—
(1) is an inhabitant; or
(ii) may be found.

SEC. 404. RIGHT TO NOTICE OF SECURITY BREACH.

(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 subtitle 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 421, any business entity or agency engaged in interstate commerce that involves collecting, accessing, transmitting, receiving, or disposing of personally identifiable information shall notify, following the discovery of a security breach of its systems or databases in their direct control when such security breach impacts sensitive personally identifiable information—
(1) if the security breach impacts more than 10,000 individuals, impactable 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 Attorney General, who shall be responsible for notifying—
(i) the Federal Bureau of Investigation, if the security breach involves espionage, for- eign counterintelligence, information pro- tected against unauthorized disclosure for reasons of national defense or foreign rela- tions, or information defined in section 11Y of the Atomic Energy Act of 1954 (42 U.S.C. 2013(y)), except for offenses affecting the duties of the United States Postal Service under section 1005(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 af- fected by the security breach;
(2) each consumer reporting agency de- scribed in section 680(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 residents of the United States whose sensitive personally identifi- able information was impacted by a security breach, the business entity or agency shall notify the Federal Trade Commission and Secret Serv- ice 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 to 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.

(b) RESTORATION OF NOTICE.—All 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.

(c) REQUIRED DISCLOSURE.—In complying with the notices required under section 421, a business entity or agency maintains an Internet site, conspicuously posting the notice on the Internet site of the business entity or agency.

(2) NOTICE TO CONGRESSIONAL RECORD.—When more than 5,000 residents of the United States require notice under section 421 and if the business entity or agency maintains an Internet site, the business entity or agency shall notify the Secretary of Commerce of the provisions of this section and the date the notice was posted on the Internet site.

(d) GENERAL NOTICE.—In any case where a security breach affects more than 10,000 individuals, impacts 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, the business entity or agency shall expeditiously give notice to the Attorney General.

SEC. 423. NOTIFICATION TO CONGRESS.

(a) IN GENERAL.—A business entity or agency obligated to provide notice under this section shall, within 2 years of the date of the security breach, notify the Committee or the Appropriations Committee of the House of Representatives or the Senate of the provisions of this section and the date the notice was posted on the Internet site.

(b) NOTICE TO CONGRESSIONAL RECORD.—When more than 5,000 residents of the United States require notice under section 421(a) as described in paragraph (1), the business entity or agency shall provide to the Committee or the Appropriations Committee of the House of Representatives or the Senate of the provisions of this section and the date the notice was posted on the Internet site.
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;

(b) 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 any 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 422(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 or facilitate identity theft to further transactions with another business entity; and

(3) the business entity has a policy in place to provide notice and provides such notice after the security breach 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 422(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 422(a)(3); and

(2) monitoring services for up to 1 year from the date of notice provided under section 422(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 $5,000 per day, while such violations persist.

(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 engaging, or is about to engage in, 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; and

(B) obtain damages, if the violation is willful or intentional.

(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 for appropriate jurisdiction, or in any other court of competent jurisdiction, to—

(A) enjoin that practice; and

(B) obtain compliance with this subtitle; and

(C) obtain damages, if the violation is willful or intentional.

(2) NOTICE.—

(i) I N 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 filing such an action is not feasible, or is impractical, to provide the notice described in such subparagraph before the filing of the action.

(ii) N otification 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); and

(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 shall—

(A) move to stay the action, pending the pending 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.

(b) 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.

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 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 409(c) relating to the definition of “security breach”;

(ii) paragraphs (1)(A), (2), and (3) of subsection (a); and

(ii) section 422, relating to notice procedures;

(2) 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

(3) 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) rules on the Internet 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, or Congress 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, $650,000 shall be made available in each fiscal year to comply with 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 numbers in a manner as to reveal such numbers to the public, or otherwise make such numbers available, on any printed or electronic 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 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;

(b) Authorization of Appropriations.—Of the amounts authorized to be appropriated to the Department of Justice for Department-wide activities, $650,000 shall be made available to carry out the provisions of this section for fiscal year 2006.

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 at the end 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) display, distribute, or sell an account number or account identifier for refusing to accept the use of the social security number of such individual as an account number or account identifier.

"(2) Exemptions.—Para- graph (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 to release an individual to any goods or services for refusing to accept the use of the social security number of such individual as an account number or account identifier.

"(3) Law Enforcement; or

"(4) a Federal, State, or local government.

"(c) Application of Civil Money Penalties.—A violation of this section shall be deemed to be a violation of section 122(f)(a).

"(d) Criminal Penalties.—A violation of this section shall be deemed to be a violation of section 208(a)(b)."

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 held or stored by the Federal Government or provided in an electronic medium by, or on behalf of, a Federal agency.

(b) Exceptions.—

(1) Truncation and Prior Displays.—Sec- tion 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 pro- vided 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 agency acting pursuant to a law enforcement or regulatory power of a domestic govern- mental unit from accessing the full social security number of any individual.

SEC. 504. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS AND PROHIBITION ON 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:

"(2) 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 that are 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:

"(h) Inmate Access; No Federal, State, or local agency may employ, or enter into a contract for the use of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals."

(2) Effective Date.—The amendment made under paragraph (1) shall apply with respect to employment of prisoners, or entry into a 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 re- quired 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;
evaluate whether such uses should be continued or discontinued by appropriate legislative action; and
(5) examine whether States are complying with the requirements 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) under the Privacy Act of 1974, 44 U.S.C. 3521 et seq.; and
(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 a Website provided 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 subsection (a), this Act, 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) State agencies, 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 who 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 $35,000 per day, with a maximum of an additional $35,000 per day, while such violations persist.
(3) EQUITABLE RELIEF.—Any person who engages in or otherwise violates a practice under 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.

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 of a contractor have been compromised by security breaches; and
(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 likelihood of the 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:
Section 354(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 “; or” and “; and”;

(3) by adding at the end the following:

“(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 data bases;

(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 data in such databases;

(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 this Act, 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 oversight board to oversee and monitor the manner in which the system is being implemented;

(E) establish sufficient operational safeguards against misuse or 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 or trade-offs within 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 in making determinations that may affect personal privacy and security, and the extent to which Federal contracts include sufficient provisions 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 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 nationwide 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 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 nationwide 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.

Mr. LEAHY. Mr. President, today we introduce the Specter-Leahy Personal Data Privacy and Security Act of 2005. These security breaches are a window into the future—a window that reveals Americans’ privacy and security protections, and assure that the implementation of such technologies relating to the use, collection, and dissemination of personally identifiable information preserve the privacy and security of such information; and

(c) 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.

These security breaches are a window on a broader, more challenging trend. Advanced technologies have improved our lives and can help make us safer. However, they have also introduced new challenges 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.

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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 assets 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 stalking purchaser of Social Security numbers 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 let people know what information the government and other key companies are collecting and using, so that we can craft rules that provide strong protections for 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 new 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 carefully 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 guidance to protect themselves, their families and their financial well-being.

Fourth, our bill provides tough new protections for Social Security numbers, which are used to block 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—bravely 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 we 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 don't act on our own...we act on behalf of 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 galvanizing right now to be rewarding firms that have been so careless with the public's confidential information. The fact that not several years' worth of 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 inspections, 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 mandatory 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 with 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 our 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.
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 place those 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 their product, and they 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, the estimated total labeling 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-284814.

What do these numbers mean in a practical way? It means that the expenditure of thousands of dollars to help provide 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):

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 wracked by 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 useintesterone—by their athletes 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 solely prescribed to treat instances 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 girls as young as 8 years of age have been administered 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 indubitable. 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 antisocial acts.

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 contest in 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 Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to require that Medicare beneficiaries who are denied health-care services 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 who have their appeals 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 enable Medicare beneficiaries to appear in person before an impartial and impartial, and in-person hearing before Administrative Law Judges.

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 credibility 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 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 that 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 proposed transfer 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 the 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 deserving of appeal hearings may be 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 add 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 that 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 Vermont Legal Aid, the Medicare Advocacy Project of Greater...
Mr. ENZI. Mr. President, I rise today along with 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.

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Mr. ENZI. Mr. President, I rise today along with many of my colleagues for this critically important initiative.
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 released a 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 and 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 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 browsed obstacles to the current medical liability reform 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—healthcare reform, 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 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 healthcare care errors and provide prompt, fair, and reasonable compensation to patients who are injured by healthcare errors;

(2) to promote patient safety through early disclosure of healthcare errors; and

(3) to establish demonstration 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. 280p 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 healthcare 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 healthcare providers or health care organizations that may be one of the models described in subsection (d); and

"(B) promote a reduction of healthcare care errors by each patient safety data registry system and evaluation of alternatives to current medical tort litigation that will be used by the Board to determine compensation under clause (i) of paragraph (3)(A) and (ii) of paragraph (3)(D).

"(2) Alternative to current tort litigation.—Each State desiring a grant under subsection (a) shall adopt 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 healthcare 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 which payment will be made.

"(A) The Secretary shall give preference to States that propose an alternative to current tort litigation that is sufficient to reduce medical liability than we have today. I know that Senators recognize this, so I hope my colleagues on both sides of the aisle will work with me and Senator BAUCUS on this legislation.

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"(A) develop an alternative to current tort litigation for resolving disputes over injuries allegedly caused by healthcare providers or health care organizations that may be one of the models described in subsection (d); and

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"(2) Alternative to current tort litigation.—Each State desiring a grant under subsection (a) shall adopt the proposed alternative described in paragraph (1)(A).

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receive fair representation on such panel:

(ii) the liability environment;

(iii) health care quality;

(III) Health care providers and health care organizations.

(IV) Physicians and other health professionals who may reasonably require to carry out its duties.

(V) The development, in consultation with such entities—

(i) the liability environment;

(ii) patient safety; and

(VI) patient and health care provider and organization satisfaction with the reforms.

(VII) ONG GRANTS.—Of the funds appropriated pursuant to subsection (k), the Secretary may use a portion not to exceed $500,000 per State to provide grants to such States for the development of demonstration project applications meeting the criteria described in subsection (c). In selecting States to receive such 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.

(VIII) DEFINITIONS.—In this section:

(i) HEALTH CARE SERVICES.—The term ‘health care services’ with respect to 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;

(b) the assessment of the health of human beings.

(ii) HEALTH CARE ORGANIZATION.—The term ‘health care organization’ means any individual or entity which is obligated to provide health care and which is required—

(A) to be licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or

(B) to be so licensed, registered, or certified but that is exempted by other statute or regulation.

(2) 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.

(C) 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).

(4) EVALUATION.—

(i) IN GENERAL.—The Secretary, in consultation with the review panel established under subsection (c), shall enter into a contract with an appropriate research organization to conduct an overall evaluation of the effectiveness of grants awarded under this section. The contract shall—

(A) evaluate the effects of grants awarded under this section; and

(B) prepare for, pay for, or administer health benefits to 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 compensation.

(2) 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. A State desiring to adopt the model described in this paragraph shall indicate how such review method meets the criteria under subsection (c)(2).

(3) 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 alleged to be 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 witness compensation 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.

(5) APPLICATION.—

(i) 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.

(ii) CONTENTS.—The application 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 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 awarded under subsection (a) 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.

(6) TECHNICAL ASSISTANCE.—

(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.—The Comptroller General shall solicit nominations from the public for individuals to serve on the review panel.

(C) 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 select from 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) After receiving an appeal, the Secretary shall furnish the requested information to the review panel.

(v) State officials.

(C) APPOINTMENT.—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 Government Accountability Office shall make available to the review panel such information, personnel, and administrative services and assistance as necessary to enable the review panel to function efficiently.

(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 such 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 paragraph at such time and in such manner as the Secretary may require.

(G) TECHNICAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall—

(A) 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;

(B) provide authority to such judges to make binding rulings on causation, compensation, standards of care, and related issues with reliance on independent expert witness compensation by the court;

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(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;

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(7) 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).

(8) EVALUATION.—

(1) IN GENERAL.—The Secretary, in consultation with the review panel established under subsection (c), shall enter into a contract with an appropriate research organization to conduct an overall evaluation of the effectiveness of grants awarded under this section to use in reporting to facilitate aggregation and analysis of data both within and between States.

(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 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 awarded under subsection (a) on—

(i) the liability environment;

(ii) health care quality;
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 it easier for patients who are harmed by medical mistakes to 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 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 establishes 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 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 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 ice damming. 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 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 also home to a number of large lakes. The largest, the Yukon, 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 primarily 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 of radioactive levels in mineralized zone creeks frequently exceeding EPA standards) are present and increasing. In areas that predominate 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 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 of these wells tapping 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 primarily from surface water sources.

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Alaska is an amazing State from a hydrological viewpoint. It is home to more than 3 million lakes—only about 10 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 also home to a number of large lakes. 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 ice damming. 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 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.

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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 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 gauging 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, the quality of drinking water in the Ketchikan Valley, 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. Grassley, 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. Lautenberg, Mr. Bieden, Mr. 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 that will protect the health of our children and pregnant women. I am especially 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 big polluters, who 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 to the Clean Air Act of 1970, as implemented by 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” or MACT, that is, the technology that is available at the time the law is enacted. 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’s threats to human health. In 2000 EPA found that the Mercury Air Toxics Standards were necessary and appropriate to reduce mercury emissions from coal- and oil-fired utility units. EPA determined that it was necessary to control mercury emissions from these units even though it was not technically feasible to do so.

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, 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 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’s threats to human health. In 2000 EPA found that the Mercury Air Toxics Standards were necessary and appropriate to reduce mercury emissions from coal- and oil-fired utility units. EPA determined that it was necessary to control mercury emissions from these units even though it was not technically feasible to do so.

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.

The Bush administration’s flawed rule completely abandons the need to improve the quality of our nation’s water, despite the need. This is not the way to move forward on this issue.

…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 know what EPA and the big polluters have been up to with this rule.

On one reason for the administration’s lack of candor clearly is the discovery that this rule is a way to make the industry’s case at the expense of the public’s health. In fact, we know that industry’s industry lobbyists. Another reason may be because the American people would find a process where the lobby is shut in an average of almost 100,000 public comments—many of which were from memorandum provided by utility industry lobbyists. Another reason may be that the American people may find a process where the lobby is 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 administrations—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 that and today public is shut out, where the scientific and economic analysis was manipulated, and where the public’s health was ignored.
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. Even our Englanders have been waiting for decades for EPA to take action so 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 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 resinds 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. VINOVICHI) 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 the 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 2, by an overwhelming majority condemned the intervention by the Governments of Israel and the United States, and the consequences of interferences and violence directed against civilians in the occupied territory of the Arab people of 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 the 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 other U.N. 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 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 Secretary General it has been a member of the organization for 56 years;

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 8 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-Israel rhetoric and anti-Israel political agendas, prompting both Israeli delegates to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations 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 2005, the United Nations World Conference Against Racism and anti-Semitism, which has never included in the resolution.

(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 correctly consider United Nations resolutions made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) requires 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 con-

(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 VINOVICHI, who are original cosponsors of this legislation.

The past several years have revealed an upsurge in anti-Semitic violence throughout the world, as 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 other U.N. 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 United Nations 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 never been included in the resolution. 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 resinds 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.
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

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 Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

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 the amendment intended to be proposed by Mr. Byrd (for Mrs. Murray (for herself, Mr. Byrd, Mrs. Feinstein, Mr. Kerry, Mr. Akaka, and Mr. Duren) 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; which was ordered to lie on the table.

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; which is ordered to lie on the table; as follows:

SEC. 5. SENSE OF THE SENATE REGARDING BORDER SECURITY
(a) Findings.—Congress finds the following:
(1) The illegal alien population has risen from 3,000,000 in 1986 to 1,200,000 in 2005.
(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’’.

On page 200, after line 2, add the following:
SEC. . (a) The Administrator of the Environmental Protection Agency shall conduct thorough investigations of third-party intention 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 after 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 intention 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:

SEC. 5. SENSE OF THE SENATE REGARDING BORDER SECURITY
(a) Findings.—Congress finds the following:
(1) The illegal alien population has risen from 3,000,000 in 1986 to 1,200,000 in 2005.
(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’’.
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 "$190,000,000." On page 85, line 17, strike "$2,000,000,000" and insert "$2,990,000,000." 

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 "$250,000,000." 

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, Oklahoma, District Office of Investigation, and later released by the former Immigration and Naturalization Service. (2) On August 13, 2002, an immigration task force meeting was held 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 field 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 people. (7) Interstate Highways I-44 and I-75 run through Tulsa, Oklahoma, and thousands of 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.

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.
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 9:30 a.m. in SD-450.

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 408 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. 949 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 elderly, and persons born after Dec. 18, 1971, and for other purposes.

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 hydropower 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 elderly, and persons born after Dec. 18, 1971, and for other purposes.

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 Ugobe 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. LYNCH, Mr. RENI, Mrs. FRISTENSTEIN, Mr. MIKULSKI, and Mr. KOHL to confer 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
June 29, 2005

CONGRESSIONAL RECORD — SENATE

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. ROSENBERGER, 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. RAYNTE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MAIIO P. FIORI, REIGNED.

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 P. PROPELLE.

DEPARTMENT OF THE TREASURY
PATRICK M. O’REILLY, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY. (NEW POSITION)
ROBERT M. KIMMETT, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE SAMUEL W. BOOYAN, REIGNED.

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. BEEH, REIGNED.
KRISTEN SILVERBERG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE KIM R HOLMS, REIGNED.
OVERSEAS PRIVATE INVESTMENT CORPORATION
ROBERT A. MOSCHBERGER, 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 HEALTH AND HUMAN SERVICES
JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

NATIONAL LABOR RELATIONS BOARD
RONALD E. MEISHURG, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE ARTHUR F. ROSENFELD, TRIM EXPIRED.

DEPARTMENT OF EDUCATION
TEHRIL, HAJJALI, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE KAREN JOHNSON, REIGNED.

NATIONAL LABOR RELATIONS BOARD
PETER SCHUMACHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, EXPIRING AUGUST 27, 2009. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
JOSEPH O. AGUNSOBE, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE EHR SLATER, REIGNED.

IN THE AIR FORCE
THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. GARY L. NORTH, 0000

IN THE ARMY
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 major general
BRIG. GEN. ERIC R. SCHROEDER, 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 H. AXLEY, 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


To be major general
BRIG. GEN. PAULETTE M. RISHER, 0000


To be major general
BRIG. GEN. MICHAEL H. SUMMALL, 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

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.
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 S7550–51

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,
Connecticut, as the “Linda White-Epps Post Office”, and the bill was then passed, clearing the measure for the President.  

**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.  

**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.  

**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.  

**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.  

**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.  

**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 Building”, and the bill was then passed, clearing the measure for the President.

**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.  

**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.  

**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:  

- 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.  
  
- 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.  
  - 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. 

- 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.  

- 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.
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.

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.

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.

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, Senate rejected 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 that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation was sustained, and the amendment thus fell.

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.

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.

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.

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)

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.

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.

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.

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).

Speaker: Read a letter from the Speaker wherein he appointed Representative Latham to act as speaker pro tempore for today.

Chaplain: The prayer was offered today by Rev. Michael O. Canady, Director, Missions and Ministries Division, Louisiana Baptist Convention in Alexandria, Louisiana.

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.

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 restrictions 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:
Pages H5372–76

Pages H5376–H5433 (continued next issue)

Agreed to:
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;  
Knollenberg amendment that increases funding for Operations of the FAA;  
Gary Miller of California amendment (No. 9 printed in the Congressional Record of June 28) that increases funding for the Community Development Fund;  
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);  
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);  
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);  
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);  
Nadler amendment that increases funding for the Housing Opportunities for Persons with AIDS;  
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;  
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  
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).  

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);  
Waters amendment that sought to increase funding for the Community Development Fund;  
King of Iowa amendment that sought to reduce funding for salaries and expenses for the U.S. Su-
June 29, 2005

CONGRESSIONAL RECORD—DAILY DIGEST

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;

The phrase “not withstanding any other provision of law” on page 34 line 4, regarding the Highway Trust Fund;

Section 151 regarding Administrative Provisions for the Federal Transit Administration;

Section 218 under Administrative Provisions in the Department of the Treasury, regarding the submission of a report to the Committees on Appropriations;

Section 808 regarding the Buy America Act.

H. Res. 342, the rule providing for consideration of the bill was agreed to yesterday, June 28.

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).

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.

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 Business 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


MISCELLANEOUS MEASURES


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. Harrigan, 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**


**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**


**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 Environmental 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 Kjorven, 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 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

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. 159, to increase and enhance law enforcement resources committed to investigating 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 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 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


(House proceedings for today will be continued in the next issue of the Record.)