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

**DESIGNATION OF THE SPEAKER PRO TEMPORE**

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

WASHINGTON, DC,
July 12, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

**PRAYER**

The Reverend Dr. Arnold B. Lovell, Senior Pastor, Second Presbyterian Church, Knoxville, TN, offered the following prayer:

Eternal Father, strong to save; throughout the centuries You have guided the hands, hearts, and lives of the founders, leaders, and citizens of this Nation. We invoke Your presence and power today for those upon whom the mantle of leadership has fallen. As the Members of Congress gather this day, give them courage, clarity of vision, and compassionate hearts, that in their frailty as human beings they might carry out the enormous task of service to which they have been called.

May the decisions made in the deliberations of this day be governed by the principles of participation, affirming the values of this day.

Before the House, the Reverend Dr. Arnold B. Lovell, pastor of the Second Presbyterian Church in Knoxville.

The Second Presbyterian is one of Knoxville’s leading churches with approximately 1,000 members. Arnold has led that church as a senior pastor since 1997. Prior to that, he served for 10 years on the faculty of Union Theological Seminary in Richmond, VA, as a professor of evangelism. He still teaches there in summer programs.

Before he was pastor of the first Presbyterian Church in South Charleston, WV. Dr. Lovell has two doctorates and is a leader in denominational activities of the General Assembly of the Presbyterian Church in the United States.

Before going into the ministry, he was a coach of girls’ basketball and other sports at West Davidson High School in North Carolina. He is a chaplain for the Knoxville Quarterback Club and an avid fan of NASCAR and U.T. football. He and his wife Emily have two daughters, Carolyn and Catherine, and the Lovell women are here today in the gallery.

Arnold Lovell is a patriotic American, a leader in both Tennessee and the Nation, and I am fortunate to have him as a friend and as guest chaplain in the United States House of Representatives today.

**WELCOMING THE REVEREND DR. ARNOLD B. LOVELL**

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

Mr. DUNCAN. Mr. Speaker, our guest chaplain today is my friend, Dr. Arnold Lovell, pastor of the Second Presbyterian Church in Knoxville.

The Second Presbyterian is one of Knoxville’s leading churches with approximately 1,000 members. Arnold has led that church as a senior pastor since 1997. Prior to that, he served for 10 years on the faculty of Union Theological Seminary in Richmond, VA, as a professor of evangelism. He still teaches there in summer programs.

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Arnold Lovell is a patriotic American, a leader in both Tennessee and the Nation, and I am fortunate to have him as a friend and as guest chaplain in the United States House of Representatives today.

**THE JOURNAL**

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

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

**PLEDGE OF ALLEGIANCE**

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

Mr. EDWARDS 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.

**THE RETURN OF "DISCOVERY"**

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

Mr. DELAY. Mr. Speaker, 2 years ago on a Saturday morning, the vessel and crew of space shuttle mission STS–107 were lost in the high skies over Texas.

That same day, even in mourning, America made a promise to the memory of the Columbia Seven that our journey in space will continue, that their legacy of discovery would survive them.

This afternoon at 3:51 on the east coast, the space shuttle Discovery, carrying as it will two women, five men, and the ancient hopes of an entire planet, will keep that promise by rocketing out of our atmosphere and into history.

Commander Eileen Collins and her crew, James Kelly, Andrew Thomas, Wendy Lawrence, Charles Camarda, Stephen Robinson, and Soichi Noguchi will pilot the safest, most sophisticated, and reliable spacecraft ever built back into low earth orbit to begin NASA’s historic work realizing President Bush’s bold new vision for space exploration.

That mission will command the physical and intellectual energies of some of America’s brightest and bravest for years to come. The men and women of America...
As Democrats, we have repeatedly demanded full funding for our veterans' needs. It is our duty to fully fund the Veterans Administration and do it right the first time, not after three or four attempts.

WELCOMING ELIZABETH ALEXANDER

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

Mr. POE. Mr. Speaker, birth is a happy event for all peoples. We rejoice because we hope that child will make the world better. Every time a child is born, the Good Lord is making a bet on the future of mankind. We do not pick our parents, and we do not get to pick the country of our birth. And we who are born in the U.S.A. are the most fortunate of all people in the history of the world.

Last night in Waco, Texas, about the time the sun was going down, 8:29 p.m., Elizabeth Lennea Alexander was born, 7 pounds 3 ounces, July 12, 2005. The world she has been born into is full of wonder and the not so good.

So Elizabeth, as your grandfather, I welcome you to the U.S.A. Make it a better place, a place of more freedom.

URGING CANDOR ON IRAQ

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, you cannot solve a problem if you do not acknowledge that you have a problem. In that light, I appreciate and applaud the comments of outgoing Under Secretary of Defense Doug Feith made to the Washington Post concerning the costly mistakes made in Iraq.

During a recent interview, Mr. Feith said, "It is an extremely complex judgment to know whether the course that we chose was pros and cons was more sensible."

Further, he noted the transfer of power to Iraqis did not happen fast enough and that we were not able to train the Iraqis.

Mr. Feith's comments stand in contrast to the President's inability and unwillingness to acknowledge any errors made in the Iraq war effort.

The administration did a great job planning for a quick victory on the battlefield and for occupation, yet things turned out as planned. Some of today's challenges are a direct result of those mistakes made by the administration.

VALERIE PLAME'S IDENTITY

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, when news broke early this week that Karl Rove was involved in the outing of CIA agent Valerie Plame, it was clear that either Karl Rove had been withholding information from the grand jury or that the White House knew of his involvement and falsely allowed the public to believe he had no role in the scandal.

This Congress should be outraged by Mr. Rove's involvement and should be demanding answers from both him and the White House. I would like to know, when exactly, if ever, President Bush was told of Mr. Rove's involvement. If the President did indeed know, that means that the White House is in it too. That White House should be investigated by this House.

Mr. Rove's actions are a major abuse of power. Valerie Plame was a covert intelligence and oversight and spoke before the Congress. The exploration of the unknown is incomplete, the moon is still years away, and Mars is still a red speck in the night sky, but today's launch is a step toward our destiny.

And like all steps into the unknown, the voyage of Discovery, T-minus 5 hours and 40 minutes, will prove the next giant leap in "the most hazardous and dangerous and greatest adventure on which man has ever embarked."

VETERAN FUNDING SHORTFALL

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

Mr. SALAZAR. Mr. Speaker, as a veteran, I have made a pledge to serve my country, and because of my desire to defend the ideals of democracy that I still cherish.

As part of our commitment, the Army promised all veterans a variety of benefits. In the past several years, I have seen some of those promises turn from honored commitments to veterans and their families to empty words that seem to be worth nothing more than the paper they are written on.

Mr. Speaker, 2 weeks ago, we were informed the Veterans Administration would fall short by more than a billion dollars of what is needed to provide critical services to veterans. I was angered and dismayed at this gross negligence and oversight and spoke before this very House in strong support of the emergency spending bill passed 2 weeks ago.

We will soon be seeing another request from the President to complete the needed funding for the health care of our Nation's veterans. I will support this measure too because I support our veterans, but it is absurd and it is a crying shame that the health of veterans boils down to bitter partisan fights.

NASA, some of my constituents and some of my heroes, who devote their lives to doing the impossible for our Nation and our world, will spend the next decade and more on a technological and visionary quest: To send and rendez the shuttle fleet into space to complete the International Space Station; to examine with unprecedented vigor and precision in the galaxy's preeminent laboratory the long-term exposure of the human body to microgravity and radiation; to design and construct the next generation of American spacecraft; to return to the moon; and to plot and endeavor a manned mission to Mars.

The exploration of the unknown is one of the innate motivating forces of our species. That universal and ancient yearning will be satisfied today by NASA's heroic "corps of discovery" in a mission not to conquer space, but to conquer human ignorance.

The darkness will be lighted, and this afternoon seven heroes will carry the torch of human discovery into the void.

Our future in space is still unknown and unknowable: The station remains incomplete, the moon is still years away, and Mars is still a red speck in the night sky, but today's launch is a step toward our destiny.

And like all steps into the unknown, the voyage of Discovery, T-minus 5 hours and 40 minutes, will prove the next giant leap in "the most hazardous and dangerous and greatest adventure on which man has ever embarked."

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Mr. Feith's comments stand in contrast to the President's inability and unwillingness to acknowledge any errors made in the Iraq war effort.

The administration did a great job planning for a quick victory on the battlefield and for occupation, yet things turned out as planned. Some of today's challenges are a direct result of those mistakes made by the administration.

After 1,800 American lives, more than 10,000 wounded American GIs and $340 billion with no end in sight, now is the time to level with the American people. If we are going to be successful, we must work together, and to work together you must be frank and honest.

Mr. Feith, thank you for your recent candor. Mr. President, we can do it. We are here to help, but it starts with truth and candor.

UTILIZING THE MISSISSIPPI RIVER

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, how do you haul corn, soybeans, fertilizer, petroleum products, coal and rock from Chicago, Illinois, to the port of New Orleans, or from the port of New Orleans to Chicago, Illinois, without taking 870 tractor-trailer trucks over our highway system? That is 870 trucks that burn diesel fuel, 870 trucks that clog our interstate highway system, 870 trucks that made some of our roads less safe.

Mr. Speaker, you do it by the river, by the Mississippi River system. That is one of the best ways in which we can be an environmental steward, by getting all of these trucks off the road. That is one of the best ways that we can invest in our highway and transportation system. That is one of the best ways that we can get a better return on investments and lower price fuels is by doing that.

The Water Resources Development Act, which we will take up on the floor this afternoon and tomorrow, is the best way to be a good environmental steward, energy security, and promote the well-being of all Americans. I ask Members support for passage.

Elizabeth Lenna Alexander was born, 7 pounds 3 ounces, July 12, 2005. The Good Lord is making a bet on the world she has been born into is full of wonder and the not so good.

Mr. Savior, as your grandfather, I welcome you to the U.S.A. Make it a better place, a place of more freedom.
CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters, they were not only jeopardizing Plame’s life, but also the lives of other covert agents she has been in contact with.

Mr. Speaker, House Republicans should be concerned about whether or not this White House has been spreading this information. The only way we can get answers is by conducting a congressional investigation. It is time that this Congress do its job.

SPACE SHUTTLE LAUNCH

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

Mr. PRICE of Georgia. Mr. Speaker, 2 years ago, the Nation mourned the space shuttle Columbia tragedy. President Bush declared, “This cause of exploration and discovery is not an option we choose, it is a desire written in the human heart.”

Today, seven more astronauts will take hold of that desire and follow their heart into space. This return to flight marks a new era of space travel with unparalleled safety measures. As the crew tests new safety techniques and delivers much-needed supplies to the International Space Station, we will watch as this flight will happen with excitement and pride, and we will remember. We will remember and honor the lost crew of the space shuttle Columbia.

The Columbia crewmembers valiantly gave their lives pursuing knowledge in our name for space exploration and today, we continue our quest to get our shuttle program back.

Mr. Speaker, thanks to those who worked so hard to get that shuttle program back. To today’s crewmembers Eileen Collins, James Kelly, Charles Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas, may they be safe and may their mission be successful. We thank them for their dedication, their determination, and their courage. Godspeed.

SOCIAL SECURITY PRIVATIZATION

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

Mr. KUCINICH. Mr. Speaker, early this year the President said, “There’s no Social Security trust.” Lately, some White House supporters in this Congress say they want to establish private accounts with money from the same trust fund which the President says does not exist. That way, when favored Wall Street interests take the money from the administration’s private accounts and invest it in stock speculation, they can turn around and tell the American people, “Hey, the money was never there to begin with.” There is a line in the Bible which says, “That which is crooked cannot be made straight.” Think about that line when you think about Social Security privatization.

AMERICA’S FLOURISHING ECONOMY

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

Mr. WILSON of South Carolina. Mr. Speaker. Fridays are turning out to be greater for American workers for more than one reason. Last Friday, the Department of Labor announced that over 146,000 new jobs were created for American workers in June. Over the last 25 consecutive months, 3.7 million Americans have gone to work due to President Bush’s tax cuts. Additionally, the national unemployment rate has dropped over the past year to 5 percent, which represents the fastest decline in nearly a decade. More Americans are working than ever before in our Nation’s history and our tax receipts continue to rise as the Federal deficit continues to steadily decline. The Congressional Budget Office now predicts that our deficit may fall to under $325 billion. Friday’s job reports continue to bring positive news for American families and prove that President Bush’s tax cuts are moving the economy forward.

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

VETERANS HEALTH CARE FUNDING

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

Mr. EVANS. Mr. Speaker, 2 weeks ago the administration told Congress that the VA health care system did not need any more money. Then, feeling the heat, they said they needed an additional $975 million. Just yesterday, the Bush administration conceded that it had made another mistake. Now they say they need another $300 million. It is clear that either the administration cannot get it right or does not want to get it right. The nearly $1.3 billion that the administration now admits is necessary this year is the amount Democrats have been working hard for this last year. The Republican leadership has consistently fought adequate increases in the VA health care budget. Now, more than 50,000 veterans are coming to health care appointments and being denied care. It is time to stop nickel-and-diming veterans health care and give the veterans of this country what they need and deserve.

VA FUNDING SHORTFALL

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

POSITIVE ECONOMIC NEWS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)
Mrs. BLACKBURN. Mr. Speaker, there is great economic news for American workers. The reason this economy is growing is because of small business. That is why we are celebrating Small Business Week. We found out from the Bureau of Labor Statistics last week, 25 months of consecutive economic growth, 146,000 jobs in June. We have unemployment at near historic lows. We are going to see the deficit $100 billion less than projected. The reason that is happening, the reason we have steady economic growth, is because the tax reductions are working. The tax reductions are working, and we are seeing higher Federal revenues.

We are going to continue with this. It shows that the agenda laid forth by the majority leadership has worked for all Americans, and we are going to continue to work to reduce Federal regulations like the bills we did in dealing with OSHA to make the environment more friendly for small business to do what they do best, create those jobs. We look forward to continuing to create the environment for a great competitive American workplace.

WHITE HOUSE STONEWALLING ON ROVE

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

Ms. SCHAKOWSKY. Mr. Speaker, it has now been 2 days since we discovered Karl Rove told a Time magazine reporter that Ambassador Joe Wilson’s wife was a CIA agent, and what is the response from the White House? Silence.

White House press secretary Scott McClellan has refused to take questions from reporters for the last 2 days on Karl Rove, citing an ongoing Federal investigation. However, McClellan had no trouble spreading erroneous information about Rove’s supposed innocence.

On October 1, 2003, McClellan was asked about Rove’s involvement; and after first stating that there was an ongoing investigation taking place, McClellan continued by stating, “It’s simply not true that he was involved in leaking classified information.”

Nine days later in reference to another question about Rove, McClellan began by reminding reporters of an ongoing investigation, but then continued by stating that Rove had assured him he was not involved. It now turns out that everything the White House was saying was false. Mr. Speaker, the ongoing investigation is not what is keeping the Bush White House from commenting. They are stonewalling because they cannot explain these falsehoods away. It is time for the stonewalling to end.

THE ECONOMY

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

Mr. CHOCOLA. As we have heard, Mr. Speaker, last week our country did receive more good economic news. The jobless rate fell to 5 percent in June, the lowest rate since September of 2001. Economic growth has continued to average 4 percent. The deficit is down by over $100 billion to its lowest point in 3 years. And tax receipts have skyrocketed this year.

That news should send a clear signal to Members of this body, it is time to give the tax cuts of 2003 the credit that they deserve. Time and again we have learned that the best way to achieve growth and create jobs is for hard-working people to keep more of their own money in their own pockets.

Mr. Speaker, I urge my colleagues to help sustain this growth and help eliminate the deficit by controlling spending and making the 2003 tax cuts permanent.

VA BUDGET SHORTFALL

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

Ms. BERKLEY. Mr. Speaker, once again the administration is forced to admit that it failed to acknowledge the full extent of the VA’s budget shortfall. In June, the administration submitted a request for $975 million to keep the VA ship afloat. This number was a joke. Democrats, myself included, protested that at least $1.3 billion would be required to meet the VA’s obligation to our Nation’s veterans.

Former VA Secretary Anthony Principi, then Chairman Chris Smith and Ranking Member EVANS, the Independent Budget, the American Legion, and countless veterans wrote Members of Congress and warned us that the VA could not operate with the budget request submitted by the administration. As usual, the administration stubbornly clung to its ridiculously low figure. Once again, the administration was wrong.

Now that the administration acknowledges its billion-dollar shortfall, let us make sure our veterans are provided for and that no veteran in this country goes without the best health care we can provide to these great Americans.

NEED TO MONITOR FEMA

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

Ms. GINNY BROWN-WAITE. Mr. Speaker, I rise today to express my condolences to Floridians in the wake of Hurricane Dennis. Hurricane Dennis blasted into Florida as a category 3 storm and is estimated to have caused about $1 billion worth of damage and the loss of seven lives. I share my Floridians’ anguish over their losses. This hurricane unfortunately is just the first of many that will assail Florida’s coasts.

Last year, FEMA bungled cleanup efforts in the aftermath of four terror-fying hurricanes by refusing to pay for debris removal on private roads, slow reimbursement, and exorbitant over-payments in the Miami-Dade area. I hope FEMA will respond quickly to this latest hurricane so that the 2004 debacle is not repeated.

ROVE NEEDS TO BE STRAIGHT-FORWARD ABOUT HIS INVOLVEMENT IN VALERIE PLAME SCANDAL

(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, Karl Rove needs to stop hiding behind his attorney and be straightforward with the American people about his involvement in the Valerie Plame scandal. Whether or not Karl Rove is the only administration official who leaked information to reporters remains to be seen. What is clear today is that Karl Rove has not been up-front with the American people. He has consistently denied any involvement in the case despite the revelation on Monday through his attorney that he did indeed tell a Time magazine reporter that Joseph Wilson’s wife was a CIA agent. This is a serious breach of trust on Karl Rove’s part. Truth and trust are demanded when this happens.

Larry Johnson, a former CIA operative who worked with Plame, explained how serious Rove’s actions were, and I am quoting: “The fact that she’s been undercover for 3 decades and has been divulged is outrageous because she was put undercover for certain reasons. One, she works in an area where people she meets with overseas could be compromised.” He needs to step down.

LONDON BOMBING

(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 offer my deepest condolences to our friends in London who suffered a heinous attack of terrorism last week when several bombs tore through their transit system. Events like the London bombing remind us how absolutely important it is to stand firm against terrorism wherever it rears its hideous head. We must never let down our guard.

Next week, the House is slated to take up legislation to reauthorize 16 provisions in the PATRIOT Act. Those in Congress acted quickly in the wake of September 11 to get this strong legislation passed to help safeguard our Nation from the agony of another terrorist attack.

So far, we have been successful. The PATRIOT Act has helped our intelligence and law enforcement officials...
prevent another attack from occurring on American soil. But last week’s London bombings remind us that we are still in the middle of a fierce battle. Our safety depends on our intelligence and law enforcement officials having the tools they need to track terrorists and to prevent terrorism, at home and abroad. Indeed, this is not the time to let down our guard.

SUPPORT THE FLAKE-BLUMENAUER AMENDMENT TO ENSURE THAT THE UPPER MISSISSIPPI RIVER LOCK AND DAM EXPANSION IS JUSTIFIED

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

MR. BLUMENAUER. Mr. Speaker, we heard earlier today that there is a need to have a massive investment in the lock system in the Mississippi River to avoid having product move up and down in trucks. That is not the issue. The fact we are facing now is that more and more of the grain and other agricultural product are being shipped by truck and rail because it needs to get to locations not served by the Mississippi River system. This has been shown by the Congressional Research Service and the National Academy of Science.

The bill that is coming before us for a vote next week would be the Nation’s most expensive waterway project and would siphon off 10 to 15 percent of all core construction funding for years, perhaps decades, to come, for an area where the barge traffic is actually going down.

I strongly urge my colleagues to support the amendment that the gentleman from Arizona (Mr. FLAKE) and I are offering that would allow the project to go forward only if the minimum standards that make it economically viable are, in fact, met over the next 3 years.

TAXES AND BUDGET

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

MR. McHENRY. Mr. Speaker, since President Bush took office in January 2001, America has seen a recession that began before the administration was really up and running, the worst terror attacks in the history of the world, scandals that rocked the Fortune 500 companies and our financial markets, a war in Afghanistan, a war in Iraq, and the highest energy prices in recent memory.

We have faced enormous economic challenges that we have deconstructed the United States; but, instead, we have seen 4 years of economic growth, the best housing market in American history, all more evidence that tax relief benefits the economy. And getting the government off the backs of the taxpayers actually helps our economic engine.

The 2001 tax cuts and the 2003 cuts on capital gains and dividends have been the linchpin to our economic rebound. Federal tax receipts are up this year. State tax receipts are up this year. The economy is turning around, and we have reduced the deficit by $100 billion this year alone, all the work of tax relief and tight budgets, what we as Republicans believe, what we are fighting for, and they work.

TRUTH, TRUST, AND ACCOUNTABILITY

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

MR. MORAN of Virginia. Mr. Speaker, truth, trust, and accountability should be the defining characteristics of the American Presidency.

President Bush’s press secretary, in October of 2003, Scott McClellan, told the White House press corps and, through them, the world at large, that Karl Rove and two other high-level administration officials had assured him that they were not involved in outing CIA covert agent Valeria Plame.

Now we find that Karl Rove has sat back in timid silence while he has watched two reporters go through the costly, torturous experience of legal prosecution, all to protect his identity.

Mr. Speaker, the 41st President of the United States, George Bush, for whom the CIA headquarters is named, said that what Karl Rove did was an act of treason. Mr. Speaker, it is time to hear from the President of the United States.

STOPPING THE SPREAD OF TERROR

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

MS. FOXX. Mr. Speaker, I rise today in support of the pledge made by Prime Minister Tony Blair. He said that we must "defeat terror and emerge from this horror with our values, our way of life, our tolerance and respect for others undiminished." I support that pledge.

The attacks on London show that the war on terror is not over, nor is it confined to a specific geographical domain. Securing our homeland is only one facet of the war. Spreading democracy in the savage lands where terrorism is allowed to propagate is another.

In the face of terrorism, a united front is one of the strongest weapons. A terrorist network that believes a nation so tested will fold under pressure of a few horrifying acts may capture its attention, but will not achieve its submission. The terrorists who attacked Great Britain have underestimated the resolve of an alliance that shares the ideals of freedom and democracy.

Those of us who thought the threat of terrorism receded with time now look no further than the horror visited on our closest allies. Complacency only allows the/ waves of terror crashing from a Western world on to one.

None of us in either country should be content to live under this constant threat. We must instead insure ourselves against such terror by allowing democracy to spread and flourish.

VETERANS HEALTH CARE

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

MR. DeFAZIO. Mr. Speaker, talk is cheap, but health care is very expensive; and for the last 5 years, the Bush administration has offered our veterans empty rhetoric while denying them access to needed health care.

As veterans groups and Democrats fought to increase the veterans budget for the last 3 years, the Republican majority and the White House have been in deep denial. But I get weekly reports and I get you do too, from my veterans rep who tells me that people’s treatment has been delayed, denied, people who cannot even get in the door for 6 months.

Now, 2 weeks ago, the administration admitted, well, I guess we need another $1 billion for health care for veterans this year. Today they said it is $3 billion more; but they say, oh, you know, we just could not have known, we could not have anticipated there would be veterans coming home from Iraq or Afghanistan who are wounded and injured and need services. They did not know there was a war going on. And they also said they could not anticipate the aging of the World War II and Korean veterans. They did not build that into the budget. They just did not know.

But they had a chairman on that side for a couple of years who told us he did know. He told us we needed more money, and they fired him from that job. At least a few Republicans are standing up for what is right.

TIME FOR KARL ROVE TO COME CLEAN

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

MR. PALLONE. Mr. Speaker, I guess the Republican leadership is now condoning Karl Rove's behavior, but that is not what I was thinking when I voted for the previous President Bush said about this.

On September 30, 2003, and I am quoting President Bush, “If there is a leak out of my administration, I want to know who it is, and if the person violated the law, the person will be taken care of.”

Well, that was nice talk then, but now it appears that it was all talk. The
Republican leadership has no problem condoning Karl Rove’s behavior and his leak. On Monday we learned that Karl Rove leaked Valeria Plame’s identity, an act that Bush’s father called treasonous. Rove’s actions were an outrageous abuse of power, but the longer President Bush allows him to remain on the job, the more it looks like the President is condoning activity that his own father called treasonous. It is amazing to me that the Republican leadership is now willing to come to the floor and say that that is okay. It is outrageous.

Listen to what the previous President Bush said: “Don’t let this stone-wall continue on the part of the White House.” It is time that Karl Rove come clean. It is time that the President force him to resign.

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

Mr. HENSARLING. Mr. Speaker, thanks to President Bush’s economic growth plan passed by Republicans in Congress, I am very pleased to relay even more good news about America’s expanding economy, growing jobs gains, and shrinking Federal deficit.

First, our economy grew at 3.8 percent in the first quarter. This is the 14th consecutive quarter of growth and one of the strongest growth performances in years. Secondly, a recent Congressional Budget Office report shows yet another decline in the Federal deficit due to this economic growth. The deficit is down about $100 billion. More good news. The unemployment rate has now declined to 5 percent, the lowest level since that tragic day on 9/11.

Over the last 2 years, more than 3.7 million new jobs for the future have been created in America. These encouraging reports show once again that the tax relief for families and small businesses which President Bush and the Republican Congress passed is paying dividends: more jobs, higher incomes, and a lower deficit.

THE BUSH LEGACY: LARGEST NATIONAL DEBT IN HISTORY
(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, today the administration is telling us that the Federal budget deficit for this year will not be as large as they were predicting it would be back in January. Some are taking this as evidence of some type of supply-side miracle, but nothing could be further from the truth.

As analysts at Goldman Sachs have pointed out today, this year’s large increase in tax receipts stem from temporary factors that are unlikely to be repeated, and some short-term improvement does not change the big picture.

The Bush administration has given us a record: the largest national debt in history, over $7 trillion; and they have raised the ceiling, the debt ceiling three times. This breaks down to each citizen’s share being over $26,000. And they still have a record trade deficit, another record: the largest in history.

The administration may have another excuse to ignore the long-term structural budget problems of this Nation, but the American people deserve to know the truth: $7 trillion, a debt that our children will have to pay.

TIME FOR THE WHITE HOUSE TO CLEAN UP ITS HOUSE
(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, raising questions about national security is not partisanship; it is patriotism.

Now that we know that Karl Rove, the Deputy Chief of Staff at the White House outed a CIA agent, Republicans have begun to try to forgive the unforgivable, to explain the unexplainable. And to suggest that Karl Rove was simply trying to set a news story straight as a reason for outing a CIA agent is unacceptable.

CIA agents operate in secret so they can protect America from its enemies, from terrorism here at home. When their identity is revealed, not only are they put at risk, but America is also put at risk.

Whether Karl Rove violated the law or not is a question for the special prosecutor; but the White House said they had a higher standard, and it is the standard that should be enforced with Mr. Rove.

Former CIA agents have said that if this is not treachery, it might very well be treasonous. Either way, it is time for the White House to clean up its house.

FUNDING FOR VETERANS
(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the cornerstone at the Department of Veterans Affairs from the time of Abraham Lincoln has read: “To care for them who shall have borne the battle, their widows, and their orphans.” Why can this administration not keep that promise?

Veterans who have served our country and are now coming home, and the World War II, Korean, Vietnam and Persian Gulf War vets who are aging, are lined up, over 50,000 currently waiting to get into the system. Our doctors and nurses are stretched.

We know we need $1 billion additional funds for veterans health care. We seem to be able to find money for everything else in the world, but the administration cannot get it right, or does not want to get it right on veterans care. A couple of weeks ago they said they did not need any more money. Then, yesterday, they said, oh, wait, maybe we need $300 million, when they own chairman that they took off the committee 2 years ago, robbing him of his distinguished career here in public service to veterans, told us we needed $1 billion, and they ripped him out of the committee.

That is really wrong. It is not meeting our commitments to those on whom our freedom rests. And do my colleagues know what? It is having a major impact on our ability to recruit Guard, Reserve and Army, because they do not believe that this country will keep the promise that we have had enshrined since Lincoln . . . to care for those who have borne the battle.

VETERANS HEALTH CARE SHORTFALL
(Ms. HERSETH asked and was given permission to address the House for 1 minute.)

Ms. HERSETH. Mr. Speaker, I rise today to express my concern shared by many of my colleagues this morning regarding the veterans affairs health care budget shortfall.

I am afraid this shortfall is further evidence that the misgivings many Members of Congress, veterans, and veterans service organizations have had about the VA health care budget have been justified.

The bottom line, in recent years veterans health care has not been given sufficient consideration when it comes time to write the budget. Providing the benefits earned by veterans, yesterday’s heroes and today’s, is part of the Federal Government’s responsibility to provide for the common defense, a responsibility that should direct our funding priorities.

The necessity to reprogram $1.27 billion to the medical services account for fiscal year 2005 and possibly up to $1.7 billion, not factoring in $600 million for enrollment fees and increased co-payments that will not be accepted by Congress, over the President’s request for fiscal year 2006 is an obvious signal that VA health care is not suitably funded to meet the needs of our veterans.

However, this is not the first indication that the problem existed. It is not a problem that has crept into the system in the last few months. It is a problem that has existed for many years. I am pleased that we are now working to solve the shortfalls of fiscal year 2005 and 2006 and that we are ensuring effective methodologies that can produce reliable projections regarding adequate levels of funding in the future.

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

Mr. FARR. Mr. Speaker, the President asked this Nation to fly the flag for our troops over the Fourth of July holiday. But while the Nation supports the men and women serving in harm’s way, the President is shortchanging the soldiers who are now serving and will be veterans in the future.

Mr. Speaker, I serve on the appropriations subcommittee most ably led by the ranking member, the gentleman from Texas (Mr. EDWARDS), who has led the battle of pointing out the underfunding of the Veterans Administration for health care. We now see it is a fact.

Both the Republican leadership in the House and the Senate made a quick fix. The Democrats have said this fix is not enough, claiming that we will have a greater shortfall as the veteran soldiers from Iraq come home.

If you truly want to honor those serving, you have to pledge to honor them in the future. Fully funding veterans health care is the most patriotic duty every American owes the brave men and women in uniform serving in harm’s way, the President is shortchanging the soldiers who are now serving and will be veterans in the future.

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(5) in subparagraph (E), by striking "$241" and inserting "$247"; and 
(6) in subparagraph (F), by striking "$202" and inserting "$207".

(c) shall be ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1302 of such title is amended by striking "$600" and inserting "$616".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking "$967" and inserting "$993"; and 
(B) in paragraph (2), by striking "$308" and inserting "$336".

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

Pay grade | Monthly rate
--- | ---
E-1 | $935
E-2 | $953
E-3 | $975
E-4 | $1,005
E-5 | $1,039
E-6 | $1,083
E-7 | $1,127
E-8 | $1,161
E-9 | $1,204
W-1 | $1,131
W-2 | $1,165
W-3 | $1,209
W-4 | $1,252
O-1 | $1,277
O-2 | $1,311
O-3 | $1,345
O-4 | $1,380
O-5 | $1,414
O-6 | $1,449
O-7 | $1,484
O-8 | $1,518
O-9 | $1,553
O-10 | $1,588

If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,221.

If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,272.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABLED CHILDREN.—Section 1311(a) of such title is amended—

(A) in subsection (b), by striking "$241" and inserting "$247";

(B) in subsection (c), by striking "$241" and inserting "$247"; and 

(C) in subsection (d), by striking "$115" and inserting "$118".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking "$410" and inserting "$421";

(B) in paragraph (2), by striking "$590" and inserting "$605";

(C) in paragraph (3), by striking "$767" and inserting "$787"; and 

(D) in paragraph (4), by striking "$767" and "$850" and inserting "$787" and "$811", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking "$231" and inserting "$237";

(B) in subsection (b), by striking "$410" and inserting "$421"; and 

(C) in subsection (c), by striking "$205" and inserting "$220".

SEC. 5. DEMONSTRATION PROJECT TO IMPROVE BUSINESS PRACTICES OF VETERANS HEALTH ADMINISTRATION.

(a) Demonstration Project Required.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a demonstration project under this section for the improvement of business practices of the Veterans Health Administration.

(2) PERFORMANCE-BASED CONTRACT.—To carry out the demonstration project, the Secretary shall enter into a performance-based contract for a contractor to carry out the functions specified in subsection (e).

(3) COST LIMITATION.—The total amount paid to the contractor under the contract may not exceed $10,000,000.

(b) COMMENCEMENT AND DURATION OF PROJECT.—The demonstration project shall be commenced on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

(c) SITE OF PROJECT.—The Secretary shall conduct the demonstration project at two facilities, at least one of which shall be a medical center, of the Veterans Health Administration within the same service area (referred to as a Veterans Integrated Service Network) of the Veterans Health Administration. The two facilities at which the project is conducted shall be selected from among facilities that the Secretary determines have relatively low performance for recovery or collection of indebtedness from third-party payors under section 1729 of title 38, United States Code.

(d) SELECTION OF CONTRACTOR.—The Secretary shall carry out the process for selection of the contractor for the demonstration project so that the contractor to perform the contract is selected, and the contract is awarded, not later than three months after the date of the enactment of this Act. The contractor shall be an entity or organization that has significant experience in the administrative processing of health care charges and claims.

(e) FUNCTION OF CONTRACTOR.—The Secretary shall provide in the contract for the following functions of the contractor with respect to each facility at which the demonstration project is conducted:

(1) Detailed specification of existing business processes that the contractor determines are relevant to the capability of the facility to recover or collect indebtedness from third-party payors.

(2) Reengineering of the business processes identified under paragraph (1), including provision for standardized application of such reengineered processes throughout the facility.

(3) Establishing a plan to transition from the business processes identified under paragraph (1) to the reengineered and standardized processes established pursuant to paragraph (2).

(4) Establishment of a comprehensive database containing third-party payer information for veterans receiving health care and services at the facility.

(f) VHA PROJECT MANAGER.—As part of the demonstration project, the Secretary shall ensure that a Veterans Health Administration employee is designated to be the full-time project manager for the project and that such employee's duty station is at one of the facilities at which the project is conducted, with provision for visits as needed to the other facility at which the project is conducted.

(g) EMPLOYEE PROTECTION.—The Secretary shall ensure that the demonstration project does not reduce in active full-time equivalent employees of the Department of Veterans Affairs employed within the facilities at which the project is conducted and that the project is conducted in a manner consistent with applicable laws and regulations.

(h) REPORTS TO CONGRESS.—

(1) PERIODIC PROGRESS REPORTS ON PROJECT IMPLEMENTATION.—

(2) REPORTS REQUIRED.—The Secretary shall submit to Congress progress reports on the implementation of the demonstration project.

(3) TIME FOR PROGRESS REPORTS.—Such reports shall be submitted as expeditiously as feasible after the end of—

(i) the 60-day period and the 90-day period beginning on the date of the enactment of this Act; and 

(ii) the 60-day period, the 90-day period, and the 180-day period beginning on the date of the award of the contract under section (d).

(i) MATTERS TO BE INCLUDED.—Each report under this paragraph shall set out the progress to date in the demonstration project, including—

(1) before the project has been selected—

(a) the contractor's progress in initiating and carrying out the demonstration project in accordance with the requirements of this section; and 

(b) each contract under the demonstration project and any change order or modification to any such contract.

(2) INTERIM REPORTS ON PROJECT OPERATING.—After the completion of the first 12 months, and after the completion of the first 18 months of the demonstration project, the Secretary shall submit to Congress an interim report on the operation of the demonstration project to that date. Each such report shall include the following:

(A) The assessment of the Secretary as to whether the rate of recovery or collection of indebtedness owed the United States from third-party payors has improved by reason of the project.

(B) The assessment of the Secretary as to the performance of the contractor.

(C) FINAL REPORT.—

(1) REQUIREMENT.—After the conclusion of the demonstration project, the Secretary shall submit to Congress a final report on the project.

(2) CONTENT.—The Secretary shall include in that report—

(i) the matters specified in paragraph (2); 

(ii) the Secretary's estimate of cost savings to the Department attributable to the reengineered business processes implemented under the demonstration project, with supporting evidence and documentation for the estimates; and 

(iii) the Secretary's recommendation for implementing on a permanent basis the recovery or collection system demonstrated in the project and expanding the project to other facilities of the Veterans Health Administration.

(j) SUBMISSION.—The final report shall be submitted not later than 90 days after the conclusion of the demonstration project.

(k) COMPTROLLER GENERAL REVIEW AND REPORTS.—

(1) REVIEW.—The Comptroller General shall review the demonstration project on an ongoing basis.

(2) REPORTS.—The Comptroller General shall submit to Congress a report containing the Comptroller General's findings and recommendations concerning the demonstration project—

(A) after the operation of the demonstration project for a period of one year; and 

(B) after the operation of the demonstration project for a period of two years.

(l) AUTHORIZATION OF APPROPRIATIONS.—The Secretary is authorized to be appropriated to the Secretary of Veterans Affairs for the conduct of the demonstration project under this section the sum of $10,000,000.

SEC. 6. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTER.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:
§7329. Parkinson’s Disease research, education, and clinical centers.

(a) The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall designate six Department of Veterans Affairs' health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purposes) to establish and locate such centers at such locations in accordance with this section.

(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall designate each Department of Veterans Affairs' health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center unless (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

(c) The Secretary may designate a health-care facility as a location for a center under subsection (a) unless the peer review panel submitted by such facility as a location for a new center under subsection (a) is among those proposals which have met the highest competitive standards of scientific and clinical merit, and the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

(1) An arrangement with an accredited medical school which provides education and training in neurology and with which such facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's disease.

(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in neurodegenerative research efforts.

(3) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated medical school which affords the facility the ability to develop and maintain a stable faculty and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

(4) To conduct effective evaluations of the activities of such center.

(5) The capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers.

(6) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative disorders, including Parkinson's Disease, and other movement disorders, at neurodegenerative diseases, including Parkinson's Disease, and other movement disorders in the health care system.

(7) The capability to develop a national repository for the collection of data on health service users seeking treatment for neurodegenerative diseases, including Parkinson’s Disease, and other movement disorders in the health care system.

(d) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

(2) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson’s Disease, and other movement disorders.

(3) Members of the panel shall serve as consultants to the Department for a period of not longer than three years except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

(4) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of three years and half for a period of two years.

(e) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

(f) The panel shall not be subject to the Federal Advisory Committee Act.

(g) Before providing for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of Parkinson’s Disease research, education, and clinical activities.

(3) The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

(4) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as such funds are awarded to projects for research in Parkinson’s disease and other movement disorders.

(f) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established under subsection (a).

(g) The Under Secretary for Health and pursuant to the recommendation of the Under Secretary for Health, shall—

(1) designate each Department health-care facility that as of January 1, 2005, was operating a Parkinson’s Disease research, education, and clinical center unless (on the recommendation of the Under Secretary for Health) the Secretary determines that the facility has (or may reasonably be anticipated to develop) each of the following:

(1) C LERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new item:

"7329. Parkinson’s Disease research, education, and clinical centers."

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Indiana (Mr. BUYER) is in the Chair.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

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

Mr. Speaker, H.R. 1220, as amended, is one of the more important bills the 109th Congress has considered. It would authorize the cost-of-living adjustment effective December 1, 2005 for veterans with service-connected disabilities and their survivors.

The projected increase is 2.3 percent, but may range higher or lower depending on changes in the consumer price index. After our ranking member, the gentleman from Illinois (Mr. EVANS), speaks, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the Subcommittee on Disability Assistance and Memorial Affairs, will provide a more detailed description of this provision.
and thousands of Nevada family members and survivors received VA cash benefits. The actions we are taking here today will help Nevada veterans and families who depend on these VA benefits.

I am particularly pleased that the bill contains an amendment that I was pleased to offer to include the transitional DIC benefit in the COLA. Without the amendment, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility would have eroded in value by 2006.

Mr. Speaker, this is the least we can do for our Gold Star wives and their children.

I am also pleased to note that the bill contains authority for six VA Parkinson’s disease centers. I believe that the research conducted at those centers will improve the lives not only of the veterans in Las Vegas, but of many thousands of other Americans.

Veterans in Las Vegas are already reaping the benefits of the local VA’s affiliation with the Southwest Center in Phoenix and Los Angeles. I want to thank the gentleman from Illinois (Mr. EVANS) in particular for bringing this to our attention and making sure that it was a top priority for the VA committee.

The bill also contains provisions for a demonstration project to improve VA’s procedure for collecting money owed by third parties such as insurance companies when VA provides medical care for veterans with nonservice-connected conditions.

H.R. 1220 will receive my full support. It deserves the full support of all Members of this House.

I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans’ Affairs.

Mr. EVANS. Mr. Speaker, I am proud that H.R. 1220, in addition to providing veterans with needed health care, includes a living adjustment for disabled veterans as well. This will permanently authorize VA Parkinson’s centers as well. Some 42,000 veterans with Parkinson’s receive care at the VA.

In 5 years, an estimated 39,000 older veterans will have the disorder. Treatments exist for Parkinson’s, but research continues to improve treatments and to search for a cure. VA is on the cutting edge of research and treatment because of these centers. Veterans service organizations and Parkinson’s advocates all support the permanent authorization of these centers.

While the bill does not also authorize VA’s two multiple sclerosis centers, I continue to support the centers and hope they can work so we can get them properly authorized.

Authorizing the Centers will make sure that the VA will continue to be a model of innovation in the delivery of health care research for this chronic disease. This bill offers hope to veterans and others with Parkinson’s. I ask my colleagues for their support.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by our men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today’s bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson’s disease research. I would like to thank the chairman, the gentlewoman from Indiana (Ms. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentlewoman from South Dakota (Ms. HERSETH).

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. BROWN-WAITE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, and urge my colleagues to do the same.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentlewoman from Florida (Ms. BROWN-WAITE) and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today. I would like to thank the gentlewoman from Florida (Ms. BROWN-WAITE) for her leadership on the full committee and for their good work in shepherding this bill to the floor today. I would like to thank the gentleman from Florida (Mr. MILLER) for his support of this bill.

Mr. Speaker, I support this legislation and am a proud cosponsor of the bill because it is an important way we can keep our nation’s promise to the veterans who have served. This legislation is aimed at improving the quality of life for our disabled veterans and their families whose sacrifices and contributions to our great country should not be forgotten. I believe the way we treat our veterans is a moral issue and we need to do the right, moral, honorable thing with respect to disabled veterans and their families.

There are more than 3,000 veterans in my home State of South Dakota who received disability compensation last year, and tens of thousands more nationwide who rely on this annual cost of living increase to help support a dignified quality of life. With wounded young servicemen and women returning home by the thousands from battlefronts in Iraq and Afghanistan, we know there is a new and growing generation that is equally deserving of this modest increase to reflect a rising cost of living. It is imperative we work to provide this newest generation of veterans and their families with the benefits they have earned and deserve.

This bill will provide continuing assistance for these brave men and women who will forever live with the scars of their sacrifice. We must honor their service by considering veterans’ care to be an ongoing cost of war.

I would like to thank the gentlewoman from Nevada (Ms. BERKLEY) for an amendment she offered in committee, which was passed and included in this bill to provide a cost of living adjustment in fiscal year 2006 for the additional payment of $250 per month for the first 2 years of dependency indemnity compensation eligibility to surviving spouses and surviving spouses with children.

I also would like to thank the gentlewoman from Illinois (Mr. EVANS) for his work to include a provision to provide for the establishment of Parkinson’s Disease Research and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs.

Again, I am proud to support H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, and urge my colleagues to do the same.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, and urge my colleagues to do the same.
This bill would also codify the current amounts of disability compensation and dependency and indemnity compensation. More than 2.6 million American veterans are receiving service-connected disability compensation. Many of them reside in my Congressional District. These benefits are paid monthly and range from $708 per month for a 10 percent disability to $2,290 for a 100 percent disability.

Additional monetary benefits are available for our most severely disabled veterans as well as those with dependents. Spouses of veterans who died on active duty or as a result of a service-connected disability likewise are entitled to monetary compensation. Additional amounts are paid to survivors who are housebound or in need of aid and attendance or who have minor children.

Currently, more than 336,000 surviving spouses and children are receiving survivor benefits. The administration’s 2005 budget projects a 2.3 percent cost-of-living increase, but it may be higher or lower, depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30 of this year.

I certainly want to thank the subcommittee’s chairman and ranking member, the gentleman from Florida (Mr. MILLER), and the gentlewoman from Nevada (Ms. BERKLEY), respectively. I also want to commend the chairman of the committee, the gentleman from Indiana (Mr. BUYER), and ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership in bringing the bill to the floor today, as well as the subcommittee staff on both sides of the aisle for their hard work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 1220, as amended. Mr. BERKLEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Nevada has 12 minutes remaining.

Ms. BERKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her outstanding, consistent leadership on behalf of our veterans. It is incredibly important.

I rise in full support of this increase of benefits for our most severely service-connected veterens. The VA is an across-the-board cost-of-living adjustment, but I rise particularly to speak about the authorization for the permanent Parkinson’s disease research education. As the founder and co-chair of the Parkinson’s Task Force, this is critically important. Many of our nation’s veterans have been exposed to toxic elements, suffer from Parkinson’s. This research is important. Some of their breakthroughs in these veterans’ research facilities have led to cures.

I rise in strong support of the overall bill and for this particular aspect that will help many veterans and many Americans across our Nation.

Ms. BERKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on veterans’ issues. I too rise in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, and I would just like to speak briefly about two provisions in it.

This bill will, in December, provide a cost-of-living adjustment to the disability compensation received by our Nation’s veterans, and to compensation received by their widows. A transitional benefit to widows with minor children who receive an extra $250 per month for 2 years, is specifically included in this cost-of-living increase.

The compensation that veterans and their widows receive does not adequately compensate them for their losses, but the hope it will ease their burden and let us know our Nation is grateful. It is important this compensation keep abreast of the rising cost of living.

Another provision of the bill establishes, subject to appropriations, a Parkinson’s Disease Research Educational and Clinical Center in six VA health care facilities, with appropriate geographical distribution of these centers. These centers would cooperate with an accredited medical school, one that provides education and training in neurology and attracts the participation of scientists who are capable of ingenuity and creativity in their research efforts.

The centers would provide the opportunity for VA clinicians to more fully understand Parkinson’s Disease and collaborate on innovative treatments. The findings would be shared with facilities without research centers in order to ensure access to state-of-the-art information through our VA health care system. I am especially supportive of the provision which would advance our knowledge of Parkinson’s Disease and would provide new treatments to those who are suffering.

So let us support H.R. 1220, but let us not get too self-congratulatory about this bill. It is a necessary bill. It is already provided for in the appropriations process, but the amount of money we are talking about in this bill is very, very small compared to the shortfall in the health care budget of the VA that we have been informed about by our new Secretary of VA.

Mr. Speaker, we are being irresponsible by not approving an adequate health care budget for our veterans. While today we approve the Disability Compensation COLA, we are still leaving our veterans health care short by billions of dollars, both in this year’s and next year’s budget.

And for those who say, well, we did not know about it, or it was a bad mathematical model that was used, these are rather ridiculous statements. The Independent Budget, which has been formulated by our veterans’ service organizations in a very professional manner, would forecast the exact amount that we would need in the health care budget. While the chairman of our committee is going around searching for a right number, the number was right here in the independent budget.

And, in fact, Mr. Speaker, the Democrats in this House tried to get this budget number into our budget. But were we allowed to? No, we were not allowed to vote on it in our committee. We were not allowed to vote on it on the floor. There were attempts to do that by the gentleman from Texas (Mr. EDWARDS) and the gentlewoman from Oregon (Ms. HOOLEY). I had an amendment on the floor to put the required money in the budget, but we were lacking for our veterans, and I was ruled out of order. Out of order to help our veterans? I will tell you what was out of order, and that was the process that the majority party set up.

Mr. Speaker, I have two thousand veterans in San Diego, California, who are on a waiting list to get into the VA health system. Does that sound like we were adequately funding our health care? We will have thousands of returning veterans from Iraq and Afghanistan, many with PTSD, post-traumatic stress disorder, who will not be able to get the required counseling at our VA centers. They will have to wait a year for a dental appointment. Is this supporting our troops? Is this showing how much we care about them?

Mr. Speaker, the way to show that we support our troops is to treat them well when they return home. We already have unsettling reports of veterans from Iraq and Afghanistan. We have reports of veterans who suffer from PTSD probably, who are committing domestic violence, who have not gotten help from the VA and who may be on the streets already. We know what happens to the troops when they do not get the proper help. Half of the homeless on the streets today are Vietnam vets. That is a tragedy, that is a disgrace, and an incredible immoral act that we allowed to happen again. The same thing is going to happen again. The same thing is going to happen again if we do not adequately fund this budget.

The House voted a week ago to put $900 million into this year’s budget. The Senate appropriated 1.5 billion. And the Veteran’s Committee chairman said, oh, I do not know how they got their number. Well, that is the right number. We would vote for the right number. We can get this passed for veterans immediately, and then we can fix the 2006 budget in our regular appropriations process.
Mr. Speaker, when the President says he is proud to call him my friend, Mr. EVANS, for his work and cooperation on this legislation. I also would like to say to him that he is a champion of Parkinson's Disease, and I am proud of his leadership by example and I am proud of his spirit to live and equally am proud to call him my friend.

I also commend the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY), the chairman and ranking member on the Subcommittee on Disability Assistance and Memorial Affairs, for their timely work concerning H.R. 1220, ensuring that disabled veterans and their survivors receive their COLA. I would also like to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND), the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their hard work on reaching a compromise on the authorization of the demonstration project.

I am equally appreciative of the hard work of the staff directors of the majority and the minority, Art Wu and Len Sistek for their work to improve the bill.

I urge my colleagues to support the Veterans Cost-of-Living Adjustment Act of 2005.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2005.

All too often, our veterans and their dependents are forced to pay unexpected medical fees and sometimes forced to juggle their finances just to make ends meet. By increasing the COLA, we would help ease these burdens forced upon our veterans and their dependents. Our veterans deserve and need this assistance now.

This legislation is especially important to me because my Congressional District of El Paso, Texas is home to nearly 60,000 veterans. These brave men and women have made tremendous sacrifices for our freedom, just as our servicemembers are currently doing in Iraq and Afghanistan. It is our responsibility as Members of Congress to take care of our Nation’s heroes so that we can fulfill our promises to our veterans after their service to our country.

Mr. Speaker, my colleagues and I on the House Veterans’ Affairs Committee favorably passed H.R. 1220 and I urge all my colleagues to support the bill on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which will increase, effective December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living adjustment (COLA) that Social Security recipients are scheduled to receive, indexed as a cost-of-living adjustment (COLA).

In the 108th Congress, we created an additional Dependency and Indemnity Compensation (DIC) payment of $220 a month provided for the first two years of DIC eligibility to surviving spouses with minor children. This new benefit is aimed at easing the transition following the death of the servicemember or veteran. H.R. 1220, as amended, would also increase the amount of this additional assistance by the same COLA.

I am pleased that the amended bill also includes the provisions from H.R. 2988, the Veterans Medical Care Revenue Enhancement Act of 2005. This is a bill that I introduced which authorizes a two-year demonstration project to improve business practices within the Veterans Health Administration (VHA) relating to third-party billing collections.

When Congress gave the Department of Veterans Affairs (VA) the authority to collect payment from insurance companies for the treatment of non-service connected conditions, the funds collected were returned to the U.S. Treasury. At one point, the VA acknowledged that it did a poor job of collecting payments from insurance companies and had no real incentive to do so. As a result, in 1997 Congress gave VA the authority to retain any third party collections recovered.

Despite improvements in VA’s third-party collections, there continue to be weaknesses in the billing and collections processes that impair the VA’s ability to maximize the amount of dollars paid by third-party insurance companies. In June, the VA briefed the staff of the Veterans’ Affairs Committee that the Department has about $600 million in outstanding claims that have been collected from third-party insurers. Collecting these funds would be a significant revenue source for the Department which could improve its ability to provide health care services to our Nation’s veterans.

H.R. 1220 creates a modest $10 million demonstration project to improve the VA’s business practices at two sites that have low collections rates. It is our hope that this demonstration project will lead to improved collection practices by the VA.

Finally, H.R. 1220 would permanently authorize six Parkinson’s Disease Research Education and Clinical Centers with the VA.

I urge my colleagues to support H.R. 1220.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1220, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 1220, as amended, was passed.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. BUYER. 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. 1220, as amended, the bill just passed.

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

**MAKING PERMANENT THE AUTHORITY OF THE SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM**

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the
bill (H.R. 2385) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, as amended. The Clerk read as follows: H.R. 2385

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

SECTION 1. TEN-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking "2005" and inserting "2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes. The Chair recognizes the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I ask unanimous consent that all Members may be recorded as having voted "yea" or "nay" on the amendment and the instructions, which to revise and extend their remarks and include extraneous material which to move to the Committee on Government Reform.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, on behalf of the Committee on Government Reform, H.R. 2385 reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report Program through 2015. The purpose of this bill is to ensure uninterrupted continuation of this well-established and indispensable program. I urge my colleagues to support this important legislation.

The Quarterly Financial Report, or QFR program, has been conducted uninterrupted since its inception in 1947. It provides ongoing, up-to-date statistics on the financial performance of the manufacturing, mining, wholesale and retail trade sectors of our economy. QFR is the sole source for this information.

There are two important issues that were considered by our committee in reauthorizing this data collection.

First, the Quarterly Financial Report is a mandatory survey. That means that businesses can be prosecuted if they do not provide the information. The Census Bureau requests the data by making it possible for businesses to file their reports electronically by sending out filing reminders and providing help via telephone.

Secondly, like any survey, the Quarterly Financial Report imposes a certain burden on those who provide the information. The Census Bureau is one of the few mandatory data collections authorized by Congress. The census is mandatory, and is required by our Constitution. The Census Bureau also conducts the American Community Survey as a mandatory survey, telling respondents that they are required by law to provide the requested information. That authority does not come from any explicit authorization by Congress, but rather through an interpretation of the law by the Office of Management and Budget.

As representatives of the people, Congress should monitor closely any information collected that carries with it a penalty for not complying with the request. It is unfortunate that the mandatory authority is necessary for the Quarterly Financial Report. The Census Bureau has assured Congress that without this authority, the quality of the information collected would be seriously reduced.

The Quarterly Financial Report asks businesses to provide detailed information on financial transactions during the quarter. In return, the government and the private sector use this information to form sound economic policy.

According to the Census Bureau, the basic form can take up to 10 hours to complete and the average is almost 4 hours. I believe that is a fair balance of burden and benefit. I am a strong supporter of a Quarterly Financial Report. Through my work on the Joint Economic Committee, I have seen firsthand the importance of the data provided by this survey. At the same time, I take my responsibility as an authorizer seriously. When we reauthorized this program in 1998, it was for 7 years. I appreciate the chairman’s willingness to make this authorization for 10 years rather than a permanent authorization. I believe our committee should regularly review programs that place mandatory burdens on the public.

Mr. Speaker, I urge my colleagues to pass this legislation.

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

Mr. TURNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, on behalf of the Committee on Government Reform, I rise in favor of H.R. 2385, a bill that reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report Program through the year 2015.

This important program provides data essential to calculating all aspects of national economy. Along with the gentleman from Ohio (Mr. TURNER), the chairman of the Subcommittee on Federalism and the Census, I urge support of this necessary legislation.

The Quarterly Financial Report Program is our Nation’s most comprehensive source of data on corporate financial activity. For the past 58 years, QFR data has been the basis of estimating the gross domestic product and the personal income accounts. Consequently, countless public and private organizations rely on QFR data to make informed economic policy decisions every day.

Since 1983, the U.S. Census Bureau has successfully executed this valuable program. The Census Bureau has put forth laudable efforts to improve the process that provides the timely data. Specifically, the Census Bureau has significantly reduced time required for reporting the data by making it possible for managers to conduct surveys electronically by sending out filing reminders and providing help via the Census Website.
The Census Bureau has done an exceptional job conducting this survey for the Secretary of Commerce. That fact notwithstanding, it is the responsibility of Congress to reauthorize this program after a period of 10 years pending a thorough review on the condition that the Census Bureau continues to effectively administer this necessary economic survey.

Mr. Speaker, this is, in fact, a non-controversial bill to reauthorize the time-tested Quarterly Financial Report program. Passage of this legislation will ensure an uninterrupted continuation of this program.

I thank the gentleman from Ohio (Chairman Turner) and the gentleman from Virginia (Chairman Tom Davis) for moving this bill through the subcommittee and full committee. I am pleased to be an original cosponsor of H.R. 2385 and urge its passage.

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

Mr. Speaker, I strongly support this legislation and the census in general. It is not only a foundation of facts on which our government and the private sector formulate public policy, it keeps our government fair.

Every 10 years based on census numbers, we redistribute power among the States in order to have a fair representation based on the numbers of people in our country, and it tells us who we are. It tells us about our diversity, it tells us about our growth. It is literally a portrait of our country every 10 years.

This particular report, the Quarterly Financial Report, is a very important part of that portrait. So I rise very strongly in support of this bill and the census in general. I thank the gentleman from Ohio (Chairman Turner) for moving this bill so quickly.

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

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

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

The title of the bill was amended so as to read: "A bill to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.".

A motion to reconsider was laid on the table.

**JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING**

Mr. Dent. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2113) to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

The Clerk read as follows:

H.R. 2113

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

SECTION 1. JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, shall be known and designated as the "John F. Whiteside Joliet Post Office Building".

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record to the facility referred to in subsection (a) shall be deemed to be a reference to the "John F. Whiteside Joliet Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Dent) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may be allowed such time as I may consume.

Mr. Speaker, H.R. 2113, introduced by the gentleman from Illinois (Mr. WELLER) names this Post Office in Joliet, Illinois, as the John F. Whiteside Joliet Post Office Building. All 18 Illinois colleagues of the gentleman from Illinois (Mr. WELLER) have cosponsored this bill, and I am pleased to participate in this bill’s consideration today.

John Whiteside was a long time opinion writer for the Joliet Herald News. Upon graduation from Northern Illinois University in 1971, he was hired by the Joliet Herald News which was the only newspaper he ever worked for.

For the first decade of his career, he worked as a beat and general assignment reporter. But in 1981, he began writing a daily column in the paper each weekday that became beloved by Joliet residents.

Mr. Whiteside wrote the vast majority of his columns on local matters. The most frequent and passionate topics on which he opined were matters of importance to veterans and law enforcement officials. An Air Force veteran himself, Whiteside correctly viewed all of our Nation’s military service veterans as American heroes.

He, likewise, had tremendous respect for police officers, once championing an attempt to raise funds for a police memorial in Joliet, among other efforts. For his eloquent advocacy over many years, it appears safe to say his subjects admired him, too.

Mr. Speaker, unfortunately, after battling cancer for 18 months, John Whiteside passed away on January 22, 2005. He was 61 years old. Days after he died, the front page of the Sunday Herald News carried one final John Whiteside column. It was a posthumous article full of life’s lessons that he had written in anticipation of his death. It was a touching end to a meaningful career that was cut short by a struggle with cancer.

His struggle was all the more touching because Whiteside had shared tales of his battle with melanoma with his readers from October 2003 through his passing in January 2005. On a personal note, my own father-in-law passed away from that same disease in January of this year, so I have some understanding of what Mr. Whiteside and his family went through. My sympathies go out to his family.

Mr. Speaker, John Whiteside was indeed a memorable resident of Joliet. Readers of the Herald News have spent a few moments with John every Monday through Friday for nearly a quarter of a century. For these reasons, it is fitting that the House would pass this bill to name a post office in his honor in his hometown of Joliet. I urge all my colleagues to join me in support of H.R. 2113.

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

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

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 2113, legislation naming a postal facility in Joliet, Illinois, after the late John Whiteside. This measure was introduced by my friend, the gentleman from Illinois (Mr. WELLER), on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005.

H.R. 2113 enjoys the support and cosponsorship of the entire Illinois State delegation.

John Whiteside worked at the Herald News, a suburban Chicago newspaper, for 34 years as a reporter and columnist. He was well respected in his community as someone who fought for the rights of veterans. As a veteran, one of his most notable achievements was to increase the number of honor guard volunteers for the Abraham Lincoln National Cemetery in Elwood, Illinois.

Tragically, John Whiteside passed away in January of cancer. Mr. Speaker, I commend my friend and colleague for renaming the Joliet post office after Mr. Whiteside and urge support for this measure.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, today I rise in support of H.R. 2113, legislation in tribute to John Whiteside which names the Joliet post office in his honor. John Whiteside was a citizen...
and a local hero from the congressional district that I have the opportunity to represent, a man who touched so many lives through his daily commentary with the Herald News in Joliet, Illinois. John F. Whiteside inspired countless readers through his 34 years of service to the Herald.

Let me begin by thanking Government Reform Committee Chairman Tom Davis; my friend Mr. DENT of Pennsylvania; my very, very good friend Mr. DAVIS of Illinois for joining me here on the floor today; and the support of the Government Reform Committee for this legislation, because today the House will be voting on legislation that I along with the entire delegation of Illinois, all 19 Republicans and Democrats, have cosponsored, legislation naming the Joliet post office the John F. Whiteside Joliet Post Office Building. I would note that this post office building is on McDonough Avenue just a few short blocks from the Joliet Herald News offices where he put in so many hours and so many days over the years. I ask my colleagues to support this legislation today.

John Whiteside started his career with the Joliet Herald News in 1971 as a beat reporter and became a true story-teller in 1981 when he started his own personal daily column. Many of his columns focused on the good nature of people, and he especially loved writing about police officers and veterans because he knew the police officers and veterans as his heroes. Readers appreciated his dedication and his advocacy for veterans. John himself was a United States Air Force veteran and wrote thousands of stories about the concerns of local veterans.

One of the biggest veterans accomplishments for John, something he was so proud of and something he invested so much time and personal effort in, was helping organize the honor guard units at Veterans Day ceremonies at the Abraham Lincoln National Cemetery located outside of Joliet at the former Joliet arsenal. Mr. Whiteside’s legacy included helping to raise funds that equipped squad cars in Will County with video cameras to help nail drunk drivers. He is also noted for reviving police interest in the unsolved disappearances of Joliet newspaper editor Molly Zelko in 1957.

Mr. Whiteside was a recipient of many awards for his 34-year history with the Herald News in Joliet, Illinois, and some of these awards and recognitions included the Will County Sheriff’s Department 2004 lifetime achievement award; Joliet area historical museum war heroes gallery named in John Whiteside’s honor; and an Illinois State house resolution in 2004 honoring his long service to the Herald News and the Joliet community, just to name a few.

As Illinois editor, John knew how to connect with every reader through the emotions he brought to his stories. He brought even more emotion to them when he found out he had melanoma cancer in the fall of 2003. Through his trials and tribulations, he chose to share his cancer story with his readers and gave many other cancer victims empathy and hope in their own troubled times.

On January 22, 2005, John Whiteside lost his battle with cancer, leaving behind his wife, Mary Jane, and his daughter, Shelley. He so enjoyed spending time with his family and will be remembered for the time he spent creating birdhouses out of wood in the basement. In Mr. Whiteside’s very last column, he gave some very valuable advice. He said, “Live every second of every minute of every hour of every day you are given on this good Earth. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it.”

Mr. Speaker, I would like to take a few minutes to share John Whiteside’s last column with my colleagues. This column, of course, was published after John passed away on the front page of Joliet Herald News. It is entitled, “Lifelong Dream Ends in Final Column,” published in the Herald News on January 23, 2005.

If you’re reading this, I have already looked upon the face of God. And I pray that he has nodded his head in a positive way.

“I had a good life. A good wife and daughter. Good friends and good times. A good job. But, sure, I have some regrets. I did some wrongs at times, which I hope I have been forgiven for doing. The last months of my life were full of blessings. So many of you prayed for me and wrote of your concern for my health. I had hoped for a miracle, but it wasn’t meant to be. I guess I completed my purpose in being in this world.

“In heaven, well, I don’t expect pearly gates and streets of gold. But I do expect a place full of goodness, compassion, and mercy. There will be no evil. No meanness. No brutal crime and war. No disease and illness. No jealousy and no hatred. No greed. And no politics.

“If I am allowed to enter this place, I believe that I will be united with my lost loved ones, including my dad, Uncle John, Aunt Mary, Grandma and a whole bunch of great uncles and aunts who loved me as a child. I’ll see my brothers and my burlap buddy Choppy, Dan Stobbe and Ralph Wick.

“As I visualize my role in heaven, maybe God needs a birdhouse builder to construct shelters for his birds which sing lovely songs. I really have enjoyed creating birdhouses. Some of my happiest hours were in my basement workshop cutting and hammering on them.

“But the real love of my life, outside of my wife and daughter, has been this column. From the time I was old enough to dream, I wanted to be a writer. I wanted to be a storyteller. And I even thought that God told me as a child that I would be a writer.

“The column gave me an outlet to hook words together and tell you a story on a daily basis. I wrote thousands and remembered most of them. But I couldn’t remember the names. I thought that the Lord directed me at times to tell certain tales, which just seemed to fall into my lap. Someone told someone to call John Whiteside because they recognized that as my kind of story.

“Two of my very best friends have been storytellers, too, Marx Gibson and Don Gill. Both were mentors as well as buddies.

“In my last days, cancer changed me. I believe it made me a better man. It brought me closer to my wife and daughter. It made me more compassionate to mankind. It brought me honors from friends, colleagues and people.

“I have no major regrets. I called them, for the most part, like I saw them. But I wasted time when I should have been living every moment to the fullest.

“If I have any advice to pass on to the rest of you, it’s all about living. Living every second of every minute of every hour of every day you are given on this good Earth. Don’t get caught up in any form of hatred. Hated, anger, and the negative only feeds upon you and will destroy you. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it. And laugh a lot, because laughter is healthy.

“As my storytelling days have ended, now perhaps I have the final chapter of what happened to Molly Zelko. Maybe God will allow me to interview her if she made it upstairs, too.

“But, no, Molly isn’t what I consider my best accomplishments. They include helping with the honor guard system at the national cemetery, the Taylor Pirc video camera project, writing veterans’ memories and building the police memorial in front of the courthouse.

“But most of all, I like my people stories. Stories about ordinary folks caught up in some form of human drama. My favorite saying was, everyone has a story to tell if you just listen. I believed that all of my journalistic life.

“But now it’s over. Good-bye, my friends. Thanks for reading my stuff. God bless you all.

“At this time, my only regret is that I can’t write a column and share with you what is happening to me right now.

“P.S. I don’t have a phone number to accept calls anymore. But maybe I can hear a few prayers coming my way.”

That final column published in the Joliet Herald News on January 23 of this year says so much about John Whiteside, and he wrote it in his own words.

Ladies and gentlemen of this House, I ask again that you join me in honoring and remembering this extraordinary man who touched so many lives in so
many ways and I ask for an “aye” vote on H.R. 2113.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER) for his work on H.R. 2113.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2113.

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

A motion to reconsider was laid on the table.

VINCENT PALLADINO POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2183) to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the “Vincent Palladino Post Office”.

The Clerk read as follows:

SEC. 1. VINCENT PALLADINO POST OFFICE.

(a) DESIGNATION.--The facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, shall be known and designated as the “Vincent Palladino 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 “Vincent Palladino Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GREAT LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2183 honors the late president of the National Association of Postal Supervisors, Vincent Palladino. Palladino passed away unexpectedly at his home in nearby Arlington, Virginia, at the age of 69 in December 2004. He was a native of Staten Island, New York, which is in the district of the distinguished sponsor of H.R. 2183 and a good friend, the gentleman from New York (Mr. FOSSELLA).

I congratulate the gentleman for offering this important measure.

After serving his Nation in the Air Force, Palladino began his lifelong career in and around the United States Postal Service. He started working as a letter carrier in Staten Island in 1960. He was later promoted to foreman of mails and then newsletter manager in 1970. Last August, Vincent Palladino was elected to his seventh consecutive 2-year term as president of the postal supervisors association. NAPS is an organization that represents more than 35,000 first-line postal supervisors who work in fact, train, manage employees process and deliver the mail.

Mr. Speaker, it is clear he was a knowledgeable, empathetic and effective leader and advocate in the postal community, and that is why this post office naming in his honor is so appropriate. I urge all my colleagues to join me in support of H.R. 2113.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleagues in the consideration of H.R. 2183, legislation designating the postal facility in Staten Island, New York, after the late Vincent Palladino. This measure was introduced by the gentleman from New York (Mr. FOSSELLA) on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. The bill enjoys the support and cosponsorship of the entire New York delegation.

Born in New Brighton, New York, Vince Palladino joined the post office after serving in the U.S. Air Force. In 1962, he began his career as a letter carrier in the Rosebank Post Office. He held several supervisory positions, including station manager. In 1986, he was elected secretary of the National Association of Postal Supervisors, NAPS, and in 1992, he was elected the organization’s President.

Mr. Speaker, as president of NAPS, Vince Palladino spearheaded a very impressive management association of over 35,000 active and retired supervisors, managers, and postmasters. Throughout his years as president, Vince testified before the Committee on Government Reform on many occasions. He fought hard to improve the United States Postal Service and pressed for changes in performance and labor management relations and reforms in pay.

Vince Palladino left his friends at NAPS and the postal service with a very simple, yet poignant message: “Be fair and honest.”

Sadly, after serving as president for 12 years, Mr. Palladino died in December 2004, at the age of 69.

Mr. Speaker I commend my colleague for naming the post office after Vincent Palladino. How fitting a tribute. And I urge swift passage of this bill.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the State of New York (Mr. FOSSELLA), the author of H.R. 2183.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time and the ranking member for their support.

Today I would like to thank my colleagues for approving the naming of a post office in my district after Vincent Palladino. Vincent, who passed away last December, was the president of the National Association of Postal Supervisors for 12 years, ending in 2004. He was also a native of Staten Island, New York, in my district.

Vincent was kind-hearted, compassionate, outgoing, and had an unquenchable thirst for helping his friends and neighbors. Vincent made our community a better place to live and touched the lives of those around him. And although his professional obligations carried him far and wide, his heart was always in Staten Island.

He began his career as a letter carrier in the Rosebank Post Office in 1952. He held numerous supervisory positions in Staten Island, including station manager of the Rosebank Post Office and operations manager for all Staten Island post offices. In 1986, he was elected secretary of the National Association of Postal Supervisors, which represents more than 35,000 active and retired supervisors, managers, and postmasters who work for or who retired from the United States Postal Service. In 1992, he was elected president of NAPS and held that post for 12 years.

Vincent brought his life lessons learned on the streets of Rosebank and Arlington to that position and was a strong advocate for all those postal workers he led. I would also like to take this opportunity to thank all those postal workers for the job they do every day. I know Vincent would stand up and correct me if I failed to mention them and how much he appreciated, like we all do, their work. I would also like to thank Vincent’s family, especially his children, Anthony, Nicholas, Regina, Renee, and Mary Lou, for their support of this fine man.

Born in 1933, Vincent also served his country in the Armed Forces, that is, the United States Air Force, from 1955 to 1959. Today we honor Vincent’s lifetime hard work and achievement by asking the House to approve the measure to rename the Rosebank Post Office in his honor, where he got his first job, and might I add, where it all happened to be my family’s letter carrier in the early 1960s when he started.

I would like to thank the fellow members of the New York delegation...
Mr. DENT. Mr. Speaker, I urge support from all Members for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. Is there objection to the rule, the gentleman from Illinois (Mr. LAHOOD) each asking unanimous consent to join my colleague in consideration of H.R. 2630, legislation redesignating a postal facility in Springfield, Illinois, as the “J.M. Dietrich Northeast Annex.”

The Clerk read as follows:

H.R. 2630

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

SECTION 1. J.M. DIETRICH NORTHEAST ANNEX

(a) REDesignATION.—The facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, and known as the Northeast Annex, shall be redesignated as the “J.M. Dietrich Northeast Annex.”

(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 refer to the “J.M. Dietrich Northeast Annex.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT),

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the distinguished gentleman from Illinois (Mr. LAHOOD) introduced H.R. 2630, which redesignates the postal facility located at 1927 Sangamon Avenue in Springfield, Illinois, as the “J.M. Dietrich Northeast Annex.” All members of the Illinois State congressional delegation have cosponsored this legislation, and I support its passage.

James Michael “Mike” Dietrich was an earnest lifelong postal employee. He began his career as a letter carrier in 1970. In 1983 he was promoted to supervisor of Delivery and Collections, and finally he earned the position of Customer Service Supervisor in 1989. Regardless of his duties with the postal service, Dietrich gained the respect of his peers through his friendly demeanor, leadership, and hard work.

Mike Dietrich died in September, 2003. He was a tremendous asset to the postal service and a terrific individual who is worthy of this fitting honor by the House. So I encourage my colleagues to join with the distinguished gentleman from Illinois (Mr. LAHOOD) and me in renaming the Northeast Annex in Springfield, Illinois as the “J.M. Dietrich Northeast Annex.”

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

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

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2630, legislation redesignating a postal facility in Springfield, Illinois, after the late James Michael Dietrich. This measure was introduced by the gentleman from Illinois (Mr. LAHOOD) on May 25, 2005, unanimously reported by the Committee on Government Reform on June 16, 2005. H.R. 2630 enjoys the support and cosponsorship of the entire Illinois State delegation.

Mr. Speaker, it is always a pleasure to join my colleagues in praising the hard work of postal employees. And the late James Michael “Mike” Dietrich was a postage long remembered for his dedication to his job, the employees, and the United States Postal Service.

James Dietrich was a lifelong employee of the postal service. After serving in the U.S. Army, he joined the postal service as a letter carrier. He was promoted to supervisor of Delivery and Collections in 1983 and later to supervisor but he was a fantastic human being. He was a man of never-ending patience. He was someone we could all go to with a question and know we would come away with a reasonable and correct answer. And if one of us had a problem, he was our sounding board and mentor, one who can never be replaced.

Mike and his wife, Carol, raised a beautiful family of six girls for whom they worked hard to provide college educations. They are all now productive adults, some beginning families of their own. I know his career was important to him, but I also know that he considered his family to be his greatest accomplishment.

“Not a day goes by that Mike’s name is not uttered by someone on the workroom floor. We all feel it is only fitting that we work in the J.M. Dietrich Northeast Annex.”

“Thank you for the consideration” of renaming the annex.

“Pat Kruger, letter carrier, Springfield, Illinois.”

Mr. Speaker, I read this letter because it is the opportunity for me to thank the letter carriers that work with Mike, to thank them for recognizing all of his accomplishments and
thank them for bringing to my attention the opportunity to name the facility that they all work in and that he accomplished so much with.

And, also, a word about the letter carriers. I have the greatest mail delivery system in the world, anywhere in the world, right here in our country. And it is due to the people like Mike and all the people who work in Springfield and all the people who work in the postal service that letters get delivered on time 6 days a week in a professional manner, and I know all Americans appreciate that. And I am grateful to the letter carriers of Abraham Lincoln Branch No. 80 for bringing this to my attention and the ability of this committee to bring this to the floor as a bill that will become law and to have this facility named in Mike’s honor.

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

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2630.

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

A motion to reconsider was laid on the table.

EAST ASIA SECURITY ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3100) to authorize measures to deter arms transfers by foreign countries to the People’s Republic of China.

The Clerk reads as follows:

H.R. 3100

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “East Asia Security Act of 2005”.

SEC. 2. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People’s Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the American embargo they imposed in 1989 following the Tiananmen Square massacre; and

(2) welcomes the decision by the European Union to continue its arms embargo toward China and the general public on both sides of the Atlantic;

(3) notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government regarding the magnitude and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so; and

(4) welcomes the onset of a strategic dialogue between the European Commission and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to or support of those in the People’s Republic of China for peace and stability in that region, to the security interests of the United States and its allies and to allied security forces, and the threat to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II.

(5) hopes that a more intensive dialogue with Europe on this matter will clarify for United States friends and allies in Europe how their arms transfers improve the force projection of the People’s Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan, a troubling prospect made more ominous by recent adoption of a new law by the Chinese National People’s Congress expressly authorizing the use of force;

(6) also hopes that this dialogue will result in an important new consensus between the United States and its European partners on the need for coordinated policies which encourage the development of democracy in the People’s Republic of China and which discourage, not assist, China’s unjustified military buildup and pursuit of weapons technology that threaten its neighbors;

(7) however, deeply regrets that none of the European friends and allies of the United States who have been transferring arms to the People’s Republic of China has announced a cessation or even a temporary halt to those transfers while this new dialogue with the Europeans ensues, and notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government regarding the magnitude and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so;

(8) is further troubled by public reports describing well known European companies as suppliers to weapons programs of the People’s Republic of China, who are also participants in numerous sensitive United States Government weapons programs, and the increased risks of diversion of United States weapons technology inherent in such an undesirable situation; and

(9) in view of the gravity of European arms sales to the People’s Republic of China, which have not abated, believes it is necessary to provide greater scrutiny and oversight with respect to those areas of international armament cooperation that present increased levels of risk to the security interests of the United States and to authorize appropriate measures which the President may draw on in deterring foreign support for China’s military build-up in order to safeguard the national security interests of the United States and peace and security in East Asia.

SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) Report.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People’s Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People’s Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (A).

(b) Timing of Report.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) Exceptions.—A foreign person is not required to be identified in a report required under subsection (a) if the President determines that

(1) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003 (22 U.S.C. 2551 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 2(b) of such Act;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003 (22 U.S.C. 2551 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 2(b) of such Act;

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN THE UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) Statement of Policy.—Congress is concerned that the export of arms and related technology and the export of technology and services for the development of weapon systems or weapons technology to China inherent in such an undesirable situation; and

(1) identifies every foreign government with which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), subparagraph (A) or (B) of paragraph (2), or (D) of section 3, unless—

(A) the export is in response to an offer to provide defense assistance to the United States pursuant to a cooperative project described in subsection (d); and

(B) the export is in response to an offer to provide defense assistance to a country whose safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II.

(2) may be included in the report required under section 3, as the President determines appropriate.

(b) Report.—The President shall, at the times specified in subsection (d), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), subparagraph (A) or (B) of paragraph (2), or (D) of section 3, unless—

(A) the export is in response to an offer to provide defense assistance to the United States pursuant to a cooperative project described in subsection (d); and

(B) the export is in response to an offer to provide defense assistance to a country whose safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II.

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) Timing of Report.—The report required under subsection (b) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 3, as the President determines appropriate.

(d) Cooperative Projects.—The cooperative projects referred to in subsection (b) are those arms projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 256a, 2358, or a memorandum of understanding under section 2351 of title 10, United States Code.

(e) License Requirements.—
(1) REQUIREMENT.—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense services to a foreign person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subparagraph (B) of paragraph (1) (without regard to dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) EXCEPTION.—The issuance of a license pursuant to subsection (b) shall not be required, however, if the President determines that—

(1) the item is in the national security interests of the United States;

or

(2) a foreign person (including a foreign government) identified in a report transmitted under subsection (b), or an amendment to such report, is not subject to a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778(b)) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(2) DUAL USE APPROVALS.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(b) LICENSING REQUIREMENTS.—Subject to sections 8 and 9, and notwithstanding any other provision of law, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, and simultaneously seeking ownership of technology to the People's Republic of China, require a license pursuant to section (b).

(c) DEFINITION.—In this section, the term ‘military end use’ means, with respect to an item, the item is or may be intended, entirely or in part, for use in conjunction with or as an item on the United States Munitions List of July 12, 1996, and subsequent revisions.

7. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS

(a) APPLICATION OF MEASURES.—Subject to sections 8 and 9, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, any or all of the following measures:

(1) RESEARCH AND DEVELOPMENT.—Denial of participation in existing and new cooperative research and development programs and projects, under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 253A, 253B, or a memorandum of understanding under 253A or 253B, or a memorandum of understanding under 253A or 253B of any law other than the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under section 2A of such Act (22 U.S.C. 2761).

(2) UNITED STATES MUNITIONS LIST APPROVALS.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(e) PUBLICATION IN FEDERAL REGISTER.—The President shall transmit to the Congress:...
so notify the appropriate congressional committees not later than the effective date under section 7(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification containing all the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 3 that support the President to exercise the authority of subsection (a) or of section 7 with respect to that person.

(c) Certification.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 7 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) the information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, or on or before January 1, 2005, knowingly or willfully retransfer any defense article or defense service subject to the export jurisdiction of the United States under law or regulation of the United States, and transmitted under section 3; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of section 3(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government’s adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B); and

(D) does not constrain the President’s authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is transmitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) UNCONDITIONAL WAIVER.—Any mandatory measure described in section 7 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) take the necessary steps to achieve the maximum possible coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with respect to member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 7 should be applied, the measures be applied comprehensively with respect to the affected foreign person’s affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President’s determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term "defense articles and defense services" has the meaning given in the term in section 3 of the Arms Export Control Act (22 U.S.C. 2779 note).

(3) DUAL USE.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include primarily commercial items.

(4) EXPORT.—The term "export" has the meaning given in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term "foreign government" has the meaning given in the term in section 38(g)(9)(A) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(A)).

(7) FOREIGN PERSON.—The term "foreign person" has the meaning given in the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(8) GOOD.—The term "good" has the meaning given in section 163(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2413(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means those regulations contained in accordance with section 122, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term "item" means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term "license" means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term "other forms of approval" includes any authorization, rule or exemption contained in any statute or regulation that permits any person to carry out any export.

(13) OWNERSHIP OR CONTROL.—The term "ownership or control" has the meaning given in the term in section 122(2)(C) of the International Traffic in Arms Regulations.

(14) PERSON.—The term "person" has the meaning given in the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term "technology" has the meaning given in the term in section 164(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(1)).

(16) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

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

There was no objection.

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

I rise in support of H.R. 3100, a bill which I introduced for the purpose of authorizing measures to deter arms transfers by foreign countries to the People’s Republic of China.

This bill has 14 cosponsors from both sides of the aisle, including the gentleman from California (Mr. LANTOS), the ranking Democratic member of the Committee on International Relations; and the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services. The Committee on International Relations has marked up the bill and ordered it reported unanimously. The background and need for this legislation can be briefly summarized.

When the House passed Resolution 57 overwhelmingly 411 to 3 on February 2, 2005, it did so in the context of a rising chorus from European leaders that it was time to terminate the European Union’s arms embargo on China. In response to this development, Resolution 57 called on the European Union to take two steps: one, to maintain its arms embargo on the People’s Republic of China; and, two, to eliminate weaknesses in the embargo and in the national policies of the EU member states. Indeed, those weaknesses are loopholes of one form or another that had permitted European weapons technology to flow to China at an increasingly higher level, even while the embargo remained in place.

Now we have word that the EU has decided for the time being not to terminate the China arms embargo. This, of course, is a welcome development, but it only responds to one of the two steps we asked to be taken. Unfortunately, while maintaining the embargo in the formal sense, the Relations Its member states have remained silent on whether they will actually stop the flow of arms-related technology from Europe to China. The supply of European arms technology to China has risen steadily in recent years, both in quantity and quality or sophistication. With respect to quantity, European arms sales to China increased eight-
fold, to $540 million in the 3-year period between 2001 and 2003. Qualitatively, European transfers have included a number of systems which increased the range, reliability, and lethality of China's attack aircraft and other offensive weapons systems.

The implications of these transfers are uniformly negative for the security of U.S. Armed Forces in East Asia, for the defense of our friends and allies in the region, and for regional stability more generally. In this respect, I note the public testimony by the Director of the CIA, Mr. Goss, on February 16, 2005, before the Senate Select Committee on Intelligence. At that time he pointed out that Beijing's military modernization and military buildup is tilting the balance of power in the Taiwan Strait and that improved Chinese capabilities threaten U.S. forces in the region.

H.R. 3100 would address these continuing serious concerns in several ways. First, the bill would ensure Congress' participation in aiding China's military buildup and on European governments' policies condone these sales.

Second, for those European companies and governments that continue dangerous systems relationships with China, the bill would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensitive U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology continues to go where we want it to go. We want to stop this flow of our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not "mission impossible."

Third, the President would be given new authority to help deter future European arms-related sales, should enhanced procedural safeguards not be enough. H.R. 3100 provides a menu of measures the President could draw from the executive branch concerning foreign support for Chinese weapons acquisitions. Under H.R. 3100, the President would henceforth submit an annual report to Congress on European companies aiding China's military buildup and on European governments whose policies condone these sales.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

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

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

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3100, the East Asia Security Act of 2005.

Mr. Speaker, as my colleagues recall, Mr. Speaker, the Hyde-Lantos resolution was adopted in the House by a vote of 411 to 3. Our European allies received that clear message, and their ill-advised effort to lift the embargo was quickly dropped. I welcomed that action by the European Union.

Significantly, H.R. 3100 would not have a retroactive character. It will not reach back. This is because the bill is not intended to be punitive; its primary purpose is deterrence. In this context, the optimal report Congress could receive is one in which no European company or government is named. However, if EU member states do not make it possible for this to happen, the President would be in a position to take other steps in consultation with the Congress to safeguard our security interests.

Mr. Speaker, I hope our colleagues will join me in supporting H.R. 3100.
I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,

Hon. Henry J. Hyde,
Chairman, Committee on International Relations,
Rayburn House Office Building,
Washington, DC.

Dear Chairman Hyde:

I am writing concerning H.R. 3100, the “East Asia Security Act of 2005,” which is scheduled for floor consideration on Wednesday, July 13, 2005.

As chairman of the Committee on Ways and Means with jurisdiction over matters concerning imports, one provision under Section 7 of H.R. 3100 may suspend the President’s ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3100, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

Bill Thomas,
Chairman.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3100.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

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

The Clerk read as follows:

H. CON. RES. 191

Whereas on December 7, 1941, a date which will live in infamy, the United States was suddenly and deliberately attacked by Pearl Harbor, Oahu, resulting in the loss of over 2,400 American lives, the greatest such loss of life in a single attack before September 11, 2001;

Whereas the United States joined with allies from 32 countries to fight the common foe of fascist militarism in a war in which over 16,000,000 Americans served in the military;

Whereas the United States suffered over 670,000 casualties, with more than 400,000 deaths, while over 150,000 Americans were held as prisoners of war; one million forced to participate in the infamous Bataan Death March or were forced to work on the construction of the Siam-Burma Railway;

Whereas two former Presidents, John F. Kennedy and George H. W. Bush, served with particular distinction and valor in the Pacific theater during the Second World War;

Whereas the sea battles of the Coral Sea, Midway, Leyte Gulf—the greatest naval battle in history—and Lingayen Gulf turned the tide of the war in the Pacific and led to ultimate victory;

Whereas the Sullivan family of Waterloo, Iowa, who lost five sons in a single morning in the Battle of Guadalcanal in the South Pacific, was in the Battle of Guadalcanal, came to symbolize for the United States the grief felt by American families over the loss of loved ones during the Second World War;

Whereas on May 14, 1943, the Australian hospital ship Centaur, in transit to New Guinea to pick up the wounded, was sunk fifty miles East-Northeast of Brisbane, Australia, resulting in 268 dead, representing the highest number of casualties of any merchant vessel sunk by a submarine in the Pacific theater;

Whereas General Douglas MacArthur fulfilled his promise of “I shall return” to the Philippines people by leading the successful campaign for the liberation of the Philippines, part of a wider campaign which freed much of Asia from militarist occupation;

Whereas more than 20,000 Japanese and 7,000 Americans were killed in the Battle of Iwo Jima, which raged on the small island of Iwo Jima for over one month between February and March 1945, the fierceness of which was captured in the offensive Marine and one Navy corpsman raising the American flag on Mount Suribachi;

Whereas the Battle of Okinawa, waged between April and June 1945, was the largest sea-land-air battle in history, with more than 38,000 Americans wounded and 12,000 killed or missing, more than 107,000 Japanese and Okinawan civilians, and perhaps 100,000 Okinawan civilians who perished in the Battle;

Whereas millions of people died in Hawaii, Guam, the Carolinas, Midway, the Marshall Islands, the Solomon Islands, Wake Island, Guadalcanal, Nanjing, Harbin, Beijing, Shanghai, Chongqing, Hong Kong, Singapore, Malaya, Indonesia, Burma, Bataan, Corregidor, Manila, Luzon, Leyte Gulf, Lingayen Gulf, New Guinea, Korea, Saipan, Iwo Jima, Okinawa, Tokyo, Hiroshima, and Nagasaki;

Whereas the Second World War led to dramatic social changes in the United States as women joined the Armed Forces; American workforce at defense plants and 350,000 women joined the Armed Forces;

Whereas the roles of minorities in both the Armed Forces and industry were changed forever as greater opportunities for employment and service in the defense of the United States presented themselves;

Whereas Japanese-Americans, including Senator Daniel Inouye, served with courage and valor in the 42nd Regimental Combat Team, the most decorated regiment in United States military history;

Whereas the people of the United States and Japan worked together after the Second World War to reconstruct Japan and to ensure the post-War era as a beacon of democracy and economic liberalization in the Asia-Pacific region, and the United States and Japan further solidified the post-War security relationship by signing the Security Treaty of 1951 and the Treaty of Mutual Cooperation and Security in 1960;

Whereas the sacrifices in the Pacific of United States veterans and veterans of United States allies during the Second World War led to the emergence of an Asian region where democratic institutions and free market economies have taken hold, contributing greatly to the peace and prosperity of the region; and

Whereas on May 29, 2004, the United States gratefully dedicated the World War II Memorial, honoring both the Pacific and Atlantic theaters, on the National Mall in Washington, D.C., with demoted World War II hero Senator Robert Dole giving the dedication speech: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring):

(1) honors all veterans, living and deceased, of the Second World War in both the Pacific and Atlantic theaters on the 60th anniversary year of the War’s conclusion and expresses the deep appreciation and gratitude of the United States for their valor and selfless service to their country;

(2) calls upon the people of the United States to commemorate the 60th anniversary of the final surrender of the Second World War aboard the USS Missouri as a day of remembrance and aggregate the sentiments of the members of the greatest generation who, through their sacrifices both in the Armed Forces and on the homefront, preserved liberty for future generations and rescued the world from the scourge of fascist militarism;

(3) reaffirms the judgment in Tokyo rendered by the International Military Tribunal for the war East or of 1946–1948 and the conviction of certain individuals as war criminals for their crimes against humanity; and recognizes that the contributions that were made in the Asia-Pacific region following the Second World War, including those with Australia, Japan, the Philippines, the Republic of Korea, and Thailand, have contributed immeasurably to the continued peace and prosperity enjoyed throughout the region.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to record and extend their remarks and include extraneous material on H. Con. Res. 191.

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

There was no objection.

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

Mr. Speaker, this is the 60th anniversary of the final victory in one of the
greatest campaigns for the preservation of freedom in the history of the world. The heroic struggle of America's Greatest Generation and the peoples of the allied countries to defeat the scourge of Fascist militarism and liberate millions from its iron fist was the most monumental endeavor of the entire 20th century.

World leaders quite properly gathered in Moscow on May 9 to commemorate V-E Day, the 60th anniversary of the victory in Europe. We certainly join in honoring our heroic veterans of the D-Day landing and those of the entire Atlantic theater for their valiant efforts to liberate the people of Continental Europe, especially those trapped in death camps from Nazi tyranny.

We should well remember, however, that for the American people, the Second World War neither began nor ended in Europe. For our Nation, the war began on a quiet Sunday morning in Hawaii, when the U.S. was suddenly and deliberately attacked at Pearl Harbor. Over 2,400 lives were lost, including those buried in the sunken hull of the battleship Arizona. These represent the greatest number of American casualties in any such attack prior to September 11, 2001, another date which will live in infamy.

The war for America did not end on May 9, 1945, but on September 2, 1945, in Tokyo Bay to accept the final surrender of Japan. V-J Day was the beginning of this-end, but V-J Day was the final victory, and in strong support, therefore, for this concurrent resolution, which gives equal recognition to veterans of both the Pacific and Atlantic theaters as inscribed in the World War II Memorial which was dedicated last year on our National Mall.

This resolution calls upon generations of Americans who followed those who fought and died in this historic conflict to pause and give remembrance to the sacrifices of the greatest generation. And so we must assure, through commemorations like the one contained in this resolution that the sacrifices of the World War II generation are never diminished or never forgotten.

We here today should dedicate ourselves to preserving these memories, even as we stand once again to thank our World War II veterans for their sacrifice and their valor. As Americans reflect on the decades of unparalleled stability and prosperity following the aftermath of the Second World War, they may recall the words of the great British Scientist, Sir Isaac Newton who said, "If I have been able to see further, it was only because I stood on the shoulders of giants." The blessings we enjoy today come from standing on the shoulders of those giants who fought, bled and died 6 decades ago so we might be free. And so to all those who fought, we owe an eternal debt of gratitude. Their legacy today is a peaceful and increasingly prosperous Asian Pacific region, where democratic institutions have taken root and market economies have flourished.

Their gift to us is a America which still stands as a beacon of liberty to the people of Asia who remember well the horrors inflicted by the coming of the Second World War. With pride and boundless gratitude do we acknowledge the unpayable debt we all owe to veterans, who together with our allies and those on the home front, won the final victory which we commemorate today.

Mr. Speaker I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and rise in strong support of this concurrent resolution.

Mr. Speaker, in the context of this commemoration of what happened on the watery battlefields of the Pacific 60 years ago, I want to draw special attention to the actions of one of our most esteemed colleagues in this body, an esteem that is bound to grow once people know and understand the extent of his contributions to the allies' success in this crucial part of World War II.

Our distinguished colleague and my dear friend, the gentleman from Illinois (Mr. HYDE), now the respected chairman of the House International Relations Committee, back then was a young Naval officer facing the most important battle of his life.

On January 9, 1945, he piloted a landing craft into the Lingayen Gulf as part of a massive landing force hoping to establish a beachhead on the Philippine island of Luzon. His mission was to help liberate the people of the Philippines from Japanese control.

The liberation of the Philippines and the eventual victory of allied forces in the War in the Pacific now seems to have been predetermined. Yet it was anything but decided during this important moment in global history.

Fortunately, Mr. Speaker, the gentleman from Illinois (Mr. HYDE) survived the battle of Lingayen Gulf. For his exemplary service to his Nation, he was awarded the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the American Campaign Medal, and the Philippines Liberation Medal.

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

Mr. Speaker, the gentleman from California has been incredibly generous in his remarks, and I would like to comment on his history for the edification of our colleagues.

Hitler's forces occupied Hungary on March 19, 1944. Along with the Nazi invaders came the notorious Adolf Eichmann, with orders to exterminate the Jewish population of Hungary. A 16-year-old boy viewing these somber events decided he had to take a stand. He joined the Hungarian underground, a loose-knit group which was made up of small clusters of individuals.

Sent to a work camp to perform forced labor to maintain a railway bridge, this boy was the sole survivor of an allied bombing raid. "I was convinced I would not survive;" the boy recalled. But fate had greater things in store for this young hero. Escaping from the camp, the young man made his way to Budapest, where he joined the Swedish diplomat Raoul Wallenberg in his rescue operation to save much of the Jewish community of Hungary.
The young man ran operations for the underground carrying food and medicine through Nazi lines to Jews hiding throughout the city. After the war, the young man was reunited with his childhood friend, who was to become his wife, Annette. Together they immigrated to America to start a new life.

Fortunately for all of us on the International Relations Committee and in Congress and in America, that brave lad named Budapest is here with us today. After a distinguished academic career in California, the same determination which kept him alive at the bombed out railway bridge has now brought him to Congress, where he serves as the ranking Democratic member of the International Relations Committee.

For his courage in war, for his service in peace, especially here in Congress, I would like to express sincere and personal gratitude to my friend and colleague, the gentleman from California (Mr. LANTOS.)

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

Mr. LANTOS. Mr. Speaker, before yielding to my friend, the gentlewoman from Guam (Ms. BORDALLO), I just want to express my most profound gratitude to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of our committee.

Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I wish to thank my good friend, the gentleman from California (Mr. LANTOS) for yielding me the time and giving me the opportunity to speak on the floor today on this issue.

December 7, 1941 would come to mark a historical pivot point for both America and the world. Two days later, the Chamorro people of Guam would also begin a dark and somber time. Over the next 31 months, residents were turned into refugees. Men, women, and children were massacred, an entire island enlaved.

An estimated 700 Chamorro people perished over these years of occupation. On July 21, 1944, American troops once again touched the shores of Guam, ending the oppressive occupation. (2)

Liberation meant a restoration of faith and future to the Chamorros as they sought to reconstruct their island and their lives. The scars of battle still resonate, yet the lingering message of history will never fade 61 years later. I stand to honor those who fought to liberate our people and to honor the resilience displayed by the Chamorro people in such formidable times. Just yesterday we went to Arlington to lay a wreath to honor those who perished. And tonight in the Cannon Caucus Room we invite the entire membership of the U.S. Congress and their staff and friends to come and join us in a liberation celebration beginning at 6:30 p.m.

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

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 191.

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

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

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

CONDEMNING THE TERRORIST ATTACKS IN LONDON, ENGLAND ON JULY 7, 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005.

The Clerk read as follows:

H. Res. 356

Whereas, on July 7, 2005, a series of explosions on public transportation facilities in London, England, resulted in the death of scores of civilians and the injury of hundreds of others;

Whereas the explosions had been planned and carried out by terrorists;

Whereas British first responders reacted swiftly and heroically to save and assist civilian victims;

Whereas the people of London and of the United Kingdom have a history of bravery and resolve in the face of terrorism and war;

Whereas the people and Government of the United Kingdom have been engaged in coordinated efforts with the people and Government of the United States in every front in the Global War on Terrorism and in other efforts to assure a safer and more secure world;

Whereas the people and Government of the United Kingdom have been making heroic sacrifices in Afghanistan, in Iraq, and in the ongoing “shadow war” against terrorists around the world;

Whereas President George W. Bush, then present in Gleneagles, Scotland, with other world leaders, expressed the solidarity of the people and Government of the United States with the people and Government of the United Kingdom: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks in London, England, on July 7, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of the United Kingdom as the recovery continues from these cowardly and inhuman attacks; and

(4) expresses its readiness to provide any necessary assistance to the United Kingdom authorities and to devote the necessary resources to bring to justice those individuals responsible for the London attacks, and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 356.

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

There was no objection.

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

Mr. Speaker, Americans were shocked and dismayed but not necessarily surprised when terror struck at the heart of the capital of the United Kingdom, the cradle of Western liberty, on July 7, 2005.

It is too easy while we are preoccupied with celebrating our independence from Britain in early July to lose sight of what we owe Britain, our language and our culture, the notion of the rule of law and the separation of powers, our common law legal system, and the underpinnings of our economic system, to name a few examples.

The British have been at our side and we at theirs in the struggles against tyranny that preoccupied us throughout most of the 20th century and now in the struggle against the nihilistic terrorism that has marked the 21st century and in our efforts to bring freedom to Iraq.

So it came as no real surprise to find that those who hate us hate the British too and acted on that hate.

The British have always impressed the world with their courage, their resilience, recalling the days of the blitz.

Today, Britain is different than the Britain of the Second World War. Its streets are filled with people from all over the world who are making their homes in what is like ours, a land of opportunity where newcomers are integrated into society with remarkable success. Today’s Londoners showed themselves to be just as brave and determined as the Londoners of the past.

President Bush made us all proud when he so forthrightly and eloquently supported Prime Minister Blair and pledged his people and government our full support. Today with this resolution, our House adds its voice to his.

We and the British people are bound by ties that terror cannot loosen or fray. We will not be satisfied until we bring the perpetrators of this attack to
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Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 356. Mr. Speaker, once again the backbone, resilience and resistance to barbarity and the citizens of Great Britain have inspired men and women everywhere who love liberty and know that it comes with a price. The aftermath of last week’s horrendous events in London and memories of an earlier generation’s response to the German blitz bring clearly to mind a quality we Americans have long admired about our British cousins: the unwavering will to withstand a setback and then to get on with it.

By their deeds their ideals in the past week, the people of the United Kingdom have demonstrated yet again that they will not allow brutality to intimidate them. Far from it. They and we shall prevail.

Queen Elizabeth, II, who as a teenager helped rally her country to repel tyranny during World War II, was eloquent but emphatic on this point a few days ago as she visited the wounded in a London hospital. "Those who perpetrate these brutal acts against innocent people should know that they will not change our way of life. Atrocities such as these simply reinforce our sense of community, our humanity, and our rule of law. That is the clear message from all of us."

Mr. Speaker, while the Irish playwright George Bernard Shaw may have been correct when he observed that “England and America are two countries divided by a common language.” today there is no sentiment more closely shared by Americans and Britons, nor one so clearly stated, as what Her Majesty said: the perpetrators of this latest act of Islamist terror, blowing themselves up along with their innocent victims in what would be the first suicide attacks in Western Europe. I fear we are seeing the emergence of a new generation of terrorists, kids who were in their teens on 9/11.

One of the four implicated in the London bombings was a teen. The homegrown cell involved in the Van Gogh murder in the Netherlands included members as young as 18. North African extremists from France have been part of the plot by al Qaeda which has spawned terrorist groups and violence across the globe."

As the 9/11 Commission described, “Our enemy is two-fold, al Qaeda, a stateless network of terrorists that struck us on 9/11 and a radical ideological movement in the Islamic world that is seeking to inflame the world with the fire of jihad across the globe.”

As the 9/11 Commission tells us, “The first enemy is weakened but continues to pose a grave threat. The second enemy is gathering and will menace Americans and American interests long after Osama bin Laden and his cohorts have been killed or captured. Thus, our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism.”

Now, unfortunately, lax asylum laws and lax immigration laws have done the British and the rest of Europe no favors and have contributed to the radicalization of society there. Long before bombs ripped through London, Britain had become a breeding ground for hate fed by a militant version of Islam. For a decade, the city has been a crossroads for would-be terrorists who used it as a home base to communicate their message, to raise funds and to recruit members.

For years before his arrest, Abu Hamza al-Masri openly preached violence at the Finsbury Park mosque in north London. Among those who have passed through that Finsbury Park mosque are Zacarias Moussaoui and Richard Reid.

Unfortunately, radical clerics gaining a foothold in traditionally tolerant societies is not unique to Britain. The reality is that hate and intolerance is being preached throughout the world, and I thank the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for bringing this resolution to the floor.

Mr. Speaker, before we have stood with us, we stand by them. We will prevail. The terrorists will not.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. FOSSella).

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

Mr. FOSSella. Mr. Speaker, I thank the chairman for yielding me this time and for bringing the resolution to the floor, along with the ranking member, the gentleman from California (Mr. LANTOS); and I urge its unanimous adoption.

Mr. Speaker, on September 11, 2001, the United States was attacked, and Americans stood with us. This was not only an attack against America, but against the civilized world; and Britain understood this.

On July 7, 2005, the terrorists struck again, this time at our ally, Britain, in London. Over 50 people are believed dead and more than 700 wounded in these horrific attacks. These terrorist attacks have once again been directed towards innocent civilians, except that instead of New York and Washington, D.C., the targets were in London. We have been in this business of protecting civilians by terrorists in other places, like Bali, Istanbul, Madrid, and beyond.

This message really goes to the people of Britain, the citizens of London, but especially to the families who lost loved ones last week. In 2001, when not just the United States of America came together but the rest of the world stood with the United States and the families who lost loved ones on 9/11, it was a show of appreciation, respect and sympathy, especially for those who lost their lives to terror.

Out of the pain and the sorrow for many of those families, and I know this
because I represent about 300 who lost loved ones on that fateful day on September 11, one of the saving graces from all of that was the outpouring of support from around the world that let them know that they did not stand alone, and that in the words of our allies, whether Great Britain or beyond, stood with them and that the best days, hopefully, would come.

Today, we stand as a body, as elected representatives, but really speaking for those whose loved ones are present and to send those same sympathies and condolences to the people of London.

Yes, we will prevail. Yes, this web of terror, and if there is not a point in time we can say, it let now be the time, this web of terror must be destroyed, whether it is Bali, or the World Trade Center, or the Khobar Towers, or Nairobi, or Jakarta, or any other place around the world where innocent people still must fear for their lives because of local terrorists. To think nothing of taking innocent lives, including their own.

The people of London have now been Exhibit A in the latest chapter in the war against our House on the free people of the United States, the free people of Great Britain, and the free people around the world, with our brave men and women in the United States Armed Services and those who are willing to step up and give their lives, will prevail against these rogue terrorist punks.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. Wilson).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the chairman and ranking member for bringing forth this resolution today.

All of us here know how the Brits felt last Thursday morning. We had all been there ourselves in our own morning of terror not that long ago. It was a routine morning commute, just a regular ordinary day; and then the course of hundreds of lives changed as sands were otherwise deeply affected. And we saw the best of the people of London: people shocked but calm, bravely helping others, a city getting up and getting back to work on Friday morning, and determined leaders who will not bow to terrorists.

There were two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admiration is not necessary in general; is more well-known, there is another speech he gave in the summer of 1941, after London had endured months of bombing and 20,000 casualties in the fall and winter of 1940–41. He said: “But there was this thing about which there was never any doubt. The courage, unconquerable grit and stamina of the Londoners showed itself from the very outset. Without that all would have failed. Upon that rock, all stood unshakable. Our thoughts and prayers are with the people of London.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to reemphasize our united determination to stand with the people of the United Kingdom in their moment of sorrow and anguish and to reiterate our determination not to rest until terrorism is defeated and this planet is free.

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

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentleman from California (Mr. LANTOS).

Mr. HOYER. Mr. Speaker, even today, as our friends and allies in London and the United Kingdom move forward with heavy hearts and continued anxiety, they are striking back at the barbaric and cowardly terrorists who attacked them without warning last week. The British people have seen the face of evil and, as we knew they would, they have remained steadfast, resolute, and unbowed.

They have seen during the war of life, or compromising the democratic principles that have fortified them through the centuries.

All of us can learn from their strong, courageous example, as we extend our deep respect and condolences to the loved ones and friends of those who have been stolen by these heinous murderers.

It is incumbent upon us not only to condemn the perpetrators and supporters of these unconscionable attacks, but also to express the unavailing rage and frustration of the free people of the United Kingdom.

Mr. Speaker, the civilized world is under attack today by the purveyors of hate, violence, intolerance and lawlessness. They have no compunction about attacking and killing innocent men, women and children.

And our responsibility to this and future generations could not be more clear. We must expose the moral emptiness and political hopelessness of those who subscribe to this twisted ideology—this jihadist death cult—and we must extinguish this force of darkness and despair.

Victory in this fight will not be easy, but it is inevitable as long as those who cherish peace, tolerance and the rule of law stand together as one.

Sixty-five years ago, Winston Churchill, in steeling the British people against the terror of his day—Hitler’s Nazi regime—said: “Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is quality.”

We must summon the same courage and conviction today. Our enemies seek our destruction, but they underestimate our will. But we shall succeed. Victory will be ours. And, when we look back upon these difficult days, we will be reminded of the British people’s courage and steadfast determination.

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution. H. Res. 356.

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

Mr. LANTOS. Mr. Speaker, on that I declare the yeas and nayes.

The yeas and nayes were ordered. The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005.

Mrs. CAPITTO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 346 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 346

Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read, and all points of order against consideration of the amendment are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be stated on the bill and amendments thereto to final passage without intervening motion except
The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI); pending resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 346 is a structured rule that allows for debate on H.R. 2864, the Water Resources Development Act of 2005. The rule makes in order seven amendments to the bill, five offered by Democrats, one offered by a Republican, and one bipartisan amendment.

The underlying bill is a solidly bipartisan piece of legislation introduced by the chairman and ranking member of the full Committee on Transportation and Infrastructure and the chairman and ranking member of the Subcommittee on Water Resources and the Environment.

I want to begin by thanking the chairman of the full committee, the gentlewoman from Alaska (Ms. Young); the ranking member, the gentleman from Minnesota (Mr. Oberstar); chairman of the subcommittee, the gentleman from Tennessee (Mr. Duncan); and the ranking member, the gentlewoman from Texas (Ms. Eddie Bernice Johnson), for working together to produce an outstanding piece of legislation.

The Water Resources Development Act renews the commitment of this Congress to dealing with our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

H.R. 2864 authorizes or modifies 102 projects and studies related to navigation, improving our country's ability to ship goods and improve our economy.

The bill includes 225 flood disaster reconstruction projects and studies. West Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill includes authorization for a watershed drainage assessment of the lower Kanawha and Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 also reauthorizes important Corps projects across the country to bring water and sewer lines to rural communities. These water and sewer projects bring jobs and economic development to areas that need business investment. This legislation is a jobs bill because it provides for the infrastructure needs of our communities and allows for better movement of goods across our country.

The Committee on Transportation and Infrastructure reported the Water Resources Development Act in a bipartisan manner, and I trust that the full House will adopt the bill today in the same manner. I ask my colleagues to join me in support of the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I may consume. (Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and strongly support the underlying measure, H.R. 2864, that would provide for the water infrastructure needs of our Nation.

The Water Resources Development Act before us today reflects a shared commitment to the larger goal of developing our national water resources to address economic, environmental, and also public safety needs.

H.R. 2864 is a comprehensive bill. It does more than just authorize nearly $10 billion for the construction of nearly 700 water resource development projects and studies by the Army Corps of Engineers. It seeks to improve the corps' implementation of projects.

From working with the corps year after year, we know there are better ways to implement projects. This bill includes provisions to ensure that corps projects are managed in a coordinated and efficient manner, with improved financial management.

To improve the planning and execution of ongoing projects, the committee is asking that the corps submit yearly financial reports, including anticipated spending needs for future years.

The measure also streamlines the project review for environmental reports and analyses. Further, it would also allow for better coordination between the Federal review and State agencies affected by the project. And these are just a few examples of the many provisions this bill includes to encourage better management and coordination of U.S. Army Corps projects. These improvements are common sense. They will not only facilitate better economic and environmental benefits of the projects, but they will also allow projects to reach completion faster.

With a number of ongoing water projects in my district of Sacramento, California, these provisions will translate into real and tangible results. Sacramento has a long history intertwined with floods.

When the city endured a near catastrophic flood in 1986, the community quickly realized it did not have nearly the level of flood protection necessary to fully safeguard the region. After the city faced more floods in 1997, the community redoubled its efforts to achieve 200-year flood protection. However, until that day arrives, flooding remains a very constant and genuine threat. And continued Federal assistance plays an important role in obtaining that goal.

Despite years of effort, Sacramento still remains one of the most flood-prone and threatened cities in the country, paling in comparison to the level of protection enjoyed by other river cities.

Thanks to the leadership of this committee, much has been done to address the flood control needs of the region. Indeed, several project authorizations in place already in that, once completed, will provide in excess of 200-year flood protection for much of the area. With the continued support of Congress, Sacramento has already made incremental progress toward our initial goal of achieving 100-year flood protection for the region, and ultimately moving as quickly as possible towards 200-year flood protection.

Fortunately, as a result of lengthy bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets of Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will obtain its long-term flood control goal.

I deeply appreciate the years of support of the Committee on Transportation and Infrastructure has provided to ensure these projects continue to move forward, providing Sacramento the level of flood protection that it both needs and deserves.

In this bill, the committee embraced a project which seemed to be bogged down and hopeless, but because of a little bit of innovation and a strong commitment to finding success, it will be authorized today.

After the Corps of Engineers recommended a flood control project at Magpie Creek in Sacramento, the project faced an unavoidable redesign that nearly doubled the total cost of the project. The cost increase put the project out of reach of local affordability, and the project seemed to be stalled indefinitely. Taking the initiative, the local sponsor, the Sacramento Area Flood Control Agency, developed a revised plan that is not only less costly, but also has less of an environmental impact.

What is significant is the cooperation between the local stakeholders, the Corps and Congress to work together to find a solution. Because of this cooperation, Sacramento now has a more efficient project which will better protect us.

Just as thought went into this project's plan, it is apparent that the Transportation and Infrastructure Committee put great deliberation into this bill. I would like to offer my deep gratitude for the hours of work that the gentleman from Alaska (Chairman Young) and the gentleman from Tennessee (Chairman Duncan) and the ranking members, the gentleman from...
Minnesota (Mr. Oberstar) and the gentlewoman from Texas (Ms. Eddie Bernice Johnson) have put into this bill. Their long negotiations have produced a bill that will save lives, homes and businesses from devastation of floodwaters and improve the quality of life.

This is a prime example of a win-win project for America. My district is located at the confluence of the Sacramento and American rivers. Sacramento is the hub of a 6-county regional economy that provides 800,000 jobs for 1.5 million people. A major renovation of the American River will cripple this economy, and cost between $7 billion and $16 billion in direct property damages and likely result in significant loss of life.

The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California’s State capitol. It is because of the bipartisan commitment in the Sacramento region and the bipartisan commitment of these communities that Sacramento is slowly reducing its risk of flooding. We are on a path, and I thank the committee for forging ahead with my community, to bring Sacramento the long-awaited flood protection it needs and deserves.

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

Mrs. Capito. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Hastings), my colleague on the Committee on Rules.

Mr. Hastings of Washington. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. Capito) for yielding me this time.

Mr. Speaker, I rise in support of this rule and the underlying bill, the Water Resources Development Act of 2005, or WRDA.

Our Nation’s water resources infrastructure is critical to our economy, transportation system, power generation, flood control, and environmental protection and restoration. This is especially true in my area in the Pacific Northwest.

Our region’s river system is a great resource, a resource that must be well-managed and protected. Hydroelectric dams provide clean, low-cost renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products, fishery products, coastal ports, which reduces congestion on our highways and rail systems. The dams allow for the control of floods, should that be necessary.

The coastal ports that receive the river-borne goods and products also need careful attention. They are the gateways to overseas markets. The success of farmers and manufacturers throughout the Northwest depend upon these ports being navigable and appropriately maintained.

I want to highlight several provisions of this bill that are of importance to the communities and individuals that I represent in central Washington.

Like the WRDA bill passed by the House in the last Congress, this bill includes direction to the Corps of Engineers to allow workers at northwest dams to participate in wage surveys. This is a simple matter of equity as workers past the development of the environmental impact statement is to be paid by the Corps.

This bill also includes language that will allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain and improve its facilities. This provision ensures that the Port of Sunnyside gets proper credit for funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of the Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial use of this prime riverfront property to move forward to the betterment of Pasco and the Tri-Cities, of which Pasco is one of the three cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation’s water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

This is the purpose of the WRDA bill and why it is important that it pass the House and the Senate act on it this year to ensure that this measure and the benefits it provides will become law.

Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying WRDA bill.

Ms. Matsui. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. Blumenauer).

Mr. Blumenauer. Mr. Speaker, I appreciate the gentlewoman’s courtesy for yielding me this time, and I noticed with pride her reference to the Sacramento situation. We worked with Bob Matsui on that for years, and he provided great leadership. If I provided great leadership, I appreciate the gentlewoman’s continued efforts, and I am pleased this bill looks like it may help move that project forward. It is a priority for not only California, but also the Nation.

I am also proud to serve under the leadership of the gentleman from Tennessee (Chairman Duncan). I truly believe that the work of the gentleman from Tennessee (Mr. Duncan) is developing a path for a new direction for the Corps of Engineers and water resource.

This has been an arduous, difficult task in our Chamber and the other Body, dealing with a wide variety of issues and I salute him, our ranking member, the gentlewoman from Texas (Ms. Eddie Bernice Johnson) and her predecessor, Mr. Costello, because I know they have spent long, hard hours bringing forth a product that will do much good for America.

I come today in support, however, of one amendment which I appreciate being made in order in this rule which will enable the Chamber to take a step back and look at the largest, most expensive navigation project in America’s history. I think it is important that we take that careful look, because frankly, there are grave questions about this project.

Today, for instance, I note another in a flood, if I may use the term, of editorials from around the country. This from the Chicago Tribune entitled “Reality on the River” that calls into question the wisdom of this massive investment.

WRDA would authorize $1.8 billion to expand seven locks on the upper Mississippi and Illinois Rivers. This would be the most expensive project for navigation in our Nation’s history. It will take 10 to 15 percent of the Corps construction funding for years, indeed decades.

The gentlewoman from California (Ms. Matsui) needs to be concerned about this if we are going to fund what she wants. The gentlewoman from West Virginia (Mrs. Capito) needs to be concerned about the economic justification of this project is not just shaky, but frankly, it looks to be flawed.

Studies by the National Academy of Science and the Congressional Research Service, as well as the recent history of traffic on the Mississippi, shows that there is not an increase in barge traffic that justifies it. In fact, for the last 20 years, barge traffic has been flat, and for the last 13 years it has declined. It has declined more than a third from 1992. As barge traffic has declined, we have nonetheless spent almost a billion dollars rehabilitating the locks on the river. This has been controversial from the start. This project helped launch our Corps reform efforts. Members of this Chamber may remember in the year 2000, the Corps of Engineers fired the lead economist, Mr. Sweeney project in Arkansas. He asked Corps officials had ordered him to “cook the books,” to underestimate how much was going to be shipped.
Well, he applied for whistleblower protection. In fact, the Army's inspector general confirmed that the Corps had manipulated the documents. Unfortunately, the Corps has not adequately fixed the process.

Several studies from the National Academy of Science and the Congressional Research Service show that the model is still flawed. In fact, the most recent study from the National Academy of Science in 2004 points out that despite their efforts, "The study contains flaws serious enough to limit its credibility and value within the policy-making process."

Now, I want to make clear I am not here today to kill this project. The gentleman from Arizona (Mr. Flake) and I are offering an amendment that simply says if this project is justified, then it goes forward. Our amendment just says that the minimum justification, 35 million tons of barge traffic, is the lowest justification that would make this economically viable. They have 3 more years to hit the target. Maybe there has been an aberration in the last 20 years, so they have 3 more years. If in the course of the next 3 years there still is no increase, then certainly we should not be spending almost $2 billion.

This amendment does not delay the project. Testimony before our committee indicated it will take 4 to 5 years even with optimal funding for planning for this to move forward.

Not only would the amendment not delay the project at all, the gentleman from Arizona (Mr. Flake) and I recommend that there be immediate activities in the basin to be able to move barges more efficiently. Under our amendment, people who ship will get help immediately. It will make it easier for barge traffic to go up and down. It will make it easier to hit their projections. It would seem we are doing things in a far more efficient way.

Bear in mind that this is a time of great change in the upper Midwest. Their products are going north to Canada on rail, south to Mexico on rail under NAFTA. They are actually exporting less because they are using product for the domestic market for things like ethanol and for food for animals. It is not likely that there is going to be a need for increased river capacity in the future. And it is not about shifting to trucks. This product is already moving on rail, going north and south, going east and west; and we are not taking away the barges in the Mississippi River. They will still be there.

I strongly urge my friends to look at this, the largest project for navigation in our history, to do things now under our amendment that will help the barge business continue, and keep the product moving more cost effective. Every Member has a stake in this, and I urge your consideration.

(From the Chicago Tribune, July 13, 2005)

REALITY ON THE RIVER

Congress is poised to approve the most expensive water navigation and restoration project in U.S. history, despite glaring evidence that the project is a multi-billion-dollar boondoggle.

The proposed $1.8 billion project would enlarge and modernize the 80-year-old system of locks along the Mississippi and Illinois Rivers so barges carrying corn, soybeans and other goods to Gulf of Mexico ports can travel more quickly. Advocates say the project is needed to keep the bustling river industry ahead of rising competitors such as Brazil. The mighty Mississippi remains a cheap shipping route, but congestion and other delays sometimes hold up barges for hours.

The 10-year-old project, though, has faced constant questions about wasteful spending and inflated expectations. The Army Corps of Engineers has predicted river traffic could increase as much as 30 percent over the next 20 years. But a Congressional Research Service report and studies by the National Academy of Sciences have found little to back up that rosy projection and have questioned whether the real economic benefits will be worth the cost.

Congress has one chance to protect taxpayers on this. The House is scheduled to vote as early as Wednesday on a measure that would cut funding for the project before construction begins if river traffic fails to grow as much as the Army Corps projects it will over the next five years. That measure deserves strong support.

There's good reason to question the projections. Mississippi River traffic is close to where it was back in 1980 and has declined sharply through the five major locks since 1990, partly because Midwestern growers have been shipping more goods by rail and selling more corn to nearby ethanol plants.

The locks improvement project ground to a halt in early 2000 after a whistle-blower accused the Army Corps of inflating the project's economic benefits. An investigation by the Army's inspector general later cited a built-in bias at the Corps in favor of costly construction projects.

Yet a coalition of barge operators, agricultural producers and Midwestern lawmakers is pushing the House to approve the project before the August recess. It may be in the hands of the Senate to head off that approval. But an amendment sponsored by Rep. Jeff Flake, an Arizona Republican, and Rep. Earl Blumenauer, an Oregon Democrat, would make taxpayers more dependent on river traffic increasing enough to justify it.

If traffic fails to reach the 16 percent growth that the Army Corps projects by 2010, funds to the expansion project would be denied. Taxpayers would have paid only $13.7 million, which was approved last year for research and planning.

The Army Corps of Engineers has an unfortunate reputation for understimating costs and exaggerating benefits of some of its projects. Tying its construction budget to its own predictions would create a powerful incentive for the Corps and other government agencies to ground their grand plans in realistic expectations.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. Duncan), the chairman of the Subcommittee on Water Resources and the Environment.

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time and for her hard work on this bill. I rise in strong support of the rule for consideration of H.R. 2864, the Water Resources Development Act of 2005. This is a good rule and a good bill. There are, as all of us know, very few amendments; and I think that is in large part because the committee has worked hard over a long period of time to ensure members' needs in the bill and in the manager's amendment.

I think that our subcommittee does not have a better member than the gentleman from Oregon (Mr. Blumenauer), and I will speak more to his amendment during general debate. But I can tell you that I certainly sympathize with the thrust of his amendment because I think every water project in the country should be looked at very closely and should be done in the most cost-effective way possible. I will say just simply at this point that the project of which he has spoken and to which his amendment is addressed is the number one priority of the Inland Waterway Users' Association, protecting the taxpayers who pay into the inland waterway trust fund and that pays one-half of the project cost. As I said, I will speak in more detail about the general provisions of the bill during general debate.

Right now, let me just say that H.R. 2864 is the product of several years of bipartisan work by the Transportation and Infrastructure Committee. The gentleman from Oregon (Mr. Blumenauer) mentioned the gentleman from Illinois (Mr. Costello) who was the ranking member and with whom I worked so closely on this bill in the last Congress.

Basically, this bill in the last Congress is really the product or was the forerunner and is very, very similar to this bill and that bill passed the last Congress by a vote of 412-8. Basically, we have the same bill here today. By working together, the committee is presenting to the House a bill that is supported by over 200 organizations, including the U.S. Chamber of Commerce, which has stated that they plan to score the vote on this bill when they issue their annual "How They Voted" ratings.

I certainly would not want to run through the more than 200 of those groups, but just let me give you a short list of some groups supporting this bill, and you will see some of the wide variety: the Chamber of Commerce, the American Society of Civil Engineers, the American Farm Bureau Federation, the American Shore and Beach Preservation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters, the National Association of Flood and Stormwater Management Agencies, the International Longshoremen's Association, the National Corn Growers Association, the American Association of Port Authorities, the Laborers International Union, the National Mining Association, the Agricultural Retailers Association, American
Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

The Chair recognizes the gentleman from Texas (Mr. BARTON) each will control 30 minutes.
end the chances of the bill becoming law. With the country continuing to experience record energy prices, the need for comprehensive energy legislation is clear, and MTBE provisions once again threaten the passage of this bill.

Mr. Speaker, the MTBE industry knowingly caused widespread groundwater pollution, and now it is trying to shirk its responsibility to the communities living with this huge problem.

So I urge my colleagues to support the Gentlewoman from California, (Mrs. CAPPS), for instructing the House to work with the conferees and to reject this ridiculous bailout for the MTBE industry.

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

Mr. BARTON of Texas. Mr. Speaker, I rise just to say that I object to the motion to instruct.

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

Mrs. CAPPS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in strong support of the motion to instruct. The result of their malfeasance is clear: MTBE contaminated groundwater in every single State in America with estimated clean-up costs between $25 and $85 billion.

Incredibly, instead again of siding with communities poisoned by MTBE, House Republicans lined up to protect polluters from liability. Last year, the Majority Leader, the gentleman from Texas (Mr. DELAY) added language to the energy bill to protect MTBE polluters knowing it would kill the legislation and pass the same this year.

The House-passed bill protects MTBE producers form lawsuits. By their actions, House Republicans imposed an unfunded mandate on local communities to protect polluters. This is contrary to a fundamental principle that in our society polluters must pay for the damage they cause, not our children with their health.

The bill is said to localities, not only will we protect the people who poisoned your water, but we are going to leave you with the bill.

Mr. Speaker, we are spending our time debating yet another huge subsidy for profiteering oil and gas companies and their taxpayer’s expense, when we should be focusing on what consumers want, clean water to drink and relief from high prices at the pump.

This is a disgrace. Confeeres should insist on the Senate version that excludes this shameful MTBE liability waiver. Only then can we reaffirm our commitment to strengthening community by promoting a clean and healthy environment where polluters pay again for the damage they cause, not our children with their health.

Again, I thank the gentlewoman from California, (Mrs. CAPPS) for seizing this opportunity as she did when the House first considered this legislation. I urge my colleagues to vote for the motion to instruct so that we can end this disgraceful giveaway to oil companies and MTBE polluters that poison water all across the country.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of the Capps motion. The House Energy Bill contains a so-called “Fuels Safe Harbor” that hands over MTBE polluters an out of court free car to the big oil companies and MTBE polluters that poison water all across the country.

If enacted, it will let corporate polluters off the hook for water contamination and other damages to the environment and public health resulting from MTBE contamination.

A few months ago, President Bush said, “I will tell you, with $55 oil, we do not need to give incentives to oil and gas companies to explore, there are plenty of incentives.”

Well, the President is right. Oil prices are now up to $60 a barrel, but the Republicans would nonetheless hand billions of dollars worth of tax and regulatory subsidies over to wealthy oil companies. The MTBE liability waiver is only the tip of the vast iceberg of subsidies in this bill. $8 billion in tax subsidies and incentives for energy companies in the energy bill; $3 billion for the oil and gas industry; billions more in the Senate bill for the oil and gas industry.

There is something called royalty relief for the oil industry, which basically suspends requirements for oil companies to pay the Government for drilling on public land. There is a $2 billion subsidy for ultra deep water drilling R&D, and they also get a special exemption from the Clean Water Act.

With oil prices hovering at $60 a barrel, they do not need these breaks. Exxon reported $25 billion worth of profits last year, but the Republicans think it’s a bargain. Royal Dutch Shell, $18 billion; BP, $16 billion; Chevron-Texaco, $13 billion. They do not need any incentives from the taxpayer, they are already in the pockets of the very same people as consumers, tipping them upside down.

And just think about it. The oil companies are making more money than they can ever spend, and Congress, in this bill, is going to pass a bill totally immunizing MTBE producers from any legal liability for producing an inherently defective product.

If there is an industry that can pay for this problem, it is the industry that has made more profits in the last year than any industry in the history of the world. We are going to do this despite scientific studies which have shown that MTBE causes cancer in laboratory animals.

Ladies and gentlemen, this is a huge mistake, the House “safe harbor” from legal liability will shift the burden of clean up MTBE in localities without the funding to communities living with this huge problem.

The Republicans said to localities, “Fuels Safe Harbor” is it? It provides a safe place, a safe

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

Mr. MARKEY. Mr. Speaker, I rise in support of the Capps motion. The House Energy Bill contains a so-called “Fuels Safe Harbor” that hands over MTBE polluters an out of court free car to the big oil companies and MTBE polluters that poison water all across the country.

If enacted, it will let corporate polluters off the hook for water contamination and other damages to the environment and public health resulting from MTBE contamination.

A few months ago, President Bush said, “I will tell you, with $55 oil, we do not need to give incentives to oil and gas companies to explore, there are plenty of incentives.”

Well, the President is right. Oil prices are now up to $60 a barrel, but the Republicans would nonetheless hand billions of dollars worth of tax and regulatory subsidies over to wealthy oil companies. The MTBE liability waiver is only the tip of the vast iceberg of subsidies in this bill. $8 billion in tax subsidies and incentives for energy companies in the energy bill; $3 billion for the oil and gas industry; billions more in the Senate bill for the oil and gas industry.

There is something called royalty relief for the oil industry, which basically suspends requirements for oil companies to pay the Government for drilling on public land. There is a $2 billion subsidy for ultra deep water drilling R&D, and they also get a special exemption from the Clean Water Act.

With oil prices hovering at $60 a barrel, they do not need these breaks. Exxon reported $25 billion worth of profits last year, but the Republicans think it’s a bargain. Royal Dutch Shell, $18 billion; BP, $16 billion; Chevron-Texaco, $13 billion. They do not need any incentives from the taxpayer, they are already in the pockets of the very same people as consumers, tipping them upside down.

And just think about it. The oil companies are making more money than they can ever spend, and Congress, in this bill, is going to pass a bill totally immunizing MTBE producers from any legal liability for producing an inherently defective product.

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The Republicans said to localities, “Fuels Safe Harbor” is it? It provides a safe place, a safe
The profits of oil companies or the health of our people and the financial health of States and communities in which we live?

The liability waiver assumes that Congress mandated MTBE use in 1990. But that is really not true. Congress mandated the MTBE oxygenate in reformulated gasoline, but MTBE is not and was not the only oxygenate.

MTBE was used extensively in non-RFG areas where no mandate applied. Furthermore, MTBE was marketed and used extensively before 1990. Maine's experience really illustrates the MTBE problem.

Maine volunteered to phase into the Federal reformulated gas program in 1991. And in 1995 reformulated gas containing MTBE entered the marketplace in Maine. Two years later, in 1997, the Maine Bureau of Health reported MTBE in 7 percent of Maine public water supplies.

One year later, 1998, MTBE was detected in 18 percent of the public water supplies. So starting that year, 1998, Maine began phasing out the use of MTBE, and in 2007, Maine will impose a partial ban of MTBE.

This liability waiver creates a massive unfunded mandate. Communities face a $25 to $85 billion bill to clean up the MTBE. And juries in some cases have recently found the MTBE manufacturers, lax Texas oil firms, were dishonest about the impact of their product on groundwater. The juries concluded that the companies are liable for the cost of cleanup.

One reason is when you go back to 1981, the Shell engineers were joking with each other that MTBE stood for "menace threatening our bountiful environment" or "most things biodegrade easier." They knew what the impact of this substance would be.

Just this month EPA developed a draft risk analysis that concludes that MTBE is a "likely" human carcinogen. If finalized, this would dramatically increase the cost of MTBE cleanup.

So this liability waiver provision takes away the best claim that communities and States have to require manufacturers to help clean up the mess they created by manufacturing a defective product.

Now, finally, we hear a lot about a deal in the works to address this crisis. I would ask, will this deal protect communities from having to pay to clean up MTBE? Will this deal cover the cost of cleaning up the water, or will it just pay the interest on the MTBE cleanup. And for the damages they caused.

Along with the Governor, the National League of Cities, National Association of Counties, the Association of California Water Agencies and many others have sent letters voicing their opposition. This is a bad provision.

Lady Clay, as I have objected to this bill. And it should have. This year we should strip it from the bill. Vote for this motion to instruct.

Mr. Speaker, the proliferation of contaminants in water supplies. Now, because communities are watching these suits, the industry wants Congress to let them off the hook.

Mr. Speaker, there is no reason to do this. If they are losing in court, it is because they have a lousy case. And there is a reason that these settlements are taking place, the industry is responsible for the mess and they have known about the threat for years.

So why is a safe harbor being created for the industry? No one outside the industry has a good idea. In May of this year, the Governor of California wrote to us and said that this provision should be stripped from the bill. I think that my California colleagues should be paying attention to that.

Along with the Governor, the National League of Cities, National Association of Counties, the Association of California Water Agencies and many others have sent letters voicing their opposition. This is a bad provision.

Lady Clay, as I have objected to this bill. And it should have. This year we should strip it from the bill. Vote for the motion to instruct.

Mrs. CAPPS. Mr. Speaker, I yield 3 hours to the gentleman from Massachusettss (Mr. McGovern), a member of the Committee on Rules.

Mr. McGOVERN. Mr. Speaker, I rise in strong support of the Capps motion to instruct.

Though this administration and the Republican majority often stress the need for an energy bill, citing rising gas prices, this bill will not do anything to lower energy prices in this country. Gas prices continue to rise, and this bill does nothing to lower them.

The Republican energy bill does nothing to reduce our Nation's dependence on foreign oil. It harms our environment, and in the end it is nothing more than a big fat giveaway to the oil and gas industries at a time when they do not need these giveaways.

If that were not bad enough, oil companies have knowingly contaminated our Nation's water systems with the multibillion dollar unfunded mandate that is responsible for the damages they caused.

Instead, they want to leave it up to our State and local governments to pick up the tab. This is unconscionable. This motion to instruct is based on common sense. These companies should be held responsible for the damages they caused.

Now, we all know the arguments. This is an unfunded mandate passed on to our State and local governments. Many communities have filed legitimate lawsuits against MTBE and the MTBE cleanup estimated to exceed $20 billion. Yet this bill essentially blocks these suits and could preempt hundreds more, leaving communities with a multibillion dollar unfunded mandate and the handouts of this bill.

Mr. Speaker, the party of States' rights has become the party of Big Business. This bill is another handout to the oil, gas, and MTBE producers. Support the Capps motion to instruct and strike this lousy provision.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. Solis).

Ms. SOLIS. Mr. Speaker, I would like to commend the work of the gentlewoman from California (Mrs. Capps) on this important issue that not only affects California but the entire country.

Mr. Speaker, today I rise in strong support of the motion to instruct Congress to remove the MTBE liability waiver from the House energy bill. I adamantly oppose the language in the House bill passed which would give a free ride to manufacturers of MTBE, leaving taxpayers across the country holding the bag for cleanup. This is not an issue where a deal can be struck.

The industry, the only supporters of these deals, has been spreading false
who was an independent, all kinds of folks rushed in to get a piece of that action. It was not discovered by the major oil companies, and so literally tens of thousands of people from all over the country, from Texas and to Kilgore and to Longview to try to make their fortune.

The law enforcement facilities and the personnel were just overwhelmed. So finally it was the county judges called down to Austin to speak to the Governor of Texas. He said, Governor, we are being overwhelmed here. We have a riot on our hands. Can you send the Texas National Guard and the Texas Rangers?

The Gentlewoman who is offering the amendment said, and she is right, there are 2,600 water systems in this country that have MTBE contamination. She says what I am going to say it is a fact. I have no reason to doubt that.

What she does not say because the reports that she studies do not tell her is what the level is. Now, the EPA standard is somewhere between 20 and 40 parts per billion. Some States have a tighter standard, as low as 13 parts per billion. The problem is, with all of these lawsuits that have been filed, the trial lawyers have found out that you can detect MTBE down to one part per billion. Somebody shows up in your city council office and says, we have a lawsuit on MTBE contamination. Can we check your water supply? Of course they are going to say, sure, check the water supply.

They come back and say, you got MTBE contamination, 2 parts per billion. Oh, my God. Let us join up. Well, unless you have got the most sensitive nose, you are not even going to be able to smell it, but it is there. It is way below the standard.

Now, if the State wants to set a standard even lower than 13 parts per billion, I have got no problem with that. If the State wants to ban MTBE, well, some States do not have a problem with that. But to sit here and say that you have all this contamination, well, I could take a thimbleful of MTBE and take it out and throw it on the ground out here in the Capitol. And if it rains very quickly after that, the thimbleful gets into the water system, the wastewater run-off here in Washington, D.C., and some of that goes to

statements about the cleanup of MTBE being paid for by responsible parties and wants us to believe that future cleanup will be paid for. But who ends up paying that? The taxpayers. These groups are ignoring two important items. One is that the leaking underground storage tank program, which the manufacturers believe will bail them out is not appropriately funded right now. They are not cleaning anything up as they should be and many of the State programs are broke. Right now there are 700,000 leaking underground storage sites. Of the 700,000 underground storage sites, 136,000 are currently leaking, and they are not being cleaned up.

EPA anticipates that over the next 10 years, 120,000 new leaks will occur. Despite the need for cleanup funds and the growing inability of the funds needed to clean these up, we know that this administration cut back by 8 percent that fund.

State programs right now like California and other places are also being starved of this much needed funding.

Twelve States have funds with more claims than money. Two State funds have gone bankrupt. Fifteen State funds are funded only by gas taxes, and five States do not even have cleanup funds.

The provision in the House energy bill and any deal that may be struck is going to leave our taxpayers holding the bag. No deal is going to help our communities bear the burden for the rest of the cleanup. The only way to fairly and adequately pay for the cleanup is to allow for those manufacturers to be found responsible and accountable.

Lastly, I want to say also that the House Republican energy bill fails to address the Nation’s record gas prices; and according to the Bush administration’s own energy department, they would actually cause gas prices to increase.

Hello? What are we doing here today by not addressing the consumers’ needs right now where gas prices and a barrel of oil is up to $60 a barrel.

We need reform. We need something that is going to help our consumers, and we do not want to see more of our water polluted by MTBE. Support the Bag AId.

Mr. BARTON of Texas. Mr. Speaker, how many speakers does the gentleman from California have?

Mrs. CAPPS. Mr. Speaker, I do not have any further speakers, just closing comments of my own.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in the middle of the Depression in the late 1920s and the early 1930s, the east Texas oil field was discovered, and at that time it was the world’s largest oil field. And since it was discovered by a man named Joiner
a reservoir and the city of Washington gets some of its drinking water from that reservoir, it might show up at one part per billion.

That does not mean it is contaminated in the real sense, but it does mean there is some MTBE in there.

So the fact that we have all these water systems that claim contamination, part of that is because the trial lawyers have been going on and recruiting people to join the lawsuit, and they go out and study their water supply and they may actually be able to find a little MTBE in it.

The next thing, and my friend from Maine talked about the fact that MTBE was not mandated under the Clean Air Act Amendments of 1991. He is telling you the truth. But, again, as he pointed out, we did not mandate MTBE but we did mandate that you had to put an oxygenate requirement of 2 percent by weight. At that time, there were two ways to do it: One was ethanol and the other was MTBE.

Now, since that time, the oil and gas industry has come up with a product called reformulated gasoline that meets the minimum standard for combustion under the Clean Air Act Amendments, so there are now three ways to do it. But at the time there were two, and it was a mandate. So we told the industry, if you are in a non attainment area, you have to put one of two things, MTBE or ethanol, in your gasoline during certain parts of the year so that you get better combustion in the engine so that you get cleaner air quality.

That was a good thing, not a bad thing. And what did they find out? They found out that those communities who used the MTBE, it was much more cost effective. It cost less money; and two, it cleaned the air better, about 40 percent better than ethanol, 40 percent. But, as has been pointed out, if you store it in a tank that leaks, it may leak. And when the gasoline leaks, the MTBE as part of the gasoline leaks and the MTBE does get into the water table and that does cause an odor.

Now, the last thing I want to talk about is this study that has been leaked. Is it not interesting we are having a debate about leaking underground tanks and a study has been leaked from the EPA? Heaven help us. This study that has been leaked is a draft study. It has not been peer reviewed. It will probably never become part of an actual public document that is presented to the Congress. But the folks at EPA understand the energy bill is about to go to conference, and those that agree that MTBE is not a good thing, somebody over there has conveniently leaked a draft report that says MTBE is now a likely carcinogen.

Well, I drink a lot of Diet Dr. Pepper. And my guess is if I were to drink ten gallons of Diet Dr. Pepper everyday for the rest of my life, I might develop cancer because of that. I do not think that MTBE, under the standard that is in current law, is a carcinogen, and all the studies that I have seen that have tried to prove it have come back just the opposite. So to hang our hat now on a draft that has not been peer reviewed and has been leaked by the EPA, to me, is pretty weak sauce indeed.

Let me just say that we are getting ready to go to conference with the other body. That is a good thing, not a bad thing. And I agree with some of the proponents of the Capps amendment that the manufacturers and the distributors and the retailers and the refiners, the people in the chain of custody for MTBE should help pay to clean up the water systems that are contaminated.

Should. So the compromise that we come up with a few years ago and that several months now says that they have to do that.

We actually are going to set up a specific fund just for MTBE remediation, and that fund is going to be sufficiently funded to pay for the actual cleanup and remediation of contaminated sites. It is not going to pay for trial lawyers’ contingency fees. Not going to do that. But if you are one of these water systems that has real contamination and it needs to be cleaned up, now if this compromise becomes a part of the bill and the bill becomes law, you are going to get your water site cleaned up very quickly and you are not going to have any MTBE contamination in it.

If what you are really trying to do is enrich the pockets of the trial lawyers, when they talk about $85 billion or $30 billion or whatever the number is, most of that money is trial lawyer contingency fees. I am not in that game. I am about good government. I am about real cleanup. I am about a cleaner environment. And the bill that I hope to report back as a conference report, if I have anything to do with it, is going to have a compromise on MTBE that does exactly that.

The people that have helped cause the problem are going to help pay for it and help to clean it up. The communities that want clean water are going to get it quicker and sooner under the compromise that will be in our bill. I would think that the majority of the House, including 41 Democrats who voted for the energy bill when it went to the Senate, are going to continue to agree with me. And if that is the case, I hope they will vote against this Capps motion to instruct, as they already have done once at the end of the debate on the energy bill, and let us go to conference and find a real compromise to solve this problem.

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

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

Mr. Speaker, I want to thank my esteemed colleague, who is in opposition to this amendment and, indeed, he, the chairman of the Committee on Energy and Commerce, is my friend and friends of all of us who have spoken today who are members of his committee. But I want to commend all of the remarks he made in his speech.

First, regarding the list funds which he spoke about as being a place for managing this pollution. Stopping the leaks from the tanks stops additional MTBE contamination. Mr. Chairman, it does nothing about existing contamination, and that is the contamination that has polluted over 2,300 water districts across this country in 36 different States.

Second, the chairman referred to the very minute amounts of MTBE that have polluted all of this groundwater that we have been discussing. And it is true that the groundwater is rendered unusable because of the strong smell and taste of kerosene, even in a very small amount of MTBE which is in the groundwater. But I would argue, respectfully, that the American people deserve to know that the Environmental Protection Agency has a responsibility to report back as a conference report, because it identifies the state of a likely carcinogen that MTBE contains. Even if it is nothing more than a small amount, I do not believe, as a public health nurse, that we want to contaminated drinking water with even a small amount of a likely carcinogen.

Third, I want to get back to the point about the liability of manufacturers of MTBE who knew when they created this product in the 1970s as an additive to gasoline that it was toxic and that it would pollute groundwater. Here is a statement from the deposition of Curt Stanley, a Shell Oil remediation expert, which is part of the testimony for the South Lake Tahoe water district who was presented with a huge lawsuit against the Shell Company.

The question was asked: “So is it fair to say,” and this is taken from testimony, “that by 1981, the Shell Oil Company knew that MTBE in its gasoline could contaminate public drinking water supplies?” The answer is: “Yes.” Question: “And is it also fair to say that they knew by that time that it created taste and odor problems in public drinking water supplies?” The answer: “Yes.” And the final question: “Did you state that you sought to blame the Shell management?” And the answer is: “Yes.”

Since at least that time, 1981, the oil companies, the MTBE manufacturers knew that they were making a defective product and water with even likely likely

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says. I say, ‘they must pay.’ They must be held accountable. And the deal that is struck is one in which they will pay only a portion of the damages and the taxpayers will pay the remainder.

The House Republican energy bill fails to instruct the Nation’s record high oil prices. And according to the Bush administration’s own Energy Department would actually cause gas prices to increase, and that at a time when they are increasing. This energy bill we are now going to be considering in conference, we do nothing to cause containment of that increase in gas prices. Instead of giving real relief to consumers, this Republican bill gives loads of new tax breaks and loopholes to special interests. And the worst example of these special interest giveaways is the complete liability shield for MTBE manufacturers, a shield that will shift billions of dollars in cleanup costs from MTBE manufacturers to the American taxpayer.

MTBE is responsible for polluting groundwater in so many communities across this country. Cleanup costs are estimated in the billions, $28 billion to maybe as high as over $50 billion. MTBE manufacturers are now being held accountable in court, but this provision would end that accountability. I would remind Members that it was the special protections granted to MTBE manufacturers that brought this bill down in the last Congress. Senate leaders have made it clear they are not including this grossly unwanted get-out-of-jail-free card for the MTBE this year either.

So I know many Members of the House have school boards, have water districts or towns with lawsuits against MTBE manufacturers, and those lawsuits are going to be voided. Null. They are not going to be able to proceed under this energy bill. Your constituents would lose their right to proceed under this energy bill. And the billions in MTBE cleanup that your communities face will be shifted from the oil companies, who have record profits and who caused the problem, to your constituents, who have to live with the problem.

Make no mistake, that is what this vote is all about. By voting for the motion to instruct conferees, you will be saying that it is not okay to make your constituents pay for pollution that they did not cause, but that was caused by MTBE manufacturers. The special protection in this bill for MTBE manufacturers is completely unwarranted and it will cost your constituents a fortune.

So I urge you to vote for the motion to instruct conferees. Vote for the Capps motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Speaker pro tempore announced that the Speaker pro tempore has instructions from Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DEFICIT CONTINUES TO SHRINK

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

Mr. CRENSHAW. Mr. Speaker, this morning the President announced some very good economic news: Our economy continues to grow and our deficit continues to shrink. That is good news. Why is that happening?

Number one, we gave tax relief to the American people so they can keep more of what they earned, and that has helped create an awful lot of new jobs, and this year we put the brakes on Federal spending when we wrote our budget and passed our spending bills this year, so we spend less money next year than we did last year. Spending goes down. When we take out homeland security and defense, discretionary spending is reduced.

Mr. Speaker, that is what every American family has to do. They write a budget and then they stay within the budget, and we did just that. That is great news for the American taxpayers, that is why the economy continues to grow. That is why interest rates are down. That is why jobs are up and unemployment is down.

That economic news is something we have been waiting to hear. When you give tax relief and put the brakes on Federal spending, good news happens and the economy is growing.

SHRINKING BUDGET DEFICIT

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

Mr. RYAN of Wisconsin. Mr. Speaker, the Office of Management and Budget just released their deficit figures today. It is very telling.

A year ago, we projected the Federal budget deficit would be $227 billion. This year we projected the deficit would be $227 billion. Well, the budget deficit just came in at $333 billion. Down $94 billion this year, down $188 billion from last year. This is progress.

Mr. Speaker, why did this happen? Two reasons. When we cut taxes 2 years ago almost to this day, we increased economic growth in jobs. Many people said when we were going to cut tax, by cutting taxes on families and small businesses and job creators, we would blow a hole through the deficit and increase the deficit.

What happened? Tax receipts from those taxes went up. Taxes receipts are up. That has been a 41 percent increase in corporate tax receipts, 17 percent increase in individual income tax receipts. Because we lowered the tax on workers and people, we grew jobs and have more tax revenues coming in.

So I urge you in the next thing we have to do is watch our spending. That is why it is important we kept the level on spending as we have done this year. We need to stay on this course to get rid of this budget deficit once and for all by growing the economy, keeping taxes low and keeping the lid on pending.

KARL ROVE HAS COOPERATED

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

Mr. BLUNT. Mr. Speaker, I rise today with concern in opposition to the partisan attacks on Karl Rove. I think we see too many efforts now where people quickly rush to judgment, rush to call for the most bizarre solutions to problems that are problems which are often just created in their own minds.

Karl Rove has fully cooperated in any investigation and, for more than a year now, has permitted investigators to talk to him. I think The Wall Street Journal put it best today when, in an editorial that I will submit as part of my remarks, and to quote directly from that editorial, the editors summed up this episode by stating: ‘In short, Joe Wilson hadn’t told the truth about what he discovered in Africa, how he’d discovered it, what he’d told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.’

Mr. Speaker, I will submit The Wall Street Journal editorial for the Record.

(From the Wall Street Journal, July 13, 2005)

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove’s head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we’d say The White House political guru deserves a prize—perhaps the next iteration of the “Truth-Telling” award that The Nation magazine bestowed upon Mr. Wilson’s Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real “whistleblower” in this pseudo-scandal. He’s the one who warned Time’s Matthew Cooper and other reporters to be
wary of Mr. Wilson’s credibility. He’s the one who told the press the truth that Mr. Wilson had been recommended for the CIA consultation gig by his wife, not by Vice President Dick Cheney. Mr. Wilson was asserting that the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn’t a whistle-blower. It was then typical of Mr. Rove to spin the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there’s no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband’s selection for a 2002 mission to investigate reports that Iraq was seeking uranium in Niger. The statement was executed under the 1982 Intelligence Identities Protection Act, Mr. Rove would have to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he’d obtained in an official capacity. But it appears Mr. Rove didn’t even know Ms. Plame’s name and had only heard about her work at Langley from other journalists.

On the “no underlying crime” point, moreover, it’s less than the New York Times and Washington Post now agree. So do the 36 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times’s Judith Miller out of jail.

“While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place,” the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can’t be said for Mr. Wilson, who first “outed” himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous “16 words” on the subject in that year’s State of the Union address.

It was also vigorously denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was quickly discredited in an official capacity. But it appears Mr. Rove didn’t even know Ms. Plame’s name and had only heard about her work at Langley from other journalists.

Whether it is the officers of government who do it or your attorney who is way out of line in this court. You are a big fellow, but are not that big. You are no warrior, I have known warriors. You are a terrorist, a species of criminals is guilty of multiple attempted murders.

In a very real sense, State Trooper Santiago had it right when he first took you off the plane and into custody and you wondered where the press and TV were, and he said. You are no big deal, they are not going to long remember what you did. You are no big deal. What your TV were, and he said, You are no big deal. Why you did something so horrific. What was it that led you to this courtroom today?

I have listened respectfully to what you have had to say, and I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty of doing and what you admitted you were doing. And I have an answer for you. It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know. It seems to me that you hate the one thing that to us is most precious. You hate our freedom. Our individual freedom. Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

Here in this society, the very wind carries freedom. It carries it everywhere from sea to shining sea. It is because we prize individual freedom so much that you are here today in this beautiful courtroom so that everyone who can see, can truly see that justice is administered fairly, individually, and democratically.

It is for freedom’s sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

We as Americans are all about freedom. Because we all know the way we treat you, Mr. Reid, is the measure of our own liberties. Make no mistake though. It is yet true that we will bear any burden, pay any price to preserve our freedoms. Look around this courtroom and mark it well. The world is not going to long remember what you or I say here today. The day after tomorrow, it will be forgotten. But this, however, will long endure.

Here in this courtroom and courtrooms all across America, the American people will gather to see justice, individual justice, justice, not war, individual justice is, in fact, being done.

The very President of the United States, through his officers, will have to come into courtrooms and lay out evidence on which specific matters can be believed or disbelieved, or will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.
You see that flag, Mr. Reid? That is the flag of the United States of America. That flag will fly there long after this and you will all be forgotten. That flag stands for freedom. And it always will.

Mr. Custody Officer, stand him down.

RULING BY JUDGE WILLIAM YOUNG, U.S. DISTRICT COURT: SENTENCING OF SHOE BOMBER RICHARD C. REID

Prior to sentencing, the Judge asked the defendant if he had anything to say.

His response: After admitting his guilt to the court for the record, Reid also admitted his “allegiance to Osama bin Laden, to Islam, and to the religion of Allah,” defiantly and “I think I will not apologize for my actions,” and told the court “I am at war with your country.”

Judge Young then delivered the statement quoted below:

January 30, 2003, United States vs. Reid.

Judge Young: “Mr. Richard C. Reid, hearken now to the sentence the Court imposes upon you.

“On counts 1, 5 and 6 the Court sentences you to life in prison in the custody of the United States Attorney General.

“On counts 2, 3, 4 and 7, the Court sentences you to 20 years in prison on each count, the sentence on each count to run consecutively with the other.

“That’s 80 years.

“On count 8 the Court sentences you to the mandatory 30 years consecutive to the 80 years just imposed.

“The Court imposes upon you each of the eight counts a fine of $250,000 for the aggregate fine of $2 million.

“The Court accepts the government’s recommendation with respect to restitution and orders restitution in the amount of $298.17 to Andre Bousquet and $5,784 to American Airlines.

“The Court imposes upon you the $800 special assessment.

“The Court imposes upon you five years supervised release simply because the law requires it.

“But the life sentences are real life sentences so I need go no further.

“This is the sentence that is provided for by our statutes.

“It is a fair and just sentence.

“It is a righteous sentence.

“Let me explain this to you, Mr. Reid.

“We are not afraid of you or any of your terrorist co-conspirators, Mr. Reid.

“We are Americans. We have been through the fire before.

“There is all too much war talk here and I say that to everyone with the utmost respect.

“Here in this court, we deal with individuals as individuals and care for individuals as individuals.

“As human beings, we reach out for justice.

“You are not an enemy combatant.

“You are a terrorist.

“You are not a soldier in any war.

“You are a terrorist.

“To give you that reference, to call you a soldier, gives you far too much stature.

“Whether it is the officers of government who do or your attorney who does it, or if you think you are a soldier.

“You are not—you are a terrorist.

“And we do not negotiate with terrorists.

“We do not meet with terrorists.

“We do not sign documents with terrorists.

“We hunt them down by one and bring them to justice.

“So war talk is way out of line in this court.

“You are a big fellow.

“But you are not that big.

“You’re no warrior.

“I’ve known warriors.

“You are a terrorist.

“A species of criminal that is guilty of multiple attempted murders.

“In a very real sense, State Trooper Santiago had you first when you took off that plane and into custody and you wondered where the press and where the TV crews were, and he said: ‘You’re no big deal.’

“You are no big deal.

“What your able counsel and what the equally able United States attorneys have grappled with and what I have as honestly as I know how tried to grapple with, is why you did something so horrific.

“What was it that led you here to this courtroom today?

“I have listened respectfully to what you have to say.

“And I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty and admit you are guilty of doing.

“And I have an answer for you.

“It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know.

“It seems to me you hate the one thing that to us is most precious.

“You hate our freedom.

“Our individual freedom.

“Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

“Here, in this society, the very wind carries freedom.

“It carries it everywhere from sea to shining sea.

“It is because we prize individual freedom so much that you are here in this beautiful courtroom.

“So that everyone can see, truly see, that justice is administered fairly, individually, and discretely.

“It is for freedom’s sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

“We Americans are all about freedom.

“Because we know that the way we treat you, Mr. Reid, is the measure of our own liberties.

“Make no mistake though.

“It is yes that we will bear any burden; pay any price, to preserve our freedoms.

“Look around this courtroom. Mark it well.

“The world is not going to long remember what you or I say here.

“Day after tomorrow, it will be forgotten, but this, however, will long endure.

“Here in this courtroom and courtrooms all across America, the American people will gather to see that justice, individual justice, justice, not war, individual justice is in fact being done.

“The very President of the United States through his officers will have to come into courtrooms across the best evidence on what specific matters can be judged and juries of citizens will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.

“See that flag, Mr. Reid?

“That’s the flag of the United States of America.

“That flag will fly there long after this is all forgotten.

“That flag stands for freedom. And it always will.

“Mr. Custody Officer, Stand him down.”

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

Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

IN-STATE COLLEGE TUITION FOR ILLEGAL ALIENS DEFIES COMMON SENSE

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

Mr. POE. Mr. Speaker, America has the best public universities in the world. We have some here in Texas where I am from. Many Americans want to go to college. Parents want to send their kids to our public universities. Parents and students sometimes save for years to attend college. It is expensive, especially for the middle class. The rich can always pay: good for them. And the poor sometimes get grants and go to college, but it is the middle class that struggles, for a lifetime, sometimes, to send their kids to school.

Some students decide to go a university in another State. They are penalized by that State and required to pay out-of-State tuition since they are from out of State. These are citizens who come here legally and then go back to their native lands.

But, Mr. Speaker, if a person is in the United States illegally, they can get admitted to State universities and pay in-State tuition. So if a person is illegally here from, let us say, France, they apply to a State university. If they are admitted, they pay in-State tuition. But they are from out of State, not to mention they should not even be here. They are violating American law by just their presence.

So we continue to reward illegal behavior. This policy discriminates against American kids who want to go to, let us say, the University of Kansas from some other State. This policy also discriminates against foreign citizens who come here legally to go to college.

It encourages more illegal immigration.

College admissions are so competitive now that even allowing illegals to attend our universities may prevent American citizens from being accepted. And who pays for that? American kids. They always pay. We cannot continue to subsidize illegal immigration and the benefits illegals receive.
There are several States that provide for in-State tuition for illegal individuals. The State that started this was my home State of Texas. If you go to the University of Texas and you are an in-State resident, you pay about $7,000. If you come from Oklahoma just across the Red River, you pay $10,000 more, about $17,000.

Kansas, if you are an in-State resident, you pay about $5,000. Out of State, about $13,000, and the same is true in several other States.

State University of New York: In State, $5,250; out of State, $11,200. University of Kansas: In State, $5,413, out of State, $13,865. University of Texas: In State, $7,438; out of State, $17,474.

Mr. Speaker, this ought not to be. This penalizes American kids and rewards illegal conduct. This defies common sense.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

REMEMBERING ADMIRAL JIM STOCKDALE

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

Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

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Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.
Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through July 8, 2005.

The term “current level” refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution’s aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the “section 302(a)” allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. “Discretionary action” refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

Report to the Speaker from the Committee on the Budget—Report to the Speaker from the Committee on the Budget—Status of the Fiscal Year 2005 Congressional Budget Adopted in House Concurrent Resolution 95—Continued

Direct Spending Legislation—Comparison of Current Level with Authorizing Committee 302(a) Allocations for Discretionary Action Reflecting Action Completed as of July 8, 2005 (Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars)

<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Appropriable Level:</td>
<td></td>
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<tr>
<td>Budget Authority</td>
<td>2,078,456</td>
<td>n.a.</td>
</tr>
<tr>
<td>Outlays</td>
<td>2,095,979</td>
<td>n.a.</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,483,658</td>
<td>8,519,748</td>
</tr>
<tr>
<td>Current Level</td>
<td>2,073,462</td>
<td>n.a.</td>
</tr>
<tr>
<td>Outlays</td>
<td>2,055,979</td>
<td>n.a.</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,484,065</td>
<td>8,600,391</td>
</tr>
<tr>
<td>Current Level over (+)/under (−) Appropriable Level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget Authority</td>
<td>−4,994</td>
<td>n.a.</td>
</tr>
<tr>
<td>Outlays</td>
<td>−27</td>
<td>n.a.</td>
</tr>
</tbody>
</table>
The Surface Transportation Extension Act of 2005 (Public Law 109–14); The TANF Extension Act of 2005 (Public Law 109–19); and
In addition, the Congress has cleared for the President's signature the Junk Fax Prevention Act of 2005 (S. 714). The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN, 
Director.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005
(In millions of dollars)

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,074,408</td>
<td>2,055,910</td>
<td>1,484,024</td>
</tr>
</tbody>
</table>

Notes: n.a. = not applicable. P.L. = Public Law. * = less than $500,000.

1 The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

2 Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed the following three acts that affect budget authority, outlays, and revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005 (Public Law 109–14);
The TANF Extension Act of 2005 (Public Law 109–19); and
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(In millions of dollars)

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FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005
(In millions of dollars)

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2 Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level report excludes $80,140 million in budget authority and $31,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

3 Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.
Mr. NUSSELE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution, which creates a point of order under that section equally applies to measures that would breach the applicable order under section 311(a). The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the section 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

Direct spending legislation—comparison of current level with authorizing committee 302(a) allocations for discretionary action, reflecting action completed as of July 8, 2005.

Direct spending legislation—comparison of current level with authorizing committee 302(a) allocations for discretionary action, reflecting action completed as of July 8, 2005.

<table>
<thead>
<tr>
<th>House Committee</th>
<th>2006</th>
<th>2006–2010 Total</th>
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<tr>
<td>Agriculture</td>
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<tr>
<td>Current Level</td>
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<tr>
<td>Difference</td>
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<tr>
<td>Armed Services</td>
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<td>Current Level</td>
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<tr>
<td>Difference</td>
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<td>0</td>
</tr>
<tr>
<td>Education and the Workforce</td>
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<td>50</td>
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<tr>
<td>Current Level</td>
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<tr>
<td>Difference</td>
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<td>-50</td>
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<tr>
<td>Energy and Commerce</td>
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<td>Financial Services</td>
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<td>Difference</td>
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<tr>
<td>Government Reform</td>
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<td>Current Level</td>
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<td>House Administration</td>
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<td>Current Level</td>
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<tr>
<td>Difference</td>
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<tr>
<td>Homeland Security</td>
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<td>Current Level</td>
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<td>Difference</td>
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<tr>
<td>International Relations</td>
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<tr>
<td>Difference</td>
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<tr>
<td>Judiciary</td>
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<tr>
<td>Difference</td>
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</tr>
<tr>
<td>Resources</td>
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STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95

[Reflecting Action Completed as of July 8, 2005 in millions of dollars]

<table>
<thead>
<tr>
<th>Appropriations Subcommittee</th>
<th>302(b) Suballocations as of June 22, 2005 (Rep. 109-145)</th>
<th>Current level reflecting action completed as of July 8, 2005</th>
<th>Current level minus suballocations</th>
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<tr>
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DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

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<tr>
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HON. JIM NUSSELE, Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through July 8, 2005. This report is submitted under section 302(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed The TANF Extension Act of 2005 (Public Law 109-19), which increases budget authority and outlays for 2006. In addition, the Congress has cleared for the President’s signature the Junk Fax Prevention Act of 2005 (§ 714).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-Eakin, Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

(In millions of dollars)

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

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

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the Floor today as part of the ongoing effort of myself and some of my colleagues in an endeavor we style the Iraq Watch. The Iraq Watch is a group of Members who are committed to the principle that we should not forget the war that started based on false information and based on the principle that Members of Congress owe it to the American citizens to continue our inquiry, to continue our critique, continue to review the operations of the administration in the initiation and the prosecution of the efforts in Iraq.

We do so because we have a heartfelt and deep belief that we owe this to our troops in the field who are performing with valor and distinction in Iraq; we owe it to American citizens whose sons and daughters and wives and husbands have been called away to Iraq; we owe it to those who believe that the prosecution of war should not result in the reduction of American civil liberties; and we do it in the name of those who believe that even during the fear and anxiety caused by war that we still as citizens must demand our elected officials recognize and respect basic matters of American democracy.

In these issues, the effort we have been involved with for over a year now about once every couple of weeks, we believe that the administration regrettably has fallen very, very short of what American citizens ought to demand of their Federal Government. So today, in a continuing series of the Iraq Watch, we intend to talk about several aspects leading up to the war and a matter that has now become of very great public interest.

If I may note, it is with great sadness I note the passing of an American Marine today in operations in Iraq, to add that proud Marine to the names of over 1,750 Americans who have lost their lives in Iraq, the over 13,000 Americans who have had very serious injuries in Iraq and to those families who will not have their family members coming home. I know every Member of this Chamber of both parties, our thoughts, prayers and compassion are with every one of those families.

It is in part because of their continuing sacrifice in Iraq that we feel very strongly that Members of the House of Representatives have an obligation, a duty not to just let things slide by, to let this administration just sort of pass by unchallenged and uncriticized in the prosecution of this war. We believe this Chamber, which is the people’s House, has an obligation to hold the ones who are doing us wrong, to force the administration to fess up to mistakes they have made, and to hopefully get back on track in this Nation where we are seriously off track at the moment.

What I would like to talk about in Iraq Watch today is a very serious issue that resulted in part on the initiation of this war, and that is that leading up to this war, the administration, the President of the United States, exercised their best efforts to convince Americans that Iraq had or was very close to developing a nuclear capacity and that this was a primary rationale for the President of the initiation of the war in Iraq.

Indeed, in the President’s State of the Union address standing right behind me in this Chamber, the President of the United States addressed the joint session of Congress, the Supreme Court, the Joint Chiefs, members of the Cabinet, and most importantly the American people; and he told the American people that our intelligence services had learned that that Iraq in fact obtained what is called uranium yellow cake, and he told the American people that that claim was well established. This yellow cake is a mineral from which uranium fissionable material can be developed, it is a precursor to an atomic weapon, and its acquisition would be of concern to the American people.

The President told the American people that this was a fact, that there was no doubt about this fact and that as a result of that, he led this Nation, against many of our positions against the war, much included, in a war based on what turned out to be false information. We know it is false information for two reasons: one, because we have now gone through the most extensive search for weapons of mass destruction in human history in Iraq and found zero, zero yellow cake, zero precursors to nuclear weapons, zero triggering devices for nuclear weapons, zero indication that the things the President had told us were fact, in fact, turned out to be falsehoods and a war has resulted and 1,700 of our sons and daughters have paid the ultimate sacrifice in the sands of Iraq and that is continuing.

We had an earlier notice that this was false. The earlier notice we had was because the Central Intelligence Agency had concerns about this issue. Before the President’s State of the Union address, they had received some suggestions that this was not fact and in fact was hyperbole at best and in fact that this claim about yellow cake may have been false.

So they dispatched a gentleman who had previously served with distinction in the Foreign Service, a gentleman named Joe Wilson, to Niger from which this yellow cake was supposedly obtained by Saddam Hussein, this brutal thug, this dictator who had caused so much damage in the world; and Joe Wilson, continuing in many of his patriotic duties, went to Niger to investigate this claim. What Mr. Wilson found was that this claim was, in laymen’s terms, bogus. He came back to the United States and he reported to the agency that in fact this was a fraudulent claim, there was not a basis for it, it was highly unlikely that any such transaction took place and highly unlikely that Saddam Hussein had obtained yellow cake. He issued a written report in that regard, or a written report was generated from his report.

Yet despite the fact that an agent dispatched by our government went to Niger, the scene of this alleged crime, and reported back that this was a falsehood, the President of the United States told the American people that this was one basis that we had to send our sons and daughters into mortal combat in Iraq; and it was flat, plain false.

Why did that happen? Before I tell you a little bit about the story that occurred after that, I want to tell you just a little bit about Joe Wilson. Joe Wilson has served with distinction in the State Department. Joe Wilson is a guy who does not fit the mold of a pinstriped suit. He is a foreign diplomat who, to use the vernacular in the main street, has guts. Joe Wilson was the last American
State Department official out of Iraq before the Persian Gulf War; and he was responsible, according to the first President Bush who honored him for his work leading up to the first Persian Gulf War when he was stationed in Baghdad, for helping save scores of Americans to get them out of Baghdad before the first Persian Gulf War started because, as you recall, Saddam Hussein threatened Americans, to kill them when the war started when they were stuck in Baghdad.

Saddam Hussein essentially threatened with death anyone who helped Americans get out of Baghdad before the first Persian Gulf War. Joe Wilson, who was sort of our agent in charge of the embassy in Baghdad then, went down and held a press conference with a rope around his neck and said, you can come get me first, Saddam, because I am taking my people home. That is exactly what he did. He faced down that brutal dictator at the cost of his own life to help American lives.

It was interesting, I just met a woman by accident 2 weeks ago who served in the Foreign Service who told me that Joe once went, and just before the war, to take care of some children who had been moved back to Iraq from the United States, to try to save them before the war started at great risk to his own life. Joe Wilson is a guy with guts who stood up for American lives and did it when he went to Niger to report on this yellow cake, who reported accurately, who served his country; and the President of the United States, after he gave him the truth, got up, stood right there and told the American people that there was yellow cake from Niger and it was false. Joe Wilson is someone we owe a debt of gratitude to.

What has happened to Joe Wilson since he told the truth about the President’s war in Iraq? Did this administration give accolades to this Joe Wilson the way the first President Bush did? No. Did they call him up and thank him for pointing out this error in the State of the Union address? No. Was a follow-up on that, about whether the Deputy Chief of Staff of the White House, and that Deputy Chief of Staff, when questions were raised a long time later in this conversation whether they did, number one; number two, potentially jeopardize her safety when she has been a covert agent working on weapons of mass destruction issues; number three, jeopardize the people whom she worked with who now could be suspect in her covert operations; and, number four, damage the national security of the United States by compromising a CIA agent, which this administration did.

Now, who did this in this administration? There has been some suggestion about that. There has been some suggestion that one of the administration people who did this, is the Deputy Chief of Staff of the White House, and that Deputy Chief of Staff, when questions were raised a long time ago about that, about whether the Deputy Chief of Staff had, in fact, disclosed this information, let us ask as Americans whether this administration upheld its obligation to us to tell the truth. We elect the President of the United States. It is an exalted and important position, but they do work for us, as the chairman of this committee pointed out, in the protection of truth in matters of national security.

Let us find out what the President’s officials and the administration officials told Americans about this subject in the last several years, whether the Deputy Chief of the White House was responsible for or involved in any way in this issue. We have a briefing on July 22, 2003, a briefing where Scott McClellan, who is the press secretary for the President, on July 22, 2003, in the White House, a question was asked: ‘‘Did the President or any member of his administration disclose the name of a CIA agent to the press?’’

McClellan: ‘‘I don’t think he needs that. I think I’ve spoken clearly to this over and over.’’ I’ve just said there’s no truth to it.”

Question: ‘‘Yes. But I’m just wondering if there was a conversation between Karl Rove and the President or if he just talked to you and you’re here at this.’’

McClellan: ‘‘He wasn’t involved. The President knows he wasn’t involved.’’

Question: ‘‘How does he know that?’’

McClellan: ‘‘The President knows.’’

We now have at least four instances where the President of the United States, through his spokesperson, has told us that the Deputy Chief of Staff was not involved in any way, in any way, at disclosing this information to destroy a CIA agent’s career. But it is not just four times.

On September 29, 2003, question to Mr. McClellan: ‘‘Weeks ago, when you were first asked whether Mr. Rove had the conversation with Robert Novak that produced the column, you dis- missed it as ridiculous. And I wanted just to make sure, at that time, had you talked to Karl?’’

Answer by McClellan: ‘‘I’ve made it very clear from the beginning that it is totally ridiculous. I’ve known Karl for a long time, and I didn’t even need to go ask Karl because I know the kind of person that he is, and he is someone that is committed to the highest standards of conduct.’’

A question to the President. Essentially people are starting to talk what he would be authorized to find out who leaked this information. Well, let us find out what the President said he would do.
By the way, it is interesting the White House now refuses to comment on this. That has not stopped the majority party talk machine from launching an all-out offensive against Mr. Wilson today. We can read—they’re still defaming Mr. Wilson today. They say that he is a man who can’t be destroyed. I say the opposite. They say that if they can destroy Mr. Wilson that we will forget about the falsehood that the President used in starting this war. We are not going to forget because this really is not about Mr. Wilson. It is about the administration’s conduct where for 2 years the White House preserved the cover of this CIA agent, Mr. Wilson knew him and wanted to speak about this right now.

Just like I started this Special Order today and I made reference to the Deputy Chief of Staff at the White House, everyone knew whom I was talking about. I did not use his name, but we knew who it was, and that is why we know whom do the Members think they are identifying if not Valerie Plame? Unless Karl Rove thought that Joe Wilson was a polymerist, had ten wives so we could not tell which one it was, it is pretty clear whom I was talking about. Just like I started this Special Order today and I made reference to the Deputy Chief of Staff at the White House, everyone knew whom I was talking about. I did not use his name, but we knew who it was, and that is why we know whom do the Members think they are identifying if not Valerie Plame? Unless Karl Rove thought that Joe Wilson was a polymerist, had ten wives so we could not tell which one it was, it is pretty clear whom I was talking about.

Americans deserve the truth. They deserve not to have an administration to punish Americans who stand up against power, and that is what they did. We now find phase one a failure of the administration to hush this up and bury this story. They denied it for 2 years. They said it was ridiculous for 2 years. They tried to suppress this information for 2 years. They refused to be candid with the American people for 2 years, and that approach has failed. So what approach are they now using to try to wiggle out from this most terrible of misstatements, we all misspeak on occasion, myself included. Perhaps we should not let that get in our way, but it is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

Second, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should not let that get in our way, but it is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

Third, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should not let that get in our way, but it is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work. And that included Karl Rove, Elliot Abrams, and Lewis Libby. "And that’s where it stands."

Question: "So none of them told any reporter that Valerie Plame worked for the CIA?"

McClellan: "They assured me that they were not involved in this."

So the President subsequently said, "Yesterday we were told that Karl Rove had no role in it..." The President: "Yes."

Question: "Have you talked to Karl and do you have confidence in him..."

The President: "Listen, I know of nobody—I don’t know of anybody in my administration who leaked classified information. If somebody did leak classified information, I’d like to know it, and we’ll take appropriate action."

October 1, McClellan: "The President doesn’t condone the activity that you’re suggesting, absolutely he does not."

October 7, and I will skip the question for a moment. McClellan: "I spoke with those individuals, as I pointed out, and those individuals assured me that they were not involved in this."

And that included Karl Rove, Elliot Abrams, and Lewis Libby. "And that’s where it stands."

Question: "So none of them told any reporter that Valerie Plame worked for the CIA?"

McClellan: "They assured me that they were not involved in this."

So McClellan was subsequently said he would do what he should do if he found someone was involved in any way in leaking information. He said he would fire them. And when he was in Europe last week, when he was asked what he would do if he found that out, when asked if he would fire them, he said yes. So we have this situation where we now find, through hard evidence admitted by the lawyer for the Deputy Chief of Staff, that, in fact, Mr. Rove told Mr. Cooper, a news reporter, that, in fact, he told him that Joe Wilson’s wife worked through for the CIA?"

McClellan: "They assured me that they were not involved in this."

Second, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should not let that get in our way, but it is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

And for 2 years now, the official position of the President of the United States telling the American people has said, My Deputy Chief of Staff had nothing to do with this, never mentioned it, never leaked a word, never hushed it, never gave an inclination about it, totally ridiculous. And now we know the sordid truth. And it is sordid. It is sad. We should be talking about some other things here rather than this. But we believe that the truth is important to the American people.

Americans deserve the truth. They deserve not to have an administration to punish Americans who stand up against power, and that is what they did.

We now find phase one a failure of the administration to hush this up and bury this story. They denied it for 2 years. They said it was ridiculous for 2 years. They tried to suppress this information for 2 years. They refused to be candid with the American people for 2 years, and that approach has failed. So what approach are they now using to try to wiggle out from this most terrible of abuse of our national security? Let us go through their sort of defenses now.

Joe Wilson is not intimidated by power. He was not intimidated in Baghdad, and he is not intimidated now. We will not be intimidated to get to the bottom of this sordid affair. That is why we hope that on a bipartisan basis we will pass a resolution of inquiry calling on the administration to provide answers to the American people and to the Members think they are identiﬁy-
You have to ask yourself why, after being so loquacious about this for 2 years, now they do not want to talk about it. Well, I think it is understandable when you think about it.

Think about this: Mr. McClellan told the Americans that the situation is focused on this subject, that we really are not interested in this subject, that we just want to move on. And Mr. Speaker, as acknowledged through his attorney, that he disclosed the identity, Rove, as acknowledged through his attorney, that he disclosed the identity, Mr. HOLT, who has provided great leadership and who was working on this subject last year to try to bring to the attention of the country this issue. He has shown a lot of courage on this. I thank the gentleman for joining us today.

Mr. HOLT, Mr. Speaker, I thank the gentleman, my friend from Washington, for this Special Order and for shining a light on this subject. The gentleman is right, this is something that it is curious. I have been trying for a couple of years to draw sharp attention to this, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignment for a long time.

The press seemed very interested in this other issue of their ability to protect their sources, not an unimportant issue, but something apart from this critical issue of how we as a country, as individual countries, ask of people who risk their lives to collect that intelligence, and what we do about protecting their ability to do it and protecting their lives and welfare.

This is a very important matter. Former President Bush, the current President’s father, said that those who expose our human sources are “the most insidious of traitors.” Ten former intelligence officers signed a letter calling the disclosure of this particular intelligence officer’s identity “a shameful and unprecedented event in American history.” It is an uncommon occurrence, and for good reason. Thank goodness, it is uncommon.

Intelligence is intended to save lives. Intelligence is intended to protect our national security. Intelligence is intended to be something that prevents us from going to war. But to collect that intelligence, people have to take great risks. To get intelligence, people have to take great risks. Operating undercover, people have to take great risks. Operating undercover, people have to take great risks.

I thank my colleague from Washington for this Special Order; and I hope, now that the country’s attention is focused on this subject, that we really can get to the bottom of it. The President said at first that he would find and fire this person. Then a little bit later he said, you know, it is going to be really hard to find the person.
This is the same President who said we will find Osama bin Laden, wherever he is in the world. But among the 5,000 people in the White House, I am going to have a hard time finding out who it was who leaked this. Well, we know at least one of the people who leaked this was who leaked this. The President should take action so that this sort of thing will never happen again.

Mr. INSLEE. Mr. Speaker, I thank the gentleman from New Jersey. I have to say, I have heard one Congresswoman refer to me as the expert on yellow cake, but I must tell you, the White House has not said my name in the last several days. I cannot understand when this came out why the President did not demand his inner circle to give him an affidavit saying they were not involved in this, and get to the heart of this.

Instead, the President of the United States, who works across the desk from the gentleman who is at least one of the people responsible for this leak, the most powerful man in the world could not get a straight answer. Now, if he did not get a straight answer on this important thing, then the President should exercise what he promised the American people he would do, which is to send that person on to other pursuits, and we will see whether the President meant what he said in that regard shortly.

Mr. Speaker, I want to thank the gentleman and mention one other thing and ask for his response. There is one other excise that we are hearing floated about this today, and I have heard some people defending the White House saying, well, this was not really that big of a deal. We might have said there was yellow cake in there anyway, because we really did not know; we would have thrown that up in the State of the Union address anyway.

Mr. INSLEE. Would it be fair to say that if these assertions are true, someone put political convenience ahead of national security? I will make that a rhetorical question.

Mr. HOLT. I cannot imagine why this name would have been released, but for the sake of creating political embarrassment for someone, I call that a gratuitous breach of national security.

There does not seem to be any higher purpose here. I suppose you might be able to imagine some circumstances where for some higher purpose you probably could dream up something where releasing the identity of, you know, someone we have put in such a dangerous position might be justifiable, but this certainly is not it.

Mr. INSLEE. Well, we would stand for the proposition that political pettiness does not justify a breach of national security. I hope we can have bipartisan consensus on that.

I would like to yield to the gentleman from New York (Mr. Hinchey).

Mr. HINCHHEY. Mr. Speaker, I thank my colleagues, including Washington (Mr. INSLEE) for bringing this issue to the floor of the House. I think it is at the moment one of the most important issues that this Congress should be dealing with, but is not doing so.

As you pointed out, there is a great deal of dissembling going on within the context of the Bush Administration. And one of the principal people responsible for that is Mr. Rove. He is quite clearly the identity of Valerie Plame, Central Intelligence Agency operative, and the wife of Ambassador Wilson, to at least one reporter, in this particular case a reporter for Time Magazine, and that he did so in the context of e-mail.

But it is also very likely that he made that revelation not just to the reporter for Time Magazine, but to others as well. And it may very well have been Mr. Rove who made that revelation to Robert Novak, who was the columnist who published the name and made the revelation that someone working for the intelligence agency in a very sensitive position now had that name made public, putting that person in danger.

So the question of the motivation here is one that is very important. It is quite clear that at least on one level, the motivation was to exact retribution against Ambassador Wilson, who you have pointed out rightly was sent by the Central Intelligence Agency to Niger to investigate the question as to whether or not enriched yellow cake uranium was being transported from Niger into Iraq.

The President of the United States in this room, in an address to a joint session of the Congress of the United States, and to the American people, made the assertion that enriched yellow cake uranium was being imported from Niger into Iraq, and that created the prospect that Iraq was developing nuclear weapons.

On numerous occasions, the President, the Vice President, the National Security Advisor, and others in the administration, used the mushroom cloud in reference to Iraq, to create the impression that Iraq was developing a nuclear weapon.

Ambassador Wilson, in the context of his trip to Niger, made it very clear that enriched yellow cake uranium had been transported from Niger to Iraq. Nevertheless, the administration continued to allege that that is not the case, and that Iraq was engaged in a program to develop a nuclear weapon.

What we have here is the course of this discussion this afternoon is another example of the dissembling, the misuse of information by important people within this administration. And from our point of view, as Members of the House of Representatives, one of the critical aspects of all of this is the failure of this House to address this circumstance.

We know that the allegations made by the administration with regard to the connection between Saddam Hussein and Osama bin Laden were not true. We know that the allegations with regard to weapons of mass destruction, including the prospects of a nuclear weapon, were untrue.

Why is it that this House of Representatives is not carrying out its responsibilities under the Constitution to conduct an investigation and hold Congressional hearings with regard to this issue?

Mr. INSLEE. I think you bring a very good point about Congress’s obligation to investigate the executive branch. We do have a checks-and-balances system here. I think that is very important in this case, because essentially the President has said, as he said yesterday, look, this is a criminal investigation, so I have no responsibility whatsoever, he implied this, to find out what happened here.

He says, you know, there is a prosecutor here, so I have no responsibility to find out if people who work literally
in my office had outed a security agent for punishment for someone telling the truth.

Whether there was a crime or not, any President, and this President has said so, should fire a person who disclosed intelligence for political purposes. You can't keep an agent's identity in part to punish a person who told the truth in criticizing the administration.

Even if that is not a crime, it is a crime against the code of the west and the expectations of millions of Americans, where we do not allow our elected officials to punish us for criticizing the administration. We do not allow a President's agents to jeopardize a man's wife who is a secret agent, and expose their two young children, and this couple have two of the most delightful young children that you will ever meet in your life, and you can assume that this covert agent for the CIA mother has the same concerns about her children that you would if you were a parent and someone has blown your cover, and then they attack Mr. Wilson's wife.

The President has an obligation that goes beyond simply upholding this felony law of America. His obligation to Americans is greater than that. And, he ought to call these people in and say, did you have anything to do with this? And if they did, he needs to make a decision about their continued employment. And yet he refuses to do that. That is why this House of Representatives needs to pass this resolution of inquiry so that we can have a bipartisan review of what happened here.

Mr. Speaker, I want to yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to very briefly take this to another level. And that is about truth and trust. I, as a former ambassador representing the United States of America, was trained in the State Department as to confidentiality and secret missions that were taking place around this globe. The audacity of someone in the Executive Branch even making reference to a covert agent violates that confidentiality and puts us all at risk.

It is not something you play with. It is not something you use for retaliation. When you out an agent, you are out all of us.

Our intelligence functions on us having operatives in places where people are plotting against our Nation. Our defense will be in the fact that they bring that information to us and we prepare our defenses.

If these people are exposed, they no longer can gather the information that can save lives and property. So I think this is the most heinous act. I am not even going to get into the covert whether it was done or not. But, any leader in the executive branch ought to understand that you cannot have people there who will leak this information. The safety of all of our citizens depends on the confidentiality.

Mr. INSLEE. I think the Congresswoman has brought up another point, and that is, the nature of this agent who is a covert agent operating under cover for his own protection and those people, as the gentleman from New York (Mr. HINCHLEY) indicated, the gentleman from New Jersey (Mr. HOLZT) indicated, the people that she worked with, the people that she had lunch with in various countries around the world are now suspect.

But it was interesting in the litany of excuses for this misconduct that we have heard out of the White House for the last few days or at least their operatives around the country, one of the excuses I have heard is that the deputy chief of staff, Mr. Rove, did not know that this CIA agent was a covert agent. He just did not know that.

And, therefore, he needs to excuse that misbehavior since he did not know she was covert. Maybe she could have been just a receptionist at the front desk. There is a problem with that. When you out a CIA agent, you damn well better know whether they are covert or not before you violate your security clearance in outing that CIA agent.

And unless we hear a real good reason that Mr. Rove asked the CIA to that was told inappropriately or something, there is no excuse for someone in the highest levels of government, with supposedly the sophistication working at the right hand of the President of the United States, not to know you did not out a CIA agent knowing they could be covert.

The damage that has been done here to our security, to Joe Wilson's spouse, to our trust in the Federal Government, was occasioned, regardless of the intention of the deputy chief of staff, one way or another there has been an abuse of both the family and our sense of national security.

Ms. WATSON. Mr. Speaker, there is no way that half of the staff in the White House to even mention the name of Ambassador Wilson, not naming his wife would not know, because she is the one that sent him over there to Niger.

So how did Robert Novak get the information to print her name in the press? So I do not buy the excuses. I do not think those people, knowing the truth, will buy the excuses. What we have all lost is the faith and the trust in this administration to deal straightforwardly with the American people, and as the gentleman has so brilliantly brought out, to the other misinformation activities involving this administration. We must stop it and we must stop it now because the reputation of the United States has sunk to its lowest point.

Mr. Speaker, I thank the gentlewoman for joining me.

I would like to conclude with a couple of comments. This is the greatest Nation on Earth, and it is the greatest because it works on a principle that our citizens should be in control of our democracy, not people in power.

It works on the assumption that that power will not be abused. It works on that principle that our elected officials will tell us the truth. It works on the principles that people's wives should not be attacked when a person fulfills their patriotic duty to go to Africa and ferret out the truth.

It works on the principle that people are human and they can make mistakes; but when they make mistakes, they ought to be candid and forthright with Americans. And the sooner the President of the United States is forthright and tells us what happened in this situation, the better off both for the White House and for us as a whole. And if it refuses to do that, which it is now stonewalling in its finest tradition of those who were caught red-handed, it is refusing to give Americans information.

That is why this House of Representatives needs to pass this resolution of inquiry so that we can have a bipartisan review of what happened here.

Why? So that we can regain the bipartisan trust we need to go forward with and deal with our pressing problems in Iraq, our pressing problems with the threat of terrorism, and we can get back on track in this government.

Before I close, I want to thank the Wilson family for their courage in going to Africa. I want to thank Mrs. Wilson for her courage as an employee of the CIA. I want to thank them for their courage in standing up to the administration that has so willfully abused them. And I hope that the truth that they have worked so hard to bring to the American people will ultimately prevail in this affair.

HONORING RICHARD LEE WILES

The SPEAKER pro tempore (Miss MCMORRIS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today with a heavy heart. I rise today to honor Richard Lee Wiles, my friend, my former economic development and technical education coordinator, and a man who was as far-sighted as he was straightforward and unpretentious; the kind of man who brought dignity and integrity and a great deal of expertise to everything he did in life.

I am sad to report that late in June, Richard, or Dick as he was known to friends and strangers alike, passed away while conducting his duties on behalf of people of the 5th district of Pennsylvania.

Dick was more than an employee. He was a true friend and a loyal confidant. Dick graduated in 1958 from East Brady High School and in 1963 from Penn State University where he received a
bachelor’s degree in agriculture and later a master’s degree in communication.

For many years he operated Nova Productions, a public relations firm that was very successful. But, Madam Speaker, more than just a knowledgeable counselor and an able community organizer, Dick Wiles was truly a renaissance man. Evidence of this can be seen during his high school and college years when he paid for his education, Dick started and was an active member in a much-loved local dance band, The Rhythm Knights.

Indeed, he was a gentleman of the highest order who could cook, sing, fish, hunt, dance, paint, write poetry and prose, and charm everyone present within the sound of his voice. I used to joke that his charm almost earned him a seat in the Pennsylvania General Assembly over 25 years ago when he came within a few hundred votes of defeating a long-term popular incumbent, despite receiving absolutely no support, financial or otherwise, from the party structure or apparatus.

Madam Speaker, Dick Wiles was one of the most politically savvy and intelligent, gifted people I have ever met. What made him special, though, was how he selflessly used his talent to serve his neighbors and better his community. More than once Dick told me that he loved his job so much that he felt guilty for receiving a pay check. Dick truly loved his work and he was so good at it. He truly adored his family, his community, his State and his country. He was always a gentleman. Dick, we really miss you.

As you know, Madam Speaker, the Social Security program in its current structure is in trouble and in need of reform. It is facing several serious problems. One of them is the solvency of the program over time. And another is its fairness to the younger generations. Although the simple idea here in Washington and a simple idea that has surfaced just within the last few weeks on Social Security reform that does not solve the entire problem in one fell swoop, but would start us on a path and would address the most egregious problem of all, and that is the structure of Social Security which simply is unsustainable in its current form. So I want to focus this discussion this afternoon largely on that new idea.

It is an idea that the American people, the people of this Nation, should respond to the concern and the interests of the American people about what is happening with their Social Security taxes, their payroll taxes. Let me begin with some of the basics. As I think all Americans understand, the Social Security system as it is structured today is a pay-as-you-go system. It is a trust fund that is today in the workforce pay in our payroll taxes and those payroll taxes by and large immediately go out the door to pay the retirement benefits of the Americans who are retired today. That is the structure of the current system, that is the structure that many countries around the world created some 35 to 40 to 50 years ago.

Germany, I think, was first to substitute a Social Security program for its elderly based on this premise, that is, that we would tax workers to pay retirement benefits for those retired. There was nothing wrong with that proposal when initiated because at that time the workforce was dramatically larger than those who were on retirement. Indeed, I think Americans now know that in 1935 when Social Security was created, there were some 42 Americans working for every American collecting retirement benefits. Clearly, 42 workers can, through their payroll tax payments, support one retiree. As most Americans know by today, those numbers have changed dramatically.

In the 1950s, it went to where we had roughly 15 or 16 workers per retiree. Again, that was sustainable. But now we are close to 3 to 4 workers per retiree. The reality is that the workforce relative to the number of people retired has shrunk and today in America there are only 3.3 working Americans paying payroll taxes to support each individual currently retired and collecting Social Security taxes. If the trends continues, and it will, that is unsustainable. Very soon we will be down to where there are two workers and even less than two workers paying Social Security taxes, payroll taxes to support one retiree. That simply cannot be sustained over time. And so we have a problem with the structure of Social Security. We also have a problem with its long-term solvency. And, most importantly, I think we have a problem with what is referred to as generational fairness.

We all know that solvency is the issue of whether or not we have the money set aside to pay the benefits we have promised, and in point of fact we do. While the short-term surplus today, we collect more in Social Security taxes than we pay out today in Social Security benefits. That short-term Social Security surplus of revenues in over benefits paid out will end as soon as 2017. Indeed, the surplus will be a new problem, it will be a new problem by 2021.

So this is a problem that confronts us very soon, and as the actuaries have told us and as I think Americans understand, the trust fund where we would have to begin drawing upon in 2017 to pay the promised benefit will itself be depleted by 2042. Thus, we have a long-term solvency problem
with the current structure where we have a shrinking number of workers per retiree.

But the other issue that is not discussed very often is the issue of generational fairness. Generational fairness is a term I use, and I think most people may not even understand it, but then when I talk to an audience they say they do not understand it so let me try to make that point clear. Solvency is one issue, but generational fairness is a separate issue: it is under the Social Security system that we have today in America, my grandparents, most Americans' grandparents, collected an effective rate of return on the Social Security taxes they paid, that is, on the payroll taxes they have paid into Social Security, when they collected their benefits, on average they got a rate of return on the money they had put in of about 5 percent.

Now, 5 percent is not a great rate of return. One would like to be able to invest our money and get 8 or 10 or a better rate of return on the money we invest; but for a program which is designed as this program is designed to provide a floor of protection for those Americans who have either not been able to have any, in fact, set aside money for their retirement, if you got a rate of return on the money you put into Social Security of 5 percent, you were doing fairly well.

That is a decent rate of return. But because of the current structure of Social Security, that is not continuing. Indeed, our children, my children and my grandchildren, will get a rate of return of less than 1.6 percent; and, indeed, for many of them, their rate of return will be negative, that is, they will pay in more in social security taxes than they collect in their lifetime in Social Security benefits. That is generational fairness, and it is simply not fair.

I think most Americans would agree that creating Social Security, the Social Security program we have, creating a floor of protection so that all Americans can enjoy their retirement years, safe in knowing that they have money to pay for their groceries and to pay their rent is a laudable goal, and with a rate of return of 5 percent on your money, you can do that. But with a rate of return of 1.6 percent or less, or a negative rate of return, our children and our grandchildren, if we do not make changes, will in fact not have a secure retirement. Indeed, they will not have the funds when they go to retire to even minimally get by.

Now, those are the basics that have been involved in this debate from the outset, and there are lots of ideas on the table. President Bush has put ideas on the table to deal with both the issue of solvency and the issue of generational fairness so that we can make the program financially sound for the future. Indeed, he would like to make it financially sound forever, not just for the 75-year horizon that the Social Security trustees base their analysis on. But also he would like to make sure that we guarantee the next generation as secure a retirement as this generation has had and as the last generation had.

Now, I know a lot of Americans glance over and say, wow, I have heard so many different ideas on Social Security and on Social Security reform that I get confused. Let me talk to you about personal accounts. People talk to me about increases in taxes. People talk to me about benefit cuts. People talk to me about increases in taxes. I want to talk to you about a new idea, a new idea which can solve a part of the Social Security problem and stop a practice which is offensive and a bad idea.

When I went home and did my town halls with my constituents in Phoenix, AZ, discussing the issue of Social Security, I had to explain to my constituents this short-term surplus that we had, a surplus that they, every year since 1983, we have been collecting in Social Security revenues than we are paying out in benefits. So we have a surplus. And I had to explain to my constituents, as my colleagues here have had to do, that that excess money is not being set aside for Social Security.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is spent to fund the Department of Agriculture. It is spent to fund the Department of Defense. It is spent to fund the Department of Health, Education and Welfare. It is spent to pay for, wasn't it the Congress and spent for general purposes, we will stop using it to hide the real deficit and the real debt, and we will allocate it to Social Security.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is used to fund the Social Security program, they believe, and they have an absolute right to believe, that their money, paid as payroll taxes to fund Social Security, should be and is being used for Social Security. But that is not true. And that is not true.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is spent to fund the Department of Agriculture. It is spent to fund the Department of Defense. It is spent to fund the Department of Health, Education and Welfare. It is spent to pay for, wasn't it the Congress and spent for general purposes, we will stop using it to hide the real deficit and the real debt, and we will allocate it to Social Security.

Now, a portion of it will go to current retirees, but the rest will no longer be spent for Forest Service pick-up trucks or for national defense or for welfare benefits, or for any other purpose than Social Security. As it turns out under the Social Security system that we have today in America, my grandparents, most Americans' grandparents, collected an absolute rate of return on the money they had put into Social Security. That is generational fairness, that is not continuing.

That is a decent rate of return. But because of the current structure of Social Security, that is not continuing. Indeed, our children, my children and my grandchildren, will get a rate of return of less than 1.6 percent; and, indeed, for many of them, their rate of return will be negative, that is, they will pay in more in social security taxes than they collect in their lifetime in Social Security benefits. That is generational fairness, and it is simply not fair.

I think most Americans would agree that creating Social Security, the Social Security program we have, creating a floor of protection so that all Americans can enjoy their retirement years, safe in knowing that they have money to pay for their groceries and to pay their rent is a laudable goal, and with a rate of return of 5 percent on your money, you can do that. But with a rate of return of 1.6 percent or less, or a negative rate of return, our children and our grandchildren, if we do not make changes, will in fact not have a secure retirement. Indeed, they will not have the funds when they go to retire to even minimally get by.

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of taking the Social Security surplus that we will have for the next decade and locking it away in individual, and use the overused term lockboxes, in the name of each American taxpayer so that we do not spend it on any other purpose, I think, is a great idea whose time has come.

By the way, these will be individual accounts. They will be in the name of each payroll taxpayer. They will be inheritable. It will be their money. Indeed, just to show you how different it is the current system; under the current system, if you pay payroll taxes this year, and you pass away 2 years from now, and you are under the age of 65, that money that you paid in goes away. It is lost forever.

If we enact this simple bill, locking away just the Social Security surplus, and you work for 2 more years after the program goes into effect and then you pass away, still under the age of 65, instead of getting nothing, your spouse or your children or your grandchildren will inherit every dime of that money. It is your money; and when you pass away, it becomes their money.

This is not a gimmick. This is not a paper scheme. This is not a ledger entry on a computer screen that never matters. This is hard, cash in the pockets of your children or your grandchildren beginning to accumulate the day this legislation takes effect.

There are lots of other good things to say, but I have been prompted by my colleague from Texas (Mr. HENSARLING), and I have talked fairly long about this topic for a moment so maybe I will let him chime in and vary the discussion a little bit.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yield- ing to me, and I especially appreciate his leadership on this issue. Tens of millions of Americans, future generations, are going to have their retirement security, unless we do something and do something today. Every day that we postpone trying to help save and reform Social Security it is costing us an extra $200 million. The time to act is now.

Madam Speaker, for me this is much more than one’s average congressional debate. This is something I take very, very seriously and very personally. I take it personally because my parents are in their 70s. Now, Social Security is an integral part of their retirement security. They worked very hard their whole lives to earn that Social Security, and nobody has a plan that will take their Social Security away. As their son, as a Congressman, I am dedicated to making sure that my parents and every one of that generation gets every penny of Social Security that they have earned. I have a sacred obligation to my parents.

I have another sacred obligation. I have a 9 1/2-year-old daughter and a 22-month-old son. And if we do not do something and do something today, Social Security as we know it will not be there for my children. We are rapidly approaching the point where we are going to lose the security from Social Security.

My colleague from Arizona, who is a great leader on this issue, and everyone should appreciate his helping coauthor the GROW account legislation, he very wisely said, Madam Speaker, the challenges we are facing in Social Security. As much as Congress would like to, we cannot re- peal the laws of demographics. So Social Security, as it was envisioned, took money from current workers to pay for current retirees. Now, that worked very well 50 years ago when we might have had 40 workers paying into a system for every one retiree. But that is not true today. Instead, we are down to 3 workers now supporting every retiree, and we are rapidly on the road to having only two workers sup- port every retiree. So we have this phe- nomena of having more and more retir- ees and fewer and fewer workers paying into the system.

Another challenge we have in Social Security, as far as demographics is concerned, is great news for seniors; it is just not particularly good news for the Social Security System. When So- cial Security was first created, the av- erage life-span of an American worker was 60 years of age. You could not even draw your retirement until 65. Many folks had their name called on the roll up yonder before they could ever get a pen ny of retirement. Well, now, thanks to the marvels of modern medicine and technology, the average life-span of an American worker has increased to 77.

So, again, Madam Speaker, we have more and more retirees that are living longer and longer and fewer and fewer workers supporting them. And that is putting an incredible financial pressure on the system.

Something else it is doing is it eroding the security in Social Security. Look at the amount of money people put in the system and the amount they took out. My grandparents, who are de- creased, were born roughly in 1900. They received about a 12 percent rate of return on their Social Security. That is great. My parents, who were born in the late 1920s and early 1930s re- spectively, they receive about a 4 per- cent rate of return on their Social Secu- rity. Not bad.

People in my generation, represented by those who were born in roughly 1960, we are getting about 2 1/2 percent rate er- our Social Security. That will bare- ly cover the rate of inflation. And my children, who I spoke about earlier, they are due to receive a negative rate of return.

Madam Speaker, that is absolutely unfair. We need to do something, and we need to do something today. But something as big as reforming Social Security needs to be done on a bipar- tisan basis.

I wish we could be joined by Members on the other side of the aisle who would come in and work with us on a bipartisan basis to try to do something about Social Security. Members cannot deny the underlying demographic chal- lenges in this program.

Right now the Government Account- able Office, that agency that is supposed to be an actuarial and trustworthy agency, has looked at the problem says that the unfunded liability of Social Security is now $10.4 trillion. Nobody in America knows how much money that is, but to try to bring it down to a level we un- derstand, this man, woman and child in America, to try to solve the long-term fiscal instability of this program, would have to write a $30,000 check out today to try to solve that problem. Surely that is not going to happen.

For those who continue to deny the problem, as so many of our colleagues on the other side of the aisle do, right now it is written in the current law that if we do not act, if we do nothing, in 2042 there will be an automatic benefit cut of al- most one-third.

Madam Speaker, I may not be here in 2042, but I hope and I pray that my children will be, and for generational fairness we need to do something.

What the gentleman from Arizona (Mr. SHADEG) has laid out is a simple plan and a very simple first step. I am surprised it is even debatable in this body. But for years and years and years the Social Security surplus has been taken by Congresses, and I will admit both Republicans and Democrats. They have taken the surplus and spent it on other areas of government. They have spent it on Medicare wheelchairs that cost five times as much as what they did at the VA. They spent it on $2 million studies of the sexual habits of older men, and that is a study I do not even care to know what the results said. The list goes on and on and on.

That money needs to be dedicated to Social Security and nothing else. Those on the other side of the aisle said wait a second, this is very risky to create personal accounts for the Social Security surplus.

Madam Speaker, what is really risky is for Americans to leave their retire- ment security in the hands of Washing- ton politicians and bureaucrats. The Social Security trust fund has been raided over 49 different times. Congress has taken the surplus and spent it on $2 million studies of the sexual habits of older men, and that is a study I do not even care to know what the results said. The list goes on and on and on. If that money needs to be dedicated to Social Security and nothing else. Those on the other side of the aisle said wait a second, this is very risky to create personal accounts.

Social Security trust fund has been raided over 49 different times. Congress has spent that money on something else.

There have been over 20 tax increases in the Social Security system. Every time you are getting the same benefits but your taxes go up, your rate of re- turn goes down. We are losing that se- curity out of Social Security. There have been multiple benefit cuts. For example, the taxation of Social Secu- rity benefits that took place in the early 1980s. Also, very importantly, that the gentleman from Arizona (Mr. SHADEG) pointed out we have no ownership rights in our Social Security. None whatsoever. There have been several Supreme Court cases to
tell us that we do not own our Social Security. So this is a very simple plan. We know we do have some remaining years of surplus: 10, 11, 12 years of surplus remaining. Let us take that. Let us dedicate that to Social Security and let us get it out of Washington hands but it will take an account with your name on it that you own and that can be inherited and passed on, something that Washington cannot waste. What a simple proposition, and I am just saddened this is even necessary.

I hope anyone who is listening to this debate will let their voice be heard. We need to enact our grow accounts. We need to keep the security in Social Security for future generations.

Mr. SHADEGG. Madam Speaker, I would like to engage in a brief discussion to make this a little more followable or reasonable for our listeners to understand.

Like me, I assume the gentleman has done a whole great job here on this topic.

Mr. HENSARLING. Madam Speaker, I have done at least 30.

Mr. SHADEGG. And what reaction did you get back home when people began to learn from at least 1992 forward that they had an emerging surplus of Social Security revenues over the benefits we pay out to those currently retired?

Mr. HENSARLING. Madam Speaker, I think it is one of the most violent reactions I have ever seen at a town hall meeting, particularly when seniors realize they have worked and paid into this system, and for decades, Congress has taken that money and spent it on big government. They wanted it stopped today.

Mr. SHADEGG. Madam Speaker. I am guessing the gentleman’s experience is like mine, Americans have a simple image in their mind that if these are payroll taxes taken to fund Social Security, they ought to be using them to fund Social Security.

Mr. HENSARLING. Madam Speaker, it is a very simple idea and they have been told for years that money is in the trust fund, but in any practical sense it is not. That money has been taken away, and an IOU left in its place. That is like a person writing an IOU to themselves. The only way that IOU can be redeemed is by raising taxes on the American people.

People who are entering the job force today, if we do not do something to try to make up that IOU, their payroll taxes are going to have to be increased 43 percent and what is that going to do to your families and job creation in America.

Mr. SHADEGG. Madam Speaker, the gentleman mentioned that we are quickly approaching the point where Social Security no longer has the word “security” in it. I have a female constituent in Arizona, born in Hungary, moved to the United States, lived here all her life, paid into Social Security.

She comes to my town halls, and she used to come to my coffee cup meetings on Saturday mornings. Years ago she stood up and made it very clear that, based on a point the gentleman made a few moments ago, it is not accurately described as Social Security, it is not security as Social Security. Because as the gentleman pointed out, the United States Supreme Court has ruled in a series of decisions that the Congress were to decide tomorrow to not fund Social Security, it is not that we are not dedicating, but to use that money for some other purpose, it could do so. If a taxpayer were to sue and say no, wait a minute, that is my money that I paid into the Social Security system so it would be used for my retirement, that taxpayer would simply lose that lawsuit.

So her description of it is because it is in the hands of the politicians and they can take it away at any time, she describes it as social insecurity.

It is important for listeners to understand these GROW accounts would change that and change that forever. We would be taking the surplus and putting it aside in the name of the taxpayer, and from that instant forward, we would keep that money and they could keep it. That is a dramatic change in the system.

Mr. HENSARLING. Madam Speaker, it could not be more simple and I cannot believe that at least in my district in Texas that 90 percent of my constituents would not want to embrace that idea. Such a simple idea that number one, Social Security ought to be used for Social Security, pure and simple.

Second of all, you own it. Washington cannot take it away. Social Security is used for Social Security, and you own it and Washington cannot take it away. That is what the GROW account is all about. There is nothing more simple. It is that simple, yet it is that important.

Again, I think we need to emphasize for those soon-to-be retired, we will be running surpluses. These people will be okay, but it is future generations. That is the challenge that we face now. Too many people in this town care about the next election and not the next generation. We could ignore this problem if we wanted to for 5, 10, 12 years, but how do you look yourself in the mirror and know that you have set the Nation on a course to cut your children and grandchildren’s Social Security by a full third or to raise their taxes by 43 percent.

That is why it is so important that we start the GROW accounts, dedicate Social Security to Social Security, and let taxpayers own it, not Washington.

Mr. SHADEGG. Madam Speaker, we have been joined by the gentlewoman from North Carolina (Ms. Foxx) and I am thrilled to have her join in the discussion about Social Security, reforming Social Security, and about the new idea of the GROWN accounts, of taking just the surplus that Congress has been stealing and spending on general government, take that Social Security surplus and dedicate it to accounts in the names of individuals so it is their money and so every dime of Social Security taxes goes to Social Security.

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding me this time, and all those who have developed the legislation to save Social Security which we call GROW. I am going to repeat some of the things that both Members have said because I think it is important to repeat them. There are many times when we have to say the same things over and over in order to get the message across.

We have heard a lot about Social Security reform. I just came here this year. This is my first term. I was told it was going to be an exciting term, and a lot of things would be done, and I am going to repeat some of the things that both Members have said because I think it is important to repeat them. There are many times when we have to say the same things over and over in order to get the message across.

Recently, as I often do, I stopped by a restaurant in my district to have breakfast. While I was there, I engaged the people there in a discussion about Social Security reform. I shared with them some of the same things you have been talking about, and many people do not understand the fundamental facts about Social Security.

We have got to make sure that our current retirees and those near retirement have the peace of mind of knowing they are going to get their full Social Security benefits for their entire retirement. The government has promised them that, and that is an obligation we have. But we also have to make sure that the benefits are there for our children and grandchildren. The folks in my district who have retired do not understand this and certainly agree with us, but we know right now that Social Security is financially broken.

I think that the President has done a good job of explaining that to the people, but again over and over we have to say it. As the gentleman from Texas (Mr. HENSARLING) said, back in 1950, we had 16 workers working for every person drawing from Social Security, for dependent children and grandchildren, just over 3 workers paying for each person receiving benefits. Within two decades only 2 people will be supporting each retiree.

I love his phrase about the law of demographics. He is absolutely right. We can repeal a lot of laws here and pass a lot of laws, but we simply cannot repeal the law of demographics, and we are facing that in this country. We have to deal with it. We have to understand that is a reality that has to be dealt with.

The life expectancy is much longer today than it was when Social Security
was created. As he said back in 1929, people were only expected to live 57 years. In 1937 when Social Security was adopted, people were expected to live only to 60. Well, Social Security was set up to be drawn out at age 65. The people who set it up knew that they never expected many people to draw from Social Security. But today, most people live to be 80, and it is not too much in the distant future that most of us are going to be living to 100.

The other matter is that Social Security will begin running out of money in just 13 years and be completely broke in a matter of decades. For the millions of Americans who depend on Social Security, it is simply unacceptable. If we do not reform Social Security, taxes will have to be doubled or tripled in order for the system to keep its promises to future retirees.

In less than 40 years if we do not make changes, the government will have to take at least 30 to 40 percent of every worker’s wages to pay for Social Security benefits. Compare that to 1940 when workers paid only 1 percent of their salary into the system, and that was the basic promise they made when Social Security was adopted.

President Bush has called on Congress to help fix the Social Security system, and I agree with him that we have to take action. I think that the GROW accounts are a great step in the right direction. We have to protect Social Security benefits for our current retirees and near retirees while giving younger workers the ability to be in control of their Social Security taxes. I like the idea of giving workers control and putting their money into their personal accounts. This gives them control over their money and the government less opportunity to misuse it. I am confident that once people focus on the facts and study this issue, they will realize that Social Security reform is essential.

Many people have been misled about the need for reform. However, once they have the facts, and I am convinced of this, they agree that something has to be done to protect the retirements of our future generations. We have a responsibility to save Social Security so our children and grandchildren can receive the benefits that we have enjoyed.

Several different programs have been recommended to deal with the Social Security problem, but I am convinced that the plan that has come together to be called the GROW accounts is the best plan that we have right now to move us in the right direction. As other people have said, we have an obligation not only to the people who are currently drawing Social Security but those after us. I agree with him that we have to be sure that their money is where they can draw it out and look to their retirement.

One of the things I ask people about all the time, too, is can anybody live on the average benefit that Social Security gives them. It is my understanding it is $921. That is the average benefit. So far in all the town hall meetings that I have had and all the discussions that I have had, nobody that I know of says they can live off $921 a month.

I think that this discussion we have had on Social Security is performing a couple of good services for us. One, it is focusing on Social Security; it is a very big Social Security problem, but it is also raising the awareness of the American public that you cannot just depend on Social Security for your retirement. You have got to be looking to other ways to have the kinds of funds that you need to live comfortably in your retirement, and I think that is the other benefit that this discussion on Social Security has brought about.

I again want to commend the gentleman from Texas and his colleagues for what they have done in bringing to us the GROW accounts, and I want to tell you that you have my support on this. This may not be where we end up on salvaging Social Security, but it is certainly a step in the right direction. As they say, a journey of a thousand miles begins with one step. We are taking the first steps. I want to thank you for doing that and pledge my support to you in educating the American public about this and hope that even more good ideas will come as a result of the discussions.

Mr. SHADEGG. If the gentlewoman will remain for a moment, I would like to just ask her, I presume you have done Social Security town halls back home.

Ms. FOXX. We have.

Mr. SHADEGG. If they went like mine, you got a lot of feedback and a lot of confusion about how the Social Security system works.

Ms. FOXX. We did.

Mr. SHADEGG. I suppose, like a lot of us, people are confused about, well, what is the right overall solution and they are not quite sure exactly which reform measure is the right one to do. Is that right?

Ms. FOXX. That is right. But they do know, as you have pointed out before, that they and others have paid money into the government and they were expecting to get that money back with some reasonable rate of return, some interest paid back on it. That is the deal we made with them.

Mr. SHADEGG. And when they discover, as our colleague from Texas (Mr. HENSOLDING) explained, that we are actually taking that short-term surplus that we have, the excess of revenues we are getting in this year over the benefits we are paying out this year and we are spending it on other things, as he pointed out, we are spending it on phenomenally high terrorist cost or we are spending it on Forest Service pickup trucks or we are spending it on welfare benefits or we are spending it on whatever other program is out there and not spending their Social Security taxes to set aside for Social Security, not on Social Security benefits and not on paying future benefits, what kind of reaction did you get from your constituents?

Ms. FOXX. They are very upset by that. And the question is, why have you been spending the money? I am in the fortunate position, I have not been in Congress before, so I can say, I did not do that, although the gentleman from Texas is absolutely correct, it has been done by both Democrats and Republicans, so we have to fix this situation.

Mr. SHADEGG. I think it is a fair question for us to ask as Members of Congress today, and I think the gentleman from Texas was very fair on that point, both Republican Congresses and Democrat Congresses have used the Social Security surplus for non-Social Security purposes. I guess the question is, though I want to ask you and a question that I have thought about is, could I go home to my constituents and justify to them that it is appropriate for me to take their Social Security taxes and spend them on some other purpose? I think the answer for me is no. Have you given that question some thought?

Ms. FOXX. I have. I agree with them. And when my constituents say that to me, again through this education process they have learned that the problems that have been created by Social Security and, again, they have understood these laws of demographics that we have explained. They want us to stop this. It is a pretty simple thing. Most of the people in my district are just down-to-earth folks with a lot of common sense. There is some sort of rule, what is that law, when you are in a hole, the first law is to stop digging. They just say to me, just quit doing it. Mr. SHADEGG. Just quit digging. Quit stealing that Social Security surplus and spending it on other things.

Ms. FOXX. That is right. So the proposal you have made I think is again a step in the right direction. Down the road we may find that we have to do other things, but the most important thing is to get people to get control of their retirement. As I said, I think that this issue has brought up the point that they cannot just depend on the Federal Government to look after them. I think we have performed a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to
make it clear that this is not my idea. I am one of the people advancing it. Here in the House, it will be introduced by the gentleman from Florida (Mr. SHAW). I think his name will be the second on the bill. The first name on the bill will be that of the gentleman from Louisiana (Mr. MCCREARY), who is the chairman of the subcommittee on Ways and Means that deals with Social Security, so it will be the gentleman from Louisiana (Mr. MCCREARY) and then the gentleman from Florida (Mr. SUWANEE) and then the gentleman from Wisconsin (Mr. RYAN) along with the gentleman from Texas (Mr. SAM JOHN-SON). Those will be the original cosponsors along with myself here on the House side.

But I think there are literally dozens, maybe even hundreds, I would hope, of Members here on the House side who will be cosponsors of the bill when it is introduced, I have to give credit where credit is due. The original idea, embodied earlier, was brought to the Congress by my former colleague here in the House, now a member of the United States Senate, JIM DEMINT, and there are at least 11 Senators who have already signed on as a constitutional amendment to commit to doing this. It is the only fair thing to do. Again, it is such a commonsense issue. The people of this country understand that is their money, they have worked hard for it, they set aside that money and they expect to be able to get that money back. Again, with some reasonable amount of interest when it comes time for them to retire.

People can find more information on the Internet today than I ever even wanted to know, but they can get in touch with their Member of Congress this coming weekend or sometime over the August break. I hope they will confront them and ask them that question because I think it is the question we have to answer. Maybe we cannot solve the whole Social Security problem in a single blow. Maybe we cannot do it all at once; but the one thing we can do, and I like the way you say it, we can stop digging the hole deeper by taking the Social Security surplus and spending it on something other than Social Security.

Ms. FOXX. I think that is a very, very fair question. I think you are absolutely right. The challenge is to get a majority of the Members of Congress, whether they are in this place or in committee and see that this idea on the Senate side as well. I think it is important that we build momentum for that.

When we have these discussions, it is useful to include the revenue to the audience to know that they can go other places to learn more. The policy committee which I chair has a Web site with substantial information about this idea of taking the Social Security surplus and dedicating it to individual accounts for individual taxpayers and making it their money forever; but I am certain that at your personal Web site and at my personal Web site, they can gather other information and learn about it. The thing that occurred to me in that question about how do you oppose this, and our colleague from Texas (Mr. HEINSAHLING) said, Gosh, I don’t even understand why this is even debatable, I would hope that Members listening to this debate, but, hopefully, Americans listening to our discussion tonight, might say to themselves, I would like to learn a little bit more about GROW accounts, I would like to at least ask my Member of Congress whether she or he thinks it is appropriate to take my payroll taxes that I pay in for Social Security and spend those on something other than Social Security, whether it is wheelchairs or jet airplanes; and if they say, no, it is not really appropriate to take the payroll taxes that I pay in for Social Security, FICA, that I get on my little pay stub and use those for something else, to ask their Member of Congress whether she or he will vote to dedicate the Social Security surplus, we have 10 more years of surplus that we know of without any reform, without any plan other than Social Security surplus, do you favor allowing the Congress to continue to steal that money and spend it on other things, agricultural programs, you name it, or will your Member of Congress agree to vote to dedicate the payroll taxes that we raise for Social Security solely to Social Security?

I certainly hope that Americans across this country will come forward with their Member of Congress this coming weekend or sometime over the August break, I hope they will confront them and ask them that question because I think it is the question we have to answer. Maybe we cannot solve the whole Social Security problem in a single blow. Maybe we cannot do it all at once; but the one thing we can do, and I like the way you say it, we can stop digging the hole deeper by taking the Social Security surplus and spending it on something other than Social Security.

Mr. SHADEGG. I actually am going to spend a little time now trying, hopefully, to bring anybody who may have joined this discussion late up to speed on this particular idea, and I want to do it first graphically.

In this discussion tonight, we have talked about what is happening with Social Security and the whole notion of Social Security reform; but we have tried to focus on a simple idea that has come forward recently to deal with the several problems that are confronting the Social Security program.

The biggest problem, of course, is that demographics make it unsustainable over time. We have too few people working and paying in benefits for the number of retirees. We have already heard about that tonight. In the long run, we are going to run out of money; but in the short run, we have a surplus and there is an idea that I think will protect America’s taxpayers and strengthen our Social Security system that has just surfaced here in Washington within the last 3 or 4 weeks that I think is a brilliantly simple idea, and I want to try to explain it.

It is embodied in a bill called the GROW Act; Growing Real Ownership for Workers Account is the name of the act. It is being introduced here on the House side by several Members of the Ways and Means Committee, led by the gentleman from Louisiana (Mr. MCCREARY) and on the Senate side by Senator JIM DEMINT and 11 of his colleagues.

I just want to explain very simply the concept of the bill. First of all, I have got a blank piece of paper here. I want to just graphically show what is going on with Social Security. The first thing I want to do is put a line on the chart which shows the benefits that we are currently paying out. Those benefits are fairly level. That line just runs across the chart from left to right. You can see benefits just move across that line. That is the amount of money we have to pay out each year.

I want to start with today, and I want to show revenues. To show revenues, I want to show kind of the graphic notion of this temporary surplus. Right now, we are bringing in more money than we are spending in benefits. So the surplus stands out here. But that surplus begins just like that. All of this is money that we are collecting in excess of what we are spending in benefits. So this is the benefit line, I will label it “benefit,” and this is the revenue line. You can see benefits. The benefit line is the amount of money that we are collecting from workers and the employer for Social Security taxes today than we are paying out in benefits.

What that says is that today’s retirees and near retirees are secure. We are not going to do anything to touch their benefits. If you are 55 years of age or older in America, you are safe. But let us put a date on this. This is 2005. This year is 2017. What happens is that in 2017 that surplus disappears, and we begin to have a deficit. That will be a line that goes down like this. We have to deal with our ability to pay our benefits during these years by using the trust fund.

But the question is, what do we do with this surplus? I am going to label it “S” for the surplus. That is the money we have that comes in in payroll taxes of our constituents have deducted from their paychecks, and it says FICA on it and that is the amount of money that is not needed to pay benefits. That is extra money.

What we have been talking about here tonight is that extra money every year since 1983 with only two exceptions has been spent by Congress on spending the money other than Social Security. They may be good things. They may be welfare benefits for those in need. They may be forest fire fighting. It may be spent for missiles or tanks for our war in Iraq, but it is being spent on something other than Social Security. Fundamentally, we desire to have their payroll taxes that are collected to fund Social Security spent on Social Security.
What the GROW Act does, this bill that is being proposed here on the House side and there on the Senate side to deal with at least a part of the Social Security problem, is to say we need to stop spending this surplus, and I am going to label them surplus, because if we show up on the block of money right here, that block of money, that we need to stop the practice of spending that Social Security surplus on things other than Social Security.

It is when we look at it graphically. Social Security money should be spent to pay for Social Security benefits, and if there is a surplus, we should set it aside to pay the Social Security benefits of those who will retire in years to come.

Let me go through just a simple kind of a Q&A session about what this bill does because it might help people, and then I would urge people to get on the Web site of the Policy Committee or to get one of the researchers of the Republican conference here in Washington and look at what this bill does and how it works. But before I do that, let me go through a Q&A, just kind of a basic so people can understand what we are talking about.

First question: What will the GROW Act do? Simply put, it stops the government from spending the Social Security surplus, a person’s payroll taxes paid to fund Social Security when they retire, on anything other than Social Security. Again, in almost every year since 1983, Congress has spent this surplus of payroll taxes over payroll benefits on something other than Social Security.

How would we stop doing that, how will Congress stop spending that? The answer is we are going to put it into individual accounts. We will take this surplus. We will divide it by the number of people who are paying payroll taxes, and we will put it aside in an account with their name on it. From that instant forward, it is their money. It will be in an individual lock box, and that will change the way the program works rather dramatically.

For one thing, as the gentleman from Texas (Mr. HENSARLING) pointed out a few moments ago, people’s current Social Security benefits are not guaranteed. If the government changes its mind, if Congress were to change its mind and stop paying those benefits or even reduce, people lose to that degree.

Once we start taking this money and put it into a GROW account with their name on it, in my case, my daughter is young enough to enroll in this program. It would only apply to Americans under age 55. She can enroll and her name would be on an account. It would say “Courtney Shadegg,” and a portion of the payroll taxes that she is paying in would go into that account in her name. If she were to pass away today, she would have plenty of money going to her brother or sister or whoever they want to leave it to just like any other asset that they own.

How does it affect current retirees? It does not affect current retirees. Current retirees are secure because we do not need this money to pay their benefits. This is, after all, the surplus after the benefits have been paid.

What is the budget impact of establishing these GROW accounts? I would call it truth in budgeting. What it says is that once we establish a GROW account and stop taking the Social Security surplus from people who paid it in taxes to fund other operations of the government, we will be able to see the real deficit each year, and that way we will be able to know honestly and straightforwardly how much money we have.

What is the upside of these accounts? Well, there are so many upsides, it is hard to explain. Number one, it is a person’s asset. They can keep it. Number two, initially they get to invest it in a very safe fund. For the first 3 years they may buy a treasury bill, and that is all they will be able to do is buy a treasury bill with it. But that treasury bill will be absolutely as secure as the Social Security funds are today, and indeed I will argue it will be more secure because it is theirs forever and the government cannot take it away. But 3 years from now the legislation provides that a board, an independent board, will be able to open up these GROW accounts so that they can invest them in the third investment option. Congress would have an investment vehicle or an investment opportunity that would make a slightly better rate of return.

They will not be able to invest them anywhere they want. They will not be able to invest them in any risky scheme, and they will not be able to pick a private firm to invest them for them. But they will be able to direct how they are invested, whether they leave it in a treasury bill or whether they put them in one of two or three other investment options. And I want to talk about that in a moment.

But there are two other basic thing I want to touch upon. First, what about the issue of solvency? Well, GROW accounts alone will not solve the solvency problem. But they actually do make the solvency of the current system better. They make it better by roughly 2 years if we enact no other reform.

Let me see if I understand this, Congressman. You are telling me that this is a portion of the solution to the Social Security problem, it will set up an account, we will stop spending the Social Security surplus, every dime of Social Security taxes collected will go into Social Security and it also helps make the program more solvent over time?

I am going to conclude because I do not know quite how much time I have left, but I would like to talk about the whole notion of personal accounts versus private accounts. This is a topic that has been discussed a lot in the press, and I would point out that most people in the public do not understand the difference between a personal account and a private account, and yet there are dramatic differences. Although they right now is that Republicans call them personal accounts or individual accounts and Democrats call them private accounts. But that is not true. There are dramatic, substantive differences.

Under this proposal the individual accounts that would be established would remain in the hands of the government. They would go to a contract manager, who would manage them for everybody and who would put them only in very, very safe investments. The three most likely investments are: a municipal bond index fund; the second one is a corporate bond index fund; and the third would be a stock index fund.

What do those terms mean? Number one, since this would be a decision made by an entity linking for the government and it would be made for all of the money in the account, a person as an individual would not have to be particularly shrewd or in any way savvy about the markets to be able to participate because they are not going to pick the individual stock or the individual bond in which the money is invested. Rather, they will be given, like those of us in the Federal Thrift Savings Plan, a choice of probably three different investments or probably different. They can leave it in a treasury, they can put it in a municipal bond index fund, a corporate bond index fund, or a stock...
Mr. POE, for 5 minutes, today.
Mr. PETERSON of Pennsylvania, for 5 minutes, today.
Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.
Mr. MACK, for 5 minutes, today.
Mr. NUSSELL, for 5 minutes, today.
Mr. RYAN of Wisconsin, for 5 minutes, today.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 5 o’clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 14, 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:

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2005–0145; FRL–7722–3] received June 28, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Ethyl Maltol; Exemption from the Requirement of a Tolerance [OPP–2005–0135; FRL–7722–3] received June 28, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—3-Hexen-1-ol, (3Z); Exemption from the Requirement of a Tolerance [OPP–2005–0028; FRL–7713–2] received May 27, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Two Isopropylamine Salts of Alkyl C4 and Alkyl C8–10 Ethoxyphosphate Esters; Emergency Tolerance; Requirements for a Tolerance [OPP–2005–0115; FRL–7712–1] received May 27, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP–2005–0078; FRL–7711–1] received May 27, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Imidacloprid; Pesticide Tolerance [OPP–2005–0142; FRL–7720–1] received July 6, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Agriculture.


2645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations [FRL–7925–9] (RIN: 2060–AJ31) received June 28, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the AGENCY’s final rule—Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations [FRL–7925–9] (RIN: 2060–AJ31) received June 28, 2005, pursuant to 5 u.s.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
Protection Agency, transmitting the Agency’s final rule—Delegation of Authority to the States of Iowa and Kansas for Source Categories, Sections 112(g) and 112(j) Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)) Final Enforceable Consent Order for Four Formulated Composites of Fluoropolymer Chemicals: Export Notification [OFP–2005–0071; FRL–7710–4] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2680. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the Arizona State Implementation Plan, Maricopa County [AZ-140-128; FRL-7912-3] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2681. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Prolongation of Air Quality Implementation Plans; Maine; Smaller-Scale Electric Generating Resources [RIN: 1625-AA11; A-17; FRL-3279-6] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone: Celebrate the Fourth/Salem Fireworks—Salem, Massachusetts [CGD01–05–052] (RIN: 1625-AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Boston Fouth of July Fireworks—Charles River, Boston, MA [CGD5–05–036] (RIN: 1625-AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Derby Harbor Boat Parade, Rochester, NY [CGD09–05–019] (RIN: 1625-AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


2686. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Disposal of dredged material; Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut [FRL–7199–9] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency’s FY 2003 Appropriations Act—June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLACKBURN:

H. R. 3262. A bill to modify the civil money penalties incurred for unlawful employment of aliens to the judicial discretion.

By Mr. WAMP (for himself, Mr. HALL, Mr. UDALL of Colorado, Mr. MARKEY, Mr. ALLEN, Mr. GONZALEZ, Mr. GORDON, Mr. EHlers, Mr. BORCHERT, and Mr. GILCHREST):

H. R. 3263. A bill to reduce the growth of energy use in the United States, to limit the impact of growing energy use on the economy, environment, and national security of the United States through reductions in energy demand, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, 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. YOUNG of Alaska (for himself, Mr. OBSTRAK, Mr. LAFOURRETE, and Ms. CORRINE BROWN of Florida):

H. R. 3264. A bill to authorize the Secretary of Transportation to establish a grant program for the preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself and Mr. VAN HOLLINK):

H. R. 3265. A bill to amend the Higher Education Act of 1965 to provide for the applicability of that Act to domestic partners of Federal employees; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H. R. 3266. A bill to condition the receipt of Federal student loan borrowers during active military service; to the Committee on Education and the Workforce.

By Mr. ERHORN:

H. R. 3267. A bill to amend the Federal Housing Administration’s deferred student loan repayment for Federal student loan borrowers during active military service; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan (for himself, Mr. MYRICK, and Mr. CONAWAY):

H. R. 3268. A bill to improve the enforcement of international trade agreements; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H. R. 3272. A bill to provide for a demonstration project under which a basic housing allowance will be afforded to Federal law enforcement officers serving in high-cost areas; and for other purposes; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. GERLACH):

H. R. 3273. A bill to amend the Internal Revenue Code of 1986 to exclude consideration for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motorists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. MURPHY (for himself, Mr. FILNER, Ms. WALTERS, Mr. LANGEVIN, Ms. MCDONALD, and Ms. ZOE LOFgren of California):

H. R. 3274. A bill to amend the Internal Revenue Code of 1986 to exclude consideration for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motorists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing during the 1st session of the 109th Congress and the 1st session of the 110th Congress, and as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H. R. 624.

A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (Rept. 109–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H. R. 1359. A bill to amend the Federal Water Pollution Control Act to authorize grants for alternative water source projects; with an amendment (Rept. 109–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on Internal Relations. H. R. 2601. A bill to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes; with an amendment (Rept. 109–168). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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By Mr. BLACKBURN:

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H. R. 3263. A bill to reduce the growth of energy use in the United States, to limit the impact of growing energy use on the economy, environment, and national security of the United States through reductions in energy demand, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, 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.

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By Mr. ROGERS of Michigan:

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By Mr. SAXTON (for himself and Mr. GERLACH):

H. R. 3273. A bill to amend the Internal Revenue Code of 1986 to exclude consideration for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motorists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 Mrs. TAUSCHER (for herself and Mr. UDALL of Colorado):

H.R. 3275. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. ISTOOK (for himself, Mr. TAYLOR of Mississippi, Mr. AKIN, Mr. RACHUS, Mr. BARKETT of South Carolina, Mr. BARTLETT of Maryland, Mr. HART of Texas, Mr. BASS, Mr. BEAUPRE, Mr. BILLIKINS, Mr. BISHOP of Georgia, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHRER, Mr. BOOZER, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASE, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CURLERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. DOLITTLE, Mr. DUNCAN, Mr. EDWARDS, Mr. EHLERS, Mr. FENNY, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGRICH, Mr. GORMER, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HARRIS, Mr. HAYWOOD, Mr. HEWLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. INGELS of South Carolina, Mr. ISSA, Mr. JENKINS, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOOD, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHIESON, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. McHENRY, Mr. McINTYRE, Mr. McKoon, Miss McMorris, Mr. MICA, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSgrave, Mrs. MYERICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. PETRI, Mr. FITTS, Mr. FLATTS, Mr. PRICE of Georgia, Mr. RADANOVITCH, Mr. REICHERT, Mr. ROSS, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGO, Mr. SHAYS, Mr. SHIMkus, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Mr. STEARNS, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WEILON of Florida, Mr. WELLER, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H.R. 2365: Mr. OWENS, Mrs. CAPPS, Mr. KILDEE, and Mr. MCCOTTER.

H.R. 2532: Mr. WALDEN of Oregon, Mr. FARR, Mr. HUNTER, Mrs. TAUSCHER, and Mr. CURLERSON.

H.R. 2898: Mrs. CUBIN and Ms. ESHOO.

H.R. 3009: Mr. OWENS, Mr. KILDEE, and Mr. MCCOTTER.

H.R. 3387: Mr. SESSIONS.

H.R. 3175: Mr. SESSIONS, Mr. TANCREDO, Mr. PLATTS, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, and Mr. BRADLEY of New Hampshire.

H.R. 3177: Mr. CAMP.

H.R. 3290: Mr. UDALL of New Mexico.

H.J. Res. 55: Mr. TIBERI, Mr. MARKET, and Mr. GRIJALVA.

H.J. Res. 138: Mr. Bishop of Georgia and Mr. CONYERS.

H. Con. Res. 140: Mr. KLINE.

H. Con. Res. 174: Mr. STRUCKLAND.

H. Con. Res. 176: Mr. McDermott, Mr. MARKKEY, and Ms. KAPUR.

H. Res. 220: Mr. NUSLE, Mr. POMEROY, Mrs. MYRICK, Mr. JINDAL, Mr. ISTOOK, Mr. ROTHKUS, Mr. INGOLS of South Carolina, Mr. BROWN of South Carolina, and Mr. JEFFERSON.

H. Res. 276: Mr. DAVIS of Florida, Mr. WAXMAN, and Mr. DENT.

H. Res. 313: Mr. EVANS and Mr. ROHRABACHER.

H. Res. 368: Mr. BRADY of Pennsylvania and Mr. CASE.
The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God, thank You for the opportunity to share Your love and compassion with others. Guide us to those who need words of encouragement, and make us Your voice of hope in our world. Use us to bless others, and empower us with Your goodness and mercy.

Strengthen our Senators for today's work. Give them wise speech that will bring life and engender trust. Direct their steps on the roads they travel, and bring them safely to their desired destination. As they make decisions with potentially cataclysmic consequences, Lord, help them to count the cost.

Bless the many people who work with our leaders. Remind them often that their labors are not in vain.

Search our spirits and purify our motives. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will return to the pending business of the Homeland Security appropriations bill. We have six amendments that were called up yesterday and are currently pending. The two managers have been working on the sequencing of amendments. Therefore, we should have an additional lineup of amendments that are expected during today's session.

As we stated at closing last night, we have two Senate delegations today, one attending the funeral of former Senator Gaylord Nelson and another delegation in Florida. It is lining up in such a way that we will have very productive debate over the course of the day, but we will be voting later this evening. I do not know exactly what that time will be. We will have the exact timing of these votes announced later today as we look at the appropriate schedules. I doubt that there will be voting before 7:45 or so tonight. We will be voting tonight.

I have said on many occasions that we will be finishing homeland security legislation before we leave this week. I believe we have a good shot at completing that bill tomorrow night. I don’t know what time that will be. We will go to another bill on Friday. That bill will be determined over the course of today.

The funding legislation we are currently addressing in the Senate is too important to not complete this week. We will be using debate time throughout the course of the day. We will have the votes this evening. We will have a very busy session tomorrow.

I also wish to take the opportunity to remind my colleagues we will have an all-Senate briefing this afternoon, for those who are interested, from 3 to 4 o'clock by Director Negroponte. I believe Secretary Chertoff will also be coming by as well.

SUPREME COURT CONFIRMATION

Mr. FRIST. Mr. President, I have some brief remarks about confirmation of a new Supreme Court Justice.

As we all have witnessed, the process is off to a great start. Consultation is well underway between the President of the United States and the Senate. It is ongoing. The President and his staff are reaching out to Senators from both parties to listen to their suggestions, both in person and through phone calls. To date, the administration, the President and his staff, have contacted directly more than 60 Senators, more than two-thirds of the Democratic caucus, every member of the Judiciary Committee. The President’s approach has been bipartisan and open and unprecedented in scope. I commend him for that effort.

As we look ahead, I encourage each Senator to reflect upon the nominee we will consider and the confirmation process we will undertake. As Senators, confirming a nominee to the Supreme Court is one of our highest constitutional duties. The new Justice, whoever the President chooses, will influence American law for years and
years to come. He or she will impact the lives of millions of Americans.

As Senators, we should ask ourselves, What kind of Justice does America expect on the Supreme Court? I am confident President Bush will choose a quality judge who will make America proud, someone of demonstrated character and integrity, someone who is fair, intelligent, open-minded, and impartial; he or she will listen to the merits of every case and make a decision based on the facts, the law, and the Constitution, not driven to prejudge cases, predetermine outcomes, or advance a personal political agenda; the nominee will treat litigants and their attorneys fairly and with dignity and respect; and above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things because every day I have seen the care, seriousness, and the thoughtfulness President Bush brings to this task.

In addition to considering the type of nominee America expects, I also encourage my colleagues to ask themselves, What kind of Supreme Court nomination process does America expect from the Senate? The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. History will reflect on the Senate’s deliberations, how Senators conduct themselves, how we treat a nominee, and how we reach a decision.

We owe it to the American people to conduct a fair process that treats nominees with dignity and respect. It should include a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on the confirmation. This process should not become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve on our highest court.

In the past, the judicial nominations process has been marked by obstruction, many times partisan obstruction, and attacks on the character and integrity of nominees. I hope we have put this painful and humiliating process behind us. Given the monumental role this nominee will play sitting on America’s highest court, we need the best of the best legal minds. This requires a process that will not deter the best of the best from serving the country.

In the coming weeks. We should work together to conduct the kind of confirmation process America expects from its elected representatives, a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new Justice before the Supreme Court starts its term on October 3. I am confident the President will nominate someone who will make America proud, someone who will be worthy of this seat he or she will fill. This is what the American people expect, what this country needs, and what our Nation and the nominee deserves.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore, The Democratic leader is recognized.

SUPREME COURT NOMINATION PROCESS

Mr. REID. Mr. President, regarding the statement of my distinguished friend, my counterpart, the Republican leader, 90 percent of what he said is right on target. It is absolutely true that we need a process. That is why we have had with the President on this for several weeks prior to the resignation of Sandra Day O’Connor. The process is moving along very well.

I acknowledge that the meetings I have had with the President on this matter have been very productive. They have been good and are pointed in the right direction.

However, on a couple of things I disagree with my friend, the senior Senator from Tennessee; that is, we need to be very careful and put problems we have had behind us, dealing with the so-called nuclear option. It is easy to throw words around like “obstructionism,” but the fact is the President’s nominees were approved easily. I don’t know the exact numbers, but I believe 210 out of 219 were approved, and a number of them withdrew. The battles over 5 turned out to be 5 out of 219. We do not need words like that. We need to look at this in a positive sense.

There are times, as has been indicated in the recent debate that occurred in the Senate, where certain nominees have to be viewed very cautiously and carefully. For example, the person the President has chosen to go to the United Nations has caused close scrutiny of this individual.

The other two people the President sent to the United Nations as our Ambassador are people who the minority proudly voted for. Ambassador Negroponte went through here very quickly. And then, of course, Jack Danforth, the former Senator from Missouri, whipped through here and was our United Nations Ambassador. John Bolton is a different story. We had to take a look at him. That is not obstructionism. We asked for certain information. It was not forthcoming.

So as I said, I agree with my friend from Tennessee that this is a process that needs to have the view of the American public, and they need to be proud of the work we do. I think we are headed in the right direction. I am cautiously optimistic we can move through this. I have given President Bush the benefit of every doubt that he is doing this with his heart in the right place. I have told him personally and in writing how much I appreciate his reaching out to me. And I continually will be optimistic until there is no need to do so.

It would be so good for the country if they could see the Senate at its best, moving a nomination that is a consensus candidate; that is, someone Democrats and Republicans both support to this very high, honorable position, a member of the U.S. Supreme Court.

I look forward to my continued consultation with the administration. I had a conversation yesterday with one of the President’s representatives, his legal counsel. I am going to continue to do whatever I can to make this process move as quickly as possible, and not only as quickly as possible but as dignified as possible. And having done this, it would be a strong message for us to send to the people of America.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The President, under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the
Mr. GREGG. Mr. President, I have sent the amendment to the desk on behalf of Senator ENSIGN. I do not necessarily support this amendment as the chairman of the subcommittee, but as a courtesy to the Senator, I wanted to send it up to get him in the queue. We look forward to the Senators bringing amendments forward, and we will try to assist them in getting time and votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The roll call will now be taken.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1207, 1209, and 1210, en bloc.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

The amendments are as follows:

AMENDMENT NO. 1210

Initially, Mr. President, let me send to the desk an amendment on behalf of Senator ENSIGN. I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask that the amendment be reported.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] for Mr. ENSIGN, proposes an amendment numbered 1214.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a report on the effectiveness of programs concerning State and local government emergency officials, and for other purposes)

The_legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

The amendments are as follows:

AMENDMENT NO. 1217

(Purpose: To provide for a report on the effectiveness of programs concerning State and local government emergency officials, and for other purposes)

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

The amendments are as follows:

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal resources, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense strategy for the next 20 years. Each review under this paragraph shall be known as the “quadrennial homeland defense review”;

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall:

(1) describe the inter-agency cooperation, preparedness of Federal resources, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense strategy for the next 20 years. Each review under this paragraph shall be known as the “quadrennial homeland defense review”;

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—(1) In general.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—
(A) the results of the quadrennial homeland defense review;
(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;
(C) the status of cooperation among Federal agencies for emergency response to threats to national homeland security; and
(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and
(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210
(Purpose: To express the sense of the Senate regarding rail tunnel security research)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground structures that have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 896 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent and mitigate the harm caused by tunnel fires, derailments and attacks by a variety of scenarios is also needed; and

(b) the Department of Transportation

(5) the Department of Transportation Technology Center in Pueblo, Colorado—

(A) is one of the Nation’s largest and most advanced rail safety research centers in the Nation; and

(B) offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies as well as services to prepare first responders and test new safety technologies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure that first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

Mr. SALAZAR. Mr. President, I rise today to address an issue that is perhaps the most important challenge of our National Government, and that is protecting the security of our people in this Nation, securing our borders, and making sure we have a homeland security that addresses the concerns of the post-9/11 world in which we live.

For too long, I had the honor of serving with 14,000 men and women who are peace officers in the State of Colorado. I worked with them to ensure that we had public safety on our streets and to help in the development of the best strategies we could develop in creating a homeland security that addressed the war on terror and the threats from terrorism within the State of Colorado.

The legislative efforts are currently considered as legislative efforts that are specifically intended to address that issue on a national level. While there can be no doubt we have spent billions of dollars on the issue of homeland security since 9/11, the recent events in London remind us all that we can never be too far from having this issue at the forefront of our radar screens.

It is with that approach that I would like to speak about these amendments, as well as the amendment I cosponsored with Senators LIEBERMAN and COLLINS yesterday.

I commend Senator COLLINS and Senator LIEBERMAN on their efforts to dramatically improve our Nation’s homeland security grant process. I also like to note that these simple and straightforward amendments to the Homeland Security appropriations bill.

Before I arrived in the Senate, I was Colorado’s attorney general. I worked with the local officials to make sure they are coordinating between law enforcement agencies at the local, regional, and State level. This is a complicated task because often what happens with law enforcement agencies is they work within the confines of their own jurisdiction. So bringing law enforcement agencies together to make sure they are coordinating and providing the greatest degree of public safety has been one of the monumental challenges of the last several years.

Unfortunately, at a national level, there is often very little consultation with local officials. Too often, lawmakers in Washington develop Federal policy without taking advantage of the expertise of the people who are on the ground. Too many local emergency officials in my State feel that the Department of Homeland Security policies are dictated to them from above.

One of the first things I did when I came to Washington was to survey Colorado’s emergency response officials to ask them what they thought about a variety of issues. Those responses were alarming. Those chiefs of police and sheriffs told me that 66 percent of first responders face significant problems using radio equipment to communicate with other agencies. Fifty-nine percent said that Federal grants are not going to the right priorities. Fifty-nine percent said that the Federal grants were not going to the right priorities. By a 4-to-1 margin, Colorado officials feel unprepared to handle a weapon of mass-destruction attack within my State.

By a 3-to-1 margin, respondents feel that antiterrorism information they receive from the Federal Government is insufficient or not actionable. That is a 3-to-1 margin. So my survey at the bottom line says that we must do better in preparing our homeland to be more secure.

Senator COLLINS and Senator LIEBERMAN may have sponsored, and we in this Senate last night adopted, a thoughtful and comprehensive piece of legislation that will make Americans safer. It will significantly increase the amount of Federal money targeted to high-risk States and cities while assuring that first responders in States receive the necessary equipment and training to prevent and to be prepared for potential terrorist acts. That is an important balance.

We obviously have to focus money where there has historically been a greater threat. New York and Washington in the past have been targets, and there are other areas of the Nation that have been impacted. Likewise, in California, an attack on the ports of Los Angeles could cost the Nation’s economy billions of dollars. We clearly need to step up security efforts in America’s largest cities and in the port cities of our Nation.

However, in the past, we also have seen that the terrorists are constantly looking for targets of opportunity no matter where they lie. Whether it was the bombing of the USS Cole in Yemen or the Oklahoma City bombing or the hostage takeover in the Russian schoolhouse in Beslan or the bombing of hotels in Bali, the terrorists struck, and they will strike where they can. We cannot, therefore, make any assumptions about where the enemy will strike. If we can make New York a fortress, the terrorists may hit Philadelphia or Seattle or Denver or any of the rural communities of the countryside of America. Our national security is only as strong as our weakest link.

This amendment, which I was proud to cosponsor, succeeds in maintaining that critical balance between assuring that our Nation’s top cities are protected and that the entire Nation has the resources and infrastructure to keep us safe.

The amendment also takes huge steps toward reducing waste in Federal homeland security spending and giving State and local officials the space and resources needed to improve long-term planning and grant administration. Its focus on essential capabilities and coordination of homeland security grants across the Federal agencies will help make sure we get the most bang for our homeland security bucks.

I was proud to work with Senator COLLINS and Senator LIEBERMAN to improve their already good amendment. My proposals included in this amendment would ensure that State and local agencies could review when Federal officials review the Homeland Security Grant Program. We task the Department of Homeland Security to
make grant applications as user-friendly as possible, especially for the smaller police and fire departments of our Nation. My changes would also stiffen requirements on States that they do proper long-term planning and administration.

Together these changes will make it much easier for State and local officials to work with the Department of Homeland Security. They should ease the burdens on local first responders and help make America safer.

My amendments to the underlying appropriations bill are built on the spirit of Collins-Lieberman and on the knowledge I have gained from Colorado’s first responders.

My first amendment would improve the Department of Homeland Security’s long-term planning. Every 4 years, the Department of Defense conducts a Quadrennial Defense Review. This invaluable document paints a detailed picture of the threats our country faces. It comprehensively describes how to confront those threats in the future. My amendment would simply require the Department of Homeland Security to do the same.

The Homeland Security Secretary would work with the Director of National Intelligence to identify the greatest threats to our homeland security. The Secretary also would consult with the Department of Defense and other Federal agencies on how best to work our plans.

This is not just another reporting requirement. It is a move toward rational, strategic, long-term planning that will empower the Department of Homeland Security and Congress to make better decisions to protect the American people.

My second amendment would build on the knowledge I gained from the recent survey in Colorado. It would require the Department of Homeland Security to conduct a nationwide survey of police, fire, medical, and emergency management officials about the problems they are experiencing with Federal grants, intelligence sharing, infrastructure protection, and regional coordination. The Department of Homeland Security would have to report the results to Congress and come up with a plan on how to address the problems the locals have identified. This survey would help ensure that our significant investments in homeland security are going toward the priorities and local officials are getting better direction to guide their efforts.

This sounds like a simple task, and it is, but I promise you that when we get this survey back, we will all learn something new that will help us improve America’s security.

My last amendment is a sense of the Senate in support of research on tunnel rail safety. We have known for some time that subway and rail tunnels are particularly tempting terrorist targets. For the cost of a subway fare, a would-be bomber has access to thousands of people crammed into a very small space. A relatively small amount of explosives can cause many deaths and bring an entire city to a halt, as we have recently seen in London. That carnage in London last week showed that a handful of terrorists can strike subway tunnels and cause grave havoc for a city. Our prayers go out to the families of more than 50 people who perished during that cowardly attack. America has known the terrible pain of terrorism, and last week, Americans were all Londoners.

In America, there are more than 898 miles of rail tunnels and transit systems across the country. Many of our rail tunnels have structural deficiencies, ventilation problems, lack of communications equipment, and insufficient emergency access and exits. Detection systems, dispersal control, and decontamination techniques can greatly mitigate the effects of an attack, as can adequate training for emergency responders.

The Department of Transportation has long recognized the need to improve rail safety and has invested millions of dollars in researching new technologies. The Department’s tunnel first responders, the Department of Transportation’s Transportation Technology Center in Pueblo, CO, is one of the largest and most advanced safety centers in the world. The Transportation Technology Center does full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies, as well as training classes to prepare first responders and test new safety technologies. This center operates 48 miles of test track and a variety of freight, passenger, and hazardous material cars, as well as other test vehicles.

What the center does not yet have is the capability to simulate rail tunnel accidents. That is why the Transportation Technology Center’s backers are now hoping to build a facility for underground rail safety testing. This proposed complex of 1.5 miles of above-ground tunnels would simulate every major rail tunnel system in the country.

My amendment would not single out this or any particular facility. It simply encourages investment in research to promote rail tunnel safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies. It would put the Senate on record for taking a small step forward in protecting the millions of Americans who depend on subways and passenger trains all across the country.

I urge my colleagues to support these three amendments, and I urge my colleagues to move forward in working on what is our most important agenda, and that is, what are we doing with everything we can to protect America’s homeland from the kinds of attacks we saw on 9/11 or the attacks we saw last week in London.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I congratulate my friend and colleague from Colorado for his excellent statement and his leadership on this issue and so many other issues. Since coming to the Senate 6 months ago, the Senator from Colorado has demonstrated his compassion, intelligence, and ability to speak to the issues that people in this country desperately care about and desperately need. I congratulate him, once again, on having amendments that are very important for the families of our colleagues.

AMENDMENT NO. 1217

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and call up my amendment No. 1217.

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

Ms. STABENOW. Mr. President, I ask further unanimous consent that Senators Levin, Corzine, Akaka, Dodd, and Lautenberg be added as cosponsors.

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

Ms. STABENOW. Mr. President, one of the most important appropriations bills before us is the Homeland Security bill. Certainly we are reminded again, because of what happened in London last week, that we on our soil are vulnerable and are looking to stop terrorists overseas.

Our goal, certainly at our request, our goal of our caucus, our goal as Democrats, has been to make sure Americans are prepared and protected both at home and abroad. That is what this bill is really all about. It is not a partisan issue. This is an American issue. All of us I know care about this issue, and we need to make sure this budget reflects the goals of making sure that our first responders are prepared, that all Americans are prepared, and that we are prepared from terrorism in America. My amendment addresses a very important piece of that. We have come together in a bipartisan way to make sure that soldiers in America and Afghanistan have the most sophisticated technology so that they can be prepared to protect themselves and fight successfully abroad. Unfortunately, the same is not true at home for our police officers, our firefighters, and our emergency responders. Too many of them rely on outdated technology and equipment that is not provided by our State departments, our transportation departments and our homeland security departments.

Even if we are defeating terrorists in Iraq, we are not providing the resources and the equipment at home to make sure that we are fully prepared to fight, succeed and, most importantly, protect our families and communities at home. That is why many of our police officers, our firefighters, our emergency medical services personnel and transportation officials are not able to communicate with each other. They have the basics.
That is what my amendment speaks to, the ability to make sure that every part of our emergency preparedness system has the ability to communicate with each other. Interoperability is the term often used.

Right now we are not able to communicate with each other. How much more basic can we get than creating a way for everyone to be able to talk to each other, to literally be on the same wavelength as well as figuratively. Too many first responders, whom I have spoken with, have moved around Michigan in the last 4 years, have said to me that their communications, alerts going up or down, often come from CNN. The communications are received from CNN before they actually receive them directly to their departments. This does not make any sense.

A June 2004 survey by the U.S. Conference of Mayors found that 80 percent of the cities that responded do not have communications equipment and the ability to communicate with the Department of Homeland Security or the Justice Department. My guess is that the people we represent in our States assume something very different, as they should. After September 11, 2001, everyone assumed that these things have been addressed, and yet they have not been addressed.

The survey also found that 94 percent of cities do not have interrail capabilities between their rail facilities, their police, their fire, and their emergency responders. This is especially troubling, given what just happened and the tragic attacks on London's subway system last week.

Their survey also said almost half of the cities said that a lack of interoperable communications had made a response to an incident within the last year very difficult. Sixty percent of the cities said they do not have the communications capability within the State to communicate with the State operations center. I have spoken with police and fire chiefs across my State, and overwhelmingly they have expressed concern about this issue, as well as the fact that they actually have fewer police and firefighters in their departments now than they did before 9/11.

I believe we find ourselves in a very vulnerable situation for a number of reasons as it relates to homeland security, but a basic area that needs improvement, in terms of infrastructure, is our ability to have our communications systems connected so that our emergency responders can talk to each other and can respond quickly, both before something happens and during an emergency, and do it effectively.

This is, right now, not just a nagging inconvenience. Our lack of interoperable communications is a crisis in this country.

The September 11 attacks highlighted the crucial need for New York police and fire personnel to be able to communicate, but they are not able to communicate. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon that they could not talk to each other.

On more than one occasion now, we have had circumstances where we have been on the Senate floor, and there has come an occasion where very Change. We have been seized to move out away from the Capital complex over to Union Station or to other places around the city. We assume that folks are able to talk to each other, are able to communicate what is going on. The coordination, the communications systems that need to be in place are not in place for full interoperable communications.

Nearly 4 years after September 11, 2001, the No. 1 request for appropriations that I receive each year from the communities is on communication systems. This year, Michigan communities made over 41 requests. They requested over $75 million for interoperable communications in this bill and in the Appropriations bill alone. My guess is, if I went to every community, they would gladly have a request for help to be able to be connected. We can do something about it, and that is what this amendment does.

Most every day we are asked the cost of equipping America's first responders with interoperable communications in excess of $15 billion. In November 2003, the Congressional Budget Office testified before Congress that there is insufficient Federal funding in place to solve our Nation’s communications problems, and it would cost over $15 billion to begin to fix the problem.

So my amendment begins that process by suggesting a 3-year funding stream. My amendment would provide the first year funding for that, $5 billion for interoperable communications grants for America’s first responders to provide a strong Federal commitment to the safety of our citizens. I might add, while that is a substantial sum of dollars, it is merely the tip of what we are investing in Iraq each month. So my amendment would ask that we commit 1 month for America; 1 month for America’s preparedness to protect the people of America; 1 month to be able to say that we have provided the resources, we have begun to make sure that we are prepared, that we are protected, that our communications systems are connected, and that we are doing all we can do to keep our families safe.

I urge the support of the Stabenow amendment on communications.

I see my colleague standing. I assume to make a motion, but I want to speak to one other amendment, briefly.

Mr. GREGG. Will the Senator from Michigan yield?

Ms. STABENOW. Mr. President, I rise to speak to an amendment that Senator Dodd will be offering on his and my behalf in the next hour. I am introducing this proposal in the context of what needs to happen to make sure that we are thoroughly prepared and protected. Again, that is our goal, to be prepared and protected. That is what we are fighting for. That is what we are working toward. That is what we need to do together.

My amendment would invest in the interoperable communication so that everyone could speak to each other and be able to respond. There is another amendment that Senator Dodd and I are introducing that speaks to the larger question of whether we are providing all that we need to, to invest at home in our first responders and what they need to be strengthened. In the spring of 2003, there was a blue ribbon panel of experts, led by former Republican Senator Warren Rudman, that found the United States is drastically underfunding local emergency responders and, in their words, remains dangerously unprepared to handle a catastrophic attack on American soil.

They recommended at that time a major investment over a 5-year period to fully prepare us so that our families and communities are protected.

After that report was given to us, Senator Dodd and I came to the Senate floor 2 years ago and offered an amendment for the first year of that 5-year funding stream. It was not passed. We came last year and offered it again. We stand today asking our colleagues, with an even greater sense of urgency, to finally pass this amendment so that we can begin that 5-year process of fully preparing our first responders and supporting them so that our families and communities are protected. It is a major investment of $15 billion this year. But when we look at what we are spending abroad, we could be just completely ignoring terrorism in somebody else's country. We know we have to be prepared to fight it here. Yet we see hundreds of billions being spent in Iraq, being spent overseas. I supported those dollars so our troops are successful, so they have what they need, but that is not enough.

If the troops on the ground in America—our police officers, our firefighters, our emergency responders—do not have the same commitment from us, and I say we are going to make sure our troops have all that they need overseas and then dramatically underfund what they need at home? It makes absolutely no sense.
This is way beyond anything that is viewed as a partisan issue because it does not matter, Democrat or Republican, when we look at the vulnerabilities for our families and communities for us right now, this is something we should all be rallying around. We are at a moment of evaluation looking back at some point and saying we should have done this but, rather, aren’t we glad that we did.

The Rudman report that was given to us in the spring of 2003 found that on average our first responders have only half the number of radios they need, and I spoke to that in my other amendment, only enough breathing apparatus for one-third of their firefighters. So one out of three gets breathing equipment. Police departments across America do not have the protective gear to respond to a WMD attack. Our public health laboratories lack the basic equipment to respond to a chemical or biological attack and most do not even have the basic equipment to respond. The problem is overwhelming with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing. The administration’s efforts first responders have been on a steady decline. It is less in this budget than it was in last year’s budget. That makes no sense.

For example, last year’s funding for Michigan State homeland security grant was $47 million. In this budget, the administration eliminates the law enforcement terrorism training program, cutting another $400 million from our first responders.

Last week’s tragedy in London has again shown how important it is to be able to respond quickly and effectively, for them to be able to speak to each other, for us to be able to have enough personnel who can respond. Michigan has some of the highest volume of commercial crossings in the United States—approximately 3,200 miles of coastline, three nuclear powerplants, ports, and other numerous critical infrastructure that we must protect. Our homeland security needs are somewhere between $1.4 billion and $2.7 billion that we need to invest in every year, yet the allocation in this budget is less than $30 million—again, down from $47 million. That is not even close to what we need to be prepared and protected—not even close.

I have also spoken with police and fire chiefs across the State. Again, it is amazing to me. I do not believe the average person would believe what is happening until they talk to local law enforcement officials. When I talk to them, there are fewer police officers on the beat today than 9/11/2001. It is shocking. It is truly shocking, and I believe it is truly irresponsible.

Last month we spent about $5 billion in Iraq and Afghanistan. We need to put this in perspective. If we take 3 months of what we are spending there, we can fully fund what the Rudman report says is necessary for our first responders. I believe we cannot afford another day without acting on this and other critical areas of infrastructure need. This is about whether we are going to be committed to protect the people of America.

The two amendments about which I have spoken today address and would make sure that we begin to invest in being fully prepared in case of a terrorist attack here at home, and that our families are protected.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to respond to the Senator from Michigan, and prior to that, I yield to the Senator from Colorado so we can straighten out his amendments.

AMENDMENTS NOS. 1209 AND 1210, AS MODIFIED

Mr. SALAZAR. I ask unanimous consent amendments Nos. 1209 and 1210 be modified with the changes I now send to the desk.

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

The amendments are as follows:

AMENDMENT NO. 1209, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct, in a 4-year period following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States in the homeland defense strategy document (1); and

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall conduct a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States in the homeland defense strategy document (1); and

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Security Strategy and the most recent National Security Strategy (2), with the most recent National Security Review (3), and the most recent National Security Strategy (3) adopted by the National Security Council (4), and (5) identified under paragraph (1) of section 8001 of the National Defense Authorization Act for Fiscal Year 2008, (6) the Department of Homeland Security, and (7) the homeland defense strategy of the United States in the homeland defense strategy document (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low- to-moderate level of risk (8); and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Secretary of Homeland Security in consultation with the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk targets of terrorist attack due to the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4) security experts have identified a need for tunnel technology that needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks; and

(b) contents of review.—The Secretary of Homeland Security, through the Federal Transit Administration, shall conduct an examination of the infrastructure of rail tunnels to determine the extent of terrorism risks faced by rail tunnels, the status of terrorism preparedness at rail tunnels, and the status of terrorism training and other preparedness efforts in the rail tunnel sector.

Mr. GREGG. I ask unanimous consent the three amendments which are pending, by the Senator from Colorado, 1207, 1209, and 1210 be agreed to.

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

The amendments (No. 1207); (No. 1209), as modified; and (No. 1210), as modified, were agreed to.
Mr. GREGG. Mr. President, the Senator from Michigan has offered one amendment and intends to offer another amendment. The first amendment that is pending is her amendment relative to interoperability which would increase spending in that account by $5 billion next year. The entire budget for homeland security, of course, is $30 billion, so this would be a 20-percent plus-up in her amendment for the entire budget in one line item which line item does not exist. Interoperability is obviously a major issue of concern.

It should be noted, however, that the purchasing of communication equipment has traditionally fallen to the responsibility of and to the decision-making process of the local departments, whether they be fire, police, or first responders in the area of health. Equipment purchasing has been done by those departments over the years, city by city, town by town, State by State. To have interoperability is not so much a Federal failure, it is a decision made at the local level for local reasons not to have interoperability. If a local police department wants to buy a type of communications equipment and they decide to buy communications equipment that does not communicate with each other, that is a local decision. That equipment is physically in place. It is not as if these departments don’t have the equipment. They purchased the equipment.

It is not the Federal role to come in and rebuy equipment for every police, fire, and health first responder in this country. That still remains a local responsibility to a large degree. However, we do as a Federal Government request that States put forward what is known as a plan of action relative to first responders and communication.

As part of their plan of action, a State can decide to fund interoperability grants to local communities. As part of the first responder initiative, that has occurred and is occurring across the country. In fact, within the first responder grants that have gone out so far, approximately $1.8 or $1.9 billion of that has been spent on interoperability activity by States deciding they wanted to pursue interoperability or coordinating the things they wanted to pursue interoperability.

However, the concept that we should increase funding in this interoperability initiative by $5 billion in 1 year is essentially an extraordinary statement as to what the priorities should be for the Federal Government in fighting terrorism. The Department of Homeland Security has a lot of issues of responsibility. The Federal Government has priority responsibility, for example, for protecting our borders. It has priority responsibility, for example, for protecting our airlines and air travel. It has priority responsibility for making sure we are ready to fight and address the threat of weapons of mass destruction.

It does not necessarily have, as a first responsibility, making sure that every police department and fire department in this country buys new radio equipment and can communicate with every other police and fire department. In fact, this effort is, and always has been, a State and local effort. In fact, there is still no consensus as to how interoperability will occur. There has been an attempt to reach a standard agreement on interoperability going on for 25 years, called the P-25 standards, and those standards simply have not been reached. I know from my experience in New Hampshire we had a problem in Vermont. The New Hampshire police couldn’t talk to the Vermont police and our State police couldn’t talk to our local police and our Fish and Game people couldn’t talk to our State Police and our Customs officers at some remote location. So the State decision on the issue of interoperability. The State Department of Homeland Security decided to take funds and use them to fund interoperability coming through the State grants.

That is the way you approach this problem. But the Homeland Security budget and increasing it 20 percent for a line item that doesn’t exist to fund interoperability grants is, in my opinion, not the best way to spend dollars in this present context. It should be put in the fuller context, which is this: These funds would go into a pot of money which presently exists, first responder money, of which $7 billion still has not been spent. Seven billion dollars is still sitting in the Treasury waiting to be spent because the plans are not in place for how to efficiently spend it at the State and local level. So to put another $5 billion on top of that, and then understandation, the Senator from Michigan are going to come forward with another $15 billion or $20 billion plus-up of State and local grants for next year when we still have $7 billion in the pipeline that hasn’t been spent is to say the least, I think not good management of our dollars in the area of how we protect our Nation.

Much higher priorities exist. To the extent we can find additional resources, those high priorities such as the borders, such as fighting weapons of mass destruction, such as hardening our systems in the area of chemical plants, in the area of nuclear plants, in the area of intelligence gathering—which is the key to this whole exercise—are priorities.

Yesterday Secretary Chertoff outlined how he intends to refocus the priorities of the Homeland Security agency and, yes, first responders are a key part of this. But a 20-percent plus-up makes no sense.

This amendment has, as part of its elements, an emergency designation. Under the Budget Act an emergency is something that is sudden, urgent, and unforeseen. The failure of the police department to be able to talk to the fire department in Epping, NH, has been occurring for a long time. It is not a sudden, urgent, unforeseen event. It is something that has occurred, maybe something that should have been planned for. I am not picking Epping out, because I suspect Epping actually has everybody speaking to each other, knowing it is a very well-run town. But interoperability is not a sudden, unforeseen event. It is an event that needs to be addressed, it needs to be managed, and needs to be managed within the context of the plans the States have for developing their first responder response.

We know it is a big issue. Each State is hopefully grappling with this and coming forward with their plans. But clearly it does not fall within the context of an emergency designation as the budget perceives emergency designation. So this amendment as proposed is clearly outside the emergency designation qualification and it does represent a $5 billion plus-up, which would be an addition to our deficit of $5 billion were it to pass, and therefore is subject to a point of order and is not, in my humble opinion, good policy to pursue at this time.

Therefore, pursuant to section 401(b)(5) of H. Con. Res. 95 for the fiscal year 2006 Budget Resolution, I raise a point of order against the emergency designation proposed in this amendment and make that point of order.

Ms. STABENOW. Mr. President, I move to waive the applicable sections of the Congressional Budget Act for purposes of considering my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. GREGG. Mr. President, at a later time today we will set up this motion to waive the Budget Act vote. It looks as if we are not going to have votes until quite late this evening, probably not starting until 7:30 or 8 o’clock. This will obviously be one of those votes, should the leader decide he wants to hold votes at that time, and I appreciate the courtesy of the Senator from Michigan.

Pursuant to the prior discussion, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

The remarks of the Senator from Massachusetts, Mr. KENNEDY, are printed in today’s Record under “Morning Business.”

Mr. KENNEDY. Mr. President, 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. CORNYN. 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. CORNYN. Mr. President, I will speak some more and highlight some of the important provisions of this appropriations bill, specifically as they pertain to the issue of border security. The Senator from New Hampshire, the chairman of the Subcommittee on Homeland Security and Border and Telecommunications Appropriations, along with the entire Appropriations Committee, have done much good that should be heralded. But those steps should also be seen as just a first step toward getting us in the right direction, which is to obtain operational security of our Nation’s borders, something we do not have now and something which represents a clear threat to our national security.

As the Senate Committee on Appropriations recognized, these resources and authorities, as they are now, are inadequate toward true reform of our immigration system. Additional enforcement resources along the border will be needed. In that connection, Senator KYL, the junior Senator from Arizona, and I will be filing a bill within the next couple of weeks that will authorize additional resources to secure our border.

Our Nation’s immigration and border security system is badly broken. It leaves our borders unprotected and threatens our national security. It makes a mockery of the rule of law. This system unfortunately has suffered from years of neglect. But in a post-September 11 world we simply cannot tolerate this situation any longer. We stand here today almost 4 years from that terrible date, and we are reminded as recently as just last week—with the attacks in London—that terrorism is a real and tangible threat to the free world.

National security demands a comprehensive solution to our immigration system. That means both stronger enforcement and reasonable reform of our immigration laws. We have to confess that we have not devoted the funds, the resources, and the manpower necessary to enforce our immigration laws and protect our borders.

Representing a border State with about 1,600 miles of border with Mexico, I can state that for too long Washington has simply taken the attitude that this is a local or State problem. If it is not the duty of the Federal Government to deal with the security of our borders, whose responsibility is it? It is a Federal responsibility, and it is one that has simply been abdicated for far too long.

No discussion of comprehensive immigration reform, however, is possible without a clear commitment to and a substantial and dramatic escalation of our efforts to enforce the law. In my capacity as the chairman of the Subcommittee on Immigration, Border Security and Citizenship of the Senate Judiciary Committee, we have held a number of hearings on this issue of border security and immigration enforcement. They have been quite revealing.

I will share some of the information with our colleagues because it supports the direction in which this Homeland Security appropriations bill takes us, and puts us into the final goal: control of our borders and a secure, orderly immigration process.

The Department of Homeland Security has testified recently that they do not have operational control over parts of the southern border. That is obvious to those who live and work along that border and represent those States.

My constituents have told me as recently as last week when I traveled to south Texas, to Laredo, TX, when I traveled to McAllen, TX, and the Rio Grande Valley that the nature of the immigrants coming across our southern border is vastly different from what it has historically been. For example, over the last 3 years, the number of illegal aliens who are known to us in homeland security has doubled from 37,316 in 2002 to 75,000-plus in 2004. This year, it is currently 96,000. It is likely that the number will be twice this year what it was last year.

The vast majority of these individuals who are apprehended as they come across the border are from countries that you would expect: Mexico and countries in Central and South America. However, the Border Patrol chief, Chief Aguilar, has testified that two-thirds of these individuals who are apprehended as they come to our country by which construction workers and others might come are available for exploitation by international terrorists.

I hope, and indeed I believe, that most of the people who come to this country across our border outside of our laws are coming here for the same reason they have always come here; and that is, to find work and the ability to support their families because they cannot do so where they live. But we have to acknowledge this porous border we have and our failure to obtain operational security of our borders is a national security threat because the same avenues of entry into the country by which construction workers and others might come are available for exploitation by international terrorists.

We have no idea, and no agency of the Federal Government can tell us, whether or not we have sleeper cells of terrorists who have exploited that border to come here. But we know they continue to come, that vulnerability continues to exist, as long as the Federal Government fails to live up to its responsibility to secure our border.

Let me bring to the attention of our colleagues some of the facts because they may not be aware of them. I think they will be shocked to find out how unsuccessful we are, despite the best efforts of the Department of Homeland Security.

Last year alone, the Border Patrol detained roughly 1.1 million people coming across our borders. Now, my information, from those who are on the ground daily, to a day-in-day-out basis, is that they think they probably are capturing between one out of every three or one out of every four. Yet last year alone they captured approximately 1.1 million and detained them.

But the concern is that we only have roughly 20,000 detention beds. So what the Border Patrol does is, after doing a background check, after they run these aliens’ names against a terrorist watch list and various criminal justice databases, they engage in what can only be called a catch-and-release program. In other words, they release them on their own recognition based on their promise to return for further proceedings later on. It should come as no surprise that the overwhelming number of these detainees do not reappear for their hearing, and they simply melt into the landscape.

As a result of that flawed policy, we know we have approximately 10 million people living in our country outside of our laws. And those numbers are getting bigger, not smaller.

I do not know how we can stand here, particularly in the face of the threat of international terrorism, and tell the American people we are doing the job they sent us here to do. Because we know that organized crime groups, which are only interested in making money, do not care whether they deal with human beings who want to come here to work, whether they engage in human trafficking, whether they engage in illegal drug transactions, illegal arms transactions, or any one of a number of other activities that are detrimental to our society.

Individually, they generate new laws for us to ignore and create new law in an attempt to bypass these organized smuggling activities, many of which originate from Asia and the Middle East, people are literally brought across the ocean to South America, or to Mexico, or Central America and then the advantage of our porous southern border and potentially threaten our national security.

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No discussion of comprehensive immigration reform, however, is possible without a clear commitment to and a substantial and dramatic escalation of our efforts to enforce the law. In my capacity as the chairman of the Subcommittee on Immigration, Border Security and Citizenship of the Senate Judiciary Committee, we have held a
Federal agencies are simply left with this unworkable and inexcusable system of catch-and-release, which merely exacerbates the problem we have in this country with illegal immigration. This bill moves us in the right direction by funding an additional 2,240 detention beds, with a $77 million increase, bringing the total up to almost 23,000 beds. It is still not enough, but clearly this moves us in the right direction.

The Intelligence Reform Act authorizes 8,000 beds per year, and the Iraq war supplemental funded almost 2,000 beds.

The bill I alluded to earlier that Senator KYL and I intend to file shortly calls for an additional 10,000 detention beds to be constructed each year, at an estimated cost of $330 million, which is an increase of 2,000 beds per year over what was authorized in the Intelligence Reform Act.

The recent surge of people coming illegally into our country outside of just our immediate neighbor of Mexico demonstrates this catch-and-release policy must be changed. It is only through the commitment of resources, such as being done in this bill, that we are going to get to where we need to be.

I am pleased to see the recommendations that are made as to additional resources in this bill, but I remind my colleagues there is still much that needs to be done. It comes to ensuring our security and our safety by enforcement of our laws.

I hope at another time to be able to come back and address my colleagues on the details of the bill Senator KYL and I intend to introduce which is composed of four main provisions.

One provision has to do with enhanced border security, which I have already alluded to here. The second provision has to do with interior enforcement. In other words, once people get past the border, then they are simply lost to our Federal law enforcement agencies. We simply, as the Federal Government, do not provide them the additional resources they need in order to be partners in our law enforcement effort when it comes to border security and immigration law enforcement.

Last week, I visited with a group of sheriffs in Victoria and Goliad Counties. They are about 200 miles inland. But you may recall, Mr. President, and my colleagues may recall, it was about 2 years ago when 19 immigrants, who had been smuggled illegally into the country, were left to die in a trailer because the human smugglers—a coyote, as they are called in our part of the country—cared nothing about them and left them to die in over 100-degree temperatures inside a cattle trailer.

These local law enforcement officials are willing to help and willing to be assistants once they get there and they need additional resources so they can hire the personnel. We must meet our obligations to provide the additional resources they need so we can work as partners with local law enforcement and State law enforcement to enforce the law.

So the first component is enhanced border security, and the second component is enhanced interior enforcement. The third component of the bill Senator KYL and I will file has to do with employer accountability. It may come as a shock to the people of America to know we currently do not have in place an effective way for employers to authoritatively determine whether the person standing in front of them, who wants to be hired, is in fact authorized to work in the United States of America or whether they happen to be an illegal immigrant who cannot legally be hired by American employers.

What our bill will do is remedy that deficiency and provide employers with a reliable means to document the fact that indeed this perspective employee is authorized to work in the United States, and to do so in a reliable fashion.

We will also at the same time insist that employers, once they give the tools they need, enforce the law and make sure they document that, in fact, this perspective employee is authorized to work in the United States.

The fourth and last component has to do with a temporary worker program. The President talked about this a couple of weeks ago. It is exactly right. But the problem is, it has to be combined with enhanced border security, enhanced interior enforcement, and tools that employers need in order to determine the legal status of the perspective employees that stand in front of them. But we also have to acknowledge the facts: America’s economy is strong, and we have a demand for the labor many immigrants provide, but we simply need to provide a legal means for people to work and perform the service of American citizens do not want or are not available to do.

Then we need to provide a means to return those individuals who come here on a temporary basis and work in the United States under this legal regime, to return them to their home, with the skills and the savings they have acquired working in the United States. Because unless we deal also with the economic aspects of this problem that affects our national security, we will never have any hope of solving it. I will speak more on that later. But I did want to give our colleagues a preview of what is being worked on as a comprehensive solution. And I did want to come to the floor and express my great appreciation to the Senator from New Hampshire, the chairman of the subcommittee, and all of those who have made it possible for us to focus our efforts on enhanced border security, and to explain why I believe it is absolutely critical to the safety and security of the American people that we obtain operational security of our border. It is something we cannot claim now and which, indeed, law enforce-
The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DODD. Madam President, I call up amendment No. 1202 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. Dodd), for himself, Mr. STABENOW, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1202.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The Assistant Legislative Clerk read, as follows:

(Purpose: To fund urgent priorities for our Nation’s firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million)

On page 77, line 22, strike $425,000,000 and insert $2,058,176,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,088,040.

On page 78, line 18, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $257,272,334.

On page 79, line 5, strike $50,000,000 and insert $1,047,210,000.

On page 79, line 9, strike $40,000,000 and insert $1,029,089,337.

On page 79, line 22, strike $425,000,000 and insert $514,544,668.

On page 81, line 24, strike $615,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $257,272,334.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 82, line 18, strike $200,000,000 and insert $1,047,210,000.

On page 83, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my distinguished colleagues from Michigan, Senator STABENOW, along with Senators CORZINE and LAUTENBERG of New Jersey.

The purpose of this amendment is very simple, although the amount I am asking for here is rather large. The purpose is to address sufficiently the urgent priorities of our Nation’s firefighters, law enforcement personnel, emergency medical personnel, transporation systems, and other critical infrastructure such as our ports and chemical plants. The amendment’s language suggests paying for these vital priorities by limiting some of the tax breaks for individuals with annual incomes in excess of $1 million. I assume that an amendment of this type will make a point of order against this amendment. I will then move to waive that point of order. In the meantime, let me explain the amendment.

It is offered two years ago during a similar debate regarding homeland security. I was not successful in having the amendment adopted then. I am hopeful that I will be successful today, especially in light of events during the last several days in London. But I understand, given the size of the amount I am requesting, that the chances of this amendment being adopted are not great.

Nevertheless, it is important to offer this measure at this time because it isn’t an amendment I crafted per se, although I offer it here legislatively. The language and request of this amendment were a result of two task forces conducted by the Council on Foreign Relations that examined America’s needs in the wake of the attacks on September 11, 2001, and laid out, by our former colleagues Senators Warren Rudman and Gary Hart, along with members of their task force, the vital importance of being prepared for the inevitable events that are occurring at the hands of terrorist organizations. I don’t know how many more events it is going to take for us to respond with the kinds of resources we need to have in place.

I was a Member of this body when the Marine barracks in Lebanon were hit, the Lockerbie incident happened, the World Trade Center was first bombed, the USS Cole was attacked, the embassies in the East Africa were bombed, and then, of course, when the World Trade Center was attacked for the second time. We have seen in Tokyo the subway attacks in 1996, the Madrid train bombing in March of 2004 and, of course, the London Underground attacks only a few days ago. These are just a few of the hundreds of terrorist attacks that have taken place around our world over the last couple of decades.

Mr. DODD. Let me outline the Rudman report and why this amendment is important.

Two years ago the Council on Foreign Relations convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This task force was chaired by our former colleague Senator Rudman. In June 2003, the task force issued a comprehensive report entitled “Emergency Responders: Dramatically Underfunded, Dangerously Unprepared.” The purpose of this report was to focus on this task force by a very distinguished group of our fellow American citizens. I ask unanimous consent to print in the RECORD the entire list of those people who prepared the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TASK FORCE MEMBERS

Charles G. Boyd is currently Chief Executive Officer and President of Business Executive Services for National Security (BESNS). Before retiring from the U.S. Air Force in August 1995, General Boyd served as Deputy Commander in Chief for the U.S. European Command.

Richard A. Clarke is Senior Adviser to the Council on Foreign Relations and is currently Chairman of Good Harbor Consulting, L.L.C. Previously Mr. Clarke served under the last three presidents as a senior White House adviser.

William J. Crowe is Senior Adviser at Global Options. Previously, Admiral Crowe served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret A. Hamburg is Vice President for Biological Threats in the Department of Defense. Before coming to the NIH, Dr. Hamburg was Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services.

James Kallstrom is Senior Executive Vice President at MBNA America Bank. After September 11, 2001, Mr. Kallstrom took a leave of absence from MBNA America and served as Director of the Office of Public Security for the State of New York.

Joshua Lederberg is a Nobel Laureate and currently serves as President Emeritus and Distinguished Group of our fellow American citizens. I ask unanimous consent to
Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

David Stern has been Commissioner of the National Basketball Association since 1984. He joined the NBA in 1978 as General Counsel and became the league's Executive Vice President in 1990. Paul Tagliabue is Commissioner of the National Football League. Prior to becoming NFL Commissioner in 1990, he served as Chief Legal Counsel to his predecessor.

Harold E. Varmus is President and Chief Executive Officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as Executive Officer of Memorial Sloan-Kettering Cancer Center. And Chief executive officer of the University; and Harold Varmus, president of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Institute.

The list goes on. These are the people who have longstanding experience in this country:

William H. Webster is a Partner at the law firm of Milbank, Tweed, Hadley & McCloy. He previously served as Director of the Central Intelligence Agency from 1987 to 1991 and Director of the Federal Bureau of Investigation from 1976 to 1977.

Steven Weinberg is Director of the Theory Group of the University of Texas. He is a Nobel laureate and a recipient of the National Medal of Science.

Mary Jo White is Chair of the 192 lawyer litigation group of Debevoise & Plimpton. She also served as U.S. Attorney for the Southern District of New York from 1993 until 2002.

Mr. DODD. Let me mention several of them because they are the important. What I am offering as an amendment were suggestions made by this panel to the Department of Homeland Security and to the Congress as a way of bolstering our security needs across the Nation.

The membership of this distinguished panel included George Shultz, former Secretary of State, Treasury, and Labor; William Webster, former Director of the Central Intelligence Agency; Charles Boyd, chief executive officer and president of the Business Executives for National Security; Margaret Hamburg, vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for planning and evaluation at the Department of Health and Human Services; Don Marron, former chairman of UBS America; James Metz, former staff member of the NSC, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Institute.

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on United States soil before. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

I do not think any words can express the problem before us more clearly than those of Senator Rudman.

I will quote from the foreword written by Les Gelb, the former President of the Council on Foreign Relations: As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and its interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the very same time, diplomats, legislators, military, intelligence, police, fire, and emergency medical personnel, and others in the U.S. and across the globe are working feverishly to prevent or respond to catastrophic attacks. Groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Several months prior to the issuance of the Rudman report, in October 2002, the Council on Foreign Relations convened another task force, the Independent Task Force on Homeland Security, which issued the report, "America: Still Unprepared, Still in Danger." The task force, co-chaired by Senators Rudman and Hart, came to the general conclusion that: America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned that: America's own ill-prepared response could have turned the people to a greater extent than any single attack by a terrorist, and the risk of self-inflicted harm to America's liberties and the way of life is greatest during and immediately following a national trauma.

So here you have two seminal reports, issued within 8 months of one another, prepared by some of the most respected individuals in this country, who have longstanding experience in the matters of diplomacy and national security. These are not lightweights who made these recommendations I am offering as part of this amendment. They are top experts and they have sounded the alarm to us after 9/11; they sounded it before Madrid and London. How many more events before we put the kind of resources in place that allows this Nation to have a much higher sense of security, as we ought to have in light of the attacks presently being prepared and focused against us?

The funding level that Senator STABENOW and I are proposing in this amendment is over $10 billion. It is huge; I understand that. It supplants the approximately $4 billion that the underlying measure devotes to emergency responders and infrastructure security. Together the bill and the amendment provide $20 billion in emergency responder funding over the next year and 2005.

This is the recommendation of the Rudman report. This is the recommendation of the individuals who helped prepare that report. It is a recommendation made by respected experts and leaders in the fields of national security, intelligence, foreign relations, military affairs, bio-terrorism, business, public health, and budget analysis. These distinguished
men and women spent significant time analyzing the problems facing our first responders and our Nation's security. They gave us their best professional judgment of what we need to do. Regrettably, we are falling woefully short of what needs to be done in this country.

I understand the need for a budget resolution that sets caps on appropriations bills. Effective budget resolutions in the Senate are those that achieve balance by reckless spending while providing a sound investment in our domestic and foreign priorities. Unfortunately, I don’t find the current budget resolution and the caps it has imposed very balanced at all. While constraining our ability to invest adequately in our emergency responders and domestic security, this resolution causes, in my view, the national deficit to increase by at least $130 billion over the next 5 years, principally through tax cuts that only benefit the most affluent States, one of the most affluent States in the country. I have no doubt that this will force us to increase our investment in homeland security activities; three, guaranteeing multiyear Federal funding for homeland security activities funded jointly by Federal, municipal, and private resources; four, reforming congressional oversight; five, allowing for greater flexibility in using Federal homeland security resources; six, developing a standard for evaluating best practices; and seven, developing a standard to ensure more effective coordination between Federal, State, and municipal governments.

While the Department of Homeland Security has started to address some of these critical recommendations—and note that this morning Secretary Chertoff announced some significant administrative changes to the Department of Homeland Security, and I applaud him for that—I think many more changes and more resources must be implemented and provided respectively to meet the Rudman report recommendations fully. I think we ought to be doing more by supporting the financial needs that are going to provide for the various gaps that occur in the security of our various infrastructure systems.

Finally, we all know that the cost of this amendment is large. I want to put this figure in perspective. We are spending roughly $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in vital spending and funding every 3 months to ensure that our men and women in uniform can deal with the threats in those foreign lands. Senator Sessions and I are the cosponsors of this amendment, and I am asking for $16 billion for a whole year to make us more secure at home. I understand the needs and I have supported the funding for our troops in the field. We know as a result of the Rudman report that we are woefully short in what needs to be done at home to keep our Nation more secure.

As I mentioned a moment ago at the outset of these remarks, how many more incidents need to occur before we do what the Rudman report has called for? How many more times do we have to be attacked to realize what major steps need to be taken to be better prepared? I believe that if we have the will, we can find the resources that we know are needed to make sure we have the infrastructure security in place and the personnel support in place to give our fellow citizenry the greater sense of security that we all need.

With that, at the appropriate time, I will ask for the yeas and nays on this amendment.
Madam President, I ask for the immediate consideration of amendment No. 1125.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.
The amendment (No. 1125) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1202

Mr. GREGG. Madam President, the Senator from Connecticut, joined by the Senator from Michigan, as I understand it, has offered an amendment which would increase the funding for first responder activity by $16 billion. I note, as an initial comment, that this represents a 50-percent increase in funding for this bill in toto. In other words, the entire funding of the Homeland Security agency is about $31 billion, and $15 billion on top of that would be a dramatic increase, to say the least.
The logic for the approach is that there is a representation that the Rudman Commission and other people who have looked at this issue say first responders need more money. It is hard to argue with the fact that first responders do need more money, but the question before us now is not where we do not have unlimited resources, where should we put the resources to get the best results in this fight on the war on terrorism?

Additional logic for their position is because we are spending significant dollars in Iraq and Afghanistan on a monthly basis, $5 billion is the number suggested by both Senators that we should be able to simply, easily afford and $15 billion of additional spending for the Homeland Security agency in the area of first responder activity.

I suggest, at the beginning, that type of logic could lead to basically there is being no end of spending on all sorts of programs. If we are going to use the example of dollars is a major way to keep our service people properly equipped and properly armed and properly taken care of when they are in a field of battle, when they are engaged with an enemy on a daily basis, if we are going to use that number as the number which defines what we should spend, whether it is fire departments in New Hampshire or education departments in Connecticut or libraries in Michigan or colleges in West Virginia, we are going to end up with amendment after amendment which spends billions upon billions of dollars on the representation that, gee, we are spending all this money in fighting this war to try to make sure our troops are properly supported so, therefore, why can’t we spend a lot of money somewhere else? I do not think there is a lot of consistency to that logic.

We know we have a limited amount of money as a Federal Government to spend, and we should. We did pass a budget to try to put in place the context of how much money we have to spend. And in the context of that budget, we did fund the Defense Department, and we did fund the other functions of Government at a certain level. We dramatically increased the funding, for example, in education, we dramatically increased the funding in the area of homeland security, and we dramatically increased the funding for first responders, but within the context of a budget.

So when you bring an amendment to the floor that essentially says, Ignore the budget and spend $15 billion next year, and we spend another $5 billion on top of that, which would be the Stabenow amendment on providing communications equipment, you are essentially saying we have no fiscal discipline and our purposes are not controlled by any sort of logic as to the relationship of the amount of money which the Federal Government takes in versus the amount of money the Federal Government spends.
The representation from the Senator from Connecticut is, if we were simply to repeal some of these permanent taxes that were extended in the budget, we could pay for this. I note for the Senator from Connecticut that he may know he did not have to vote on the floor, but I understood he did not vote for the budget, and I understand he may not have focused a lot of time on it. But the budget, as passed by the Congress, did not have any permanent tax extensions in it relative to general income tax.

The only permanent extensions in the budget are for tuition tax credits for kids going to school, tax deductions for teachers who spend money to pay for school supplies in their classrooms, and a couple of other tax deductions within the Code. So maybe he wants to repeal those extensions. I think those extensions are good policy. If that is his position, that will recover maybe—I don’t know, I am not sure I understand the math off the top of my head, but it would not be a great deal of money, and it certainly would not be enough money to cover this $16 billion which is being proposed.
The budget it is a misrepresentation to come to the floor and represent that it did, extend permanently any rate tax cuts at all.

So this argument that, well, we can just do it by changing the budget, by changing the terms as to the way it applies to tax policy is incorrect on its face because there were no permanent extensions.
The issue really is this: Within the context of a reasonable budget for national defense and for homeland security, where should the dollars go first? What are the priorities? We made a conscious decision in this bill to focus the dollars on what we saw as the primary threats and I was joined by the Senator from West Virginia and I think he agrees, that we should have a threat-based funding approach to the whole issue of homeland security. If one listened to Secretary Chertoff yesterday, that is what he plans to do.

What are the priority threats? No. 1, right at the top of the list, unquestionably the most significant threat is the question of weapons of mass destruction. So we have put a significant amount of dollars into trying to increase our capacity to address, first, the detection and, second, a response capability in the area of weapons of mass destruction.

No. 2, the second largest threat which we have, in our opinion, is the fact that we have borders which are extraordinarily porous. Madam President, I appear to have the estimate of how many people come into this country illegally: 500 million people come into this country legally, and we really do not know a great deal about what their purpose is or what they are doing coming in and out of the country. In fact, we do not know if they are criminals because our databases are not capable of analyzing their entry documentation to determine whether they are some sort of threat or whether they are just citizens from another country who are coming here to enjoy our great Nation.

We have committed significant resources in this bill. We have moved more than $600 million from various accounts into border security, specifically putting more border personnel in the sense of adding many more Border Patrol personnel, giving those Border Patrol personnel the capital structure they need to support themselves, physical infrastructure, adding more detention beds, focusing on upgrading our computer and IT systems relative to entry-exit activity, especially the US-VISIT Program. That is because that is a huge threat.

Those are the two huge priority threats on which we focused.
The issue of first responders is a priority for us as a nation, but is it the No. 1 item that should be focused on in this bill? No. Is it Homeland Security’s first line of activity? Quite honestly, it is not. We are on a mission in Iraq, but the first lines of activity are the ones for which Federal Government is primarily responsible, such as airline safety, border safety, making sure we are ready to deal with weapons of mass destruction. That is why we mention those issues. But in the specific area of first responder accounts, this proposal, which would up the funding in first responders by $16 billion and the proposal of the Senator from Michigan which would create a new line item, it would create a new line item in first responders of $5 billion for communications assistance, truly is a misallocation of resources.

Even if we could afford it, we would not want to put that money into those accounts at that level. Why? Because these groups involved in developing first responder capability are not capable of spending that amount of money. How do we know that? Because we have $7 billion—$3 billion from the year 2004 detention beds focusing on upgrading—sitting in Washington, in the Federal Treasury, which has not gone out yet for first responder funding activity.
Why is that? It is because, first, the Department of Homeland Security has some problems, and we are trying to address those in this bill, and we put in specific language to try to change that, and I know Secretary Chertoff has addressed it, but it is larger than that. It is not just at the Secretary level. It is the fact that one of the points the Rudman Commission made, and was even more aggressively made by the Gilmore Commission, which was another high-quality group of people who got together this issue is simply this that until you have a plan for how you are going to spend this money, if you just spend it back to the States and to the communities without a plan which they have to follow, all you are doing is revenue sharing. It is going to end up being a plus-up for local agencies. Some will buy new cruisers or buy bomb dogs or just buy dogs, and they will buy whatever they want to buy without any plan or organization.

The $7 billion is still in the Treasury instead of out there on the streets helping out the fire, police, and local agencies is that the assessment plans, which are critical to the effort of getting in place a thoughtful approach, the plan funding, and how they use these dollars, have not yet been completed. States are still working on assessment plans so they can come forward with these plans, and then the money will go out, and it will be spent in an orderly way instead of a haphazard way.

We do not want to get back into the situation we had in the 1970s, where essentially we were sending out hundreds of millions of dollars—not billions of dollars as we are today—to various groups across the country in the name of better law enforcement. A great deal of it ended up buying equipment and items that turned out to be not only not productive but counterproductive because the interoperability of communications was bought with that money when there was no plan overcoming that LEA money to require interoperability. So the police department would get a grant for $20,000, $30,000 and go out and buy their system of communications, and then the fire department in the same town would get their $20,000 or $30,000, and they would go out and buy theirs, and neither could talk to each other because there was no plan.

The whole concept behind the assessment approach is so we can have a plan so that the civil defense centers in the States—fire in the States, police in the States, first responder health care communities in the States—are all coordinated and the money goes out in a coordinated way, that when it is completed, we actually have a situation where, if there is an incident and these folks who are so committed to making their communities stronger and better have to respond to it, it will be done in a focused and coordinated way pursuant to a plan which has been funded and focused in a coordinated way.

First off, the theory behind this, that we can spend another $21 billion because we are spending $30 billion in Iraq is—I think that theory totally disconnects.

Secondly, the concept that this may be paid for in name by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

Thirdly, if we are going to spend money based on security in the homeland area, we should spend it on threat-based activity, which is what this bill does. And the threats, in order of priority, put the issue of first responders lower than some of the first responsibilities of Homeland Security, such as border security, airline security, weapons of mass destruction protection, and intelligence-gathering agencies. That is absolutely critical.

Fourth, as a practical matter, we can appropriate money, but it cannot be spent, so there is no point in appropriating it at this time. Maybe a year from now, maybe 2 years from now, after that $7 billion has come down a little bit. Remember, we are adding another $4 billion to it this year and $2 billion the year after. It is not cheap on the side of first responders. We are putting another $4 billion on top of the $7 billion that still has not been spent.

When these assessment plans get in place and we start to generate some money, the proposition is, that money to be spent in an orderly way and does not get wasted, then we might want to significantly increase this funding because we know it will be effectively used. But right now, to increase this funding just means it is going to sit at the Treasury, instead of being used where it really needs to be used, which is on threats which exist today and which we have to address today, which brings me to the underlying issue of the budget because we are going to hear about this again and again. There is going to be an attempt to spend another $1 billion, $2 billion, or $3 billion—I do not know what the final number will be—on mass transit.

The key to our capacity to defend ourselves from these terrorists is our capacity to stop them before they get here, and that means we have to have better intelligence and we have to have better border security. When they do not have the opportunity to use their hate and their commitment to trying to kill Americans in a vast way versus in a confined way by stopping them from having weapons of mass destruction or using a vehicle that would allow them to plus up their heinous crimes such as they did on 9/11 when they used airplanes as weapons, as missiles essentially.

So it all becomes a matter of order of threat, where the dollars should be. And the No. 1 issue we have to address is better gathering of intelligence, in which Homeland Security has a limited role, but Secretary Chertoff is going to expand that effort; followed by the issue of weapons of mass destruction; followed by border security; followed by the first responsibilities of the Federal Government which are things such as air traffic control and air management, followed by, of course, funding and helping out first responders, which we have done, which is why there is still $7 billion sitting in the bank because we have done it, but the system is not yet ready to effectively handle the money. It will be done soon, hopefully. A lot of pressure is being put on both the Department of Homeland Security in this bill and on the State assessment plans to accomplish that.

This proposal is maybe well intentioned, but it is misguided at all sorts of different levels. Therefore, I cannot support it. Obviously, even if it were within the budget I would not support it because this is not where we need to allocate resources at this time at this level of activity.

I make my point of order at this time that under section 302(f) of the Congressional Budget Act the amendment provides spending in excess of the subcommittee’s 302(b) allocation.

Mr. DODD. Madam President, I move to waive the budget point of order and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I simply note that we will be voting on this, hopefully, later today when we have more of a contingency available to participate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I know my colleague from Hawaii is in the Chamber, but I want to respond to comments made by my friend from New Hampshire. He gave a good response to this amendment. It is not an amendment that provides spending in excess of the budget. The amendment does not increase funding just means it is going to sit at the Treasury instead of being used. The Senator from New Hampshire is absolutely correct, the entire budget we are talking about for homeland security is around $31 billion. This amendment is 50 percent of that budget.

I was fully aware, when I came to the floor to offer this amendment, of the reaction it would receive, but I also believe that the Rudman report, written by a group of people who are serious about these matters, has laid out for us very clearly what needs to be done.

Whether our domestic security is funded by reducing millionaire tax cuts or by some other mechanism, I am willing to listen. I just tried to offer one idea of where these resources could come from. Obviously, when an amendment like this is offered, I do not have the right to offer necessarily an offset savings, but most affluent Americans was simply a suggestion as to where the resources could come from.
The underlying point needs to be made that we are not doing enough in the areas where we are terribly vulnerable. I will state how we are spending this money and lay it out. First, we are spending actually less this year than we have in the previous 2 years. In the Office of the Inspector General’s Coordination and Preparedness, which covers port security, truck security, rail security, training, technical assistance and development, we are going to spend just under $2.7 billion. Last year, it was $3.5 billion. The numbers are coming down, and yet almost everyone now knows in this country that our ports across the Nation are entirely vulnerable.

Less than 5 percent of containers have any screening done on them. Our rail and freight systems are virtually wide open. Stories get written every single day about the vulnerabilities that exist. We take the bulk of the funding proposed by this amendment—in excess of $1 billion—and put it into these critical areas.

Again, I know it is a lot of money, but let another attack occur in this country, as I believe it will, and then look back and say: I wonder if we might have been able to protect those terrible moments in areas where we were vulnerable to prevent the attack, or I wonder whether or not the Senator from Connecticut was asking for too much.

I merely cited Iraq and Afghanistan to give a sense of proportionality. I have strongly supported the resources that ensure our troops receive the adequate funding they need.

And by the way, in certain areas like equipment, they are not even getting what they ought to be getting. I make the point that there we are spending roughly $15 billion every 3 months. This amendment costs roughly the same amount over a full year.

I have a pretty good sense, after numbers here, as to what is going to happen with this amendment. It is probably going to fail. But I want the American public to know there are those of us who believe that if one has the will, one can find a way to do this. Whether one likes my proposed offset or not, if one believes that we ought to be doing more to make our ports, our rail systems, our truck security, and other infrastructure far better prepared than they are today, then they ought to support this amendment.

If we are doing enough already, then vote against it. I believe we are not doing enough, and I think many people in this country believe that as well. That is why I offer this amendment.

In conclusion, I would like to add a summary of the conclusions and recommendations of the Rudman Report on Homeland Security be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS

1. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address challenges including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. These existing standards provide a useful starting point; they do not constitute "national standards for national emergency response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas lack fundamental emergency responder capabilities.

Congress should require DHS and HHS to work with other federal agencies, state and local emergency responders, and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards should be flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time frame. These capabilities must be measurable and subject to federal audit.

Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD—and terrorism-related disaster equipment and training for 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to reach the standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

National capability standards for levels of preparedness must drive an emergency preparedness system. In the process system must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for address can be measured, requirements developed and then be used to determine funding based on each state’s population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-drive approach has led to highly uneven funding outcomes. Wyoming, for example,
receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it is unnecessary and results in an inequitable distribution of funds.

State governments should be required to use the same criteria for distributing funds within the state. Congress should also require each state receiving federal emergency preparedness funds to report a analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of homeland security subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have some mechanism, a formal, or an effective, committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

The S. 991 representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Government should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting accountabilities and treasurers, amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a reserve should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current discretion is too great to allow for business as usual. According to the National Emergency Managers Association, funding cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and too often they are not able to strategically apply several years of federal funds and millions of dollars at one time.” (NEMA, State Spending and Homeland Security Funds, April 2, 2004) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness to develop consensus distribution (FY03 omnibus appropriations measure (P.L. 108-7) to distribute grant funds to states within 60 days of the enactment of the bill and required the states to distribute funds within 60 days of receipt.

Congress should ensure that all future emergency preparedness bills funding emergency responders be structured to distribute funds within 45 days of receipt.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to the states. The U.S. Congress could authorize the DHS to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize the DHS to approve emergency preparedness funds for the construction of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within the state.

Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds within the state.

8. FIX FUNDING MECHANISMS

Many states have been mandated to develop more than five separate homeland security plans. While the information required by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to another. DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Preparedness in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grants programs in a way that reduces unnecessary duplication and establishes coordinated ‘one-stop shopping’ for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grants programs that support day-to-day operation of emergency responder entities. In many cases, such grants must be expanded.

Congress should transform interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices across emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring tax-payers the maximum return on their investment. The Task Force found that this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should include within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and coordinate closely with DHS to ensure that lessons learned from responders to biological attack are sufficiently incorporated into the knowledge base.

10. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are not sufficiently coordinating emergency disciplines within their jurisdiction nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106-390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, states do not adequately coordinate these plans.

Congress should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

Congress should develop a comprehensive national program for exercises that coordinates emergency activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders of different types of hazard levels to work together and with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Again, I have great respect for my colleague from New Hampshire. He has a very difficult job, and there are constraints, but I also believe that we have been around long enough to know that when we face a situation like that, that we have a way of getting around those constraints and doing what needs to be done. We have certainly done that in Iraq. We have done it in Afghanistan. I believe we ought to do it at home as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as an early morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. MCCAIN. Yes. That is fine. The modifications to the filed amendments have been agreed to.

Mr. MCCAIN. I ask unanimous consent to set aside pending legislation and take up amendment 1151 as modified, UAVs at the southwestern border.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. McCain] proposes an amendment numbered 1151, as modified.

The amendment is as follows:

(Purpose: To specify how certain vehicles are to be deployed to enhance border security)

On page 61, line 26, insert "which may be deployed between ports of entry along the southwestern border of the United States, taking into consideration the particular security risks in the area and the need for constant surveillance of such border," after "unmanned aerial vehicles."

Mr. MCCAIN. Mr. President, despite the worthy efforts that have been made to secure our homeland, much remains to be done. I, for one, do not believe we can ever expect to fully secure our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement of our laws. We cannot accomplish that in this pending bill, but in the meantime we can still take additional measures to better secure our border.

I commend the chairman, subcommittee chairman, and the ranking member for putting forward an appropriations bill that includes a number of sound border security funding provisions. One area I would like to see strengthened, as is proposed by this amendment, is to ensure we are more fully monitoring the southwestern border where most of the illegal crossing and needless deaths occur annually.

Let me cite a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year trying to cross the border. About 200 of those deaths occurred in the Arizona desert. The Border Patrol is currently apprehending approximately 1,300 undocumented immigrants a day in Arizona. This number is expected to rise. An estimated 3,000 people enter the United States illegally from Mexico every single day. Last year, 1.1 million illegal immigrants were caught by the Border Patrol and more than half of those were in the State of Arizona. The Border Patrol releases more than 90 percent of the people they catch through voluntary repatriation, because the system is simply overwhelmed.

I want to repeat that, Mr. President. Anybody who has visited our border knows the struggle that we face and the sacrifice the men and women who serve there in the Border Patrol and Immigration will agree they are simply overwhelmed.

We have taken considerable action to address port security issues and devoted significant resources to that mode. I think all would agree aviation is safer now than before 9/11. However, since the terrorist attacks nearly 4 years ago, only relatively modest resources have been deployed to rail security. Our Nation’s transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist attacks, this despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and rail passenger networks, which are critical to the Nation’s transportation system and national defense.

The 9/11 Commission, in its report on the facts and circumstances surrounding the 9/11 attacks, called for improved security in all modes of transportation, noting that “terrorists may turn their attention to other modes.”

The Rail Security Act would authorize a total of almost $1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York’s Port Authority, which is used by over 500,000 transit, commuter, and inner city passengers each workday. The legislation would also establish a grant program authorized at $350 million to encourage security enhancements.

Let me cite a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year trying to cross the border. About 200 of those deaths occurred in the Arizona desert. The Border Patrol is currently apprehending approximately 1,300 undocumented immigrants a day in Arizona. This number is expected to rise. An estimated 3,000 people enter the United States illegally from Mexico every single day. Last year, 1.1 million illegal immigrants were caught by the Border Patrol and more than half of those were in the State of Arizona. The Border Patrol releases more than 90 percent of the people they catch through voluntary repatriation, because the system is simply overwhelmed.

I want to repeat that, Mr. President. Anybody who has visited our border knows the struggle that we face and the sacrifice the men and women who serve there in the Border Patrol and Immigration will agree they are simply overwhelmed.
We have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both, but I hope by the time it passes the Senate that we redirect some of the $31.8 billion in the bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation. In that law we authorize for the coming year 2,000 more Border Patrol agents, twice as many as would be provided for in the underlying bill, and only 5,300 more than provided for in the bill before us.

I filed amendments to fulfill these authorized levels and would like to work with the bill managers to address these important security issues.

Another area of particular concern along the southwestern border, particularly to Arizonans, since our State is now the leading gateway to illegal entry, is the Federal Government’s use of technologies that are already available to enhance our security, border patrol, and the readiness of our first responders.

Manpower alone is not the answer when we are dealing with a 6,000-mile border area. The February grounding of the unmanned aerial vehicles, UAVs, in southern Arizona sent the absolute wrong message to those seeking to illegally enter our country. They are a helpful and needed deterrent to illegal entry and have been very useful in helping to monitor and better secure our southern border. Halting this program even temporarily needlessly jeopardizes our citizens and Nation.

The temperature today on the border between Arizona and Mexico is probably, in the middle of the day, 120 degrees. It is arduous hard work for Border Patrol people, and there is no way we can patrol these hundreds of miles of border simply with ground vehicles. UAVs have proved extremely effective in Afghanistan, Iraq, and other places in the world. Clearly it would have tremendous deterrent value to let it be known what is happening along our borders, not only to prevent illegal crossings but also, once those crossings are made, to track down and arrest those who are doing so. And as is well known, not everyone who is crossing the border is simply coming for a job. We have significant drug trafficking, and the Director of the FBI has stated that we are apprehending more and more citizens of “countries of interest” that are crossing our borders as well.

In our efforts to counter terrorism and promote national security, it is essential that we use all appropriate assets available to ensure the safety of our citizens and the security of our borders. As we learned through extensive military operations, UAVs have proven to be a highly effective aerial surveillance system that can be used as a force multiplier in coordination with other air and ground surveillance technologies. Of course, we should work to ensure that these effective UAV technologies are employed over the border, but it is important that some form of UAV be deployed in the short term to augment ongoing enforcement efforts. Grounding the UAVs also creates a perception in an already volatile border region that the Federal Government is abandoning its responsibilities.

We are now into our fifth month with ground as a possible point of entry into the border area. The February grounding of the unmanned aerial vehicles, UAVs, in southern Arizona sent the absolute wrong message to those seeking to illegally enter our country. They are a helpful and needed deterrent to illegal entry and have been very useful in helping to monitor and better secure our southern border. Halting this program even temporarily needlessly jeopardizes our citizens and Nation.

I urge my colleagues to support this amendment to ensure UAV surveillance at the Nation’s borders, and thereby maximize our law enforcement efforts.

Mr. President, it is my understanding that the managers of the bill would agree to this amendment by voice vote at the appropriate time, but I would clearly state the presence of the managers before proceeding.

Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 1159, AS MODIFIED
Mr. MCCAiN. Mr. President, I call up amendment No. 1150 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

"The amendment is as follows:" (b) The amount appropriated by title III for State and local grants under the heading “STATE AND LOCAL PROGRAMS” is reduced by $967,552,000.

Mr. MCCAiN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading “CUSTOMS AND BORDER PROTECTION” is increased by $967,552,000, all of which may be made available to hire an additional 1,000 border patrol agents.

(b) The amount appropriated by title III for State and local grants under the heading “STATE AND LOCAL PROGRAMS” is reduced by $967,552,000.

Mr. MCCAiN. Mr. President, despite our efforts and Border Patrol Protections, much remains to be done, and I do not believe we can expect to secure fully our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement requirements.

I commend the chairman and subcommittee chairman and ranking members for putting forward an appropriations bill that includes a number of important border security funding provisions. Clearly, they do not have an easy job. And I know they have worked to fund critical homeland security needs.

One area that I strongly believe should be strengthened, however, concerns the number of Border Patrol agents as they play one of the most critical roles in securing our homeland.

To help my colleagues to understand the great need for additional upstream power, let me cite just a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year; an estimated 3,000 people enter the United States from Mexico every day. A few weeks ago, 79 people were found in a Phoenix alley crammed into a commercial horse trailer. The heat was over 100 degrees, and they had been there for several days. Of the 79, 11 were children, ages 4 months to 9. As a cautionary reminder, just at the beginning of the summer, when the temperature in the desert rose unexpectedly, 12 people died crossing into Arizona in 1 weekend.

Mr. President, we have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both. But I hope that by the time it passes the Senate, we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation.

Mr. President, a dangerous state of lawlessness exists along the southern border, and we are increasingly volatile. The Federal Government’s inability to stem the illegal traffic flowing across the border has shifted substantial financial and social burdens to residents of the border region. Recently 79 men from the Arizona border provided the Nation with an image of the frustration felt by many Americans.

Border States are suffering from the increased law and order problems associated with illegal immigration. Our hospitals are burdened with enormous uncompensated costs, and so are our State and local law enforcement agencies. We simply need more manpower to protect the border in the near term. While I strongly believe that once we fix our broken immigration system, we will see the day that some of our border resources can be shifted to other priorities, until then Congress must have the will and the resources needed to reform our broken immigration system. We need to have a robust Border Patrol force hired, trained, and on the job.

While providing solid resources to state and local officials to ensure the readiness of our first responders is imperative, the men and women serving in the Border Patrol are literally on the front lines in the fight to keep the terrorists out of our country. CIA Director Tenet has said that more and more people from “countries of interest” are looking at our southwestern border as a possible point of entry into the
United States. Why shouldn’t they. Hundreds of thousands and potentially millions of migrants who enter the United States illegally each year to work represent the perfect cover for potential terrorists. Of course, if others have refused to suggest, that would be preferable. I propose to any and all actions that will enable us to meet the full level of Border Patrol agents so desperately needed on the front lines.

Mr. President, I am aware that the managers are not in agreement with this amendment, and that is why I propose unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 1171, AS MODIFIED

Mr. McCain. Mr. President, I call amendment No. 1171 as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 1171, as modified.

The amendment is as follows:

Page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading “IMMIGRATION AND CUSTOMS ENFORCEMENT” is increased by $198,990,000, all of which may be made available to add an additional 5,760 detention beds and additional positions or FTEs in the United States.

(b) The amount appropriated by title III for State and local grants under the heading “STATE AND LOCAL PROGRAMS” is reduced by $189,900,000.

Mr. MCCAIN. Mr. President, the situation of OTMs has now reached a critical juncture. I have given the statistics. The Border Patrol releases more than 90 percent of the people they catch. I want to repeat that. The Border Patrol releases through voluntary repatriation more than three-quarters of the people they catch because the system is overwhelmed. That probably sounds unbelievable to most Americans. The unfortunate reality is that the Border Patrol simply cannot take into custody the vast number of people that are apprehended. Because of this, they must prioritize. Due to space limitations, our Federal agents rightly give a higher priority to aliens who represent potential criminal threats.

Most of the people who are apprehended are usually returned to Mexican Government officials, voluntarily taken back across the border, and, in the case of a recent pilot program, paroled to the interior of Mexico with the hope they are less likely to risk crossing again.

However, foreign nationals from other countries often get off much easier. Because of the lack of detention space, the fact that their home countries are farther away, and limitations in our immigration laws, nationals from Guatemala, El Salvador, Brazil, and a number of other countries are frequently apprehended by Federal officials, given a court summons to report to deportation proceedings, and released.

Mr. President, let me tell you that again. They are apprehended, they find out they are from Brazil, they say, OK, show up in court, show up in court in, you know, they say, I’m not going to or, they plead, we want to go stay with my family. And then they are released. How many of those do you think we ever see again?

The reality has become demoralizing to the men and women serving in the Border Patrol. Word about this loophole has spread to Central and South American countries. Summons to report to deportation proceedings are frequently called “permisos” or permission slips. Smugglers now take migrants as far as they can and tell them to approach the first Border Patrol agent they see and turn themselves in. After migrants obtain their permiso, they are then free to continue their journey to Chicago, New York, or wherever there is a job or a family member awaiting them.

One result there has been a dramatic increase in the number of Brazilians crossing the border illegally.

Fox News channel, Monday, July 11, 2005, “Other Than Mexicans? Welcome to America.”

Los Angeles. — For many people around the world, the U.S.-Mexico border is a doorway to opportunity—one that’s unlocked and wide open.

Brazilians, Chinese, Pakistanis and many others are joining the tide of Mexicans who sneak across every day.

“OTMs include people from all over the world—South America, the Caribbean,” explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. “Anyone other than Mexican is an OTM.”

In 2001, 5,251 “OTMs” were caught crossing over from Mexico. Last year the number was more than 35,000.

In the first eight months of this fiscal year, it’s up to 70,000 already—200 people a day—and they’re only the ones getting caught.

“The vulnerability of a porous border is a security problem, and we always have to be concerned the real bad guys will exploit these vulnerabilities,” said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won’t allow the United States to send them citizens from other countries and, under U.S. law, they’re entitled to a deportation hearing.

Because the immigration service lacks prison beds, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date—which the majority of them obviously do not do.

“They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hearing,” said Cutler. “And surprisingly, fewer than 15 percent show up.

“Our bureaucracy is not up to the challenge of protecting this country, our Constitution. Law enforcement is less is less responsible with the reality in a 21st Century way, our immigration laws are terribly out of place,” commented Sharry.

So what’s the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

From another article, “Loop-hole to America”: In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaped forward and breast-stroked through the gentle current.

Once on the U.S. side, the Brazilians scooped their shirts ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and becoming a rising number of illegal immigrants from countries beyond Mexico.

“We used to chase them; now they’re chasing us,” Border Patrol Agent Gus Baldar said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd result.

The group was detained overnight and given a court summons that allowed them to go back to the United States. Immigration hearing. Then a Border Patrol agent drove them to the McAllen bus station, where they continued their journey into America.

The formal term for the court summons is a “notice to appear.” Border Patrol agents have another name for it. They call it a “no-show.”

Of the 8,908 notices to appear that the immigration court in nearby Harlingen issued last year to non-Mexicans, 807 failed to show up for their hearings, according to statistics compiled by the Justice Department’s Executive Office of Immigration Review.

That is a no-show rate of 10 percent.

The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border in a matter of hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel documents and flights directly to the immigrants’ country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry to a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

It is one example of the growing “seamless web of enforcement” that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation’s illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Baldar encountered the 20 Brazilians, another Border Patrol agent drove them to the bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Graice De Oliveira-Silva and three companions from Brazil were working for her relatives’ house-cleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. Back in 1985, things were so different.

Residents around the Border Patrol and to the residents here that a woman was convicted on charges that she drove illegal immigrants from El Salvador around the Border Patrol and to the same Atlanta business.

Now smugglers operate with impunity. After their loads of immigrants...
ashore, the smugglers slip back across the river.

As word of this border loophole filters back to Central and South America, the volume of people coming to exploit it is likely to grow, according to Border Patrol agents.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, “Anyone who has a little money will be coming.”

Mr. President, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FoxNews.com, July 11, 2005]

OTHER THAN MEXICAN? WELCOME TO AMERICA

LOS ANGELES—For many people around the world, the U.S.-Mexico border is a door-
way to opportunity—one that’s unlocked and wide open.

Brasilians, Chinese, Pakistanis and many others joining the tide of Mexicans who sneak across every day.

“OTMs include people from all over the world,” said John Moore, the Middle East, the Caribbean,” explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. “Anyone other than Mexican is an OTM.”

In 2001, 5,251 “OTMs” were caught crossing over from Mexico. Last year, the number was more than 55,900.

In the first eight months of this fiscal year, it’s up to 70,000 already—200 people a day—and they’re only the ones getting caught.

Hundreds more make it across unde-

ected, experts believe.

“The vulnerability of a porous border is a security problem, and we always have to be concerned. We really are just trying to exploit those vulnerabilities,” said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won’t allow the United States to send them citizens from other countries—and under U.S. law, they’re entitled to a de-

portation hearing.

Because the immigration service lacks prison beds to hold them, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date, which the majority of them do not do.

“They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hear-

ing,” said Cutler. “Not surprisingly, fewer than 15 percent show up.”

“Our bureaucracy is not up to the chal-

enge of protecting this country, our con-
gress is not dealing with the reality in a 21st-century way, our immigration laws are terribly out of place,” commented Sharry.

So what’s the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immi-

grants a free pass is not an option.

Statistics aren’t the only evidence. Inter-

views with immigrants caught sneaking across the border recently suggest the prob-

lem will only increase as Central and South America’s illegal migrant learn of the unintended opportunity.

“We thought they were going to deport us,” said Geidy Milady Canales Alvarez, a 22-

year-old Honduras resident caught by the Border Patrol in the McAllen sector. She said a cousin in Atlanta had encouraged her to make the trip. So she quit her $50-a-week job sewing shirts and pant legs that are exported to the United States and crossed the border.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, “Anyone who has a little money will be coming.”

In his office on Capitol Hill, Rep. Silvestre Reyes, D-Texas., fumed at the news from South Texas and called for emergency meas-

ures similar to those he adopted in 1989, when he was the Border Patrol’s agent in charge of the McAllen sector.

“We need somebody with a stiff spine who can make a decision and say, ‘We’re going to tackle this temporary facility,’” Reyes said. “We need to send a message that anybody who crosses that border illegally is going to be detained. That message gets back to (the sending countries) quickly.”

Sixteen years ago, Reyes faced a rush of immigrants fleeing the violence of Central American civil wars. Most of their asylum claims were rejected, and they had to make the trip back to their homeland.

Now, with the current director of immigration detention and removal operations in South Texas wants nothing to do with such emerg-

gency measures.

“Anytime you have temporary facilities, you have a degradation of services, you have an increase in the number of individuals, who administr-

ists 1,700 detention spaces. Reyes reacted angrily to Moore’s remarks.

While a temporary facility would be ex-

pensive and might not be as tidy as Moore would like, Reyes said, “All these things are worth it given the alternative of the permiso syn-

drome.”

Central and South Americans call the notice to appear their “permiso,” which in Spanish means permission slip.

About 19,450 immigration detention beds are available nationwide under funding lev-

els established by Congress. Although that is twice the number of beds Congress funded a decade ago, it is far less than the number needed.

With the shortage of beds, immigration au-

thorities must choose between using a bed to house an immigrant with a criminal record in the United States or one who has come across the border without a criminal record. It’s an easy choice. They release the immigrant without a detention facility.

Many Border Patrol agents express frustra-

tion over the dilemma. They also worry that the high volume of non-Mexicans is taking up court beds and reducing the time judges spend hearing court cases.

Some said they spend much of their 10-hour shift processing non-Mexicans.

A Guatemalan arrested last month in the Rio Grande City station, for example,
only seven agents were patrolling the 84 miles of river under their watch.

Agent Isidro Noyola, who that night detained illegal immigrants from Brazil and Honduras, said: "Our fear is that when we are processing and not patrolling the border, somebody else is going to be coming through.

The agent expressed astonishment at the cheekiness of some of the migrants.

"They come up to you and say, 'I want my permiso,'" Agent Larry Alvarez said. "They want us to hurry up and get them out of here."

Others with the Border Patrol complained that they are being reduced to little more than mobile checkpoints, and agents in uniforms.

In particular, the growth in the number of Brazilians taking advantage of the loophole has been spectacular, largely because of that country's poor economic conditions. In 1999, the Border Patrol detained 260 Brazilians along the Mexican border. Five years later, the number had grown to 1,241. But over the past eight months, it has soared to some 22,000.

The number of Brazilians floating north over the Rio Grande might continue to increase. The once-time "soap opera" in Brazil whose central character is smuggled across the Mexican border and finds work as an exotic dancer in Miami.

Since its first episode aired in March, "America" has become Brazil's most popular "tele novela." In a country of 178 million, it has an audience of some 60 million.

Mr. McCAIN: I am not sure this amendment will solve that problem, but I do believe a clear case is made for more detention beds. The underlying bill adds 2,240 new detention beds for fiscal year 2006. The amendment I am offering today further increases the number of detention beds by 5,760 beds, bringing the number of new beds to the level we authorized 7 months ago in the Intelligence Reform and Terrorism Prevention Act of 2004.

Lest there be any mistake made about me authorizing on an appropriations bill, this is authorized by the Intelligence Reform and Terrorism Prevention Act, as is the previous amendment.

I look forward to working with the managers on both of these amendments. I am grateful the first amendment I proposed has been agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. President, I ask unanimous consent the pending amendment be laid aside.

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

AMENDMENT NO. 1183 WITHDRAWN

Mr. SCHUMER. Mr. President, I ask that amendment 1183 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1183.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

AMENDMENT NO. 1189

Mr. SCHUMER. Mr. President, I rise to call up amendment No. 1189.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. LIEBERMAN, proposes an amendment numbered 1189.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding to counter man portable air defense systems)

On page 91, line 23, insert before the period "Provided further, That of the total funds made available under this heading, not less than $190,000,000 shall be for activities to demonstrate the viability, economic costs, and effectiveness of adapting military technology to protect commercial aircraft against the threat of man portable air defense systems (MANPADS)."

Mr. SCHUMER. I now ask that amendment 1183 be withdrawn.

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

The amendment (No. 1183) was withdrawn.

AMENDMENT NO. 1184, AS MODIFIED

Mr. SCHUMER. Mr. President, I ask that the pending amendment be set aside.

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

Mr. SCHUMER. I rise to call up amendment 1184, as modified, and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. BOXER, proposes an amendment numbered 1184, as modified.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS))

On page 100, between lines 11 and 12, insert the following:

Sect. 519. Upon completion of the Department of Homeland Security's operational testing of man portable air defense system (MANPAD) countermeasure systems for commercial aircraft, the Secretary of Homeland Security is encouraged to designate an agency within the Department of Homeland Security as having responsibility for managing the procurement and installation of such systems, and may use any unobligated funds provided under title I to establish an office within the designated agency for that purpose.

Mr. SCHUMER. Mr. President, this amendment is about something the Senator from California and I have long cared about, arming our planes.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. President, I ask unanimous consent the amendment be laid aside.

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

AMENDMENT NO. 1189

Mr. SCHUMER. Mr. President, I rise to call up amendment No. 1189.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. LIEBERMAN, proposes an amendment numbered 1189.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that certain air cargo security programs are implemented, and for other purposes)

On page 100, beginning on line 2, strike $4,452,318,000 and all that follows through "That" on line 5, and insert the following:

$4,174,259,000, to remain available until September 30, 2007, of which not to exceed $3,000,000 shall be for official reception and representation expenses: Provided, That of the amount made available under this heading, not to exceed $2,000,000 shall be available to carry out section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10890458; 118 Stat. 3728): Provided further, That of the amount made available under this heading, not to exceed $100,000,000 shall be available to carry out the improvements described in section 4052(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10890458; 118 Stat. 3728): Provided further, That of the amount made available under this heading, not to exceed $20,000,000 shall be available to carry out the research and development described section 4052(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10890458; 118 Stat. 3728): Provided further, That"

Mr. SCHUMER. Mr. President, my amendment addresses the issues of air cargo security and how we need to be doing much more to protect our Nation's skies. Right now, TSA security procedures leave a staggering 95 percent of cargo on passenger and all-cargo flights unscreened. In addition, TSA security regulations are voluntary and go unenforced.

My amendment provides a total of $839 million for fiscal year 2006 to improve air cargo security. We all know not only are there planes that carry cargo exclusively but most commercial flights have cargo in the belly of their plane.

I ask a rhetorical question: What good does it do to make sure all of the passengers onboard the plane are screened so that there are no explosives or any other weapons, yet allow cargo that would ride in the belly of the plane to not be screened 18 out of 20 times, thus keeping a terrorist on that plane, as well as the pilots and everyone else, at risk? The answer is obvious. It makes no sense.

For all the money we have put into passenger screening, we are leaving a gaping hole alongside, and that is cargo screening. While passenger screening has, indeed, improved rather significantly—anyone who goes to any airport in this country knows that—cargo security has not.

My amendment gives $200 million to improve the existing air cargo security measure and $100 million for a competitive grant program to fund private research and development into air cargo security.
security technology, and $2 million to fund a pilot program to evaluate the use of blast-resistant cargo containers in commercial and all-cargo aircraft.

Last year, I was proud to join our good friend, former Senator Hollings from South Carolina, in cosponsoring an amendment included in the Intelligence Reform and Terrorism Prevention Act and signed into law by the President, authorizing these exact funding levels, totaling almost $1 billion over 3 years to improve air cargo security.

My amendment would fully fund 1 year of the 3 years of authorization. This is the second step in something that this body has found very necessary; that is, adequately protecting us from terrorists who might put bombs, explosives, or whatever in air cargo. The potential threat from unchecked air cargo is just as serious, just as dangerous, as a threat from an actual terrorist boarding a commercial flight.

It has been reported that TSA considers the likelihood of a terrorist bombing a passenger airplane to be between 35 and 65 percent. It is the likely primary aviation target for terrorism.

An investigation by the RAND Corporation on security measures at Los Angeles International Airport determined that a bomb smuggled onto a passenger plane by a passenger but through uninspected cargo posed the greatest threat relative to other types of attack. RAND determined it would be the most likely to succeed and, unfortunately, the most likely to kill the most people.

Twenty-six percent of all air cargo in the United States is not carried on cargo planes but rather on passenger flights, and only a tiny fraction of that is inspected. Even more cause for alarm is the fact that 46 percent of all international air cargo is carried on international cargo flights. The best way to protect against biological, chemical, or nuclear weapons being smuggled onto a flight is to ensure that as much cargo as possible is screened through advanced detection systems. However, TSA only screens 5 percent of the nearly 3 billion tons of cargo carried on commercial flights each year.

My amendment does three things. It gives $200 million to improve existing air cargo security measures, in addition to the $50 million already recommended by the committee for air cargo security activities.

Right now, TSA’s principal means for checking cargo are through known shipment programs where so-called “trusted” shippers can avoid additional screening in exchange for following stricter security protocols. However, TSA does little to ensure that shippers are trustworthy and have adequate security measures in place. In addition, enrollment in known shipment programs is voluntary, with only a third of domestic shippers currently participating. Since the TSA screens such a small percentage of cargo, it is very likely something could be missed.

It is clear we need an additional line of defense. That is why I am proposing such a significant investment in new screening equipment and security infrastructure. TSA can check more luggage and protect more flights.

Second, the amendment adds $100 million for the Secretary of Homeland Security to establish and carry out a competitive grant program to encourage the development of advanced air cargo security technology. The amendment will fund research into new cargo screening technology, including the use of x rays, CT scans, and chemical trace detection to speed up the screening process and allow more cargo to be screened more effectively.

Third, my amendment would fully fund a pilot program to evaluate the use of blast-resistant cargo containers, cargo baggage containers. You put the baggage in a container and even if, God forbid, it is a bomb, it will be well away from the plane. The 9/11 Commission recommended every passenger aircraft have at least one hardened container in which questionable or suspicious cargo can be shipped to reduce or eliminate the risk to passengers in the case of an explosion.

I know there are many competing demands for Homeland Security funding, but we are not investing enough time, effort, and resources into air cargo security. This amendment will help address this critical area. My colleagues will support the amendment.

AMENDMENT NO. 1190
Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

Mr. SCHUMER. Mr. President, I call up amendment number 1190.

Mr. SCHUMER. Mr. President, I call up amendment numbered 1190.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

Mr. SCHUMER. Mr. President, I call up amendment numbered 1190.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

AMENDMENT NO. 1190
Mr. SCHUMER. Mr. President, authorizing these exact funds—another $300 million to the $100 million already requested in rail security, but I made efforts with the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REED, and others to have one mass transit amendment which will have an impact.

Mr. SCHUMER. I have said this before, but at the beginning of the year of the 3 years of authorization.

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Mr. SCHUMER. I have said this before, but at the beginning of the year of the 3 years of authorization.
deadly fumes which would affect individuals miles away from the site of a terrorist incident.

My amendment simply provides TSA with the financial resources to look into how we go about monitoring what has become a vulnerability within our existing plan to secure our country from terrorist threats.

Have we forgotten the initial attack on the World Trade Center in 1993 and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, both of which were the result of truck bombs? While the Nation has been working on improving truck-tracking systems and background checks for the companies and content subject to tracking every truck shipment.

In addition, my amendment specifies that both proposals exceed the budget section 302(f) of the Budget Act that limits funding.

The PRESIDING OFFICER. Without objection, it is so ordered. It is in order to request the yeas and nays on amendment No. 1171.

Mr. SCHUMER. Without objection, it is so ordered. It is in order to request the yeas and nays on amendment No. 1171.

The PRESIDING OFFICER. The Senate is making it against 1189.

Mr. SCHUMER. Yes, 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act as applicable to 1189 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to spend a few moments talking about an issue of great concern, and that is transit security. I know my colleagues are working as we speak. I will be working with them—the Senator from New Hampshire; the Senator from West Virginia; my colleague, Senator SHELBY from Alabama—to raise the amount of resources devoted to transit security. The sticking point at the moment is how much we can raise these funds. I have urged a significant increase because of the significant threat.
We were all shocked last Thursday when we became aware of the news that 52 innocent transit riders in London were killed and over 700 injured in a series of cowardly attacks in the heart of London on their transit system, both on their underground system and on the aboveground transit system. This horrific attack was reminiscent of other attacks in Madrid, Moscow, Israel, and elsewhere. All these attacks are specifically targeted to public transportation. We know this is a target for terrorists. We also understand that our system in the United States is still vulnerable to those types of attacks.

Every workday, 14 million Americans take a train or a bus. To put that in perspective, that is roughly 28 times the population of the State of Wyoming. Each and every day these 14 million Americans get on a bus or take a metro subway to work and to other necessary obligations and appointments. We need to make it clear that these transit systems are the prime target of terrorists. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently. As a result, they do not have all the panoplies today of protection that you see at airline terminals, for example.

The facts are clear. There have already been numerous attacks on transit. We have 6,000 transit systems in the United States, with 14 million riders every workday. I do not think anyone could disagree with those facts or disagree with the fact that we have to do more to harden and protect our transit systems.

Yet the Federal Government’s response to these facts has been underwhelming at best. In contrast to aviation, where we have invested $9 in security improvements per passenger, to date we have invested roughly $0.006 per passenger, a little over half a cent, to protect transit passengers throughout the country.

Now, I think we have to do much better. Perhaps we can never reach the level of protection for airlines because of the nature of that process—we can put screening devices in terminals; we can have elaborate followthrough in terms of passenger lists and identifying who is getting on which aircraft—but we do have to do more in public transit. That is a consensus, a conclusion. I hope it is all reach. Again, I think the debate today and tomorrow will be about how much we can do.

Now, I will make the case we have to do much more. I am working with my colleagues. I hope we can achieve a sufficient level of understanding in transit security that is commensurate with the threat that has materialized just a few days ago, and, unfortunately, is likely to materialize again here or across the globe.

Now, after September 11, when I was serving as chairman of the Subcommittee on Housing and Transportation, I held a hearing on the topic of transit security. At that time it was clear that we needed to do more than simply rely on the Federal Transit Administration, whose expertise is building systems, not essentially making them secure. Their efforts were commendable but limited. They were reviewing transit security programs across the United States. They were trying to disseminate information. But they were not able to be because of their expertise as well as because of the resources needed to go in and start making significant capital improvements, substantial operational changes, doing all those things that are absolutely key to protecting our security systems, our transit systems.

After the hearing, Senator SARBANES and I asked the General Accounting Office to do a study on transit security. That report was completed in 2002. They found that one-third of all terrorist attacks throughout the world were directed against transit. Yet we have nowhere committed the resources to confront that level of activity. And even more telling was the GAO’s conclusion that, in their words, “insufficient funding is the most significant obstacle agencies face in trying to make their systems more safe and secure.”

Typically, in the United States, transit systems are local systems. They depend upon riders’ fares, local and State subsidies, and all of these sources are highly constrained in terms of coming up with money for security, much less the protection of the system. Because of these conclusions from the GAO report, from our hearings, Senator SARBANES and I have come to the floor on several occasions to argue for additional funding. We have done this with respect to supplemental appropriations bills. We have done it with respect to other Department of Homeland Security appropriations bills. And indeed, we also tried to suggest increased funding during the National Intelligence Reform Act debate.

I have been pleased to work with many colleagues, particularly Senator SHELBY, chairman of the Banking Committee. Last year we were able to pass authorizing legislation in the Senate that would have created a threat-based transit security policy, along with authorizing $3.5 billion to help transit systems deter, detect, and respond to terrorist attacks. While the Senate did pass the part of the legislation, regrettably it was not passed by the House, nor was it supported with the kind of energy and enthusiasm by the administration which is so critical to achieving the objective of improved transit security. We are here again today on this legislation in the wake of London, arguing for additional resources so that we can meet this threat to our transit systems.

There are some who might oppose these efforts. They might say it is too much money. Frankly, when you look at what has to be done—6,000 transit systems—when you look at the amount of training, the amount of capital equipment—just in terms of communications, for example—that is a huge number. And when you measure that with the threat—a third of all terrorist attacks over the last several decades have been directed at transit, and we have seen it in Madrid, London, in those other places—a fanatical group attempted to disperse a chemical agent in the tunnels—the threat is there; the resources are not.

Since 1992, the Federal Government already has invested billions of dollars to construct transit systems, but we haven’t yet been able to commit ourselves to protecting those systems adequately. It has been estimated that roughly $5 million is necessary to provide the kind of protection that at least provides a minimal level of protection. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these could be in place, enhancing significantly the security of our transit systems.

In the wake of London, in the wake of Madrid, in the wake of the transit attacks in Russia, I don’t think it is too much to ask to spend 12 cents per transit passenger, some amendments have been proposed, to put in place these improvements. This horrific attack was reminiscent of the heart of London on their transit systems deter, detect, and respond to terrorist attacks. Yet we have nowhere committed the resources to protect transit systems, but we haven’t yet been able to commit ourselves to protecting those systems adequately. It has been estimated that roughly $5 million is necessary to provide the kind of protection that at least provides a minimal level of protection. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these could be in place, enhancing significantly the security of our transit systems.

In the wake of London, in the wake of Madrid, in the wake of the transit attacks in Russia, I don’t think it is too much to ask to spend 12 cents per transit passenger, some amendments have been proposed, to put in place these investments. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these could be in place, enhancing significantly the security of our transit systems.

I also hope that we can continue to support these efforts, understanding that the primary responsibility is local. These systems are local or regional. The States and the localities have an obligation. But the reality is—and I don’t think I have to spend too much time saying this—that these transit systems are already just scraping by in terms of keeping their ridership up, making sure fares are affordable, making sure that they can make improvements in their basic rolling stock and facilities. These additional resources for security properly could be supported by the Federal Government.

We also authorized and created a few years ago the Department of Homeland Security. It is the appropriations for that Department that we are passing today. With respect to that Department, there was an acknowledgment that the Federal Government was stepping up to the issue of protecting all of our vital infrastructure, including transit, that we do have an obligation. We have assumed that obligation with the creation of the Department of Homeland Security and other steps to protect all of our vital infrastructure. Indeed, our situation with respect to transit is one that cries out for additional resources. The President just ordered, in the wake of London, our transit systems to go to alert level orange. The threat is
there. I hope our efforts over today and tomorrow will not only recognize this threat but match it with commensurate resources so that we can begin to seriously protect our transit systems and our riders.

Once again, I must point out that our transit systems are integral parts of our economy. That is one reason why they are so attractive to terrorists. The attack in London was planned so that the bombs would go off right in the midst of the financial district, not only with the intent to cause the loss of life, the symbolic and psychological horror of such a dastardly act, but also to cripple the economy. If a successful attack is conducted against a transit system in a major city, it will not be measured just in terms of casualties but also in potentially huge economic losses. Our efforts today are not only sensible because of the threat, sensible because of the need to protect our economic assets, but they are vulnerable, but to avoid the kind of economic chaos that could result from a successful attack against transit.

I hope in the next few hours we can come together with support for these efforts. I know Senators BYRD and GREGG, SHELBY and SARBANES, and others, are working toward that end so we can come up with sufficient resources to meet this great threat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SENSENICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1076

Mr. VOINOVICH. Mr. President, I rise today to offer amendment No. 1076 to the Department of Homeland Security Appropriations Act of 2006.

First, I acknowledge the hard work of Senators GREGG and BYRD and thank them for their diligence in coming to a consensus on this crucial legislation. The balance between enhanced security and responsible stewardship of the taxpayers' dollars is a fine one. I applaud their attention to both, and I support the legislation.

In an effort to increase the sound management of homeland security funds and thereby increase the funding of the Emergency Management Performance Grant Program by $10 million, I am joined on this amendment by Senators COLLINS and LIEBERMAN, the chair and ranking members of the Homeland Security and Governmental Affairs Committee, as well as 17 other Senators. I thank them all for their support. I believe that redirecting funds to the EMPG Program, which has a proven track record, is both fiscally responsible and strategically sound.

The EMPG Program assists the emergency management agencies and programs of the States, the District of Columbia, U.S. Territories, and local and tribal governments to prepare for all hazards and disasters, both natural and manmade. The EMPG Program is the only source of Federal assistance that supports comprehensive emergency management, coordination, and planning.

Funding for this program is split 50/50 between the Federal and State governments. This unique and important program provides the flexibility with the flexibility to allocate funds according to risk, which helps address their most urgent needs in disaster mitigation, preparedness, response and recovery. Most importantly, EMPG funds are also used to pay for personnel costs, including training and exercises. This aspect of the program is important given the tight budget constraints and increased counterterrorism responsibilities currently faced by State and local governments. States also have the flexibility to develop intrastate emergency management systems that encourage the building of partnerships which include government, business, volunteer, and community organizations.

As Governor of Ohio, I had first-hand experience with the EMPG Program and would note some examples that illustrate its effectiveness. Since 2000, Ohio has issued eight major disaster declarations and two emergency declarations. The 2005 winter storm was the most widespread disaster in Ohio's history, with 59 counties declared disaster areas with damages that exceeded $250 million. EMPG funding has played a critical role in allowing Ohio State and local emergency management agencies to plan for these disasters, respond in a timely manner to those areas hardest hit, and pay the salaries of local emergency management staff.

Additionally, Ohio has elected to use a portion of the annual EMPG funding for special projects, such as local emergency management construction and training. This is one of the few funding streams that allow for brick and mortar type projects. At any given time there are several counties benefiting from the use of these dollars.

Ohio is not the only State that has benefited from the EMPG Program. For example, EMPG funds play a critical role in helping the State of Alabama develop its plans to respond to natural disasters, particularly hurricanes. EMPG grants have been used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical aid to those affected by the storms.

The State of Kansas is struck by nearly 50 tornadoes every spring. Without local government emergency management staff paid for by EMPG funding, there wouldn't be adequate coordination to help respond to those tornadoes in a timely manner.

York County, ME, has had 12 declared disasters in 12 years, including coastal flooding and severe ice storms. The York County Office of Emergency Management works with 29 towns on the full range of emergency management, including preparedness, response, recovery and mitigation. Without the help of EMPG funds they would have only one full-time person; with EMPG support they have three.

Additionally, during last year's devastating hurricane season, the EMPG Program proved its importance. The Emergency Management Assistance Compact, which is funded by the EMPG, enabled 38 States to provide $15 million worth of aid and over 800 personnel to support Florida and the other impacted States for over 85 days.

These are just a few examples of how EMPG funds are used to help State and local governments prepare for the worst situations. They demonstrate that EMPG funds are the backbone of Homeland Security. EMPG funds and disaster response in America.

Many of the people who have been involved in emergency management in the States have been impacted by the terrorist crisis we are living in today. It is worth noting that Ohio, for example, they substantially cut back on the State funds for local and State government. Again, they are being asked to do the ordinary work that they do in emergency management and, at the same time, take on added responsibilities to deal with the issue of responding to terrorists.

I will now address how EMPG funds have been spent relative to other grant programs. The Senator from New Hampshire has noted how billions of dollars of Department of Homeland Security grant money remains unspent by State and local government. However, according to the Department of Homeland Security grant money remains unspent by State and local government. However, according to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these money flow very rapidly.

In other words, if Congress appropriates extra EMPG funding, it will not go unused. Although both Congress and President Bush have recognized the importance of this program, it still faces a shortfall. The disaster relief fund is our Government's rainy day fund, and it is robust in comparison to other programs in this bill. Therefore, my amendment would take $10 million away from the $2 billion increase in EMPG funding. Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, when asked about the logic of taking $10 million away from the $2 billion appropriation for the disaster relief fund, our arguments would be, as a result of this additional money, we can do a lot better job of preventing more of these disasters in the long run and make sure the dollars that are spent in the disaster relief fund are spent in the most efficient and effective way.

Increased EMPG funding will ensure strong management and planning prior to any disaster.
to any disaster. In other words, redirecting these funds will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery and ensure we get the biggest bang for the buck when it comes to Federal disaster relief funding.

Again, there are other funds in the Homeland Security appropriations. It was our best judgment that going after the disaster relief fund was the most logical way to pay and add this $10 million to the EMPG program.

As I mentioned, this amendment is sponsored by both the chairman and ranking member of the Homeland Security and Governmental Affairs Committee which has the oversight responsibility for homeland security, as well as 17 other Senators, including Senator Grassley, chairman of the Finance Committee, which is significant.

In closing, we must prepare for terrorist attacks in addition to natural disasters. The EMPG program is a proven method of doing this. It is my strong belief that by enhancing the EMPG funding, we increase the capacity of state and local emergency management agencies to get the job done when the needs of our citizens are the greatest.

Once again I applaud the efforts of Senator Gregg and Senator Byrd, and I ask my colleagues to support increased funding for the EMPG program.

Mr. President, I was going to ask for the yeas and nays, but the fact is, we are negotiating now with Senator Gregg's staff and Senator Gregg and perhaps we can find some other language that might be more acceptable to them. I am not going to ask for the yeas and nays now. If we are unable to reach an agreement that I wish to request that the pending amendment be laid aside.

The PRESIDING OFFICER. The bill clerk will report.

The bill clerk read as follows:

The Senator from Nevada (Mr. Reid), for Mr. Byrd, proposes an amendment numbered 1218.

Mr. Reid. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

The amendment is as follows:

(Purpose: To provide additional funding for intercity passenger rail transportation, freight rail, and mass transit) 

On page 77, line 18, strike "$2,694,300,000" and insert "$1,032,300,000".

On page 78, line 13, strike "$365,000,000" and insert "$1,696,000,000".

On page 79, lines 1 through 4 and insert the following:

(D) $265,000,000 shall be for intercity passenger rail transportation (as defined in section 24502 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Gregg. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

RECESS

Mr. Gregg. Mr. President, I ask unanimous consent the Senate stand in recess until 4 o'clock.

There being no objection, the Senate, at 3:02 p.m., recessed until 4 p.m. and reassembled when called to order by the President pro tempore (Mr. Coburn).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. Kyl. Mr. President, I will speak to the underlying issue for a moment. I find it interesting in debating this Homeland Security appropriations bill, there have been many colleagues come to the floor expressing the intention to amend the bill to add more resources here or there or someplace else. I think it is important that the chairman of this subcommittee has this year determined it is beyond the time that we need to begin fully funding some of the particular accounts that enable us to better control our border and that my colleagues are now coming, I suggest in the case of some later than I would like, but at least to the realization that we have not begun to put the resources to controlling our border and some of our other homeland areas of need that we should have.

This is a good development in the sense that we are finally beginning to realize that we have never done what we should do. But I am troubled a little bit that there still is not adequate funding available to do everything we need to do on the border that I am concerned about, and that is our southwest border.

Compliments to the subcommittee and to the Appropriations Committee for substantially increasing the funding for more Border Patrol agents, for more detention space for people whom we have to detain who should not be in the United States and who cannot be returned to their country of origin immediately, for the technology which is being funded here, and for all the other things which are trying to stop our border. Congratulations to Chairman Gregg and to the other members of the committee for doing this. For my colleagues who would like to add more, I appreciate their efforts as well because we all know that whatever we are able to do this year, it is still not going to be enough to actually gain control of our border.

One of the problems that has arisen is this problem of what the control calls “other than Mexican” illegal immigrants. As we all know, most of the people crossing our southwestern border are from the country of Mexico, but a lot of them are simply transiting through Mexico. This population is of increasing concern to us. In fact, we were recently informed that already this fiscal year over 119,000 third-country nationals, that is third country other than Mexico, have been apprehended crossing our border. We know there is a rough rule of thumb that three or four are not apprehended for every one that is apprehended, so you get a situation here where it is pretty clear that we have a huge influx of people coming into the United States from countries other than Mexico.

What does this mean? We know most of the people coming in from Mexico are coming for work. Perhaps some have criminal backgrounds or other nefarious purposes, but at least we don’t suspect most of them are coming here for purposes of harming us. In the case of these “other than Mexican” nationals, the same thing cannot be said because there are 20 countries are countries of special interest to the United States; in other words, countries from which terrorists have come. The question is both on the southern and on the northern border, how many of the folks coming into this country from countries other than Mexico mean us harm?
We all know, for example, that in the days of testimony from former DHS Deputy Secretary Loy, advising the Senate Intelligence Committee, that:

[recent information from ongoing investigations, detentions and emerging threat streams] was considered using the southwest border to infiltrate the United States. . . . Several al-Qaida leaders believe that all that awaits them is to consider that if they managed to do it before and they will do everything they can to cross the borders.

There is at least one specific case of a terrorist having been apprehended coming into the United States. . . .

There is more we can discuss here, much of it involving intelligence, but on both the northern and southern border there is a thread that people could come into this country and we would not even know they are here. And because of that means of entry as opposed to coming, say, from an airplane from London or another city, you could at least be carrying contraband here that could be instrumental to us in the form of chemical or biological agents. It is even conceivable you could bring nuclear material in as well.

So the security of our borders is critical to homeland security, yet up to this year we have not had the kind of appropriations necessary to begin making a dent in the problem. I am, again, exceedingly grateful to the chairman this year for seeing to it we are able to get that funding to begin this effort.

One of the concerns about these ‘other-than-border’ proposals I mentioned is that, unlike the case in Mexico where we can simply send people back to the border to be returned, to be repatriated to their country, it is not that easy in the case of people from other countries. Obviously Mexico will not take them because they are not Mexicans, even though they transited through Mexico. So you have to begin a long, drawn-out process of contacting the country of origin and trying to get the people to see if you can get the country to take the individual back, to begin that repatriation process. Some countries will not even take their people back. Other countries take a long time. What do we do in the meantime?

Obviously we need to detain those people. So we detain them—right? Wrong. There is not adequate detention space. So we give them a piece of paper and say, Come back in 90 days or 30 days, whatever the time period is, and report to us. We can remove you from the United States.

Guess how many of them voluntarily return for removal to their country of origin? The percentages differ, but you get my drift. A very high percentage choose to simply meld into American society and become part of our illegal population here.

That cannot continue. We have called repeatedly in this Appropriations bill for Homeland Security to come up with a plan to ensure that we can detain these individuals until their time for removal. It has yet to come to us.

One very worthwhile program is called expedited removal. The chief of the Border Patrol, David Aguilar, testified before my Terrorism Subcommittee recently that it is their intention and hope to begin to expand this expedited removal program to all of the Border Patrol sectors on the southern and southwestern border. There are 20-some sectors, but only two have expedited removal today, the Laredo, TX and Tucson, AZ sectors. Here is why that is important. In most cases the average time to remove one of these cached aliens from our country is at least 3 months. It is about 90-some days. In the case of expedited removal we can actually accomplish this within less than 30 days, so at least you lessen the time for detention. You cut that in half. Why? It is that, if you have to put somebody in a detention space that is federally owned, you don’t have to kick somebody else out in order to detain this person. If you have to rent the space from somebody else, it is going to cost you about three- to fourfold more. It costs about $30 a day to house one of these detainees, and you can do that in State and local detention facilities.

The bottom line is we don’t have enough of that detention space, so even today people are not being detained. They are being released on their own recognizance, told to come back when you can do that in State and local detention facilities.

Again, I thank Senator Gregg for his alertness to this problem and willingness to put money in against the problem. But I fear the Department of Homeland Security has still not got a plan in place with the pursuing the expedited removal for all sectors and, in the meantime, detain those who need to be detained.

If we should have a situation arise, as arose in England recently, in Great Britain, where people have come into the country and, in this case, they appear to be indigenous to the country itself—where they have decided to engage in some act of terrorism, and it has been our own fault that we have allowed them to meld into our society illegally, so that when we have no one to blame but ourselves.

I am calling this to the attention of my colleagues in the hope we can continue to both provide the funding the administration needs and to encourage the administration to get onto the solution of this particular problem as well.

The problem here is multipronged. I think this is one of us have of adequate. Yet with the event in Great Britain a week ago, it illustrates to us the kind of harm that can be caused by a conventional kind of attack of terrorists. It doesn’t take a major 9/11 kind of attack to create this kind of attack. It calls into question what we could do to provide total security within our homeland, because a train station, a bus station, other places of public confreregy—be they shopping areas, sports events or the like—all suggest it is a virtual impossibility before the fact to provide 100-percent security. It simply cannot be done. That is why we have to try to prevent the problem from arising in the first place.

I will close by noting that part of our effort in this Appropriations bill, in order to control the border itself, is to provide a thousand new Border Patrol agents at the border, also 300 new Immigration and Customs investigators, the new enforcement agents. This bill also funds the Border Patrol, as I mentioned before, all of these are in addition to numbers provided in the supplemental appropriations bill. So we have added to the number that we already acted on at the end of last year.

We fund over 40,000 positions dedicated to protecting our borders and enforcing immigration laws. To break it down, over 12,000 Border Patrol agents, 18,000 Customs and border protection officers, nearly 6,000 criminal investigators, nearly 1,300 deportation officers, 2,700 immigration enforcement agents and detention officers. We also have money for more training of Border Patrol and immigration enforcement personnel. We have money to support the deployment of the US VISIT Program, which will help us better track the people who both come into our country and leave the country. We have over a half billion dollars for air and marine operations, as I mentioned before, money for over 2,000 new detention beds for these apprehended illegal aliens, and with the supplemental, that adds about 4,000 new detention spaces for this purpose.

We have more than doubled the number of ports that have our container security initiative, 41 that take part in that, and nearly $1 billion for biological countermeasures. These things, by and large, are in place to try to prevent the capability of the terrorists from pulling off an attack in the first place. They are not responding to an attack after it has occurred. We have to have responses, but our primary goal here should be to take the fight to the enemy, to try to provide the protection that is needed. Incidentally, once they are in the United States, to protect every bit of this wide-open and liberty-loving society. So it is better to S8180

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try to stop them before they get here, and it is better to try to degrade their ability to attack us by taking the fight to them.

That is why later on we are going to get into things such as reauthorizing the PATRIOT Act, on which I have been a critical component in our war on terror and protecting our homeland and other ways in which we can take the fight to the enemy. For now, this appropriations bill provides us a significant capability to stop terrorists at our borders as well as providing some internal protection in those areas that have the highest priority and for which we can get the biggest bang for the buck in terms of protection.

Again, I compliment the members of the Appropriations Committee, particularly the chairman of the Subcommittee on Homeland Security, for their attentiveness to this issue, their willingness to make a significant effort to fight this battle.

I urge my colleagues to support this legislation when we get to that point.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I be recognized to speak for 10, no more than 15 minutes, Senator CLINTON of New York be recognized to speak at that time.

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

Mr. DURBIN. I thank the Chair.

Mr. President, I just returned from a week back in my State of Illinois traveling from Chicago through downstate southern Illinois meeting with many people at Fourth of July parades, the usual standard procedure in scheduling for many Members of the Senate and Congress. Many people came to say hello, but there were a couple who stood out in my memory of that week. One was a man in southern Illinois who pulled me aside and in very quiet tones said, "Bring our troops home." And another, a man standing at O'Hare Airport, as I walked by, recognized me and said, "Support our troops."

I think in those two brief sentences we really have a lot of the public sentiment of America. Support our troops. That is clear. These are our sons and daughters. If you have been there, as I was this last March, and seen them in Iraq, in Baghdad, risk their lives, see those fresh-faced young people who are standing there so proudly on behalf of our country, you can't help but support these men and women. You must. And we have. We should continue to do so.

But there is a growing sentiment as well that they should come home. Some say bring them home right now. I am not one of those people. I do not believe we can just end our commitment today and leave Iraq. I am afraid what would be left behind would be chaotic and a new form of terrorism that would threaten not only the Middle East but the entire world. But yet I do believe all of us feel, even the President, that we should be looking to the day when our troops do come home and how we will reach that day because every single day we wait in anticipation of those troops coming home we are losing soldiers.

This morning the Washington Post, as it does every day, published the number of American soldiers killed in Iraq to this moment: 1,755—1,755—and more than 13,000 grievously wounded. Many of them I have met and seen. Some of the Illinois families I have been to their funerals, met their families, dropped notes to and spoken to them. It breaks your heart to think that they have lost someone they love so much.

How do we reach this point where we can bring these troops home and feel that we have achieved what we set out to do? Well, we came up with a way to try to measure this and set us on a course for it to happen. When Congress passed the supplemental appropriations bill, we authorized $35 billion directly for U.S. forces in Iraq and $5.7 billion on top of that to train and equip Iraqi security forces. That is the way we bring American soldiers home, by training and equipping Iraqis to take their place.

That same law required the Secretary of Defense to provide a detailed report on how the training was progressing and what U.S. troop levels would likely be by the end of the year. The report that was mandated by that supplemental appropriations bill was due in 60 days after it was enacted. The due date was July 11. Today is July 13, and we still have not received the report required by law. Some media reports the Pentagon is still working on it. Others say the report is on Secretary Rumsfeld's desk. When we call the Pentagon, the answers are conflicting.

Congress has approved over $200 billion for the war in Iraq. Although I have serious misgivings about the initial invasion of Iraq as to whether we had a plan for success, not just for deposing Saddam Hussein but for building a peace, while I was concerned that we did not have allies to stand with our troops in Iraq, only the British came forward with any substantial numbers—and while I was concerned about the American burden of this war not only in human life but in treasure, I have decided, and I think most of my colleagues agree, we will not shortchange our troops in the field.

The last time we had a supplemental appropriations bill, $82 billion for our troops passed unanimously in the Senate. Many of us who had voted against the war voted for that money. If we were son or daughter, I would want them to receive every single penny they needed to perform their mission, to perform as they have, and come home safely.

Despite having voted for this money, I stand here today with my colleagues in the Senate uncertain as to our progress because this report from the Pentagon which we had asked for, one which attempts to measure how we are progressing, how the Iraqis are progressing, has still not been delivered, and it is a concern to me because I think this report really goes to the heart of what we are trying to achieve. When trying to figure where we stand in Iraq, how soon our troops are likely to come home. There have been a lot of claims—150,000 Iraqi soldiers ready to come into battle—and yet when it comes to the real battles it is American soldiers risking their lives—soldiers—risking their lives. That is why we have asked for the Pentagon to tell us what progress is being made.

The conference report to the supplemental stated that a new assessment is necessary because the Pentagon's existing performance indicators and measures of stability and security in Iraq are not adequate. We have heard about these claims, how many Iraqi soldiers, police are ready. Police have been recruited by the tens of thousands, according to reports from the Pentagon, but many are just missing in action.

The report that we require under law asks for a detailed assessment of Iraqi military, political and economic progress. Iraqi battalions must be able to operate on their own against the insurgency, and Iraqi forces must be able to secure their own borders.

The draft of the new constitution in Iraq is due next month. The Iraqis have made some progress toward creating a new political system of government, and they had an absolutely historical election with turning out a thirst for new leadership in their country, but Iraqi unemployment may be as high as 50 percent, and some of the most fundamental things of civilized life are not there, whether it is electricity, sewage or food. And yet, we are shortchanging the security and safety of our troops.

The report we asked for demands an assessment on how far we progressed toward our goals. The fact that this report has not been filed is a source of real concern. Progress in Iraq is critical to bringing America's soldiers home with a victory. This report asks for an assessment on how we are progressing, how the Iraqis are progressing, and it is a concern to me because I think this report really goes to the heart of what we are trying to achieve. When trying to figure where we stand in Iraq, how soon our troops are likely to come home. There have been a lot of claims—150,000 Iraqi soldiers ready to come into battle—and yet when it comes to the real battles it is American soldiers risking their lives—soldiers—risking their lives. That is why we have asked for the Pentagon to tell us what progress is being made.

The conference report to the supplemental stated that a new assessment is necessary because the Pentagon's existing performance indicators and measures of stability and security in Iraq are not adequate. We have heard about these claims, how many Iraqi soldiers, police are ready. Police have been recruited by the tens of thousands, according to reports from the Pentagon, but many are just missing in action.

The report that we require under law asks for a detailed assessment of Iraqi military, political and economic progress. Iraqi battalions must be able to operate on their own against the insurgency, and Iraqi forces must be able to secure their own borders.

The draft of the new constitution in Iraq is due next month. The Iraqis have made some progress toward creating a new political system of government, and they had an absolutely historical election with turning out a thirst for new leadership in their country, but Iraqi unemployment may be as high as 50 percent, and some of the most fundamental things of civilized life are not there, whether it is electricity, sewage or food. And yet, we are shortchanging the security and safety of our troops.

An amendment has been offered by Senator RINEHART of Nevada and Senator KENNEDY and myself to get the Homeland Security bill before us, asking that this report be provided to Congress on a timely basis. It is long overdue. This is an administration which has measured many things in terms of performance and quality. So many different agencies of our Government were held to the standard of what are you producing for the money that is being provided. What we are asking is the same type of accountability and the same type of metric when it comes to our progress in Iraq.
counterproductive, but it is not unreasonable to hold the Iraqis to a timetable, a timetable to develop their government and their security force and their defense so that American soldiers can come home. I think that is reasonable. It was passed overwhelmingly on a bipartisan basis by Members of Congress.

The fact that there has been such a delay in providing this information is troubling, but I am hoping that even as I speak today, the Secretary of Defense is preparing this report and sending it so we can learn as quickly as possible how soon our soldiers can come home to their families and those of us who love them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1105

Mrs. CLINTON. Mr. President, I would like to call up amendment No. 1105.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1105.

The amendment is as follows:

(Purpose: To require an accounting of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001) At the appropriate place, insert the following:

S. 447, as modified. (a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

1. A detailed list that describes, as of the date of enactment of this Act, all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and
2. All requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and
3. A certified accounting and detailed description of—
   a. The amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act; and
   b. The accounts containing those unexpended funds; and
   c. A detailed description of any plans of the Secretary for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information in addition to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

Mrs. CLINTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. CLINTON. Mr. President, I understand Chairman GREGG and Senator BYRD have agreed to accept this amendment as modified. I ask unanimous consent that this amendment be agreed to as modified.

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

The amendment (No. 1105), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

Mrs. CLINTON. Mr. President, this is an amendment to the report required by subsection (a) of section 519 of the Homeland Security Act of 2002, as amended, to review the security of general aviation aircraft.

The amendment recommended in the report.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Purge: To require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security, and for other purposes)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall assess and report in writing to the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate on the following:

1. The vulnerability posed to high risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon or armed with a weapon.
2. The security vulnerabilities existing at general aviation airports that would permit general aviation aircraft to be stolen.
3. Low-cost, high-performance technology that could be used to track general aviation aircraft that could otherwise fly undetected.
4. The feasibility of implementing security measures that would disable general aviation aircraft while on the ground and parked to prevent theft.
5. The feasibility of performing requisite background checks on individuals working at general aviation airports that have access to aircraft or flight line activities.
6. An assessment of the vulnerability posed to high population areas, nuclear facilities, key infrastructure, military bases, and transportation infrastructure that stolen or hijacked general aviation aircraft pose especially if armed with weapons or explosives.
7. An assessment of existing security precautions in place at general aviation airports to prevent breaches of the flight line and perimeter.
8. An assessment of whether unmanned air traffic control towers provide a security or alert weakness to the security of general aviation aircraft.
9. An assessment of the additional measures that should be adopted to ensure the security of the general aviation airport.
10. The report by subsection (a) shall include cost estimates associated with implementing each of the measures recommended in the report.

Mrs. CLINTON. Mr. President, I ask that Senators LAUTENBERG, CORZINE, and SCHUMER be added as cosponsors of this amendment.

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

Mrs. CLINTON. Mr. President, this is a commonsense amendment regarding the potential threat that all of our cities and States face from the theft or misuse of general aviation aircraft by criminals or terrorists.

This amendment would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to assess the dangers posed to high risk, large population, and critical infrastructure areas should general aviation aircraft be stolen and used as a weapon by a criminal or terrorist.
This study would require the two Secretaries to assess the vulnerability of general aviation airports and aircraft and study what low-cost, high-technology devices could be available to better track general aviation aircraft.

Last month, a 20-year-old young man, while intoxicated and accompanied by two other individuals, breached a perimeter fence of an airport in Danbury, CT. He and his companions then stole a Cessna 172 aircraft, departed from the airport without detection, flew across the eastern border of New York, and eventually, thankfully, landed without incident at the Westchester County Airport in New York very near to my home.

What is alarming about this is that this happened, and it happened without detection. So far as we know, no one knew the aircraft had been stolen or that the joyride was taking place. This incident occurred very close to New York City, very close to Indian Point, the nuclear facility in the county. Thankfully, this particular incident ended without any damage, destruction, or death, and the individuals were eventually detained by law enforcement.

Following the incident, which, as you might imagine, happening so close to New York City involving stolen aircraft raised a great deal of concern among my constituents, I wrote to Secretary Chertoff and Secretary Mineta asking for an investigation into this incident, and I hope to hear back from them both soon. But this incident should be a forewarning of the types of threats we still face from aircraft. We have been very focused on the big commercial aircraft that many of us use on a regular basis, but we cannot forget that most aircraft are in private hands in less populated areas, owned by private individuals, and that they still pose a potential danger to key infrastructure, to populated areas, and we need to be more aware of what the threat could be.

The 9/11 Commission, which looked at this, concluded:

Major vulnerabilities still exist in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.

In addition, the 9/11 Commission told us that we needed to be imaginative, we needed to think outside the box. Unfortunately, we needed to think like those who wish us harm about what the new and emerging threats could be.

The Transportation Security Administration, known as TSA, issued security guidelines for airports in May of 2004, and they outlined some guidelines that general aviation airports should follow in order to secure the aircraft and the airfield. There are more than 19,000 landing facilities nationwide, including heliports, lakes, and dirt fields. So far as we know, anything could be launched there and more than 200,000 general aviation aircraft in our country.

Of course, it is impossible to avoid every threat that is posed to the public or that we can imagine, but we should be vigilant to make sure we have a partnership so that local communities, private individuals, and private businesses can all take necessary steps to be vigilant and secure.

My amendment requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct a threat assessment posed by security breaches at general aviation airports, to identify what can be protected, the potential impact such threats could pose to a number of potential targets if an aircraft were used as a weapon or were loaded with explosives by terrorists.

The Department of Homeland Security would assess low-cost technologies to track general aviation aircraft, the feasibility of implementing additional security measures and background checks, an analysis of airports with unmanned air traffic control towers and other general aviation airports and what can be needed to implement necessary additional security measures.

We have been very blessed that we have not suffered another terrorist attack. That is due to the hard work and vigilance on the part of the people you have responded not just heroically but in a very steadfast, daily way to prevent, detect, deter, and defend against potential threats.

In this budget, we have experienced evacuations which, thankfully, were caused by either false alarms or as a result of errors by pilots. Recently, another general aviation aircraft breached the airspace over Camp David while the President of the United States was present.

It is important to evaluate the threats that could be posed. In its 2004 report, the TSA stated that as many vulnerabilities within other areas of aviation have been reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuses by terrorists.

I have flown in just about every little kind of plane you can imagine—medium-sized plane, big plane, crop dusters. I have had doors blow off, windows blow off, I have had emergency landings in pastures and cow fields and roads. I have been in so many airports at all hours of the day and night when no one was around except those getting out of the airport or those just landing. I have a good idea how available these airfields are.

I appreciate the work the Aviation Security Advisory Committee Working Group did in advising the TSA. However, given the heightened vulnerability that we all are aware of, given some of the recent events—including the evacuations of our own Capitol involving general aviation aircraft—we need to roll up our sleeves and take another hard look at this. I hope we can do it hand in hand with the general aviation fixed-base operators, pilots, owners, airport managers, and others who have been working hard to increase security measures at so many of these small airports.

I believe in general aviation. I take advantage of it practically every week. It is a significant and important contribution to our national economy. I want to be sure we can do everything possible to make sure it is not in any way affected by any potential criminal or terrorist activity.

This amendment does not mandate any new costs for general aviation. It simply requires the study of vulnerabilities and a report made to Congress within 120 days. Most people who own these airports, most people who own these general aviation aircraft, want to be safe. They want to do what is necessary to protect their investment. But we need to have a good analysis of what the threats might be so we can be smart about how we address them. We certainly do not want to wait until an incident happens. I appreciate Chairman Good and Senator Byrd who have agreed to accept this amendment.

I ask unanimous consent amendment 1106 be agreed to.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1106) was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENGLISH] proposes an amendment numbered 1104.

Mr. ENGLISH. Mr. President, I ask that the pending amendment be set aside to call up amendment 1104.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment (No. 1104) is as follows:

The amendment (No. 1104, as modified), is as follows:

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The amendment is as follows: (Purpose: To require the Transportation Security Administration to implement the use of multi compartment bins to screen passenger belongings at security checkpoints)

On page 69, line 12, after “presence”", insert the following: “Provided further, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints".

AMENDMENT NO. 1104, AS MODIFIED

Mr. ENGLISH. I send a modification to that amendment to the desk.

Mr. ENSIGN. Mr. President, I ask unanimous consent the amendment be dispensed with.

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

The amendment is as follows: (Purpose: To require the Transportation Security Administration to implement the use of multi compartment bins to screen passenger belongings at security checkpoints)

On page 69, line 12, after “presence”", insert the following: “Provided further, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints”.

AMENDMENT NO. 1104, AS MODIFIED

Mr. ENSIGN. I send a modification to that amendment to the desk.
the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and potentially implement multi compartment bins to screen passenger belongings at security checkpoints:"

Mr. ENSIGN. I understand both sides have agreed to the amendment, as modified, and I ask unanimous consent this amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1104), as modified, was agreed to.

The amendment (No. 1124), as modified, and was agreed to.

Mr. ENSIGN. I call up amendment numbered 1124 for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Does the Senator wish to call for regular order with respect to that amendment?

Mr. ENSIGN. Yes. I send a modification to the desk to that amendment.

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

The amendment is so modified.

The amendment (No. 1124), as modified, is as follows:

On page 77, line 20, insert "of which $397,500 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and"

"I respect the decision of the authors of this amendment to use the term "may" because that will leave it up to the Homeland Security agency to make the decision as to where the money should go, whether it should stay in the area of first responders or whether it should be moved over to the Border Patrol. That is probably good policy in many ways.

The second thing I think that needs to be noted, however, is the reason we arrived at the number 1,000 that we funded—myself and Senator Byrd—in this bill for new Border Patrol is because when you combine that number with the supplemental, where there were 500 new Border Patrol agents added, you are up to 1,500 Border Patrol agents, and we know, through efforts of the Senate, that we are going to manage our risk with the limited resources we have in this global war on terrorism. Chairman GREGG has a huge, huge task ahead not only this year but in the years to come.

This year’s bill is going a long way to reprioritizing what we need to do to defend ourselves against the terrorists. Although the bill goes in the right direction, our amendment takes the bill that much further toward protecting our national security. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the commitment of Senator ENSIGN and Senator MCCAIN on the issue of border security. They have been aggressive in their commitment and have done a lot of constructive work. I will leave it to the Senate to decide how to handle this amendment.

I make these points for the purpose of fair disclosure. First off, the amendment takes about $360 million out of the first responder program and moves it over to the Border Patrol for the purpose of hiring 1,000 new border agents. That means first responder money would go from $1.9 billion to $1.4 billion.

In addition, the money that will be moved would be money that would go out under threat. In other words, there are two pools of first responder money. The Homeland Security money is distributed on the basis of threat, and there is the money that is distributed on the basis of formula.

Now, the language of the amendment says "may." I respect the decision of the authors of this amendment to use the term "may" because that will leave it up to the Homeland Security agency to make the decision as to where the money should go, whether it should stay in the area of first responders or whether it should be moved over to the Border Patrol. That is probably good policy in many ways.

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This year’s bill is going a long way to reprioritizing what we need to do to defend ourselves against the terrorists. Although the bill goes in the right direction, our amendment takes the bill that much further toward protecting our national security. I yield the floor.
New Mexico—we can only train probably about 1,300 agents a year right now.

Now, this bill has money in it to get those facilities up to a position where they can do a much more robust effort in the area of training. In fact, my hope is next year we can train upwards of 2,500 when we expand these facilities. But right now they have, basically, limits on the number of people they can train. So it is not clear these additional Border Patrol agents would be able to be trained should we want to bring them on line. We do want to bring them on line; it is just a question when we can bring them on line. So that is a concern I think Members should know about.

In addition, the physical effort of hiring Border Patrol agents has become a problem for the Border Patrol. One of the reasons they were not able to hire up to the 2,000, which was originally requested a few years ago, was because they could not find qualified people to meet the enlistment rolls. We are not sure whether they are going to be able to find 1,500 new Border Patrol people. We hope they will. It will put a lot of pressure on them to try to find 2,500 new people, which is what this number will be if this amendment is adopted.

But, again, this is an issue of policy. I think the body has the right to make a decision on this issue. I do not intend to make any points of order against it. I will leave it to the majority of the body to decide where they want to have this money spent and how they want to set the policy on this issue when the amendment comes up for a vote.

I yield the floor.

The PRESIDENT OF THE SENATE.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, the amendment that the minority leader offered on my behalf would provide an additional $1.33 billion above the underlying bill for security funding needed for our transit systems, intracity buses, intercity rail, and freight rail.

Our thoughts and prayers are with the victims of the London bombings. For all of us, the pictures were all too graphic reminders of how quickly disaster can strike and how deadly terrorist strikes can be.

The horrific attacks in London a few days ago were eerily similar to the attacks in Madrid, Spain, in March 2004: targeted, coordinated, and timed bombings.

What about the dangerous and hazardous materials that are transported by rail? We simply are not doing enough. Without proper security measures in place, these transports are vulnerable to attack or sabotage. Many of these shipments travel to or through major urban areas, such as Washington, DC, and, frankly, only minutes down the road from where we stand today.

The Homeland Security Council released a report in July 2004 indicating that a chlorine tanker explosion in an urban area could kill up to 17,500 people. According to a New York Times editorial on June 20, 2005:

One of the deadliest terrorist scenarios the Department of Homeland Security has come up with is an attack on a 90-ton railroad tank car filled with chlorine. As many as 100,000 people could be killed or injured in less than 30 minutes.

Yet only 2 out of every 100 transportation security dollars in this bill will be spent on rail and transit. What does this mean? This means that 98 percent of transportation security funding is going—for what?—going for aviation security.

Sadly, crowded subway systems and trains have become inviting targets for terrorists. We have witnessed the hysteria and the chaos that these events can trigger. Could it happen here? Of course. Are our systems more secure? I wonder.

Last week, when asked if additional funding was needed to secure mass transit, Homeland Security Secretary Chertoff responded by saying:

I wouldn’t make a policy decision driven by a single event.

Well, with all due respect to the Secretary, the alarm bells have been ringing for years.

On July 8, the Washington Post printed a chart that provides a chronology of bombings with al-Qaeda links. This chart shows that, starting in 1993 at the World Trade Center in New York City, there have been 16 bombings worldwide linked to al-Qaeda.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Country</th>
<th>Facility</th>
<th>Attack Type</th>
<th>Dead</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/12/02</td>
<td>Paris-Miami</td>
<td>Tunisia</td>
<td>World Trade Center</td>
<td>Car bomb (some participants later became associated with al-Qaeda)</td>
<td>6</td>
</tr>
<tr>
<td>10/12/02</td>
<td>Djibouti</td>
<td>Somalia</td>
<td>U.S. Embassy</td>
<td>Truck bomb (some evidence of al-Qaeda)</td>
<td>19</td>
</tr>
<tr>
<td>10/12/02</td>
<td>Addis Ababa</td>
<td>Yemen</td>
<td>U.S. Embassy</td>
<td>Truck bomb</td>
<td>247</td>
</tr>
<tr>
<td>12/22/01</td>
<td>Casablanca</td>
<td>Morocco</td>
<td>World Trade Center, Pentagon, Pennsylvania</td>
<td>Bomb on small boat</td>
<td>19</td>
</tr>
<tr>
<td>12/22/01</td>
<td>Madrid</td>
<td>Spain</td>
<td>Attempted plane bombing</td>
<td>Description unknown</td>
<td>2,973</td>
</tr>
<tr>
<td>11/23/02</td>
<td>Paris</td>
<td>France</td>
<td>Car bomb</td>
<td>Car bomb</td>
<td>313</td>
</tr>
<tr>
<td>5/23/03</td>
<td>Jakarta</td>
<td>Indonesia</td>
<td>Car bomb</td>
<td>Car bomb</td>
<td>12</td>
</tr>
<tr>
<td>3/11/04</td>
<td>Madrid</td>
<td>Spain</td>
<td>Car bomb</td>
<td>Car bomb</td>
<td>197</td>
</tr>
<tr>
<td>8/5/03</td>
<td>Jakarta</td>
<td>Indonesia</td>
<td>Car bomb</td>
<td>Car bomb</td>
<td>48</td>
</tr>
<tr>
<td>5/16/03</td>
<td>Jakarta</td>
<td>Indonesia</td>
<td>Car bomb</td>
<td>Car bomb</td>
<td>191</td>
</tr>
</tbody>
</table>


Mr. BYRD. The alarms do not stop there, Mr. President. According to the RAND Corporation, between 1998 and 2003, there were 181 terrorist attacks on rail targets worldwide. The Congressional Research Service has reported that passenger rail systems in the United States carry about five—five times—as many passengers each day as do the airlines. Yet the administration has continuously opposed funding to increase security on our trains, subways, and buses.

Pudendal transportation is used nearly 32 million times a day—think of that: 32 million times a day—which is 16 times more than travel on domestic airlines. According to the Government Accountability Office, nearly 6,000 agencies provide transit services by bus, subway, ferry, and light rail to about 11.5 million Americans each weekday. Amtrak carried an all-time record ridership of 25 million passengers in fiscal year 2004. Are these lives not worth protecting? How about it?
and 2005 for transit security. Unfortunately, the administration has let the money sit in Washington far too long. It was all of 8 months before all of the 2003 funding was awarded, and 6 months before the 2004 funding went out the door. And here we are again, 9 months after the fiscal year 2005 transit funding was enacted, and what happens? Well, it is deja vu all over again. It is still sitting—where?—in Washington, right here in Washington. The administration must overcome the hurdles that caused those delays.

Clearly, the administration is not taking this threat seriously. It certainly would not appear to be. So we must press the administration to do more. The horrific events we witnessed just a few days ago ought to serve as a call to action by this Government to protect our citizens from future attack. For far too long, the administration has put its head in the sand where rail and mass transit security are concerned.

We should be taking steps right now to improve deterrence in our transit and rail systems by investing in surveillance cameras, investing in locks, in gates, in canine teams, in sensors, and other tools.

Last October, the Senate passed two bipartisan rail security authorization bills, S. 2273 and S. 2884, that authorized additional funding for securing mass transit and rail systems, but the bills did not make it to the White House.

The bill that is before the Senate reduces funding from $150 million in fiscal year 2005 to $100 million. The amendment would increase the $100 million to $1.43 billion. That is the amendment that I offer. Let me say it again. The amendment would increase the $100 million to $1.43 billion. The $1.43 billion includes $1.166 billion for transit security and $265 million for rail security. We are taking care of both transit security and rail security. That seems to meet both needs, at least part way.

Our security efforts cannot be delayed, Mr. President, and must not be underfunded. The lives of the American people depend on strengthened security. And whose life is it? It may be your own. It may be your relative’s. It may be your friend’s. The time for hand wringing is over. It is time to act. So urge all Senators to support the amendment.

I ask unanimous consent, Mr. President, that the following Senators have their names added as cosponsors to the amendment: Mr. INOUYE, Mr. SARIANDES, Mr. REED of Rhode Island, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, and Mr. CORZINE.

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

AMENDMENT NO. 1120

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I call up amendment No. 1120. The amendment requires the Department of Homeland Security to report to the Congress on the use of data-mining procedures.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. CORZINE, proposes an amendment numbered 1120.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To require reports to Congress on Department of Homeland Security use of data-mining)

At the appropriate place, insert the following:

Sec. [1] Data-Mining—In this section:

(1) Data-Mining—The term ‘‘data-mining’’ means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least $1.43 billion was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government, poses other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity;

(C) the search does not use a specific individual’s personal identifiers to acquire information concerning that individual;

(2) Database—The term ‘‘database’’ does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) Reports on Data-Mining Activities by the Department of Homeland Security—

(1) Requirement for Report.—The head of each department or agency in the Department of Homeland Security that engaged in any activity to use or develop data-mining technology shall submit a report to Congress on all such activities under the jurisdiction of that official. The report shall be made available to the public.

(2) Content of Report.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology as well as a description of the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(D) An assessment of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(1) protect the privacy and due process rights of individuals; and

(2) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) Time for Report.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2006.

Mr. BYRD. The amendment is co-sponsored by Senator CORZINE. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The motion to lay on the table was disagreed to.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The amendment (No. 1155) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GREGG. I move to lay to that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155, AS MODIFIED

Mr. BYRD, Mr. President, on behalf of Senator BOXER, I call up amendment No. 1155, with a modification which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The amendment (No. 1155), as modified, prevents funds from being used for waste.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. BOXER, proposes an amendment numbered 1155, as modified:

(Purpose: To provide oversight of homeland security spending)

SEC. SPENDING OVERSIGHT.

‘‘None of the funds made available in this Act shall be used for items identified in the Inspector General’s Report of March 2005 ‘‘Irregularities in the Development of the Transportation Security Operations Center’’ as wasteful.’’

Mr. BYRD, Mr. President, does the modification need unanimous consent?

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

Mr. BYRD. The amendment, as modified, prevents funds from being used for wasteful expenditures. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1155), as modified, was agreed to.

Mr. BYRD, Mr. President, I move that the vote be reconsidered by which the amendment was agreed to.
Mr. GREGG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 1201

Mr. BYRD. Mr. President, I call up my amendment numbered 1201.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1201.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require State and local governments to expend or return grant funds)

On page 81, strike line 20 and insert the following:

award: Provided further, That any recipient of Federal funds granted through the State Homeland Security Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative Program, or any predecessor or successor programs, as appropriated in fiscal year 2004 and fiscal year 2005, shall expend funds pursuant to the relevant, approved State plan by September 30, 2007: Provided further, That any recipient of Federal funds granted through any program described in the preceding proviso, as appropriated in fiscal year 2006, shall expend funds pursuant to the relevant, approved State plan by September 30, 2008: Provided further, That any funds not expended by September 30, 2007 or September 30, 2008, respectively, as required by the foregoing 2 provisos shall be returned to the Department of Homeland Security to be reallocated to State and local entities based on risk and in conformance with the assessments now being conducted by the States under Homeland Security Presidential Directive 8.

Mr. BYRD. Mr. President, this amendment requires that States and localities spend their first responder funds pursuant to approved State plans within 2 years of the end of the fiscal year that they received the funds. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are in the process of trying to reach an understanding on votes. It is not clear what that understanding will be, but we do intend to have votes this evening, maybe as many as five. In addition, I understand the Senator from Nevada wishes to be recognized on an amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1202 TO AMENDMENT NO. 1201

Mr. ENSIGN. Mr. President, what is the purpose of this amendment?

The PRESIDING OFFICER. The pending amendment is the Senator’s amendment No. 1124.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. MCCAIN, proposes an amendment numbered 1219 to amendment No. 1124:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordinating Council (the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures)

Strike all after the first word and insert the following:

On page 77, line 20, insert "of which $387,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and" after "local grants."

Mr. ENSIGN. 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

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

Mr. CRAIG. Mr. President, I rise in support of the fiscal year 2006 Homeland Security appropriations bill. The Appropriations Committee, Senator GREGG, and the committee, Senator GREGG, and the Appropriations Homeland Security Subcommittee, Senator GREGG, and the ranking member, Senator BYRD, for their aggressive and decisive steps forward that are being demonstrated in this legislation.

This bill continues to improve that which made our Nation and our people much safer than we were before and immediately after 9/11. I am proud to serve with that team and that ranking member and my colleagues on this subcommittee. We need to do more to improve our border security and immigration enforcement, however. It is important for Americans to understand that this Congress is making significant progress in this area.

Earlier this year, as a result of a Byrd-Craig amendment to the fiscal year 2005 emergency supplemental appropriations bill, we began the process of adding 500 new Border Patrol agents, 1,050 new immigration detention beds, and approximately 118 additional investigators, agents, and officers to the whole effort at Border Patrol. In fiscal year 2006, the bill that is before us continues to implement and build upon the progress that we have made in the Byrd-Craig amendment.

This bill, as reported by the committee, provides for 1,000 more Border Patrol agents. It increases the total number of beds at immigration detention centers by 2,240 to a total of 22,727.

It also adds 300 new immigration investigation positions and 200 new immigration enforcement agents and detention officers.

This bill, as reported, in combination with the supplemental bill we passed earlier, makes record increases to commit record resources to border security and immigration enforcement.

In total levels of key personnel alone, the Appropriations Committee has provided for 12,400-plus Border Patrol agents; 18,200-plus Customs and border protection officers; 6,000-plus criminal investigators for Customs and immigration work; 1,200-plus deportation officers; and 2,700-plus immigration enforcement agents and detention officers.

In other words, in these positions alone, this bill provides for literally an army of more than 40,000 agents and officers fighting on the front lines for border security and immigration enforcement.

The committee has made an earnest attempt to add resources and personnel as fast as the Department of Homeland Security can absorb them and use them effectively. The bill, as reported, makes available more than $7.1 billion for Customs and border protection, and more than $4.5 billion in immigration and Customs enforcement.

While those dollars and personnel numbers reflect something of our commitment to improve border security and immigration enforcement, it is important to emphasize the work being done and the progress being made for the American people.

More than 1 million individuals a year are being apprehended attempting to enter the country illegally, and formal removals have increased sixfold over the last decade. Worker identification checks have intensified. Development continues on US VISIT—the United States Visitor and Immigrant Status Indicator Technology Program. Personnel are being trained. Technology is being modernized.

This bill calls on the administration, and provides resources to help, to close the gaps at our borders, to improve interagency coordination inside the Department of Homeland Security and with outside agencies, and to meet the challenges remaining from the historic, and massive, reorganization that created the Department.

As I have said, we do need to do more. The Federal Government has no laurels to rest on when it comes to border security or immigration. The problem of illegal immigration has grown.
to crisis proportion, with an estimated 10 million undocumented persons now living here in this country.

During much of the 1990s, and at different times in preceding decades, the Federal Government simply paid lip-service to the law while mostly looking the other way. This was with the quiet complicity of much of the public, in large part, because whole sectors of the economy have become increasingly dependent on the labor of these people. This is an intolerable situation.

Our Nation’s immigration system and laws are broken. Whether we are talking about more money, more law, or both, a policy that focuses exclusively on more enforcement is not enough, and it will not work. It is a part of the total picture.

The United States has 7,458 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers perfectly. As we have stepped up border enforcement, we have locked persons in this country at least as effectively as we have locked them out of the country. Even as we have increased border enforcement, net illegal immigration is estimated at 400,000 to 500,000 a year. Fellow Senators, that is a figure worth repeating. Net illegal immigration in our country still, today, at this moment, in this year, will be between 400,000 to 500,000. To search door to door, as some would see us find 10 million persons and flush them out of their homes, schools, churches, workplaces, and other areas is simply something the American people, in the end, would never tolerate. The question of civil liberties would grow and that effort would fall apart. We fought a revolution once in this great country of ours against search of our homes and, once again, I think the American people would react to that as not only unconstitutional, but dramatically intrusive. So what do we do? This bill is a major step in the right direction. First and foremost, we secure our borders. As I have said, that is step one. Step two, to me, is change the law and we change the character of the law to deal with the problem that clearly is at hand: provide incentives for those inside our borders to come forward and identify themselves; laws that ensure there is a supply of legal guest workers to take the jobs we don’t want or won’t take. For example, when American agriculture briefly had a widely used legal guest worker program in the 1950s, illegal immigration plummeted by more than 90 percent. That program was called the Bracero Program. It worked well, but it had lots of criticism for the way the foreign nationals were treated inside this country. As a result, it fell apart. We were then given what we have today—a very cumbersome law that no longer works.

Last year, that law identified about 42,000 to 45,000 legal workers for American agriculture. Yet, we know there were well over a million working in this country for American agriculture that were probably illegal. That, too, is an intolerable situation. It is why several years ago I began to look at ways to solve this problem—at least for agriculture—because American agriculture is nervous, and they ought to be; they know that even though those workers who come to them have what appear to be legal documents, the reality is that they are, by 70 percent of their workforce, working illegal foreign nationals. If that is not corrected, it is an intolerable situation for American agriculture to be in.

That story can be played out in a variety of other industries. But as I began to focus on this a good number of years ago, I recognized there was a significant problem that had to be dealt with. It is not a popular thing to do, but immigration and immigration reform is never popular. Those of us who direct the immigration policy and sometimes hold the attitude, close the border and let no one in. Yet, today, in the American workforce we know that at a growing high record of employment we still have well over 10 million foreign nationals, undocumented, working in our economy in jobs that Americans oftentimes choose not to work in.

That is what I treated the bill AgJOBS, now supported by well over 60 Senators. We got a vote this year of 53 to 45 on a procedural motion to allow that Agricultural Job Opportunity and Benefit Security Act to come to the floor and ultimately work through the process and become law. Other colleagues of mine are talking on types of reforms.

So what we are doing today with the Homeland Security Appropriations bill is making a quantum leap in the right direction. No immigration policy, no matter how forward-looking, how flexible, and how reasonable it might be to identify those who are in the country, to allow the ebb and flow necessary to meet both the economic needs and humanitarian needs that we all hold, you cannot do it without controlling your borders, without controlling the flow that comes across them. That is what this bill makes a major step in doing.

I am pleased to be a member of the subcommittee and to join with Chairman Gregg and the ranking member, Senator Byrd, whom I have worked with on this issue before. I believe this bill is a good step forward. If you are for immigration reform, if you believe in controlling our borders, if you recognize this is an issue that has gone well out of control, then you would want to vote for this legislation. If you let it be, if you let it fall apart, then it is. But it is an investment long coming, because it is the investment we have denied and ignored as necessary to make for well over two decades. As a result of that, we have the consequences of the situation we deal with today.

Now is the time to correct it. Now is the time to reshape immigration policy in our country, and to do so recognizing that it is a two-front issue—both to have the right law in place, and to secure our borders so that those who come across are identified and move across legally and appropriately, consistent with the laws of our land.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators Boxer and Kerry have their names added to the Byrd transit amendment No. 1218.

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

Mr. BYRD. I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows:
The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1166.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To designate a port of entry)

On page 70, line 20, strike ‘‘purposes.’’ and insert the following: ‘‘purposes: Provided further, That MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.’’

Mr. DURBIN. Mr. President, this is a very brief and simple amendment. It designates MidAmerica St. Louis Airport in Mascoutah, IL, as a port of entry.

MidAmerica Airport is the civilian side of Scott Air Force Base, one of the region’s largest employers. MidAmerica and Scott Air Force Base have a successful joint-use plan.

MidAmerica is classified as a foreign trade zone and is a finalist to be classified as an interior transshipment point for international air cargo. The MidAmerica Airport does not currently have international traffic, although a passenger terminal was built to host pre-9/11 Customs activities. International air cargo transport is non-existent in the region, and it would give MidAmerica a means to enhance the region’s economy. This would be beneficial to homeland security and would enhance economic development in the metro East St. Louis region.

Mr. DURBIN. Mr. President, I ask that this amendment be set aside.

Mr. CRAIG. Mr. President, I have no problem agreeing to this amendment if
the Senator wants to ask unanimous consent for its approval.

Mr. DURBIN. Mr. President, I ask unanimous consent that amendment No. 1166 be considered and agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 1166) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table. The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it agreed to?

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I ask unanimous consent that the amendment be set aside, and I call up amendment No. 1205.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY), for himself, Mr. SARBANES, Mr. RIEDEL, Mrs. DOLE, Mr. SMITH, Mr. SCHUMER, Ms. STARROK, Mr. CORZINE, Mr. BYRD, Ms. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LUTCHENBERG, Mr. KENNEDY, and Mr. KERRY, propose an amendment numbered 1205.

The amendment is as follows:

(Purpose: To appropriate funds for transit security grants for fiscal year 2006 equal to the amount authorized in the Public Transportation Terrorism Prevention Act of 2004.)

On page 77, line 18, strike “$2,694,300,000” and insert “$3,769,300,000.”

On page 78, line 25 and all that follows to page 79, line 5, and insert the following: “security grants; and

(D): On page 79, between 22 and 23, insert the following:

(7) $1,166,000,000 for transit security grants, of which—

(A) $700,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(B) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(C) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems:

AMENDMENT NO. 1205, AS MODIFIED

Mr. SHELBY. Mr. President, I further ask to modify the amendment with a modification that I sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1205), as modified, is as follows:

On page 77, line 15, strike all through page 79, line 6 and insert the following: “For grants, contracts, cooperative agreements, and other activities, including grants and demonstrations for terrorism prevention activities, notwithstanding any other provision of law, $3,860,300,000, which shall be allocated as follows:

(1) $1,516,000,000 for demonstration purposes and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary.

(iii) $43,000,000 shall be for grants to public transportation agencies for allowable capital security improvements; and

(ii) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(iii) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems; and

(F) $50,000,000 shall be for buffer zone protection grants.”

Mr. SHELBY. Mr. President, the funding level in this amendment is based on many things, and I will tell you about it. In fiscal year 2006, we were planning to have the Public Transportation Terrorism Prevention Act that would have provided a total of $1,166 billion for public transportation security grants based on risk. It provides for grants for capital infrastructure improvements, for public transportation systems, as well as operational costs for drills and training and research funding. Everything—cameras, dogs, and you might go further with it.

We have taken necessary and prudent steps toward protecting our air travel from terrorism—we hope. We made strides toward hardening our aviation systems and making them less vulnerable to attack. Now I believe is the time to do the same for public transportation.

In 2004, the last year that data was available, over 9.6 billion passenger trips were taken on buses, trains, and other forms of public transportation. The American Public Transportation Association estimates that over 14 million Americans ride on public transportation each weekday. The U.S. Department of Transportation estimates that another 25 million use public transportation less frequently but on a regular basis.

Securing public transportation presents many challenges. We know that the public transportation system includes over 100,000 miles of rail, almost 1,000 train and subway stations, and 60,000 buses. Meeting this challenge will require devoted resources and steadfast commitment to the task.

Today this amendment I am offering on behalf of myself, Senator SARBANES, and others is an amendment to the Department of Homeland Security appropriations bill. As the Banking Committee has jurisdiction over transit security issues, a lot of the colleagues on the Banking Committee on both sides of the aisle are joining me in this amendment.

The London attacks well illustrate the threats we face in this country, and we know all too well that England is not alone. Terrorists have targeted public transportation systems the world over, and we know they would delight in a successful attack here.

To this date, most terrorist attacks around the world have occurred on public transportation. Examples are, as you know, Mr. President, Spain, Israel, Japan, and other countries, and this should cause us to ascertain how we will aim to prevent such terrible attacks on our soil.

Over a year ago, Senator SARBANES and I reported out of the Banking Committee the Public Transportation Terrorism Prevention Act. It had numerous cosponsors and passed the Senate with a unanimous vote. The bill was crafted in a thoughtful and considered manner after a series of hearings held in the committee.

In those sessions, we spoke to terrorism experts and industry officials to ascertain the best way to protect public transportation systems in the country. The product was a bill that had the support of industry and terrorism experts alike. This amendment we are offering today comes out of that bill.

I believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible. We cannot wait.

I also appreciate the challenge that Chairman GraEo of the committee has. I serve on the Appropriations Committee with him, and if I am chairman of a subcommittee on appropriations. As he attempts to address the multitude of security challenges in
Mr. GREGG. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment as follows:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be allocated as follows:

1. $1,417,999,000 for State and local grants, of which $125,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8.

2. $400,000,000 for law enforcement terrorism prevention grants, of which $150,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8.

3. $650,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $135,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 7007(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsection (b)(2)(D).

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1205, AS MODIFIED

Mr. SARBANES. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee. The need to improve security throughout our Nation’s public transportation system has been apparent for quite some time. In fact, last year in just one committee, I worked closely with Chairman SHELBY and with Senator REED of Rhode Island who have been leaders on this issue both within the committee and throughout the Senate, on the Public Transportation Terrorism Prevention Act of 2004.

That legislation came out of the committee unanimously and was approved in the Senate last October 1 by unanimous consent. So every Member of this body, I think, validated that legislation. That bill authorized $3.5 billion over 3 years in security for our Nation’s mass transportation systems. Of that amount, $1.16 billion was scheduled for fiscal year 2005. That fund was authorized to begin to address the critical security needs that exist throughout the thousands of public transportation systems in our country. The amendment offered by the chairman of the committee, which I have joined in cosponsoring, along with my able colleague from Rhode Island, Senator REED, and others, seeks to provide the appropriations level to sustain the authorized level, which this body has heretofore approved.

In the wake of the tragic attack in London last Thursday, which has claimed over 50 lives and left hundreds more injured, we clearly need to more fully fund transit security, and going to the previously Senate-authorized level seems to make imminent good sense. The Senate anticipated this problem in the authorization, and the committee brought out well-considered legislation which this body passed unanimously. We have not provided the wherewithal to support the authorization, and this amendment seeks to do exactly that.

The threat to transit is not new. We have had terrorist attacks against transit systems in Moscow, South Korea, and London. In fact, in 2002, the GAO found that one-third of all terrorist attacks worldwide were against transit systems. Despite this significant threat, security funding has been grossly inadequate. Our Nation’s transit systems have been unable to implement necessary security improvements, including those that have been identified by the Department of Homeland Security. In an editorial last Friday, the Baltimore Sun stated, ‘Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance.’ They go on to state:

‘Transit officials estimate it would take $6 billion just to make our rail and bus systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.’

That is a direct reference to the Public Transportation Terrorism Prevention Act of 2004, which, as has been noted, passed the Senate unanimously.

These moneys will be used for such necessities as: security cameras, radios, front-line employee training, and extra security personnel. They are not extravagant requests.

Let me give one example of a critical need right here with respect to Washington’s Metro. Their greatest security need is a backup control operations and SONAR TIZED for his strong and continued commitment on this issue and his perseverance over a sustained period of time. I thank all of our colleagues who have joined as cosponsors of this amendment. I urge my colleagues to support the amendment.

I ask unanimous consent that the editorial from the Baltimore Sun of July 8 referenced in my statement be printed in full at the end of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITY DERAILED

Yesterday’s attack on London’s transit system was frighteningly familiar. Just 16 months ago, terrorists in Madrid killed nearly 200 people and wounded more than 1,500 by setting off bombs in commuter trains. Both attacks demonstrated the potential vulnerability of buses and rail systems. Yet, until yesterday, many in Washington seemed unconcerned that something similar could happen in the United States.

Last month, the Senate Appropriations Committee voted to reduce the Department of Homeland Security’s budget for transit security from $1.16 billion to $200 million (the amount spent annually now) to $100 million in the upcoming fiscal year. Certainly, no one knew terrorists would target London, but London’s 2004 bombings have been fresh in senators’ minds. What does it take for Congress to grasp this issue?
Since Sept. 11, 2001, the federal government has spent $18 billion on aviation security. Transit systems—which carry 16 times more passengers daily—have received about $250 million in grants. Prolific imbalance. Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing that billion over three years for the same purpose.

How would those in charge of the nation's public transit systems spend the extra money? Chiefly for necessities like security cameras, radios, training and extra security personnel. Those aren't extravagant requests. Local governments have spent $2 billion to make trains safer over the past four years, according to the American Public Transit Association.

The Bush administration originally asked for significantly more than $350 million to create a Targeted Infrastructure Protection Program that would not only increase transit security but also assist vulnerable shipping ports and energy facilities, too. And though transit and rail systems might have been shortchanged by that arrangement, it is not unreasonable to let DHS officials set their priorities—after all, an adequate budget is made available to them.

Transit advocates are hopeful that the $50 million cut can be restored. The attacks in London underscored the point that more is needed. Advocates want $2 billion for transit and rail security in the fiscal 2006 budget (not counting the amount needed to protect Amtrak). Suddenly, that doesn't seem so unreasonable an expenditure.

Still, the failure to address transit security in the wake of last year's bombings in Madrid underscores Capitol Hill's inability to set appropriate spending priorities in matters of domestic security. As the 9/11 commission pointed out, Congress has treated portions of the DHS budget like so much bacon, appropriating more per capita to Wyoming than to New York. Between the costly war in Iraq and record budget deficits, the nation can ill afford to be so foolish with its security resources.

Mr. SARBANES. I yield the floor. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. SARBANES. Mr. President, I rise to commend Chairman SHELBY for his leadership on this issue and Senator SARBANES for his leadership. I am proud to be a cosponsor of this amendment along with Chairman SHELBY and Senator SARBANES. They have said it very well. We understand that transit systems are threatened by terrorists. That understanding was developed after 9/11, but certainly it was sharpened last week with the attack in London that left 52 dead and over 700 injured.

We recognize that we have to protect these vulnerable transit systems, and the purpose of this amendment is to provide the resources to do that. There are 6,000 transit systems in the United States, and obviously, that is a large number. It seems significant, will barely keep up with the demands for security improvements to transit systems across the United States.

Each day, 14 million riders use transit to get to work, to get to appointments, to get to hospitals, to do what they must do. Let me disabuse the notion that this is just the province of the very biggest metropolises like New York City. In Dallas, for example, on a yearly basis, 55 million trips a year on transit; Houston, 96 million trips a year; Atlanta, 137 million trips per year; Portland, 95 million; Charlotte, NC, 16 million trips per year; Philadelphia, PA, 297 million trips per year; and Minneapolis, 56.9 million trips per year.

Millions of Americans each day get on a subway or a bus and use the transit system. They are today not as well protected as they should be. The point of this amendment is to get the resources together to start those sensible investments in capital equipment, in operational techniques and training and in consequence management that are so important for transit security.

As Senator SARBANES pointed out, the GAO has found that one-third of the terrorist attacks in the last several years have been directed against transit systems. We know it is a target.

After 9/11, as I was acting as chairman of the Subcommittee on Housing and Transportation, I held a hearing—in fact several hearings—about the need for improvement of transit security. Today, that evidence is even more compelling based upon what has happened in London, Moscow, and Spain. All of these things should compel us to support this amendment enthusiastically.

One final point: Not only is transit important, not only is it a target for terrorists, but in terror attacks transit is an important aspect in consequence management. People were evacuated from the Pentagon because of the subway systems and the Metro systems in Washington. Transit trains moved underneath the World Trade Center. In fact, cool action by some of the transit police and transit dispatchers was able to minimize casualties. That will not happen if they do not have the communication equipment, the training, and the ability to keep that security and react to a possible terrorist attack.

So not only is transit a likely target, but it is an essential means of managing the consequences of an attack in any urban area anywhere in the United States.

So I again urge my colleagues to join Senator SHELBY, Senator SARBANES, and our other colleagues who support this amendment. It is important. It is more than timely; it is, frankly, after last week, overdue.

I yield the floor. The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it appears we're too weak to vote here around 6:30, just for Members' edification. The first vote will be on the point of order relative to the amendment of Senator Dodd, followed hopefully with a second amendment dealing with one of the amendments of Senator Akaka.

So I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.
We know today in our own country that we are glaringly lax in providing the security we need within our transit systems, harbors, and ports.

The amendment I am offering is not one that I have crafted on my own. It was adopted, directly from the recommendations Senator Rudman, our former colleague, had suggested in a report sponsored by the Council on Foreign Relations that included many distinguished Americans who have worked in areas of national security, public health, intelligence, and bioterrorism. They suggested strongly in their report that we spend some $20 billion a year in order to fully invest in what we need to make our country more secure.

Let me quote, if I can, once again, because I think his comments are worth repeating, the language of Senator Rudman in that report. Senator Rudman said at that time:

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

He goes on to say:

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America’s continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack for us to realize we need to make these investments.

I know all the bureaucratic arguments that are being made here, but I don’t think they apply. I think when we are faced, as we have been historically, with major events, major problems, this body, the Congress, the American people have responded accordingly. I think the American people expect nothing less of us at this hour. So I urge my colleagues to support this amendment so we can do what needs to be done to make our country more secure.

Again, I appreciate immensely the efforts of the Senator from New Hampshire. I understand the points that are well taken. But I also believe the point I am making here is one deserving of attention.

Mr. President, I list here, for those who may be interested, the 221 significant terrorist incidents since 1983. I have categorized them so that people can see what occurred and the numbers of lives lost. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SIGNIFICANT TERRORIST INCIDENTS, 1961-2003: A BRIEF CHRONOLOGY**

Bombing of U.S. Embassy in Beirut, April 18, 1983: Thirty-six people, including the U.S. ambassador, were killed and 220 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Naval Officer Assassinated in El Salvador, May 25, 1983: A U.S. Navy officer was assassinated by the Farabundo Marti National Liberation Front.

North Korean Hit Squad, October 9, 1983: North Korean agents blew up a delegation from South Korea in Rangoon, Burma, killing 21 persons and injuring 48.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 4,000-pound truck-bomb destroyed a French base. Islamic Jihad claimed responsibility.

Naval Officer Assassinated in Greece, November 15, 1983: A U.S. Navy officer was shot by the Armenian refugee group in Athens, Greece, while his car was stopped at a traffic light.

**Kidnapping of U.S. Officials in Mexico, February 7, 1985:** Under the orders of narcotrafficker Rafael Caro Quintero, Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot were kidnapped, tortured and executed.

TWA Hijacking, June 14, 1985: A TransWorld Airlines flight was hijacked on route from Rome to Athens by two Lebanese Hizballah terrorists and forced to fly to Beirut. The eight crew members and 145 passengers were held for seventeen days, during which time American Navy personnel, a sailor, was murdered. After being flown twice to Algiers, the aircraft was returned to Beirut after Israeli released 453 Lebanese and Palestinian prisoners.

Attack on a Restaurant in El Salvador, June 19, 1985: Members of the FMLN (Farabundo Marti National Liberation Front) fired on a restaurant in the Zona Rosa district of San Salvador, killing four Marine Security Guards assigned to the U.S. Embassy and nine Salvadoran civilians.

In India Bombing, June 23, 1985: A bomb destroyed an Air India Boeing 747 over the Atlantic, killing all 329 people aboard. Both Sikh and Kashmiri terrorists were blamed for the attack.

Aircraft Bombing in Greece, March 30, 1985: In Beirut, Lebanon, Sunni terrorists kidnapped four Soviet diplomats. One was killed but three were later released.

**Achille Lauro Hijacking, October 7, 1985:** Four Palestinian Liberation Front terrorists seized the Italian cruise liner in the eastern Mediterranean Sea, taking more than 700 hostages. One U.S. passenger was murdered before the Egyptian government offered the terrorists safe haven in return for the hostages.

**Egyptian Airline Hijacking, November 23, 1985:** An EgyptAir airplane bound from Athens to Malta and carrying several U.S. citizens was hijacked by the Abu Nidal Group.

**Airport Attacks in Rome and Vienna, December 27, 1985:** Four gunmen belonging to the Abu Nidal Organization attacked the El Al and Trans World ticket counters at Rome’s Leonardo da Vinci Airport with grenades and automatic rifles. Thirteen persons were killed and 75 were wounded before Italian police and Israeli security guards killed three of the gunmen and captured the fourth. Three more Abu Nidal gunmen attacked the El Al ticket counter at Vienna’s airport, killing three persons and wounding 30. Austrian police killed one of the gunmen and captured the others.

**Aircraft Bombing in Greece, March 30, 1986:** A Iranian splinter group detonated a bomb as TWA Flight 840 approached Athens airport, killing four U.S. citizens.

**Berlin Discotheque Bombing, April 5, 1986:** Three arms of U.S. soldiers stationed in West Germany were injured in a Libyan bomb attack on a nightclub in West Berlin.
West Germany. In retaliation U.S. military jets bombed targets in and around Tripoli and Benghazi.

Kimpo Airport Bombing, September 14, 1986: North Korean agents detonated an explosive device at Seoul’s Kimpo airport, killing 5 persons and injuring 29 others.

1987

Bus Attack, April 24, 1987: Sixteen U.S. service members riding in a Greek Air Force bus near Athens were injured in an apparent bombing attack, carried out by the revolutionary organization known as November 17. Down in response to an intelligence report of North Korean agents planted a bomb aboard a Korean Air Lines Flight 858, which subsequently crashed into the Indian Ocean.


1988

Assassination of William Higgins, February 17, 1988: U.S. Marine Corps Lieutenant Colonel W. Higgins was kidnapped and murdered by the Iranian-backed Hizballah group while serving with the United Nations Truce Supervisory Organization (UNTSO) in southern Lebanon.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attack on U.S. Diplomat in Greece, June 28, 1988: The Defense Attaché of the U.S. Embassy in Greece was killed when a car bomb detonated outside his home in Athens.

Pan Am 103 Bombing, December 21, 1988: Pan American Airlines Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft by Libyan terrorists in Frankfurt, West Germany.

Assassination of U.S. Army Officer, April 21, 1989: The New People’s Army (NPA) assassinated Colonel James Rowe in Manila. The NPA also assassinated two U.S. government defense contractors in September.

Bombing of UTA Flight 772, September 19, 1989: A bomb explosion destroyed UTA Flight 772 over the Sahara Desert in southern Niger during its flight from Brussels to Paris. All 170 persons aboard were killed. Six Libyans were later found guilty in absentia and sentenced to prison.


Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia’s residence and at the USIS library in Manilla.

Sniper Attack on the U.S. Embassy in Bonn, February 13, 1991: Three Red Army Faction members fired automatic rifles from across the Rhine River at the U.S. Embassy Chancery. No one was hurt.

Assassination of former Indian Prime Minister, May 21, 1991: A female member of the LTTE, who was a former Tamil Eelam bus killed herself, Prime Minister Rajiv Gandhi, and 16 others by detonating an explosive vest after presenting a garland of flowers to the former Prime Minister during an election rally in the Indian state of Tamil Nadu.

1992

Kidnapping of U.S. Businessmen in the Philippines, November 17, 1991: Tel Aviv claimed responsibility for a blast that leveled the Israeli Embassy in Buenos Aires, Argentina, causing the deaths of 29 and wounding 242.


World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists exploded in an underground garage leaving 6 people dead and 1,000 injured. The men carrying out the attack were followers of Omar Abdul Rahman, an Egyptian cleric who preached in the New York area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Israeli intelligence service attempted to assassinate President Bush (as revealed in December 1993 during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.


Air France Hijacking, December 24, 1994: Members of the Armed Islamic Group seized an Air France Flight to Algeria. The four terrorists were killed during a rescue effort.


Tokyo Scorpion Group Attack, March 20, 1995: Twelve persons were killed and 5,700 were injured in a Sarin nerve gas attack on a crowded subway station in the center of Tokyo, Japan. A similar attack occurred nearly simultaneously in the Yokohama subway system. The Aum Shinri-kyo cult was blamed for the attacks.

Bombing of the Federal Building in Oklahoma City, April 19, 1995: Right-wing extremists Timothy McVeigh and Terry Nichols detonated a bomb in Oklahoma City with a massive truck bomb that killed 168 and injured hundreds more in what was up to then the largest terrorist attack on American soil.

Kashmiri Hostage-taking, July 4, 1995: In India six foreigners, including two U.S. citizens, were taken hostage by Al-Faran, a Kashmiri separatist group. One non-U.S. hostage was later found beheaded.

Jerusalem Bus Attack, August 21, 1995: HAMAS claimed responsibility for the detonation of a bomb that killed 6 and injured over 100 persons, including several U.S. citizens.

Attack on U.S. Embassy in Moscow, September 13, 1995: A bomb planted by Islamic terrorists was fired through the window of the U.S. Embassy in Moscow, ostensibly in retaliation for U.S. strikes on Serb positions in Bosnia.

Saudi Military Installation Attack, November 13, 1995: The Islamic Movement of Uzbekistan planted a bomb in a Riyadh military compound that killed one U.S. citizen, several foreign national employees of the U.S. government, and over 40 others.

Egyptian Embassy Attack, November 19, 1995: A suicide bomber drove a vehicle into the Egyptian Embassy compound in Islamabad, Pakistan, killing at least 18 and injuring 60 persons. Three militant Islamic groups claimed responsibility.

1996

Papuan Hostage Abduction, January 8, 1996: In Indonesia, 200 members of the Free Papua Movement (OPM) guerrillas abducted 26 individuals in the Lorenta nature preserve, Irian Jaya Province. Indonesian Special Forces members rescued the remaining nine hostages on May 15.

Kidnapping in Colombia, January 19, 1996: Revolutionary Armed Forces of Colombia (FARC) guerrillas kidnapped a U.S. citizen and demanded a $1 million ransom. The hostage was released on May 22.

Tamil Tigers Attack, January 31, 1996: Members of the Tamil Tigers of Tamil Eelam (LTTE) rammed an explosives-laden truck into the Central Bank in the heart of downtown Colombo, Sri Lanka, killing 90 citizens and injuring more than 1,400 others, including 2 U.S. citizens.

IRA Bombing, February 9, 1996: An Irish Republican Army (IRA) suicide bomber drove a truck into the London, killing 2 persons and wounding more than 100 others, including 2 U.S. citizens.

Athens Embassy Attack, February 15, 1996: Unidentified assailants fired a rocket at the U.S. Embassy compound in Athens, causing minor damage to two diplomatic vehicles and some surrounding buildings. Circumstances of the attack were unclear, but it was an operation carried out by the 17 November group.

ELN Kidnapping, February 16, 1996: Six alleged National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen in Colombia. After 9 months, the hostage was released.

Hamas Bus Attack, February 26, 1996: In Jerusalem, a suicide bomber blew up a bus, killing 26 persons, including three U.S. citizens, and injuring some 80 persons, including three other U.S. citizens.

Dizengoff Center Bombing, March 4, 1996: HAMAS and the Palestine Islamic Jihad (PIJ) both claimed responsibility for a bomb in center of Tel Aviv shopping mall that killed 20 persons and injured 75 others, including 2 U.S. citizens.

West Bank Attack, May 13, 1996: Arab gunmen opened fire on a bus and a group of Yemeni students near the Bet El settlement, killing a dual U.S./Israeli citizen and wounding three Israelis. No one claimed responsibility for the attack, but HAMAS was suspected.

AID Worker Abduction, May 31, 1996: A gang of former Contra guerrillas kidnapped a U.S. embassy employee of the Institute of International Development (AID) who was assisting with election preparations in rural northern Nicaragua. She was released unharmed the next day after members of the international commission overseeing the preparations intervened.

Izmir Attack, August 9, 1996: Unidentified gunmen opened fire on a car near Zekharya, killing a dual U.S./Israeli citizen and an Israeli. The Popular Front for the Liberation of Palestine (PFLP) was suspected.

Manchester Truck Bombing, June 15, 1996: An IRA truck bomb detonated at a Manchester shopping center, injuring 296 persons, including two German tourists, and causing extensive property damage.
Kobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military’s Kobar Towers housing facility in Dhahran, killing 19 U.S. military personnel and injuring 515 others, including 230 U.S. personnel. Several groups claimed responsibility for the attack.

ETA Bombing, July 20, 1996: A bomb exploded at the site of the French Embassy in Madrid, killing 10 Algerians and injuring 80 others. The blast was believed to be related to the ETA’s ongoing campaign against the Spanish government.

Bombers in jail and safe passage

Government officials, and Japanese hostages were several U.S. officials, foreign diplomats, and Japanese businesspeople. The attack was carried out by the Tupac Amaru Revolutionary Movement (MRTA) on the night of November 14, 1996, in Lima, Peru. Among the hostages were one U.S. citizen, an Australian, and two Indians. No one claimed responsibility, but South Korean authorities established that the attack was carried out by the Tupac Amaru Revolutionary Movement (MRTA) in retaliation for the arrest of their member. The attack was believed to be a response to the arrest of a MRTA member who had been held for two months.

Exploration of an oil well in La Guajira Department.

In December 1996, the rebels released the hostages 11 days later.

PUM Kidnapping, September 13, 1996: In Iraq, the Patriotic Union of Kurdistan (PUK) militants kidnapped four French workers for Pharmacies Sans Frontieres, a Canadian United Nations High Commissioner for Refugees (UNHCR) official, and two Iraqis. The attack was believed to be related to the rebels’ ongoing campaign against the Iraqi government.

Assassination of South Korean Consul, October 1, 1996: In Vladivostok, Russia, assailants shot and killed a South Korean consul near his home. No one claimed responsibility, but South Korean authorities believed that the attack was carried out by professionals and that the assailants were North Koreans. North Korean officials denied the country’s involvement in the attack.

Red Cross Worker Kidnappings, November 1, 1996: In Colombia, the two groups of the Sudanese People’s Liberation Army (SPLA) kidnapped three Red Cross members in the Apure region. The SPLA, a rebel group active in the region, was suspected of being responsible for the attack.

Colombian Pipeline Bombing, October 18, 1996: Three suicide bombers of Hamas explosives units killed 101 persons and injuring 98 others. The attack was believed to be a response to the arrest of Hamas members by the Israeli government.

Colombian Pipeline Bombing, December 23, 1996: FARC kidnapped two foreign nationals, including a U.S. citizen, and four Norwegian, two Swiss, and one Somali. The attack was believed to be a response to the arrest of FARC members by the Colombian government.

Yemeni Kidnappings, October 30, 1997: Al-Gama’a al-Islamiyya (IG) kidnapped and imprisoned two U.S. citizens in Yemen. The kidnappers demanded a ransom of $2.5 million.

Abduction of U.S. Citizen by FARC, December 11, 1996: Five armed men claiming to be members of the Revolutionary Armed Forces of Colombia (FARC) kidnapped and killed a U.S. geologist at a methane gas exploration site in La Guajira Department.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. Embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. Approximately 5,000 Kenyans, 6 U.S. citizens, and 19 FSNs were injured in the attack.

IRA Bombing, Banbridge, August 1, 1998: A 500-pound car bomb planted by the Real IRA exploded outside a shoe store in Banbridge, North Ireland, injuring 25 persons and damaging at least 200 homes.

Colombian Pipeline Bombing, October 18, 1998: A National Liberation Army (ELN) guerrilla group in Colombia killed 200 others. The pipeline is jointly owned by the United States, Britain, and Canadian companies.

Colombian Pipeline Bombing, November 15, 1998: Armed men followed a U.S. bus and shot the driver and four passengers in Cundinamarca Department and kidnapped the 11-year-old son after stealing money, jewelry, one automobile, and two cell phones.

The kidnappers demanded $1 million in ransom. On January 21, 1999, the kidnappers released the boy.
Angolan Aircraft Downing, January 2, 1999: A UN plane carrying one U.S. citizen, four Angolans, two Philippine nationals and one Namibian troops from 74th Army Division, crashed in Angola on a UN official. No deaths or injuries were reported. Angolan authorities blamed the attack on the National Union for the Total Independence of Angola (UNITA) rebels. UNITA officials denied the attack.

Ugandan Rebel Attack, February 14, 1999: A pipe bomb exploded inside a bar, killing five persons and injuring 35 others. One Ethiopian and four Ugandan nationals died in the blast, and one U.S. citizen working for USAID, two Swiss nationals, one Pakistani, one French and one Italian were wounded. Uganda authorities blamed the attack on the Allied Democratic Forces (ADF). The Nuer rebels claimed responsibility.

Greek Embassy Seizure, February 16, 1999: Kurdish protesters stormed and occupied the Greek Embassy in Vienna, taking the Greek Ambassador and six other persons hostage. Several hours later the protesters released the hostages and left the Embassy. The attack followed the Turkish Government’s announcement of the successful capture of the Kurdistan Workers’ Party (PKK) leader Abdullah Ocalan. Ocalan’s whereabouts are also occurring in Jordan, Israel, and other Greek diplomatic facilities in France, Holland, Switzerland, Britain, and Germany over the following days.

FARC Kidnappings, February 23, 1999: FARC kidnapped three U.S. citizens working for the Pacific Culture Consultancy Service International. On March 4, the bodies of the three victims were found in Venezuela.

Hutu Abductions, March 1, 1999: 150 armed Hutu rebels attacked three tourist camps in Uganda, killed four Ugandans, and abducted three U.S. citizens, six Britons, three New Zealanders, two French citizens, one Hungarian, one British, and one Canadian national. Two of the U.S. citizens and six of the other hostages were subsequently killed by their abductors.

ELN Hostage-taking, March 23, 1999: Armed guerrillas kidnapped a U.S. citizen in Boyaca, Colombia. The National Liberation Army (ELN) claimed responsibility and demanded $400,000 ransom. On 20 July, ELN rebels released the hostage unharmed following the ransom payment of $13 million.

ELN Hostage-taking, May 30, 1999: In Cali, Colombia, armed ELN militants attacked a church in the neighborhood of Ciudad Jardin, kidnapped 20 hostages, including 15 U.S. citizens and one French national. The rebels released approximately 80 persons, including three U.S. citizens, later that day.

Shell Platform Bombing, June 27, 1999: In Port Harcourt, Nigeria, armed youths stormed a Shell oil platform, kidnapping one U.S. citizen, one Nigerian national, and one Australian citizen, and causing undetermined damage. A group calling itself “Enough is Enough in the Niger River” claimed responsibility. Further seizures of oil facilities followed.

AFRC Kidnappings, August 4, 1999: An Armed Forces Revolutionary Council (AFRC) faction kidnapped 33 UN representatives near Occra Hills, Sierra Leone. The hostages included one U.S. citizen, five British soldiers, one Canadian citizen, one representative from Ghana, one military officer from Russia, one from Kyrgyzstan, one officer from Zambia, one officer from Malaysia, a local bishop, two UN officials, two local journalists, and 16 Sierra Leonean nationals.

Burmeese Embassy Seizure, October 1, 1999: Burmeese dissidents seized the Burmese Embassy in Bangkok, Thailand, taking 89 persons hostage, including one U.S. citizen.

PLA Kidnapping, December 23, 1999: Colombian People’s Liberation Army (PLA) forces kidnapped a U.S. citizen in an unsuccessful ransoming effort.

Indian Airlines Airbus Hijacking, December 24, 1999: Five militiants hijacked a flight from Delhi carrying 121 passengers, including 189 Indians and 30 Americans. The plane and its passengers were released unharmed on December 31.

Car bombing in Spain, January 27, 2000: Police officials reported unidentified individuals set fire to a Citroen car dealership in Tarrageta, causing extensive damage to the building and injuring 12 people. The attack bore the hallmark of the Basque Fatherland and Liberty (ETA). ETA claimed responsibility.

Philippines Hostage Incident, May 27, 2001: Muslim Abu Sayyaf guerrillas seized 13 tourists and 3 staff members at a resort on Palawan Island and took their captives to Basilan Island. The captives included three U.S. citizens: Guellermo Sobero and missionaries Martin and Gracia Burnham. Philippine troops fought a series of battles with the guerrillas between June 1 and June 3 during which 9 hostages escaped and two were found dead. The guerrillas took additional hostages when they seized the hospital in the town of Lamitan. On June 12, Abu Sayyaf spokesman Abu Sabaya claimed that Sobero had been killed and beheaded; his body was found in October. The Burnhams remained in captivity until June 2002.

Tel-Aviv Nightclub Bombing, June 1, 2001: HAMAS claimed responsibility for the suicide bombing of a popular Israeli nightclub that caused over 140 casualties.

HAMAS Restaurant Bombing, August 9, 2001: HAMAS-planted a bomb in a Jerusalem pizza restaurant, killing 15 people and wounding more than 90. The Israeli response included occupation of Orient House, the Palestine Liberation Organization’s political headquarters in East Jerusalem.

Suicide Bombing in Israel, September 9, 2001: The first suicide bombing carried out by an Israeli Arab killed two in Nahariya.

Srinagar Airport Attack and Assassination Attempt, January 17, 2001: In India, six members of the Lashkar-e-Tayyiba militant group were killed when they attempted to seize a local airport. Members of Hizbul Mujahidin fired two rifle grenades at Farooq Abdullah, Chief Minister for Jammu and Kashmir. Two persons were wounded in the unsuccessful assassination attempt.

BBC Studios Bombing, March 4, 2001: A car bomb exploded at midnight outside of the British Broadcasting Corporation’s main production studios. A studio producer was injured. British authorities suspected the Real IRA had planted the bomb.

Suicide Bombing in Israel, March 1, 2001: A suicide bomb attack killed 3 persons and wounded 65. HAMAS later claimed responsibility.

ETA Bombing, March 9, 2001: Two police officers were killed by the explosion of a car bomb in Hernani, Spain.

Airliner Hijacking in Istanbul, March 15, 2001: Three Chechens hijacked a Russian airliner during a flight from Istanbul to Moscow and forced it to fly to Medina, Saudi Arabia. The plane carried 162 passengers and a crew of 12. After a 22-hour siege during which more than 400 passengers were released, Saudi security forces stormed the plane, killing a hijacker, a passenger, and a flight attendant.

Bus Stop Bombing, April 22, 2001: A member of Hamas detonated a bomb while he was carrying a bus stop in Kirk Safa, Israel, killing one person and injuring 60.

Philippines Hostage Incident, May 27, 2001: Muslim Abu Sayyaf guerrillas seized 13 tourists and 3 staff members at a resort on Palawan Island and took their captives to Basilan Island. The captives included three U.S. citizens: Guellermo Sobero and missionaries Martin and Gracia Burnham. Philippine troops fought a series of battles with the guerrillas between June 1 and June 3 during which 9 hostages escaped and two were found dead. The guerrillas took additional hostages when they seized the hospital in the town of Lamitan. On June 12, Abu Sayyaf spokesman Abu Sabaya claimed that Sobero had been killed and beheaded; his body was found in October. The Burnhams remained in captivity until June 2002.

Death of “the Lion of the Panjshir”, September 9, 2001: Two suicide bombers fatally wounded Ahmed Shah Massoud, a leader of Afghanistan’s Northern Alliance, which had opposed both the Soviet occupation and the post-Soviet Taliban government. The bombers were journalists and were reportedly linked to al-Qaeda. The Northern Alliance did not confirm Massoud’s death until September 15.

Skyjacker Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was hit by a third plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington,
crashed into a field in southern Pennsylvania. The attacks killed 3,025 U.S. citizens and other nationals. President Bush and Cabinet officials indicated that Usama Bin Laden is the suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terror.

Attack on the Jammu and Kashmir Legislature, October 1, 2001: After a suicide car bombing attack by the state legislature in Srinagar, two gunmen entered the building and held off police for seven hours before being killed. Forty persons died in the incident, including eight Muslims and 32 Hindus.

Anthrax Attacks, October-November 2001: On October 17, the U.S. Centers for Disease Control and Prevention (CDC) reported that investigators had detected evidence that the deadly anthrax bacterium was present in the building where a Florida man who died of anthrax on October 5 had worked. Discovery of a second anthrax case triggered a major investigation by the Federal Bureau of Investigation (FBI). The two anthrax cases were the first to appear in the United States in 25 years. Anthrax subsequently appeared in mail received by television networks in New York and by the offices in Washington of Senate Majority Leader Tom Daschle and other members of Congress. Attorney General John Ashcroft said in a briefing on October 16, "When people send anthrax through the mail to hurt people and invoke terror, it's a terrorist act."

Assassination of an Israeli Cabinet Minister, October 17, 2001: A Palestinian gunman assassinated Israeli Minister of Tourism Rehavam Ze'evi in the Jerusalem hotel where he was staying. The Popular Front for the Liberation of Palestine (PFLP) claimed to have avenged the death of PFLP Mustafa Zubari.

Attack on a Church in Pakistan, October 18, 2001: Six masked gunmen shot up a church in Bahrainpur, Pakistan, killing 15 Pakistani Christians. No group claimed responsibility, although various militant Muslim groups were suspected.

Suicide Bombings in Jerusalem, December 1, 2001: Two suicide bombers attacked a Jerusalem shopping mall, killing 10 persons and wounding 70.

Suicide Bombing in Hafia, December 2, 2001: A suicide bomb attack aboard a bus in Hafia, Israel, killed 15 persons and wounded 40. Hamas claimed responsibility for this attack and those on December 1 to avenge the death of a Hamas member at the hands of Israeli forces a week earlier.

Attack on the Indian Parliament, December 13, 2001: Five gunmen attacked the Indian Parliament in New Delhi shortly after it had adjourned. Before security forces killed the assailants, 11 persons were killed and 40 were wounded. The opposition denied that this attack was an attempt to stir up communal tension. Indian officials blamed Lashkar-e-Tayiba and demanded that Pakistan crack down on it and on other Muslim separatist groups in Kashmir.

2002

Ambush on the West Bank, January 15, 2002: Palestinian militants fired on a vehicle in Beit Sahur, killing one passenger and wounding seven others. The attackers claimed U.S. and Israeli citizenship.

The Al-Qaeda Martyrs’ Battalion claimed responsibility.

Shooting Incident in Israel, January 17, 2002: A Palestinian gunman killed 6 persons and wounded 25 in Hadera, Israel, before being killed by Israeli police. The al-Qaeda Martyrs’ Battalion claimed responsibility, saying they were avenge of Israel’s killing of a leading member of the group.

Drive-By Shooting at a U.S. Consulate, January 22, 2002: Armed militants on motorcycles fired on the U.S. Consulate in Calcutta, India, killing 5 Indian security personnel and wounding 2 others. The heavily armed group identified itself as the Harakat ul-Jihad-I-Islami and the Asif Raza Commandoes claimed responsibility. Indian police later killed two suspects, one of whom confessed to belonging to Lashkar-e-Tayiba as he died.

Bomb Explosion in Kashmir, January 22, 2002: A bomb exploded in a crowded retail area in Jammu, Kashmir, killing one person and injuring nine. No group claimed responsibility.

Kidnapping of Daniel Pearl, January 23, 2002: Armed militants kidnapped Wall Street Journal reporter Daniel Pearl in Karachi, Pakistan. Pakistan authorities received a videotape on February 12 depicting Pearl’s murder. His grave was found near Karachi on May 16. Pakistani authorities arrested four suspects. Ringleader Ahmad Omar Saeed Sheikh claimed to have organized Pearl’s kidnapping to protest Pakistan’s subservience to the United States, and had belonged to Jaish-e-Muhammad, an Islamic separatist group. Four suspects were convicted on July 15. Saeed Sheikh was sentenced to death, the others to life imprisonment.

Suicide Bombing in Jerusalem, January 27, 2002: A suicide bomb attack in Jerusalem killed one person and wounded 100. The incident was the first suicide bombing made by a Palestinian militant group since August 2001.

Suicide Bombing in the West Bank, February 16, 2002: A suicide bombing in an outdoor food court in Karmei Shomron killed 4 persons, including a U.S. citizen. The dead and two of the wounded were U.S. citizens. The Popular Front for the Liberation of Palestine (PFLP) claimed responsibility.

Suicide Bombing in Jerusalem, March 7, 2002: A suicide bombing in a supermarket in the settlement of Ariel wounded 10 persons, one of whom was a U.S. citizen. The PFLP claimed responsibility.

Suicide Bombing in Jerusalem, March 9, 2002: A suicide bombing in a Jerusalem restaurant killed 11 persons and wounded 52, one of whom was a U.S. citizen. The al-Qaeda Martyrs’ Brigades claimed responsibility.

Drive-By Shooting in Colombia, March 14, 2002: Eleven persons were killed and killed two U.S. citizens who had come to Cali, Colombia, to negotiate the release of their father, who was a captive of the FARC. No group claimed responsibility.

Grenade Attack on a Church in Pakistan, March 17, 2002: Militants threw grenades into the Protestant International Church in Islamabad, Pakistan, during a service attended by diplomatic and local personnel. Five persons, two of them U.S. citizens, were killed and 46 were wounded. The dead Americans were from Virginia, while the victims were from Barbados, Germany, and the U.S. Military. Thirteen U.S. citizens were among the wounded. The Lashkar-e-Tayiba group was suspected.

Car Bomb Explosion in Peru, March 20, 2002: A car bomb exploded at a shopping center near the U.S. Embassy in Lima. Peru. Nine persons were killed and 32 wounded. The dead included two police officers and a teenager. Peruvian authorities suspected either the Shining Path rebels or the Tupac Amaru Revolutionary Movement. The attack occurred 3 days before President George W. Bush visited Peru.

Suicide Bombing in Jerusalem, March 21, 2002: A suicide bombing in Jerusalem killed 3 persons and wounded 86 more, including 2 U.S. citizens. The Palestinian Islamic Jihad claimed responsibility.

Suicide Bombing in Jerusalem, March 27, 2002: A suicide bombing in a noted restaurant in Netanya, Israel, killed 22 persons and wounded 140. One of the dead was a U.S. citizen. The Islamic Resistance Movement (HAMAS) claimed responsibility.


Bombing in the West Bank, March 31, 2002: A suicide bombing near an ambulance station in Efrat wounded four persons, including a U.S. citizen. The al-Aqsa Martyrs’ Brigades claimed responsibility.

Armed attack on Kashmir, April 2, 2002: Armed militants attacked a residence in Ganderbal, Kashmir, killing five persons and wounding four. No group claimed responsibility.

Synagogue Bombing in Tunisia, April 11, 2002: A car bomb detonated a truck loaded with propane gas outside a historic synagogue in Djerba, Tunisia. The 16 dead included 11 Germans, one French citizen, and three Tunisians. Twenty-six German tourists were injured. The Islamic Army for the Liberation of the Holy Sites claimed responsibility.

Suicide Bombing in Jerusalem, April 12, 2002: A female suicide bomber killed 6 persons in Jerusalem and wounded 90 others. The al-Aqsa Martyrs’ Brigades claimed responsibility.

Car Bombing in Pakistan, May 8, 2002: A car bomb exploded near a Pakistani navy shuttle bus in Karachi, killing 12 persons and wounding 59. Eleven of the wounded were female Pakistanis. No group claimed responsibility.

Kidnapping of Daniel Pearl, January 23, 2002: Two suicide bombers attacked the old bus station in Jaffa, Tel Aviv, Israel, killing 5 persons and wounding 38. The dead included one Romanian and one Palestinian. One of the wounded was a U.S. citizen. The Islamic Jihad claimed responsibility.

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Bombing in Kashmir, March 7, 2003: A bomb explosion near a military housing complex in Jammu, a bomb exploded at a fire services headquarters, killing two and wounding 16. No group claimed responsibility for either attack.

Hostage Rescue Attempt in the Philippines, June 7, 2003: Philippine Army troops attacked Abu Sayyaf terrorists on Mindanao Island in an attempt to rescue U.S. citizen Martin Burnham and his wife Gracia, who had been kidnapped more than a year ago. Burnham was killed but his wife, though severely wounded, was freed. A Filipino hostage worker was killed, as were four of the guerrillas. Seven soldiers were wounded.

Car Bombing in Pakistan, June 14, 2003: A car bomb exploded near the U.S. Consulate and the Marriott Hotel in Karachi, Pakistan. Eleven persons were killed and 51 were wounded, including a U.S. citizen and one Japanese citizen. Al Qaida and al-Qa’in were suspected.

Suicide Bombing in Jerusalem, June 19, 2003: A suicide bomber detonated a car at a bus stop in Jerusalem, killing 22 persons and wounding 43, including 2 U.S. citizens. The al-Aqsa Martyrs’ Brigades claimed responsibility.

Bombing in Kosovo, July 17, 2003: Two suicide bombers attacked the old bus station in Tel Aviv, Israel, killing 5 persons and wounding 38. The dead included one Romanian and two Sri Lankan citizens. One of the wounded was a U.S. citizen. The Islamic Jihad claimed responsibility.
Bombing at the Hebrew University, July 31, 2002: A bomb hidden in a bag in the Frank Sinatra International Student Center of Jerusalem’s Hebrew University killed 9 persons and wounded 90. One of the dead were Ukrainian citizens; many of the wounded were soldiers returning from leave. Hamas claimed responsibility.

Suicide Bombing in Tel Aviv, August 5, 2002: A suicide bomb attack on a bus in Safed, Israel, killed 9 persons and wounded 50. Two of the dead were Philippine citizens; many of the wounded were soldiers returning from leave. Hamas claimed responsibility.

Attacks in Jakarta, August 5, 2002: Gunmen attacked a Christian school attended by children of missionaries from around the world. Six persons (two security guards, a receptionist, a resident, and a private citizen) were killed and a Filipino citizen was wounded. A group called al-Intiqali al-Pakistani claimed responsibility.

Attack on Pilgrims in Kashmir, August 6, 2002: Armed militants attacked a group of Hindu pilgrims with guns and grenades in Pahalgam. Nine persons were killed and 32 were wounded. The Lashkar-e-Tayyiba claimed responsibility.


Bombing in Afula, September 19, 2002: A suicide bomb attack on a bus in Tel Aviv killed 6 persons and wounded 52. One of the dead was a British subject. Hamas claimed responsibility.

Attack on a French Tanker, October 6, 2002: An explosive-laden boat rammed the French oil tanker Limburg, which was anchored about 5 miles off al-Dhabbah, Yemen. Four persons were killed and 2 were wounded. The Lashkar-e-Tayyiba claimed responsibility.

Suicide Bomb Attack in Israel, September 19, 2002: A suicide bomb attack on a bus in Tel Aviv killed 6 persons and wounded 52. One of the dead was a British subject. Hamas claimed responsibility.

Car Bomb Explosion in Bali, October 12, 2002: A car bomb exploded outside the Sari Club discotheque in Denpasar, Bali, Indonesia, killing 20 and wounding 100 more. Most of the casualties, including 88 of the dead, were Australian tourists. Seven Americans were among the dead. Al-Qaeda claimed responsibility. Two suspects were later arrested and convicted. Iman Samudra, who had trained in Afghanistan with al-Qaeda and was suspected of belonging to Jamaat-ul-Mujahidin, was sentenced to death on September 10, 2003.

Chechen Rebels Seize a Moscow Theater, October 23, 2002: Chechen rebels carrying suicide vests and carrying four cylinders with chemical gas through the ventilation system and then set off the theater. All of the rebels were killed, but 94 hostages (including one Arab, one Australian, and many from the effects of the gas. A group led by Chechen warlord Shamal Basayev claimed responsibility.


Suicide Bombing in Jerusalem, November 21, 2002: A suicide bomb attack on a bus on the Route 99 killed 18 persons and wounded 50 more. One of the dead was a Romanian. Hamas claimed responsibility.

Two suicide bomb attacks on the Paradise Hotel in Al Khaboub, Saudi Arabia, killed 18 and wounded 40. Three of the dead and 18 of the wounded were Israeli tourists; the others were Kenyans. Near Mombasa’s airport, two SA-7 shoulder-fired missiles were fired at an Arkia Airlines Boeing 757 that was carrying 261 passengers back to Israel. Both missiles missed. Al-Qaeda, the Government of Universal Palestine claimed responsibility for both attacks. Al-Ittihaal al-Islami was also suspected.

Attacks on Israeli Tourists in Kenya, November 28, 2002: A three-person suicide car bomb attack on the Paradise Hotel in Mombasa, Kenya, killed 18 and wounded 40. Three of the dead and 18 of the wounded were Israeli tourists; the others were Kenyans. Near Mombasa’s airport, two SA-7 shoulder-fired missiles were fired at an Arkia Airlines Boeing 757 that was carrying 261 passengers back to Israel. Both missiles missed. Al-Qaeda, the Government of Universal Palestine claimed responsibility for both attacks. Al-Ittihaal al-Islami was also suspected.

Attacks on a Bus in the Philippines, December 26, 2002: Armed militants ambushed a bus carrying Filipino workers employed by the Canadian company Pacific Mining in Zamboanga del Norte. Thirteen persons were killed and 10 wounded. Philippine authorities suspected the Moro Islamic Liberation Front, which had been extorting money from Toronto Ventures. The Catholic charity Caritas-Philippines said that Toronto Ventures had harassed tribesmen who opposed mining on their ancestral lands.

Bombing of a Government Building in Chechnya, December 27, 2002: A suicide bomb attack in the center of Grozny destroyed the offices of the pro-Russian Chechen government in Grozny. The attack killed over 80 people and wounded 210. According to a Chechen website run by the Chechen warlord Shamil Basayev, the Chechen warlord Shamil Basayev claimed responsibility. Hamas claimed responsibility.

Suicide Bombings in Tel Aviv, January 5, 2003: Two suicide bomb attacks killed 22 and wounded 120. The attacks were carried out in Tel Aviv, Israel. Six of the victims were foreign workers. The Al-Aqsa Martyrs’ Brigades claimed responsibility.

Night Club Bombing in Colombia, February 7, 2003: A car bomb exploded outside a night club in Bogota, Colombia, killing 32 persons and wounding 165. No group claimed responsibility. Colombian officials suspected the Colombian Revolutionary Armed Forces (FARC) of committing the worst terrorist attack in the country in a decade.

Assassination of a Kurdish Leader, February 8, 2003: Members of Ansar al-Islam assassinated Kurdish legislator Shawkat Haji Mashadi and captured other Kurdish officials in Qamash Tapa in northern Iraq.

Suicide Bombing in Haifa, March 5, 2003: A suicide bomb attack on a bus in Haifa, Israel, killed 18 persons and wounded at least 40. One of the dead claimed U.S. as well as Israeli citizenship. The bomber’s affiliation was not immediately known.

Suicide Bombing in Netanya, March 30, 2003: A suicide bombing in a cafe in Netanya, Israel, wounded 38 persons. Only the bomber was killed. Islamic Jihad claimed responsibility and called the attack a “gift” to the people of Iraq.

Unsuccessful Hostage Rescue Attempt in Columbia, May 5, 2003: The FARC killed 10 hostages and attempted to rescue them from a jungle hideout near Urrea, in Colombia’s Antioquia State. The dead included Governor Guillermo Gaviria and former Defense Minister Gilberto Echeverri Mejia, who had been kidnapped in April 2002.

Suicide Bomb Attacks in Saudi Arabia, May 12, 2003: Suicide bombers attacked three residential compounds for foreign workers in Riyadh, Saudi Arabia. Sixteen 9 attackers, 7 other Saudis, 9 U.S. citizens, and one citizen each from the United Kingdom, Ireland, and the Philippines. Another American died on June 1. It was the first major attack on U.S. targets in Saudi Arabia since the end of the war in Iraq. Saudi authorities arrested 11 al-Qaida suspects on May 29.

Truck Bombing in Melbourne, Australia, May 20, 2003: A truck bomb explosion demolished a government compound in Zlata, killing 10 people. The attackers were Australians. Four al-Qaida suspects were arrested. Australian and British police officers arrested four al-Qaida suspects.

Suicide Bomb Attack in Jerusalem, May 18, 2003: A suicide bomber in a bus in Jerusalem’s French Hill district killed 7 persons and wounded 20. The bomber was disguised as a religious Jew. Hamas claimed responsibility.

Suicide Bombing in Afula, May 19, 2003: A suicide bomb attack by a female Palestinian student killed 3 persons and wounded 52 at a shopping mall in Afula, Israel. Both Islamic Jihad and the al-Aqsa Martyrs’ Brigades claimed responsibility.

Bombing in Jerusalem, June 11, 2003: A suicide bomber killed 16 persons and wounded at least 76, one of whom died later. Hamas claimed responsibility. Two inferred dead after an Israeli helicopter attack on Hamas leader Abdelaziz al-Rantisi in Gaza City the day before.

Truck Bombing in Northern Ostelia, August 1, 2003: A suicide truck bomb attack destroyed a Russian military hospital in Msolok, North Ostelia, and killed 50 persons. Russian authorities attributed the attack to followers of Chechen rebel leader Shamil Basayev.

Hotel Bombing in Indonesia, August 5, 2003: A car bomb exploded outside the Marriott Hotel in Jakarta, Indonesia, killing 10 persons and wounding 150. One of the dead was a Dutch citizen. The wounded included an American, a Canadian, an Australian, and two Chinese. Indonesian authorities suspected the Jemaah Islamiyah and charged 8 persons with carrying out the attack. On October 12, 2002, 2 bombing in Ball.

Bombing of the Jordanian Embassy in Baghdad, August 7, 2003: A car bomb exploded outside the Jordanian Embassy in Baghdad, Iraq, killing 19 persons and wounding 65. Most of the victims were apparently police officers. No group claimed responsibility.

Suicide Bombings in Israel and the West Bank, August 12, 2003: The first suicide bombing attack in the West Bank since the Palestinin truce took place. The first, in a supermarket at Rosh Haayin, Israel, killed one...
A suicide bomber aboard a bus in Jerusalem killed 20 persons and injured at least 100, one of whom died later. Five of the dead were American citizens. HAMAS, Islamic Jihad claimed responsibility, although HAMAS leader al-Rantisi said that his organization remained committed to the truce while preserving the right to respond to Israeli military actions.

Attacks on Other Coalition Personnel in Iraq, November 29-30, 2003: Iraqi insurgents stepped up attacks on nationals of other members of the Coalition. On November 29, an ambush near Tikrit killed seven South Korean electrical workers and wounded two more. A Colombian employee of Kellogg Brown & Root was killed and two were wounded in an ambush near Balad.

Two suicide car bombs exploded outside the Synagogue Alh in Nazareth, killing at least 81 persons and wounded at least 140. The dead included the Ayatollah Mohammed Bakir al-Hakim, one of four leading Shiites in Iraq, Al-Hakim had been the leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI) since its establishment in 1982, and SCIRI had recently agreed to work with the U.S.-sponsored Iraqi Governing Council. It was not known whether the perpetrators were Baath Party loyalists, rival Shi'ites, or foreign Islamists.

Suicide Bombing in Jerusalem, August 19, 2003: A suicide bombing outside the Jerusalem hotel Dunas, just south of Ammunition Hill, killed 43 persons and wounded 126. The attackers were said to be members of the Popular Front for the Liberation of Palestine. On August 21, HAMAS claimed responsibility.

The more successful we are on the ground, the more these killers will react.

Suicide Bombing in Riyadh, November 8, 2003: In Riyadh, a suicide car bomb took place in the Minaya residential compound, which was occupied mainly by nationals of other Arab countries. At least 88 persons were killed and 122 were wounded. The latter included 44 Americans. The next day, Deputy Secretary of State Richard Armitage said al-Qaeda was probably responsible.

A Second Attack on the UN Headquarters in Baghdad, September 22, 2003: A suicide car bomb attack on the UN Headquarters in Baghdad killed a security guard and wounded 19 other persons.

A Palestinian woman made a suicide bomb attack on a restaurant in Haifa, killing 19 persons and wounding at least 55. Islamic Jihad claimed responsibility for this attack.

A Palestinian suicide bomber killed 5 other persons and wounded 14 outside Moscow's National Hotel. She was said to be looking for the State Duma.

Suicide Bombings in Iraq, December 15, 2003: Two days after the capture of Saddam Hussein, there were two suicide car bomb attacks on Iraqi police stations. One at Husainiyah killed 8 persons and wounded 20. The other, at Ameriyah, wounded 7 Iraqi police. Guards repelled a second vehicle.

Attacks in Iraqi Kurdistan, December 14, 2003: The U.S. Embassy suspected that the attacker was a Baath Party loyalist or a foreign Islamic militant with links to the brigades of the Martyr Abu Hafiz al-Masri later claimed responsibility.

Assassination of a Deputy Mayor in Baghdad, October 26, 2003: Two gunmen believed to be Baath Party loyalists assassinated Faris Abdul Razaq al-Assam, one of three deputy mayors of Baghdad. U.S. officials did not announce al-Assam's death until October 26.

Wave of Car Bombings in Baghdad, October 27, 2003: A series of suicide car bombings in Baghdad killed at least 35 persons and wounded 200. In successive attacks, two vehicles were directed at Iraqi police stations, the fifth and most destructive was directed at the International Committee of the Red Cross headquarters, where at least 12 persons were killed. A sixth attack failed when a car bomb failed to explode and the bomber was wounded and captured by S. and I. officials. Three other car bomb attacks were foiled.

Suicide Bombings in Iraq, December 2003: In Riyadh, a suicide car bomb took place in the Minaya residential compound, which was occupied mainly by nationals of other Arab countries. At least 88 persons were killed and 122 were wounded. The latter included 44 Americans. The next day, Deputy Secretary of State Richard Armitage said al-Qaeda was probably responsible.

A Palestinian suicide bomber killed 5 other persons and wounded 14 outside Moscow's National Hotel. She was said to be looking for the State Duma.

Suicide Bombing in Baghdad, October 12, 2003: Two suicide car bombs exploded outside the Baghdad Hotel, which housed U.S. officials. Six people were killed and 31 wounded and U.S. security personnel apparently kept the cars from actually reaching the hotel.

Bomb Attack on U.S. Diplomats in the Gaza Strip, October 15, 2003: A remote-controlled bomb exploded under a car in a U.S. diplomatic convoy passing through the northern Gaza Strip. Three security guards, all employees of DynCorp, were killed. A fourth was wounded. The diplomats were on their way to interview Palestinian cantonments in the West Bank, but U.S. officials suspected that al-Qaeda had struck again. The U.S. Consulate in Istanbul was closed, and the Embassy in Ankara advised Americans to stay home.

Car Bombing in Kirkuk, November 20, 2003: A suicide car bombing in Kirkuk killed 5 persons. The target appeared to be the head- quarters of the PUK, a Kurdish group, which was said to have sheltered fugitive Talibani and al-Qaeda members after the U.S. invasion of Afghanistan.

Restaurant Bombing in Baghdad, December 31, 2003: A car bomb explosion outside Baghdad's Nabil Restaurant killed 8 persons and wounded 35. The wounded included 3 Los Angeles Times reporters and 3 local employ- ees.

Mr. DODD. I know the Senate would like to vote quickly and I am prepared to respond.
to do so. I thank the Senator for his patience and indulgence.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the concern of the Senator from Connecticut and I know he is hard in this area, but the response to this amendment is not bureaucratic. The response to this amendment focuses on the fact that this bill, and our efforts as a Nation, must be threat based as we address terrorism.

I was interested today in a quote from Mayor Bloomberg in one of the New York papers. He essentially said if a professional terrorist, whose purpose was to kill Americans indiscriminately, wishes to attack the transit systems of New York, it is virtually impossible to stop that individual at the site of the attack.

Where do you stop that individual? You stop him by obtaining the intelligence necessary to interdict him before he can attack us. The energy we in this Nation are putting in the area of fighting terrorism is to do exactly that.

One of the primary reasons we are fighting in Iraq, one of the primary reasons we are fighting in Afghanistan, is in order to develop intelligence which will give us the capacity to stop these individuals. These individuals come from that part of the world. One of the reasons we have Guantanamo Bay is to develop intelligence capability. A significant amount of our intelligence capability coming out of that facility is as a result of taking their prisoners, who are bad actors, people who are fundamentally focused on hurting Americans, and getting information from them in a proper way.

One of the reasons we have the PATRIOT Act is to develop the intelligence we need to interdict an attack. One of the reasons we do profiling is in order to get the intelligence we need to catch these people before they attack us. This bill addresses intelligence. We have significantly improved or are trying to improve with this bill what is our highest risk relative to the capacity of a terrorist to attack us, which is the porosity of our borders.

And so these funds which are being proposed here, $16 billion, which literally represents 50 percent of the entire Homeland Security appropriations bill, are going to be put into intelligence gathering and counterterrorism in order to get the intelligence we need to catch these people before they attack us. This bill addresses that.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that at 6:30 o'clock today we begin the process of voting in series of votes in relation to the following amendments and the motions where pending; further, that no second-degree amendments be in order to any amendments prior to the vote, and that there be 2 minutes equally divided for debate prior to each vote. The first amendment will be the Dodd amendment, a motion to waive the budget point of order, and the second amendment would be Akaka amendment No. 1112, and on that amendment there will also be a point of order. I presume the vote will be on the motion to waive the point of order since that amendment also significantly exceeds the budget allocation of this committee.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1112, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the pending amendment be set aside and the amendment No. 1112 of Senator AKAKA be in order.

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

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. AKAKA. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

Mr. GREGG. It is my understanding that we will now have a vote on Senator Dodd's amendment, on the motion to waive the Budget Act, followed by a vote on Senator AKAKA's motion to waive the Budget Act. I should inform Members that we actually are going to have three other votes following those two votes as soon as we line them up. The first vote will begin at 6:30.

I think Senator AKAKA wanted time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair. Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to my amendment.

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

Mr. AKAKA. Mr. President, I rise today to speak briefly on my first responder amendment to the Homeland Security appropriations bill. The distinguished chairman of the Homeland Security Subcommittee has cited $7 billion in unused first responder grants as justification for reducing first responder funding in fiscal year 2006. I wish to take a moment to respond to the statement. First, much of the $7 billion figure has been legally obligated for specific purposes or in some cases even already spent. As the DHS inspector general observed in a March 2004 report on the distribution of funds drawn down by States provide an incomplete picture of the progress States and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent by the States and local jurisdictions.

Following this approach and looking at data received from DHS, virtually all the money that has been awarded to...
States in prior years under the three main homeland security first responder grant programs has been obligated.

Second, the $7 billion includes fiscal year 2005 grant funds which were only made available to States by DHS very recently and could not reasonably be expected to have already been spent in the middle of the same fiscal year.

We should not punish first responders for bureaucratic procedures and red-tape. We cannot afford to take resources away from its first responders at a time when we rely on them more than ever.

Mr. President, I urge support of our amendment. I have asked for the yeas and nays. I yield to the gentleman from New Hampshire.

Mr. LIEBERMAN. Mr. President, I rise today to support this amendment to the fiscal year 2006 Department of Homeland Security appropriations bill to provide additional funding for our first responders and preventers—the men and women who go to work every day to keep our communities safe, and who rush into the face of disaster when it happens.

Last Thursday, the world saw again with the despicable attacks in London that terrorists are still capable of killing innocent civilians. It is yet another wake up call to all of us, and a sign that we cannot let down our guard. We must act now.

In fact, our intelligence and security experts have been telling us in no uncertain terms that the threat of terrorist attacks right here at home is one we will have to live with for some time. We have been told by former CIA Director Porter Goss has said, ‘It may only be a matter of time’ before terrorists strike again within our borders with weapons of mass destruction. And FBI Director Robert Mueller has said our Nation is, ‘awash in desirable targets for terrorists.

Given these pronouncements, it is wrong to leave our police, firefighters, and emergency medical workers under-trained and under-equipped to protect our fellow American citizens. We would never consider denying the training and equipment needs of our men and women fighting in Iraq and we should not deny the training and equipment needs of those we rely on to protect us in the war on terror at home.

Yet that is exactly what this spending bill does. It sends the wrong message not only to first responders and the state and local officials struggling to keep up with the cost of preparing for new threats. It also sends a dangerous message of complacency to the public.

The amendment that Senator AKAKA and I are offering today would boost our first responder spending by $587 million—to restore three key grants programs to last year’s funding levels. Those grant programs are the State Homeland Security Grant Program, the Urban Areas Security Initiative, and the Fire Assistance Grant Program. All of these programs are designed to support first responders with the training and equipment they need to do their jobs effectively and safely.

Opponents of this amendment will argue that Congress has already appropriated billions of dollars for first responders and preventers since September 11, and that some $7 billion remains unspent in the pipeline. This is a common misperception.

First, the $7 billion figure includes fiscal year 2005 grant funds—that were only made available to states by DHS very recently and that could not reasonably be expected to have already been spent in the middle of the same fiscal year. Second, the $7 billion refers to money that has not actually been ‘drawn down’ from the U.S. Treasury. Much of this money, however, has been legally obligated for specific purposes or in some cases even already spent. As DHS’s inspector general observed in a March 2004 report on the distribution of first responder grants, ‘The amounts of funds drawn down by states provide an incomplete picture of the progress states and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent (outlays) by the states and local jurisdictions.’

Following this approach and looking at data we have received from the Department of Homeland Security, it appears that virtually all the money that has been awarded to States in prior years under the three main homeland security first responder grant programs—the Homeland Security Grant Program, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, has been obligated.

At any rate, the billions we have appropriated over the years still pale by comparison to what most experts—Republican and Democrat—say is needed to adequately prepare our first responders and preventers. In June 2003, a nonpartisan task force chaired by former Senator Warren Rudman reported that—over the next 5 years—we will need fund the needs of critical emergency responders by nearly $100 billion. And that figure was arrived at based on maintaining 2003 funding levels.

The task force found that, on average, fire departments had enough radios to equip only half the firefighters on a shift, and breathing apparatuses for only one-third. Just 10 percent had the protective gear needed to respond to a building collapse; and police departments did not have the protective gear needed to secure the site of a WMD attack. These dismal numbers may have improved somewhat since 2003, but no one has suggested that our level of preparedness is near where it should be.

On the key issue of first responder communications interoperability—the top priority of State and local homeland security officials—the task force recommended spending almost $7 billion over 5 years. And DHS estimates the cost of modernizing first responder communications infrastructure at $40 billion. No wonder most States have not yet achieved interoperability.

In March, New York’s Center for Catastrophe Preparedness and Response reported that emergency medical workers generally lack not only proper equipment but also proper training. And the Department of Homeland Security’s GAO testified in March that civil authorities reach out to Border Patrol where we do need the money, moves it over to weapons of mass destruction where we do
need the money, and that is the priority we set as a committee, in a bipartisan way, because this has been, as I mentioned a number of times, a threat-based bill. This is the first time this bill has been brought forth recently, or ever, really, based on threat, and we determined the threat was weapons of mass destruction and border porousness. The fact there were $7 billion in the pipeline, retaining $4 billion in this account we felt was an adequate amount, and those accounts for first responders, knowing that down the road we are going to put more money into first responders as it can be absorbed. But to put more in now would mean just holding it, and that money can be much more efficiently used as we propose to use it by adding more Border Patrol agents and detention beds, and more aggressive attempts to fight the use of a weapon of mass destruction against us. So that is why we are opposed today.

Clearly, it breaks the allocation which we have received. Therefore, it would cost $587 million to the deficit, which would also be inappropriate, and that is why the point of order lies against it, and that is why we oppose it at this point.

I understand we are now on a minute equally divided on the Dodd amendment.

The PRESIDING OFFICER. The understanding is 2 minutes equally divided.

Mr. DODD. The chairman is very gracious. He has probably worn out his patience on this amendment. This amendment is an extraordinary amendment. I fully understand that. I believe the events, particularly over the last week, have highlighted the extraordinary times we are in and the challenges we face.

The bulk of the $16 billion is not to first responders but to harbors, port and chemical plants where there is great vulnerability today.

Regarding the Akaka amendment, Mr. President, I went in Seville, Spain, attending a conference. I rode the train from Seville to Madrid and arrived in the same station where the attacks occurred in March of 2004. My luggage, when I got on the train in Seville to go to Madrid, was quickly checked through a scanning system. We have nothing like that.

I am not suggesting had something like that existed in London the problem could have been avoided. I know terrorism will have used another means to attack as they did that day, but it minimizes the possibility.

The vulnerabilities we have in our country today in the areas I have described demand attention. With all due respect this bill is a reduction in funding for these areas, not an increase. We ought to be doing more. This amendment is a large amount, but to do less would be a tragedy. I hope the waiver will be adopted.

Mr. GREGG. This is $16 billion, $16 billion into an account where there presently is sitting $7 billion in the bank.

We as a nation obviously have a lot of vulnerabilities because we are an open society. I wish we could cover them all. But the simple fact is there is not enough money to cover them all. We need to prioritize. This bill does that. This amendment basically flies in the face of good faith. We did dollars because we simply could not spend these types of dollars if they were appropriated effectively. They may get spent but not effectively, in our opinion.

It is much more appropriate to look at addressing weapons of mass destruction, border patrol, airline security, and to make sure we have in place the proper systems in order to protect the homeland through these assessment programs which are going forward before we put a large amount of money—$16 billion, which would be half the budget of the Homeland Security agency—into new spending initiatives or additional spending initiatives, the $4 billion in the bill and the $7 billion in the pipeline.

The point of order has been made. This is a motion to waive it. This amendment would add $16 billion to the deficit. We do not think it would accomplish what its purpose is.

The PRESIDING OFFICER. Under the previous order, the question is now agreeing to the motion to waive the Budget Act with respect to Dodd amendment No. 1292, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

The PRESIDING OFFICER. The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 60. Three-fifths of the Senators duly chosen and sworn not in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, let me take a moment and update everybody on the schedule. We are going to have one additional vote scheduled this evening. We will be starting that tomorrow evening. We have 14 additional amendments pending at this time. We should be able to lock in a voting sequence for tomorrow morning, and thus we will have one more vote tonight, and then we will have a series of stacked votes beginning tomorrow morning at 10 a.m. As we have said again and again, we will be completing the bill this week, and we can complete the bill late tomorrow night but, if necessary, we would go into Friday. But we will finish the bill this week.

Senators should be prepared to stay late tomorrow night. We will have one more vote starting shortly, and we will start stacked votes at 10 in the morning. We will work straight through tomorrow, hopefully finish tomorrow night. We will be in on Friday as well, but I think we can finish this bill tomorrow night.

AMENDMENT NO. 1112, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Akaka amendment. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, we have been very concerned about first responders and funding they really need. My amendment simply seeks to maintain the fiscal year 2005 funding for first responders. Our country cannot afford to take the resources away from them. I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment adds $587 million in new spending to first responder grants, above the levels provided already in the bill. There is no offset. The bill already provides $3.4 billion for first responder grants. In addition, there is nearly $7 billion previously appropriated that State and locals have available to spend at this time for first responders. The funding pipeline is full on this bill. This amendment will cause the subcommittee to exceed its 302(b) allocation. The Budget Act point of order should be sustained.
Have the yeas and nays been ordered?
The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to the Akaka amendment No. 1112, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Ms. MIKULSKI. I announce that the Senator from Louisiana (Ms. LANDRY), and the Senator from Maryland (Ms. MINKULSKY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Cassidy
Cochran
Coburn
Collins
Coleman
Cornyn
Cotula
Cubin
Dayton
Dodd
Durbin
Dorgan
Feinstein
Feingold
Fischer
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hagans
Hagerty
Haldeman
Harkin
Hagans
Hagerty
Haldeman
Harkin
Hagans
Hagerty
Haldeman
NAYs—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Burns
Burr
Burr
Chafee
Chambliss
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Landrieu
Lott
Mikulski
The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

AMENDMENT NO. 1172

Mr. GREGG. Mr. President, at this time I call up amendment No. 1172 on behalf of Senator THOMAS and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. THOMAS, proposes an amendment numbered 1172.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft in the United States from a foreign area may land for processing by the United States Customs and Border Protection, and for other purposes)

At the appropriate place, insert the following:

Scc. ___ (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall designate the Natrona International Airport in Casper, Wyoming, as an airport at which private aircraft described in subsection (b) may land for processing by the United States Customs and Border Protection in accordance with section 122.24(b) of title 19, Code of Federal Regulations, and such airport shall not be treated as a user fee airport for purposes of section 122.15 of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign country and have a final destination in the United States of Natrona International Airport in Casper, Wyoming; and

(2) would otherwise be required to land for processing by the United States Customs and Border Protection at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1172) was agreed to.

AMENDMENT NO. 1173, AS MODIFIED

Mr. GREGG. Mr. President, I call up amendment No. 1173 on behalf of Senator HUTCHISON, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mrs. HUTCHISON, proposes an amendment numbered 1173, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 1173), as modified, was agreed to.

AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG, Mr. President, I ask for the regular order on Senator McCaIN’s amendment No. 1171, as modified.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1221 TO AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I send a second-degree amendment on behalf of Senator HATCH to Senator McCaIN’s amendment No. 1171.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. HATCH, proposes an amendment numbered 1221 to amendment No. 1171, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the source of funds allocated under amendment No. 1171 to H.R. 2360)

(A) On line 3, page 2, strike ‘‘ ‘‘ and insert ‘‘.’’

(B) Add at the end, “provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities pursuant to Homeland Security Presidential Directive 8 (HSPD-8).’’

Mr. GREGG. Mr. President, I ask unanimous consent that the second-degree amendment offered by Senator HATCH be agreed to.

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

The amendment (No. 1221) was agreed to.

Mr. GREGG, Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, the Senate proceed to a series of votes in relation to the following amendments or motions where pending; further, that no second-degree amendments be in order to any of the amendments prior to the votes, and that there be 2 minutes equally divided for debate prior to each vote; finally, that the first vote in the series be 15 minutes, with the remaining votes in the series limited to 10 minutes each. The first amendment will be Senators ENSIGN and McCaIN second-degree amendment No. 1219; the second amendment will be Senator SCHUMER’s amendment No. 1189; third will be Senator SCHUMER’s amendment No. 1190; fourth will be Senator McCaIN’s amendment No. 1171, as modified, as amended by the Hatch amendment; and fifth will be Senator STABENOW’s amendment No. 1217.

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

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.
Mr. REID. 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. 1361

Mr. REID. Mr. President, I call up amendment No. 1361, which is at the desk. I wish to have it reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BIDEN, and Mr. KENNEDY, proposes an amendment numbered 1361.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq)

At the appropriate place, insert the following:

Sec. 8203. (a) FINDINGS.—The Senate makes the following findings:

(I) The training provided Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(ii) The operational readiness status of the Iraqi military forces, including the type, number, size, and notional organizational structure of Iraqi battalions that are—

(I) capable of conducting counter-insurgency operations independently;

(ii) capable of conducting counter-insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter-insurgency operations.

(iii) The number of police recruits that have received classroom training and the duration of such instruction;

(iv) The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry programs, the success rates of those groups of candidates;

(v) The number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(vi) Attrition rates and measures of absenteeism and infiltration by insurgents.

(b) APPROPRIATIONS.—It is the sense of the Senate that this information is critical to formulating a strategy for success in Iraq.

Unfortunately, too often the rhetoric of excesses of senior administration officials have left an impression with the American people of a credibility gap.

Overly optimistic statements such as that by the Vice President that the insurgents have not matched what real experts, including the administration’s own intelligence analysts and senior military officers, have said about the challenges ahead.

With all this obfuscation, the American people are right to be concerned and right to demand that the administration report more cold, hard facts about Iraq on a regular basis.

As the administration asks Congress for billions more in funding for the Iraq war in coming months, on top of the more than $218 billion we have provided so far, the American people are entitled to information measuring whether those resources are having an impact and moving the ball forward in Iraq.

Let me remind my colleagues that this is important not just for our debate about Iraq but for our debate about other priorities such as homeland security. We spend more on Iraq in a month than we do on all our first responders in an entire year. Since 9/11, we have spent $500 million on mass transit security—an amount that we...
spend every 3 days in our operations in Iraq. This puts a premium on ensuring the taxpayers’ money is being well spent.

We won’t know whether our strategy in Iraq is making true progress until real data begin to come in.

The amendment is a reminder that the first of these report cards from the administration was due this past Monday, and that the representatives of the people in Congress are waiting. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. 1161

Mr. GREGG. Mr. President, I ask for the regular order with respect to amendment No. 1161, offered by the Democratic leader.

Mr. REID. Mr. President, I ask that the Senate act on the amendment at this time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1161.

The amendment (No. 1161) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1151

Mr. GREGG. Mr. President, I ask for the regular order with respect to amendment No. 1151. It is Senator Voinovich’s amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1075) was agreed to.

Mr. GREGG. Mr. President, I ask for the regular order with respect to McCain amendment No. 1151.

The PRESIDING OFFICER. The amendment is now pending.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1151) was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

SENATE FIRST QUARTER ACCOMPLISHMENTS

Mr. MCCONNELL. Madam President, as we return from the celebrations marking our Nation’s Independence Day, we should take a moment to mark the accomplishments of this Senate as we conclude the first quarter of the 109th Session of the U.S. Congress.

The list of accomplishments is impressive.

We met our responsibilities to defend freedom, and the challenges of continuing to wage war on terrorism, with an emergency funding bill for Iraq.

We responded to the heart-breaking human cry for help by funding international relief efforts for victims of the Southeast Asia tsunami.

The budget resolution, which sets the spending levels for the remainder of the fiscal year, was completed and now permits smooth consideration of appropriations bills, tax relief measures, the highway bill, the energy bill and numerous other initiatives.

After failures to enact a budget in two of the last three sessions, getting this one in place means we are on course to meeting the President’s goal of cutting the deficit in half while funding our important priorities of health, education, veterans, and homeland security.

We’ve found that our budget needed to be adjusted to meet the medical needs of veterans, we voted to make the adjustments to ensure veterans have the health care they need this year as well as next.

We now are poised to soon enact a highway bill that will help Americans get where they need to go more quickly and safely, and will help create jobs within our States as well.

We agreed to conference now on an Energy bill that will help reduce our national dependence on foreign sources of oil and prevent blackouts like the one that hit the Northeast United States in 2003.

We made the homeland safer by passing the Real ID provision. These provisions tighten our borders, reform our asylum system, and safeguard our identity documents so that terrorists cannot use them to avoid detection.

We’ve broken the unprecedented three-year filibuster of President Bush’s judicial nominees who finally received up-or-down votes. Now, Judges Owen, Pryor, Brown, Griffith, McKeague, and Griffin have each taken their oaths and assumed the Federal appellate bench.

Most recently, the Senate has expanded the benefits of free trade, economic opportunity, and political stability to new regions of our own hemisphere with Senate passage of the Central American Free Trade Agreement.

We’ve made a good down payment on the appropriations process by passing the Interior, Legislative Branch, and Energy and Water.

And finally, this week we have paid our respects and expressed our condolences to the victims of the London terrorist bombings, and are proceeding to work on funding our own homeland security needs.

Freedom never had a greater ally than the valiant United Kingdom, and the United Kingdom will never have a greater friend than America. Our prayers are with that great nation today.

That is an incredible body of achievement in just six months. Where once there was inaction, we can now boast accomplishment. We have done what the American people sent us here to do.

I hope everyone enjoyed the Fourth of July weekend and paused for a moment to celebrate the fact behind those fireworks—that government of, for, and by the people can work, and that the accomplishments of this Senate show that it does work.

ETHIOPIA

Mr. MCCONNELL. Mr. President, today I rise to express concern about recent events in Ethiopia. On May 15, 2005, 90 percent of registered Ethiopian voters went to the polls in the country’s third election under its current constitution. Unfortunately, this historic election was marred by a disputed outcome. Because of the controversy over the election, civil unrest ensued. In responding to protests by opposition parties, the Government of Ethiopia acted with excessive force, killing 36 protestors and arresting large numbers of demonstrators.

Final results of the May election were due to be completed by the National Electoral Board by June 8, then by July 8, and are still ongoing. Interim certified results from the Electoral Board indicate that approximately 40 percent of the vote is either still under investigation or in need of recounts in one region of the country still to cast its ballots.

Let me be crystal clear that the Government of Ethiopia must respect the
neutrality of the Electoral Board and permit it to go about its work in a fair and impartial manner. I also call upon Kemal Bedri Kelo, chairman of the Electoral Board, to conduct the board’s proceedings in a transparent, fair and evenhanded fashion in order to ensure that any important decision is respected by all sides.

Ethiopia is an ally of the United States. But that friendship could be strained by failure of the Ethiopian Government to observe international norms in its elections, failure by the Government to abide by the rule of law or failure by opposition groups to avoid overheated rhetoric. As chairman of the State/Foreign Operations sub-committee, I will be keeping a close eye on events in Ethiopia as they continue to unfold.

CLAIRE SEXUAL ABUSE

Mr. KENNEDY. Mr. President, RICK SANTORUM owes an immediate apology to the tragic and long-suffering victims of sexual abuse and their families in Boston, Massachusetts, in Pennsylvania, and around the country. His outrageous and offensive comments which he had the audacity to repeat yesterday, blamed the people of Boston for the depraved behavior of sick individuals who stole the innocence of children in the most horrible way imaginable.

Senator SANTORUM has shown a deep and callous insensitivity to the victims and their suffering in an apparent attempt to score political points with some of the most extreme members of the fringe rightwing of his party. Boston bashing might be in vogue with some Republicans, but RICK SANTORUM’s statements are beyond the pale.

Three years ago, Senator SANTORUM said:

While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm.

When given an opportunity yesterday to apologize, he refused and instead restated these outrageous statements. The people of Boston are to be blamed for the clerical sexual abuse? That is an irresponsible, insensitive, and inexcusable thing to say. RICK SANTORUM should join all Americans in celebrating the accomplishments of the people of Boston. Apparently Senator SANTORUM has never heard of the enormous contributions of our universities and industries to our quality of life, our economic strength, and our national security.

Harvard and MIT have produced 98 Nobel laureates whose work has made an enormous difference in America’s strength. Their graduates contribute to industries, Government, their communities, our Nation, and throughout the world. In fact, only a quarter of MIT graduates remain in New England. Their research keeps our Nation secure.

The Pentagon and the CIA, the military, the Energy Department, the Veterans Administration—all turn to MIT and Harvard for technology and strategies to protect our Nation from those who would hurt us, and their research in cancer, children’s health, housing, community development, and many other issues, continues to make an enormous difference to the well-being and the health of our children and families.

More than a dozen current U.S. Senators were educated in Boston. Senator FRIST was trained as a heart surgeon at Harvard Medical School. Senator DOLE went to Harvard Law School. Senator ALEXANDER went to Harvard’s School of Government. Surely my memorable colleagues would not go to a school that is somehow contributing to the downfall of America. No, Mr. President, they went to a worldwide leading institution to prepare them for incredible careers of service and leadership.

Senator SANTORUM’s self-righteousness also fails to take into account the enormous amount of good will the people of Boston demonstrate for the less fortunate. They started the Massachusetts Hunger Initiative, working with leaders in 20 low-income communities to end hunger among children.

Boston’s Children’s Hospital has been ranked first in the Nation in the past decade for care and concern of sick children.

The quality of life for Boston and its families is rated third in America. Massachusetts has the lowest divorce rate in the Nation.

Massachusetts ranks in the top 10 States in the Nation when it comes to addressing the needs of at-risk or vulnerable children, including our efforts to address low birth weight babies, teen homicides and other challenges to our children. Pennsylvania doesn’t even rank in the top 10.

Boston gave birth to America’s liberty, and the values that sparked our revolution continue to inspire Bostonians today—love of freedom, dedication to country, and concern for our fellow citizens.

The men and women of Boston have served honorably in our Armed Forces. They fought and died for our country so that their children might live in freedom.

The abuse of children is a horrible perversion and a tragic crime, and I am proud that the good people of Boston and Massachusetts were leaders in coming forward, shedding light, and demanding accountability for this devastating violation of children.

Sadly, the sexual abuse of children is a problem throughout the world, and it is not confined in any way to members of the clergy or to one town or one city. Every State in the country has reported child sexual abuse, including Pennsylvania.

On behalf of all the victims of abuse and the people of Boston and Massachusetts, I ask that he retract his unfounded statements and apologize. I think the families of Massachusetts were hurt just as much by this terrible tragedy as the families of Pennsylvania. Abuse against children is not a liberal or conservative issue. It is a human rights crime. Sadly, it happens in every State of this great Nation—in red States and blue States, in the North and South, in big cities and in small. The victims of child sexual abuse have suffered enough already. Senators should stop making a bad and very tragic situation worse.

JUDICIAL PHILOSOPHY OF SUPREME COURT NOMINEES

Mr. KENNEDY. Mr. President, President Bush and Members of the Senate will soon have the duty of appointing a new justice to the Supreme Court. In recent days, there have been differences of opinion over whether we should consider the judicial philosophy of nominees to the Supreme Court as part of the appointment process. I hope the President’s decision yesterday make clear once and for all that judicial philosophy is an important part of a nominee’s qualifications. President Bush said that judicial philosophy would be one of the criteria he used to choose a nominee, along with character, integrity, and the ability to do the job.

I agree with President Bush that these qualities—including judicial philosophy—are important to whether a nominee is fit to serve on the Court. Many times in recent months, and during his campaign for re-election, President Bush has said that nominees to the Federal courts must interpret the law, not make the law. He has said that we should not appoint judicial activists who would decide cases based on personal ideology rather than the law.

The only way to know whether nominees have an activist judicial philosophy is to find out what their judicial philosophy is. That’s the only way to know whether nominees will follow the law or attempt to rewrite it. We certainly can’t tell judicial philosophy from nominees’ resumes, where they went to school, or where they worked. These issues are relevant and should be considered as part of a nominee’s qualifications for the Supreme Court. But a resume is no substitute for answering questions about whether the nominee respects the basic rights and freedoms on which the nation was founded.

The American people deserve to know that a nominee would favor corporate or other special interests, rather than giving everyone the same fair hearing in deciding cases. They deserve
to know whether nominees would respect the Constitutional power of Congress to enact environmental protections or if nominees are so opposed to such protections that they would bend or distort the law to strike them down. The American people have a right to know whether nominees would roll back civil rights laws or uphold the rights of the disabled, the elderly, and minorities. The American people are entitled to know if a nominee respects women’s rights to equal treatment in our society and to privacy in making reproductive decisions.

This does not mean every nominee should promise to rule a particular way in each of the cases on the Supreme Court’s docket for the next term. It doesn’t mean that nominees must state how they would rule in any specific case. But it does mean that the Senate should expect the nominee to answer questions about important legal principles—such as the constitutional power to protect Americans against corporate abuses, the right to equal treatment, Americans’ right to privacy in making personal decisions about medical care, the principle of non-discrimination, and the right to be free from unwarranted government intrusion.

The American people deserve to know the answers to those questions, and the Senate’s review is the only way that they can get those answers. The nominee will need to say more than “trust me” in response to these important questions, because so much hangs in the balance.

The importance of judicial philosophy in deciding whether to confirm a Supreme Court justice is nothing new. During the first 100 years after ratification of the Constitution, 21 of 81 Supreme Court nominations—one out of four—were rejected, withdrawn, or not acted on.

Since 1968, a third of all Supreme Court nominations have failed. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795, when Alexander Hamilton and other Federalists opposed him because of his position on the Jay Treaty.

In 1811, James Madison’s nominee, Alexander Wolcott, was defeated because of his enforcement of the embargo and other trade laws opposed by Federalists in the Senate. A nominee of President Polk was rejected because of his anti-immigration position. A nominee of President Hoover was not confirmed because of his anti-labor views. The Senate failed to elevate Justice Felix Frankfurter to Chief Justice in 1938, when Senate Republicans filibustered his nomination because they objected to his decisions on free speech and defendants’ rights.

Chief Justice Rehnquist himself has stated that it is inappropriate for the Senate to ask about a Supreme Court nominee’s judicial philosophy, stating that this “has always seemed... entirely consistent with our [Constitution and serves as a way of reconciling judicial independence with majority rule.”

As our colleague from Mississippi, Senator Trent Lott, stated in 1996, “[w]e should look not only at their educational background, their qualifications, but also... what is their philosophy with regard to the judiciary and how they may be ruling.” In Senator Lott’s words, “if we do not ask questions, then we will be shirking our responsibilities.”

Earlier this month, the Senator from Texas, Senator CORNYN, stated that while nominees should not be asked to promise how they will vote in a specific case, “it’s an appropriate question to ask what their views are on cases that have been decided and judicial opinions that have been written.”

We should all agree that it’s appropriate for the Senate to ask nominees about the issues most important to the American people. The Senate can expect and deserve to learn about a nominee’s legal philosophy during the hearings on any Supreme Court nominee. We should do all we can to see that the process provides clear answers, so that the American people will have full confidence in the outcome.

HONORING OUR ARMED FORCES
IN HONOR OF PRIVATE FIRST CLASS ERIC PAUL WOODS
Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Eric Paul Woods of Omaha, NE.

Private First Class Woods served his country with the utmost bravery. A graduate of Urbandale High School in Urbandale, IA, Woods moved to Omaha 5 years ago, joining the Army in April 2004 as a medic with the G Troop, 2nd Squadron of the 3rd Army Cavalry. He was based out of Fort Carson, CO. Seven years ago a SEAL reconnaissance team, in which our hero served, met his wife Jamie, also of the Des Moines area. The two were wed a year later on their first anniversary as a couple. On March 3, 2005, Private First Class Woods was deployed for his first tour in Iraq.

On July 9, 2005, Private First Class Woods was killed in action while serving courageously in Iraq. While bravely attempting to save the life of a wounded soldier near Tal Afar, Iraq, he sustained fatal wounds as an improvised explosive device detonated near the side of the road. His courage should be an example to all, as days before he turned down an offer to be moved away from the front lines. His dedication to both his fellow soldiers and his country clearly display both his valor and resolve.

Private First Class Woods is survived by his wife Jamie and his 3-year-old son Eric Scott, among numerous other friends, family, and countrymen who proudly honor and remember his sacrifice. I would like to offer my sincere thoughts and prayers to Private First Class Woods’ family. His selfless commitment to his country will not be forgotten. Private First Class Woods will be remembered as a man who honored, served, and died for the liberties and freedoms of all Americans and Nebraskans.

PETTY OFFICER 2nd CLASS DANNY P. DIETZ
Mr. SALAZAR. Mr. President, I rise today to commemorate an outstanding Coloradan who made the ultimate sacrifice for all of us: Navy Petty Officer 2nd Class Danny Philip Dietz, Jr.

Petty Officer Dietz was a native of Littleton, CO, and a member of the Navy’s elite fighting force, the SEALs. He was killed in Afghanistan after an unsuccessful rescue attempt. He was just 25 years old about to embark on his fifth year of service to our Nation.

Petty Officer Dietz, D.J. to his friends and family, joined the Navy in 1999 after graduating High School where he played football. Serving his country as a Navy SEAL was Petty Officer Dietz’s dream. He spent his spare time in high school swimming and building his strength to make him a better candidate for this elite program. He spent years in training to become part of a specialized SEAL reconnaissance team.

In doing so, Danny Dietz took his first step toward becoming a hero for America.

When Petty Officer Dietz left for his most recent deployment in April out of Virginia Beach, just a few hours from where we are tonight, he told his wife that he was going to do something special for his Nation. He did for all of us, including one of his fellow soldiers who was rescued from those Afghan mountains, where Petty Officer Dietz was lost to us.

Matthew 5:9 teaches us, “Blessed are the peacemakers, for they shall be called sons of God.” Petty Officer Dietz brave actions overseas are the kind of heroism of which you should be extraordinarily proud and to which all Americans are entitled. Service to the people of the United States is a gift for which we are all profoundly grateful and will never forget.

Petty Officer 2nd Class Danny Philip Dietz, Jr. served this Nation with extraordinary courage, honor and distinction in fighting for our freedom and liberties. To his wife Maria and his entire family, I can only offer my deepest condolences at your loss. The thoughts and prayers of an entire Nation are with you.

MR. GENE MAY, A BUILDER OF HOMES
Mr. BYRD. Mr. President, it is commonly said that a man is known by his work. For half of a century, Mr. Gene May of McLean, VA, was known by the fine homes he built in the Washington area.

Mr. May, who died recently of lung cancer, was a builder and a developer, who made an important and lasting impact on this busy, ever-growing, and highly transient region. He was a good
man, who touched people with his hard work, his dedication to his profession, and the extra care that he put into the structures that he built.

Gene May did not merely build houses; he built homes, and he built more than a thousand of them starting with his first, in 1947. He put himself into each of his endeavors, into each of the homes he built; and as a result, the homes he built reflect his values. Years after he retired, according to the Washington Post, people were still calling him, praising him for the sturdiness of the homes he had built for them, and thanking him for his superb work.

Yet, according to his daughter, his work was not the most important thing in his life. It wasn’t even second. His daughter explained that “the most important thing in his life was his family, followed by his church. And he viewed his work as a way to serve our family and our Creator. Gene May’s philosophy served as an underpinning for a rewarding life. He put family first, and what a wonderful family he had. He was married to his loving wife, Barbara May, for 58 years. They had two children and five grandchildren.

Gene May faithfully served his church. I knew Gene May. He built the house in which I now live. He was a charter member, treasurer, and one of the first deacons of the Church of Christ of Falls church. He supervised the building of two of the church’s facilities, and actively participated in the church’s mission. In addition, he helped to establish, then served as president of, a christian youth summer camp in Virginia’s blue ridge mountains.

Gene May’s community involvement extended well beyond his church activities. For example, he was a member of the school board, a board member of the Arlington Trust Bank, and a founder of the Northeastern Junior College in Villanova, PA.

When Mr. May learned that he had terminal cancer a little more than a year ago, he reacted to the news with the calmness and level-headedness that had characterized his life.

He taught his wife how to handle the family finances, even budgeting the money for her funeral expenses. He then signed up for hospice care, so that he would not be a burden to his family; and, he began to prepare himself for the afterlife. How about that? He began to prepare himself for the afterlife.

Gene May succumbed to the dreaded terminal cancer a little more than a month, the shortage of linguists “makes our mission of representing the American people that much harder.”

Frankly, I agree with Mr. Limbert. The stability and economic vitality of the United States and our national security depend on American citizens who are knowledgeable about the world. We need civil servants, area experts, diplomats, business people, educators, and other public officials with the ability to communicate at an advanced level in the languages and cultures with which they interact. An ongoing commitment to maintaining these relationships and language expertise helps prevent a crisis from occurring and provides diplomatic and language resources when needed.

My own State of Hawaii is a leader in promoting language education and cultural sensitivity. As a gateway to Asian and Pacific nations, we in Hawaii understand the importance of knowing other languages and cultures, which help to develop strong relationships with other people. For example, according to the 2000 Census, more than 300,000 people in Hawaii, or about 27 percent of those 5 years and older, spoke a language other than English at home. This is compared to about 18 percent nationwide. In addition, the University of Hawaii is a leader in teaching Korean and is the host of one of two National Korean Flagship Programs established by the National Security Education Program. Hawaii is also host to the internationally recognized East-West Center, an education and research organization established in Hawaii by Congress in 1960, which is a leader in promoting and strengthening the cultures of the United States and the countries of the Asia Pacific region.

In 2000 the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, then chaired by Senator Cochran, held a hearing on the foreign language needs of the Federal Government. At that hearing Ellen Laipson,
vice chairman of the National Intelligence Council, testified as to the language shortfalls in the intelligence community and how these shortfalls could impact agency missions, especially in emergency situations. For example, analysts' insight into a foreign culture which restricts their ability to anticipate political instability and warn policymakers about a potential trouble spot. In addition, Ms. Laipson testified that thousands of technical papers providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of "a technological surprise." "Understanding the importance of improving our language capabilities, I introduced with Senators Durbin and Tsoutsos the Homeland Security Education Act and the Homeland Security Federal Workforce Act. Our bills proposed a comprehensive strategy to improve language education, as well as science and math education, September 11th pointed out the importance of science and math education, September 11th security consequences. While Sputnik has been said that the events of September 11th would focus Americans on foreign languages, it has not been enough. As such, we need sustained leadership in language acquisition, including some that I have proposed to the Department of Defense to report on how it will address its language shortfalls in both the short and long term. Earlier this year, the Department issued its Defense Language Transformation Roadmap which lays out an ambitious plan for improving the language education of its service members.

While Congress has adopted several provisions to improve language education, including some that I have proposed, it has not been easy to gain a wider acceptance of this need. It has been said that the events of September 11, 2001, were a modern day Sputnik moment, demonstrating that shortages of critical skills can have dire national security consequences. While Sputnik pointed out the importance of science and math, September 11th reminded us that language skills and cultural awareness are essential for improving relations with the international community and strengthening our national security. However, nearly 4 years after that terrible day, we are still without sufficient language skills. We still have not learned the lesson that the Soviet launch of Sputnik taught us in 1958: investment in education is just as important to our national security as investing in weapons systems. We need sustained leadership and a coordinated plan of action to address this on-going problem and to ensure that this Nation never falls short in its language capabilities again or fails to communicate effectively with our neighbors around the world.

That is why I have introduced the National Foreign Language Coordination Act with Senators Dodd and Cochran. Our legislation, S. 1089, is designed to provide the needed leadership and coordination of language education. Primarily, the legislation creates a National Foreign Language Coordination Council which is composed of the executive branch agencies and chaired by a national language director. The national language director would be appointed by the President and is to be a nationally recognized individual with credentials and abilities necessary to create and implement long-term solutions to achieving national foreign language and cultural competency. By having the key players of the executive branch on the Council, I hope that each agency will come away with an understanding of what their role is, how they can reach out to their stakeholders for input, and become engaged in addressing this problem.

The Council would be charged with developing and overseeing the implementation of a national language strategy. In particular, the Council would identify priorities, increase public awareness, advocate needed resources, and coordinate efforts within the Federal Government to ensure that there are no gaps in the provision of language education and cultural understanding. As former Senator and 9/11 Commissioner Bob Kerrey recently said, "Someone in the executive branch has got to say, ‘Here’s where we are today, here’s where we want to be in five years, and here’s what it’s going to take to get there.’" The National Foreign Language Coordination Act will do just that.

There have been several articles issued recently that have highlighted the need for more language training and the need for leadership in this area. I ask that the following articles be printed in the RECORD:

**Tichakorn Hill, Does Anyone Here Speak Arabic? (or Farsi, or Pashto?)**

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From USA Today, June 20, 2005)

**MUSLIM WORLD ISN’T BIG WITH U.S. STUDENTS**

(By John Diamond)

WASHINGTON—Despite an expansion of federal efforts to promote learning Arabic and other languages of the Islamic world, there has been no dramatic increase in Americans studying in countries where these languages are spoken, according to the latest statistics on overseas study. That’s the case even though the number of Americans studying abroad has more than doubled since the mid-1990s.

There are some signs of growing interest among American students in learning Arabic, which the U.S. intelligence community hopes will help bolster its ranks with specialists for the war on terror.

But as Karin Ryding, a professor of Arabic at Georgetown University, points out, U.S. intelligence can’t get by with “hothouse” Arabic speakers who can’t use language sitting in American classrooms. They must travel to the region and immerse themselves to become fluent.

Although foreign languages hasn’t surged either since the Sept. 11 attacks. The difficulty of learning Arabic and other Middle East languages means it will be years before academia can produce significantly more graduates fluent in languages important to U.S. national security.

“It’s going to take a good, long while. It’s going to be a lot more expensive. And it’s a question of whether you can afford to wait,” says Andrew Kreps, head of the Center for Strategic and International Studies, a Washington-based defense think tank.

Numbers aren’t good. Of the first full academic year after 9/11, 1,293 Americans studied in predominantly Muslim countries in Africa, the Middle East and Asia. That’s a 4.5% increase over the yearly average of five years leading up to Sept. 11, according to an analysis of figures compiled by the Institute of International Education, which administers several federal scholarship programs. The figures cover students who financed their own education as well as those who received private and public scholarships.

The list of majority-Muslim countries in which students studied is not identical from year to year but typically includes countries in the Middle East and North Africa such as Senegal, Morocco, Egypt, Saudi Arabia, Jordan, Kuwait, Lebanon and Turkey, and nations in Asia such as Pakistan, Indonesia and Malaysia.

The institute’s figures show that more Americans are studying abroad: 174,629 in 2004-05, up from 84,601 in 1994-95. Yet, fewer are focusing on foreign languages: Two decades ago, 16.7% of Americans studying abroad listed foreign languages as their primary field of study. According to the institute’s figures, a decade ago, it was down to 11.3%; for 2002-03, 7.9%.

In a time when the need for Arabic and other languages is increasing, the number of undergraduate foreign language degrees conferred is only 1% of all degrees,” Sen. Chris Dodd, D-Conn., said last month. Dodd is sponsoring legislation that would increase federal spending on language and foreign study and create a “national language director” to coordinate language programs.

The stakes are high, according to a January Pentagon report: “Conflict against enemies speaking less-commonly taught languages and thus the need for foreign language capability will increase.”

Language ability is critical not just for fighting wars or spying, says Thomas Farrell, deputy assistant secretary of State for academic programs. It also means having a better knowledge of “regions of the world that are important to the United States,” Farrell says. “We’re seeking to demonstrate, especially to countries and their populations, that people in the United States have respect for their societies and want to learn about them.”

Uptick in Arabic studies

For years, U.S. students didn’t learn much about Arabic. In 2002, the latest nationwide figures available, the number of U.S. students studying Arabic, whether as a major or an elective. That was a 92% increase from 1998 but
still amounted to fewer than 1% of all students enrolled in foreign language courses in 2002, according to a report by the Association of Departments of Foreign Languages.

The recruiting challenge—spending about $10 million this year for language study centers based in the Middle East, U.S. language development centers and scholarships—has not helped. The Pentagon is spending $3.6 million for Middle East language scholarships and other language programs. Some of the money is tied to promises that students will commit to jobs in national security.

The State Department handles the bulk of federal money for language scholarships through its Peace Corps program. The government is spending $86 million on Fulbright and other programs out of a total education budget of $2.5 billion, up from $80 million in 2001 to $100 million today. While spending has exploded, it still hasn’t kept pace with the government’s needs—especially for people who know Arabic and South Asian languages.

Sen. Chris Dodd, D-Conn. The government needs to hire more than 10,000 contract and staff linguists this year.

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The problem

Federal managers blame the American education system. According to the National Center for Education Statistics, out of 2 million college graduates in 2004, only 50 earned bachelor’s or advanced degrees in Arabic. Only 206 earned degrees in Chinese, the world’s most popular language.

"Academia is not producing enough of the right kind of linguists fast enough," said an FBI official. "And we simply cannot wait for the education system to catch up."

"As a society, we pay a huge price for not being competent in foreign languages. This is particularly true in the national security area where the people who want to do us harm do not speak English," he said.

Federal agencies are expected to hire more than 10,000 contract and staff linguists this year.
people who know those languages at a professional or technical level is even harder.

‘‘Many of our assignments are highly technical and they [native speakers] simply do not have the vocabulary to move between the two languages. That’s where our challenges lie,’’ said Brenda Sprague, director of the Office of Language Services at the State Department.

Not all candidates who meet the grade want to work for, say, the Foreign Service and be posted far from their families, said Nancy Simon, former director of the Human Resources for Recruitment, Examination and Employment at the State Department.

‘‘There is not a career for everyone, and finding people who want to spend their career overseas away from their family is very difficult to begin with, even though we have got a lot of people who take the Foreign Service test,’’ Serpa said.

National Security Agency managers find that many candidates are reluctant to move even to the agency’s Maryland headquarters.

‘‘We may be successful in attracting people to the type of work we do and the opportunities and possibilities we have available, but we’re unsuccessful in encouraging them to move to Columbia or Baltimore,’’ said John Tafian, NSA human resources director.

Getting new employees a security clearance is another hurdle.

‘‘We require, for all our full-time positions and some of our contract positions, that people have a security clearance, and that’s become extremely difficult for those who are naturalized American citizens,’’ Sprague said. ‘‘That limits your pool to a large extent.’’

Hiring binge.

Despite the recruiting challenges, agencies have been hiring.

Since 9/11, the FBI has hired nearly 1,000 linguists and plans to hire 274 more next fiscal year. Currently it has nearly 1,400 contract, full-time linguists who speak 100 languages. Ninety-five of those linguists are native speakers of their languages. The bureau increased its linguists by 69 percent and the number of those in critical languages, such as Arabic, increasing by 200 percent.

The State Department this year is hiring nearly 400 Foreign Service generalists, many of whom are getting training to speak another language. It’s also hiring translators and interpreters. Many of those new hires will staff new embassies in Baghdad, Iraq, and Kabul, Afghanistan, in liaison offices in Tripoli, Libya. Currently the department has about 7,000 employees speaking 60 languages working in the United States and at 265 posts abroad.

Likewise, the National Security Agency is aggressively recruiting: Currently at 35,000 employees, the agency plans to hire 1,500 people every year until 2010, and many will become language analysts. It offers sign-up bonuses of up to 20 percent of a person’s salary for speaking critical languages. NSA also hires 50 to 200 bilinguals a year whom it then trains to speak a third language.

More training.

The shortage of linguists prompted the Defense Department to overhaul its language program, the department in April unveiled a plan, called the Defense Language Transformation Roadmap, to build up its foreign language skills. It includes directing money to colleges and universities to teach languages. Also, the department plans to invest $45 million more than current levels—$195 million in fiscal 2006—in its Defense Language Institute. The department also will build up its inventory of minority personnel, civilians, reservists and retirees who speak foreign languages.

‘‘911 really changed our whole orientation to understand that this is a major issue that’s going to be with us for a long time,’’ said Gail McGinn, Defense deputy undersecretary for policy. ‘‘It’s going to take a long time to solve it.’’

Today, Defense has nearly 84,000 military linguists who speak about 250 languages and plans this fiscal year to have the Defense Language Institute plan to train about 2,300 linguists this year. The Air Force is the most active and plans to train 1,500 military linguists this year.

Agencies that cannot hire or train enough people with foreign language skills borrow them from other agencies or contract for them.

Congress in 2003 also created the National Virtual Translation Center, an interagency clearinghouse that lets agencies share translators and deploy military linguists to services of translators in the private sector and academia. The center also performs translation work for intelligence agencies.

Federal contracting for people with language skills has taken off since 9/11. But as demand has shot up, so have labor rates.

Before 9/11, a linguist speaking Arabic might expect to be paid $15 or $20 an hour. Now, rates are about double that. And for those with security clearances and expertise, rates are up to between $70 and $80 an hour. A contract linguist working now could make $150,000 a year, Hendzel said.

Not all agencies are willing to pay so much, he said. Some want to set for $29 an hour and others are not willing to hire anyone who speak a foreign language but may not be certified or have experience or expertise in a particular field. By doing that, Hendzel said agencies risk getting poor quality work that could undermine their missions.

‘‘Mistranslation or distortion are as dangerous as a lack of translation,’’ he said.

Mr. AKAKA. We all understand the importance of other languages and cultural understanding in this country; we just need to figure out how we make it happen. I am confident the National Foreign Language Coordination Council will provide the needed leadership and coordination to reach our goal.

U.N. REFORM

Mr. COLEMAN. Mr. President, I rise today to discuss Coleman-Lugar bill that will effect meaningful and reasonable reform of the United Nations. But before I delve into the issues of U.N. reform, I must take a moment to thank my colleague Senator LUGAR for his work. As chairman of the Senate Foreign Relations Committee, Senator LUGAR has been at the forefront of these issues for years—worked in passing bipartisan, consensus legislation touching a wide range of international matters. In short, Senator LUGAR’s leadership on the issue of U.N. reform has been crucial.

Sixteen months ago, as the chairman of the Permanent Subcommittee on Investigations, I initiated a bipartisan, comprehensive investigation into the massive international fraud that flourished under the United Nations Oil for Food Program. You will recall this program was designed to help protect the poor of Iraq from the impact of international sanctions. Unfortunately, Saddam Hussein manipulated the program—siphoning off billions of dollars in under-the-table payments—and used that money to strengthen his murderous regime at home and reward friends abroad. As Secretary of State Condoleezza Rice testified at her confirmation hearing, Saddam Hussein ‘‘made the international community like a violin.’’ It could not have been more wrong: evil prospered while the poor starved; the program designed to control and oust the oppressor actually helped him stay in power and bolster his arsenal.

Over the course of our 16-month investigation, the subcommittee has held three hearings and released three reports on the oil-for-food scandal. At those hearings and in our reports, we exposed how Saddam abused the program—we documented how the Hussein regime rewarded political allies by granting lucrative oil allocations to foreign officials, such as Russian politician Vladimir Zhirinovsky and the Russian President’s personal driver, who presented evidence of how Saddam made money on the oil deals by demanding under-the-table surcharge payments, and how he generated illegal kickbacks on humanitarian contracts.

Saddam’s abuses occurred under the supposedly vigilant eye of the U.N. How could that happen? Well, over the course of our investigation, an avalanche of evidence has emerged demonstrating that the U.N. terribly mismanaged the Oil for Food Program. This evidence, including the misuse of humanitarian contracts ranging from outright corruption to sloppy administration. For instance: Our subcommittee uncovered evidence that Kofi Annan’s handpicked executive director of the Oil for Food Program, a man named Benon Sevan, appears to have received lucrative oil allocations from Saddam.

Our subcommittee discovered evidence that a U.N. oil inspector received a large bribe to help Saddam cheat on two deals.

Fifty-eight reports written by the U.N.’s own internal auditors revealed rampant mismanagement by the U.N., describing a program rife with sloppy stewardship and riddled with ‘‘double charges,’’ ‘‘overcharges,’’ and other ‘‘unjustified’’ waste of more than $100 million.

The U.N.’s investigators, headed by Paul Volcker, determined that the U.N.’s process for awarding three multibillion-dollar oil contracts in the program was ‘‘tainted.’’

The U.N.’s investigators also found that Kofi Annan failed to adequately investigate or remedy a serious conflict of interest—namely, that the U.N. had awarded a massive contract to the company that employed Annan’s son.

Perhaps most disturbing, however, was that Kofi Annan’s chief of staff ordered the destruction of 3 years’ worth of documents. That order was given the day before investigators were to investigate the Oil for Food Program.

Such gross mismanagement and corruption in the Oil for Food Program
raise serious questions about the U.N.'s ability to administer crucial programs in the future. American taxpayers pay roughly 22 percent of the U.N.'s operating costs. They need assurances that their tax dollars are well spent. This is especially true in light of the fact that the U.N. is playing an increasingly larger role in world affairs.

As a result, we must bring about meaningful and reasonable reform of the U.N. Such reforms must include three elements. First is the concept of "transparency." Senator Joseph Lieberman, Chairman of the Senate Governmental Affairs Committee, famously stated, "Sunlight is the most powerful of all disinfectants." Today, the U.N.'s operations are shrouded in mystery—not a single ray of sunlight disinfects the internal machinations of the U.N. The U.N. should be transparent to its member states, and use those rays of sunlight to prevent another episode of massive mismanagement.

Another necessary element for U.N. reform is "accountability." Specifically, U.N. officials responsible for the operation and management of programs, such as sanctions regimes and humanitarian efforts, must be held accountable for their performance. Such accountability would apply to all U.N. officials from the highest to the lowest.

The third element necessary for U.N. reform is effective internal oversight. Simply put, the U.N.'s internal auditor—the Office of Internal Oversight Services (OIOS), needs more muscle and personnel. The OIOS is woefully underfunded and lacks true independence. With respect to funding, the OIOS receives $241 million per budget—a paltry pittance when compared to the $162 million allocated to U.N.'s press office. Without an effective and independent auditor, the U.N.'s operations will continue to be plagued with misconduct and mismanagement.

These crucial elements are the cornerstone of the proposed Coleman-Lugar bill, the United Nations, Management, Personnel, and Policy Reform Act of 2005. The bill presents a well-balanced and constructive U.N. reform initiative that addresses: (1) a variety of U.N. management weaknesses identified by the subcommittee, a lack of transparency, oversight, accountability, and effective budgetary and personnel systems, and (2) a series of U.N. policy issues that need reform, including integrity, ethics, and human rights. The legislation strikes an appropriate balance between important goals: effecting crucial U.N. reforms, preserving U.N. administrative discretion, and ensuring limited U.S. government monitoring and oversight.

Our proposed legislation underscores that an effective United Nations is in the interest of the United States and that the United States must lead the United Nations toward greater relevance and capability. The bill also emphasizes that successful U.N. reform will require bipartisanship and the joint involvement of the executive and legislative branches so that the U.S. presents a unified position toward the United Nations. The proposed legislation exhorts the U.S. to use its voice, vote, and funding in the U.N. to accomplish U.N. management, personnel, and policy reforms. It requires the President to submit an annual report on U.N. reform to "appropriate congressional committees." It also authorizes the President to withhold 50 percent of U.S. contributions to U.N. if he determines that the U.N. is not making sufficient progress in implementing reforms described in the act.

While the proposed legislation acknowledges that the U.N. has initiated some reforms, it also recognizes that the U.N. has failed to make many necessary changes. The bill cites past GAO reports on U.N. reforms and recent U.N. reports, including the High-Level Panel Report and the Secretary-General's Report, on the need to expedite existing reforms and implement new urgently-needed reforms. It emphasizes that the U.N. needs to perform itself to meet current and future challenges and undertake institutional reforms that ensure the effectiveness, integrity, transparency, and accountability of the United Nations system.

This legislation recognizes the important findings of the subcommittee in its Oil for Food Program investigation identifying key internal management weaknesses that led to mismanagement, fraud, and abuse of United Nations funds. The legislation also incorporates the June 2005 Gingrich/Mitchell U.N. Reform Report. The majority of the U.N. management, personnel, budget, and policy issues addressed in the proposed legislation are consistent with many recommendations of the subcommittee and the recent Gingrich/Mitchell report.

The management section of the proposed legislation stems from the many U.N. management weaknesses revealed in the subcommittee's oil-for-food investigation. The legislation strengthens the power of the Secretary-General to replace top officials in the U.N. Secretariat and recruit only the highest quality individuals, placing emphasis on professional excellence over geographic diversity. It calls for an updated assessment of the U.N. procurement system and the establishment of a new and improved procurement process that embodies the standards currently present in the U.S. Foreign Corrupt Practices Act of 1977, which prohibits officials from making or receiving payments, gifts, or exchanging other promises to secure an improper benefit.

In short, this legislation will help transform the United Nations into a modern and dynamic institution capable of responding to the many complex and varied challenges confronting it. The reforms embodied in this legislation provide the United Nations the opportunity to embrace change and reinvigorate an effective U.N. institution in today's rapidly changing international environment. This legislation will force the United Nations to be a better managed, transparent, and accountable organization. This legislation will prevent reoccurrences of scandals like the Oil for Food scandal, peacekeeping abuses, and other managerial failures.

I must reiterate the importance of a robust and effective U.N. for the future of U.S. relations with the international community. The U.N., when properly led and properly managed, can play an important role in promoting global peace and stability. Real reform, and not mere rhetoric, is the proper course for the U.N. — the mission of the U.N. is simply too important to look the other way.

As I conclude my remarks, I would like to reiterate my thanks to Chairwoman LUGAR for his leadership on the issue of U.N. reform and for the opportunity to work with him to tackle this important issue.

ADDITIONAL STATEMENTS

RECOGNITION OF KENNETH W. MONTFORT COLLEGE OF BUSINESS

Mr. ALLARD. Mr. President, I rise today to congratulate Kenneth W. Montfort College of Business at the University of Northern Colorado on receiving the 2004 Malcolm Baldrige National Quality Award, the Nation's highest honor for quality and performance excellence.

The Kenneth W. Montfort College of Business at the University of Northern Colorado is the sole business school to receive the Malcolm Baldrige National Quality Award from the National Institute of Standards and Technology. This award recognizes the outstanding performance and accomplishments of American businesses, schools, and health care organizations that surpass standards of excellence and ethics. Montfort College offers the only program of its kind in the Rocky Mountain region focused exclusively on undergraduate business education and internationally accredited in business administration and accounting. Montfort is one of five undergraduate-only programs in the United States to hold such accreditations. Students at Montfort score in the top 5 percent on nationwide standardized exit exams and earn a degree in business administration with an emphasis in accounting, computer information systems, finance, general business, management, or marketing. An interdisciplinary degree is also available in nonprofit management. Montfort's student-centered approach is exemplified by its three-dimensional learning strategy: High-Touch, small class sizes taught on an interactive basis, Wide-Tech, exposure to a wide array of business technologies, and Professional Depth, instruction from seasoned professors, including highly placed executives.

Understanding the importance of a well-rounded college education is important if we are to produce the next
Mr. BURR. Mr. President, I rise today to offer my thanks and appreciation, and those of all North Carolinians, to Colonel Charles “Ray” Alexander, Jr., Commander of the Army Corps of Engineers, Wilmington, NC District. Today is Colonel Alexander’s last day as commanding officer of the district. While we celebrate his retirement with his family, we will miss the impact he has had on North Carolina and the Nation.

Colonel Alexander has distinguished himself with exceptionally meritorious service as district commander since 2002. Under his command, the district continued construction of the Wilmington Harbor deepening project and met the target for delivering deep water to the State port docks in January 2004 despite numerous fiscal challenges. The Wilmington Harbor deepening is the largest civil works project in the district’s history and a very important navigation project, providing economic benefit to the State. Additionally, the deeper channel has been an asset to the local military installations in support of the global war on terror.

Under Colonel Alexander’s direction, the district has been involved and successful in protecting the Nation’s environment. Numerous environmental enhancement projects, including the Roanoke Island Festival Park aquatic habitat restoration and protection project, are testament to this highly successful program.

This and many other projects earned the district the 2004 Coastal America Partnership Award and North Carolina Coastwide Partnership Award. Colonel Alexander was Chief of Engineers’ Environmental Award for product delivery team design and construction of an island estuarine habitat, and nomination and subsequent recognition as the North Carolina Conservationist Partner of 2003 by the North Carolina Land Trust Council. A district project delivery team under Colonel Alexander’s command also earned an environmental award from the Environmental Protection Agency for its work cleaning up EPA facilities in the Research Triangle Park.

Colonel Alexander also executed a systematic plan to improve relations with local, State, and Federal entities. Locally, we completed re-nourishment of Kure, Carolina, and Bald Head Island Beaches and a project to reinstitute the use of dredged materials on Bogue Banks. Additionally, the district created a scorecard management lens to meet the needs of over 40 agencies and many private citizens.

Colonel Alexander also led the efforts in 2003 to provide exceptionally responsive emergency management services during Hurricane Isabel in North Carolina, including the successful rebuilding of vital road infrastructure for the Cape Hatteras breach. He also led the Wilmington effort in aiding the recovery from the record-breaking 2004 hurricane storm season.

I would also like to commend Colonel Alexander for his support of the Army Corps outside his district and in the war on terror. His selflessness was exhibited by his leadership for the $841 million recovery effort in 2004 after Hurricane Ivan devastated Alabama. This highly complex operation included providing emergency power, ice, water, housing, debris collection and reduction, roofing, and technical assistance to the citizens of Alabama following the storm, which made landfall 700 miles from the district headquarters. Hundreds of Corps of Engineers employees from all over the Nation were brought in to this well-executed operation.

Colonel Alexander’s leadership and commitment in the global war on terror is evident in his ability to motivate more than 20 team members to volunteer to serve abroad as members of South Atlantic Division’s Forward Engineer Support Teams, Task Force Restore Iraqi Electricity, the Gulf Region Division, and the Afghanistan District.

The number continues to grow and several members have served on multiple deployments.

In local communities, generations of North Carolinians who have never met Colonel Alexander will benefit from the results of his work. At this special time in his career, I wish him all the best and thank him for a job well done.

Mr. BURR. Mr. President, the Naval Hospital Camp Lejeune takes pleasure in commending Lieutenant Commander Elizabeth J. French for her dedicated and outstanding performance of duty while serving as the Department Head, Inpatient Obstetrics Department, Naval Hospital Camp Lejeune, North Carolina from 1 January 2004 to 31 December 2004. Commander French’s dedication to this Command and continual pursuit of superlative family centered maternal and child care services in the Obstetric Department sets the standard. She expertly led 70 military, civilian, and contract personnel in providing quality and safe care for 1,500 births and 4,800 outpatient visits. She chaired the Lactation Council and coordinated lactation services. Commander French coordinated the schedule to provide 24/7 lactation services for 300 beneficiaries, which reduced infant readmissions for hyperbilirubinemia and dehydration by 90 percent. Clinically proficient, Commander French provides daily hands-on care to patients in addition to covering critical staffing shortages during off-duty hours. She coordinated the birth and Surgery’s Family Centered Care training for more than 40 medical and nursing personnel. Commander French saved the Command $5,000 in Temporary Additional Duty costs when she established a regional testing site for the Maternal Newborn and Inpatient Obstetric Nursing National Certification exam, allowing 10 military personnel to locally obtain certification. She coordinated the $5 Million Labor and Delivery, Recovery, and Postpartum renovation project, continuously interacting with Facilities Department personnel, contractors, news media and multiple hospital departments to ensure the project remained within contractual agreements and maintained patient safety and workload. Commander French’s professionalism, initiative, and total devotion to duty reflected great credit upon herself and the United States Naval Service. On behalf of the entire staff, she is extended the traditional Naval “Well Done.”

Richard C. Welton, Captain, Medical Corps, United States Navy.

Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota on its 100th anniversary. On July 1–3, 2005, the residents of Fordville, ND, past and present, gathered to celebrate the community’s centennial.

Fordville is a city in the northeastern part of my great State with about 266 residents. Although its population is small, Fordville holds an important place in the history of North Dakota. Medford was founded in 1905 and was an important stop along the Soo Railroad line. Because of confusion over the use of the name Medford, it was decided to combine its name with the rural post office of

100TH ANNIVERSARY OF

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Belleville. The combination of Medford and Belleville resulted in the now familiar name of Fordville.

The people of Fordville are proud of their local public schools and the railroad system, which helps to sustain the city. Additionally, the city has a strong operating system featuring a new grain elevator. Their lively centennial celebration included a parade, street dance, musicals and a fireworks display.

I ask the Senate to join me in congratulating Turtle Lake, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Fordville and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Fordville that shaped this country into what it is today, which is why this fine community deserves our recognition.

Fordville has a proud past and a bright future.

CONGRESSIONAL RECORD — SENATE

100TH ANNIVERSARY OF TURTLE LAKE, NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. From July 15 to 17, the residents of Turtle Lake, ND, will celebrate their history and the town's founding.

Turtle Lake is a small town in northeastern North Dakota with a population of 580. Despite its small size, Turtle Lake holds an important place in North Dakota history. The founders of Turtle Lake were Peter Miller, the earliest homesteader in the region. Mr. Miller established the Turtle Lake post office in his farmhouse on January 25, 1886, and subsequently formed the first Turtle Lake Post Office by setting up a shop under a lean-to. As other businesses spread throughout the area, the Miller town site was formed. Over the next decade, the post office moved to Wana maker town site and then finally to the current location of Turtle Lake, north of the lake itself. The communities of the area came together and were incorporated as the village of Turtle Lake in 1907. Turtle Lake is a thriving community today, with a rapidly growing tourist industry that brings visitors to the turtle shaped lake for which the town is named.

I ask the Senate to join me in congratulating Turtle Lake, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Turtle Lake 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 Turtle Lake that have helped to shape this country into what it is today. I believe that community of Turtle Lake is deserving of our recognition.

Turtle Lake has a proud past and a bright future.

IDAHO’S VERY OWN GUNFIGHTERS

Mr. CRAPO. Mr. President, I would like to recognize a nontraditional Idaho community that although a Federal installation, is as much a part of our State as any other community. The Mountain Home Air Force Base Gunfighters support and execute our national security mission while devoting time and energy to improve the quality of life on base and off.

In the 1940s, Mountain Home Air Force Base was established and over the years, many different Air Force missions including bombers, fighters, tankers, and even intercontinental ballistic missiles for a short time. As the needs and overall mission of the Air Force has evolved over the years, Mountain Home has followed suit, proven to be a site of flexibility and superior support, operations, and training. Wings based at Mountain Home have provided air support all around the world and, in times of need like September 11, 2001, deployed personnel, facilities, resources, and organizations at Mountain Home have always been characterized by its ability to provide prompt and effective collective command and control environment. Exercising their skills and military professionalism, Gunfighters have not only fought the battles but participated in reconstruction and humanitarian missions in the Middle East as well as other places around the globe where innocent people are suffering from the evils of poverty, economic oppression, and the tragedies of natural disasters.

In a similar way, Gunfighters have proven to be able to “deploy” to the community on base and off at a moment’s notice when duty calls. Last year alone, volunteers worked on base more than 100,000 hours valued at $1.5 million. Mountain Home’s soldiers already have more than full-time work in the military but have found the time to make a difference to others expecting no compensation. Stories abound of emergency assistance given by members of the military to civilians in Idaho. Recently, two jet fighters escorted a disabled civilian aircraft to safety, averting a possible crash and fatality. Another story involving giving that is particularly important to the troops deployed to Iraq and Afghanistan is blood. I am proud to say that in the recent Armed Forces blood drive, Mountain Home Air Force Base more than doubled its goal and donated a total of 265 units of blood that was shipped directly to Iraq. In addition, the base sent 60 units of a special blood product designed to promote quick clotting to our mobile medical units. What a terrific example of fellow soldiers and families lending aid and comfort to our military men and women across the world.

I offer my sincere thanks and gratitude to our very own Idaho Gunfighters, both at Mountain Home and deployed. You make Idaho proud.
its share of tragedy and hardship. In the first two years of Chamberlain’s existence, the pioneers of the area experienced two of the hardest winters on record. Also, few can forget the typhoid epidemic in 1932. Towns upstream believed an old tale that the river in question was a warm water reservoir. Unfortunately, this resulted in a widespread typhoid outbreak. In a matter of months, the disease claimed the lives of 33 Chamberlain residents.

Anyone who has traveled the State of South Dakota can attest to the beauty of the Missouri River. This picture of the river stands as a warm welcome to western South Dakota and is a lasting reminder of the unique treasures and historical significance. South Dakota can attest to the beauty of the river. Chamberlain residents.

In 1875, the hospital was founded in Chamberlain. In 1880, Stowe moved the printing press to Madison, and in the spring of 1881, Stowe sold the Leader. After passing through a few hands, James F. Stahl eventually purchased the paper. Stahl converted the weekly paper into a daily publication in 1890. Madison’s second newspaper, the Madison Sentinel, began in old Madison in April, 1879 by Joe H. Zane and F.L. Fifield. The Leader and Sentinel were competitors for a few years until the two combined to form the Madison Daily Leader. Since 1847, the Hunter family has published the Madison Daily Leader, and to this day the paper continues to provide residents with accurate and reliable news.

Among Madison’s notable attributes is its public library. In 1905, town residents held a meeting and decided to create the library. Quickly thereafter, the community raised money, donated books, and supplied funds. In 1960, Henry J. Rinehart was selected and construction quickly began. On Thursday, November 12, 1907, the new Madison Free Public Library opened its doors in December of that year. Meanwhile, George R. Farmer had been working with Andrew Carnegie to secure additional funds for a library. One month after the opening of the Madison Free Public Library, Farmer received word from Carnegie’s private secretary that Carnegie would donate $10,000 to erect a public library if the city would provide and maintain the building. A site for the new library was selected and construction quickly began. On Thursday, November 12, 1907, the new Madison Library opened. In 1960 and 1980, improvements were made to the building. Yet these modifications pale in comparison to the major renovations undertaken in 1994, when the size of the library was increased by 400 percent with a striking architecturally compatible addition.

Like most communities in the Dakotas, Madison’s history is not without its share of tragedy and hardship. On July 4, 1919, “The Reliance,” a touring boat used to take people around Lake Madison, set out with a group of 32 passengers to view the fireworks from the water. The ship headed across the lake to hug the shoreline as it always did. Sadly, it struck a sunken tree about 80 to 100 feet off shore. The passengers on board plunged to one side of the vessel, causing it to capsise. Nine people, including the engineer, drowned in that tragic accident.

Similarly, on the night of April 11, 1980, the Hotel Park caught fire and burned for nearly 8 hours, killing four people. The blaze was so difficult to contain that the National Guardsmen, who were on their weekend drill in Madison, were called in to assist the exhausted firefighters. Despite these adversities, this resilient community has always managed to recover, rebuild and prosper.

Madison is home to Dakota State University. DSU, founded in 1881 by William H. Beadle, DSU is recognized nationally as a leader in computer and information systems. Additionally, Karl Mundt was a notable DSU faculty member. Not only was Mr. Mundt an extraordinary speaker and social science teacher, but he also served in Congress longer than any other South Dakotan. Elected to the House of Representatives in 1938, he remained a Congress-man until 1948, when he took office as U.S. Senator from South Dakota. Senator Mundt held that post until 1972, having served 34 years in Congress.

The sentiment of community, moral fortitude, perseverance and enduring work ethic that is evident in the people and the history of Madison stands as a testament to the integrity of all South Dakotans. It is my honor to acknowledge the proud residents of Madison, as they celebrate 125 years of history.

HONORING THE CITY OF MADISON, SOUTH DAKOTA

Mr. JOHNSON. Mr. President, it is with great honor that I wish today to publicly recognize the 125th anniversary of the founding of the city of Madison. To commemorate this milestone, I would like to draw my colleagues’ attention to the achievements and history of this charming city that stands as an enduring tribute to the moral fortitude and pioneer spirit of the earliest Dakotans. Located in southeastern South Dakota, Madison is one of the oldest towns in Lake County. The present town of Madison is actually the result of the merging of two cities, Madison and Park. The county seat title was established in January of 1873, and in the fall of that year, the county commissioners selected Madison to serve as the county seat. Interestingly, the town of Madison was not platted until July of 1875, 2 years after receiving its county seat title. The nearby town of Herman was founded in 1878 and a rivalry quickly developed between the two communities.

In 1876, the southern Minnesota division of the Milwaukee Railroad decided to extend the rail line through the region. The area chosen for the tracks, however, missed Madison by three miles but passed through Herman. Herman’s close proximity to the tracks put Madison’s status as county seat in jeopardy. Consequently, Madison residents decided to relocate their town to a new site 320 acres plot owned by Mr. and Mrs. C.B. Kennedy, which was in the railroad’s path. When railroad officials favored Madison over Herman, the two communities decided to merge into one, thus forming the present city of “new” Madison.

Like most communities in the Dakotas, Madison’s history is not without its share of tragedy and hardship. On July 4, 1919, “The Reliance,” a touring boat used to take people around Lake Madison, set out with a group of 32 passengers to view the fireworks from the water. The ship headed across the lake to hug the shoreline as it always did. Sadly, it struck a sunken tree about 80 to 100 feet off shore. The passengers on board plunged to one side of the vessel, causing it to capsise. Nine people, including the engineer, drowned in that tragic accident.

TRIBUTE TO CAPTAIN JAMES C. STEIN

Mr. WARNER. Mr. President, I rise today to recognize and honor Captain James C. Stein, United States Navy, as he retires from the Naval Service. Captain Stein is a Naval Officer of the finest caliber who has established an impeccable reputation in the Navy and with the Senate through his distinguished tour as deputy director of the Navy Senate Liaison Office.

He is a 1982 graduate of the University of Notre Dame. As midshipman achieving the highest 4-year academic average in the NROTC curriculum, he received the Notre Dame Reverend Hugh J. O’Donnell Award.

A Captain’s List flight student, he was designated a Naval Aviator in 1984. His initial squadron tours were with Patrol Squadron 26, Patrol Squadron 30 as a Fleet Replacement Squadron Instructor Pilot, and as a department head with Patrol Squadron 10. He served as the Assistant Navigator in USS Ranger, CV-61, during Operation Desert Storm, was selected as the 1991 Pacific Fleet Shiphandler of the Year, and ultimately earned designation as a Surface Warfare Officer.

While ashore, Captain Stein earned a master of arts degree in national security and strategic studies from the Naval War College. He served on the chief of Naval Operations’ staff as the
assistant Maritime Patrol Aviation Requirements Officer, and deputy executive assistant to the director, Air Warfare. Selected for the Navy Federal Executive Fellowship program, he attended the Harvard University Center for International Affairs John M. Olin Institute for Strategic Studies. Captain Stein commanded Patrol Squadron 8, leading the Fighting Tigers on a highly successful Sigonella, Sicily deployment, earning the Naval Air Forces Atlantic Fleet Battle Efficiency Award, a Meritorious Unit Citation, and Atlantic Fleet Retention Excellence Award. As commanding officer, Captain Stein was one of four finalists for the prestigious Vice Admiral J. B. Stockdale Leadership Award.

Following command, Captain Stein reported to the Office of Legislative Affairs, where he has served as a valued advisor to the very top echelons of the Navy and Congress. His insight into the legislative process is respected and sought out by all levels of the chain of command. The Department of the Navy, the Congress, and the American people have been served well by this dedicated naval officer. Members of this Congress will not soon forget the leadership and dedication of Captain Jim Stein. He will be missed.

I have had the privilege of working with this outstanding Naval officer and commend him for his dedicated service to our country. We wish Jim, his lovely wife Melissa, and their sons Alexander and William, our very best as they move on to a bright future.

MESSAGE FROM THE HOUSE

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 68, An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 739, An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for the award of attorneys’ fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1382. A bill to require the Secretary of the Interior to convey to the state of Washington certain land, to be held in trust for the benefit of the Puyallup Tribe.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1394. A bill to require the United Nations, and for other purposes.

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-2920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes” ((RIN2120-AA69)(2005-0289)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757-200 and 300, and Model 767 Series Airplanes” ((RIN2120-AA64)(2005-0285)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 787 Dreamliner” ((RIN2120-AA66)(2005-0286)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: General Electric Company CF6-80 series Turbofan Engines; Correction” ((RIN2120-AA64)(2005-0288)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: VFW-5142” ((RIN2120- AA67)(2005-0287)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes” ((RIN2120-AA64)(2005-0283)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes” ((RIN2120-AA64)(2005-0281)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Model 70, 72, and 100 and Embraer Model EMB-120, and EMB-121” ((RIN2120-AA65)(2005-0282)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737-200, 300, 400, and 500 Series Airplanes” ((RIN2120- AA65)(2005-0281)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes” ((RIN2120-AA64)(2005-0287)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: General Electric Company CF6-80 series Turbofan Engines; Correction” ((RIN2120-AA64)(2005-0288)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 68. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 739. An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for the award of attorneys’ fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Banking, Housing, and Urban Affairs.
EC-2902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Continental Motors S-20, S-120, D-2000, and D-3000 Series Motors’ ((RIN2120-AA44)(2005-0299)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Turbo Propeller S-5, 2 B1 Turbo Propellers, and 2 B2 Turboshift Engines’ ((RIN2120-AA44)(2005-0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.


EC-2905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; GROB-WERKE Model G120A Airplanes’ ((RIN2120-AA44)(2005-0294)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Boeing Model 737-200, 300, 400, 500, 600, 700, 800, 900, 1000, 1200, and 1300 Series Airplanes; and McDonnell Douglas Model DC 10-10, DC 10-10F, DC 10-20, DC 10-30, MD 10-31, MD 10-31F, MD 10-30F, MD-11, and MD-11F Airplanes’ ((RIN2120-AA44)(2005-0295)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Bell Helicopters’ ((RIN2120-AA46)(2005-0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2908. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters’ ((RIN2120-AA46)(2005-0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2909. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Clarifications of Requirements for Fuelburning Units’ ((RIN2120-AA44)(2005-0296)) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2910. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘Approvals and Promulgation of Air Quality Implementation Plans; Texas; Transportation Conformity’ ((FRL7923-6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2911. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘Pentprop; Re-Establishment of Tolerance for Emergency Exemption’ ((FRL7723-2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2912. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘Pentprop; Re-Establishment of Tolerances’ ((FRL7723-3) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2913. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ‘Public Records’ ((RIN3150-AH12) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2914. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ‘Export and Import of Radioactive Materials; Security Policies’ ((RIN3150-AH13) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2915. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ‘Export and Import of Radioactive Materials; Security Policies’ ((RIN3150-AH14) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2916. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ‘Deposit of Proceeds from Lands Withdrawn for Native Selection’ ((RIN1035-AA04) received on June 28, 2005; to the Committee on Indian Affairs.

EC-2917. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ‘Propositional Memorandum to Commissioner Hill Regarding Recommendation in Texas’) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2918. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with ‘Naval Nuclear Submarine School’ from ‘Naval Nuclear Submarine School’ to ‘Naval Nuclear Submarine School’ from ‘Naval Nuclear Submarine School’ to ‘Naval Nuclear Submarine School’ from ‘Naval Nuclear Submarine School’ to ‘Naval Nuclear Submarine School’ from ‘Naval Nuclear Submarine School’) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2919. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ‘Fort Bliss’ from ‘Fort Bliss’ to ‘Fort Bliss’ from ‘Fort Bliss’ to ‘Fort Bliss’ from ‘Fort Bliss’ to ‘Fort Bliss’ from ‘Fort Bliss’) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2920. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc beginning with ‘Master Plan for Fort Knox, KY’) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2921. A communication from the Director, Executive Office of the President, transmitting, the report of proposed legislation entitled ‘The Government Reorganization and Program Performance Improvement Act of 2005’; to the Committee on Homeland Security and Governmental Affairs.

EC-2922. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ‘Maintenance of Telecommunication Services During a Crisis or Emergency in Federally-Owned Buildings’ ((RIN2120-AA44)(2005-0291)) received on June 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2923. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the Annual Postal Rate Commission Report on International Mail Costs, Revenues and Volumes for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.


EC-2925. A communication from the Counsel for Legislation and Regulations, Office of the Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ‘Office of Inspector General (OIG) Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities’ ((RIN1035-AA14) received on June 27, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2926. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ‘Changes in Flood Elevation Determinations’ (44 CFR 65) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2927. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ‘Changes in Flood Elevation Determinations’ (70 FR 30643) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2928. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ‘Changes in Flood Elevation Determinations’ (44 CFR 67) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2929. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ‘Changes in Flood Elevation Determinations’ (44 CFR 67) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2930. A communication from the Chair-
to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, to the Committee on Banking, Housing, and Urban Affairs.

EC-2962. A communication from the Administrator, Natural Business-Coopetitive Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Intermediary Relending Program Direct Lending Rule” (RIN: 7650-AAS2), received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2963. A communication from the Acting Administrator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Avocados Grown in South Florida: Increased Assessment Rate” (FFV06-915-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2964. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Apricots Grown in Desierto Counties in Washington: Decreased Assessment Rate” (FLV06-922-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2965. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Almonds Grown in California: Revision to Requirements Regarding Credit for Promotion and Advertising” (FLV06-991-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2966. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dimethyl Ether: Exemption from the Requirement of a Permit for the Production of Dimethyl Ether” (PRL No. 7721-1) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2967. 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 “Alpha-cyclodextrin, Beta-cyclodextrin, and Gamma-cyclodextrin: Exemption from the Requirement of a Tolerance” (PRL No. 7720-9) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2968. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mexican Fruit Fly: Interstate Movement of Regulated Articles” (APHIS Docket No. 03-059-3) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES
The following reports of committees were transmitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 364. A bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities (Rept. No. 109-102).

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of committees were submitted:

By Mr. WARNER, for the Committee on Armed Services.


Army nomination of Lt. Gen. Walter L. Sharp to be Lieutenant General.


Army nomination of Brig. Gen. Paulette M. Risher to be Major General.

Nominations without a asterisk were reported with the recommendation that they be confirmed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced and read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:
S. 1386. A bill to exclude from consideration for the calendar payment under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE (for himself, Mr. KERRY, Mr. KENNEDY, and Mr. REED):
S. 1387. A bill to provide for an update of the Cultural Heritage and Land Management Plan for the 100-mile corridor for the Blackstone River Valley National Heritage Corridor; to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Committee on Energy and Natural Resources.

By Ms. SNOWE:
S. 1388. A bill to amend chapter 6 of title 5, United States Code, to permit travel on such aircraft.

By Mr. INOUYE (for himself and Mr. KENNY):
S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and communities to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. DURBIN):

By Mr. VITTER:
S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain costs to charitable hospitals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself, Mr. KYL, Mr. COHRT, Mr. INHOF, and Mr. VITTER):
S. 1394. A bill to reform the United Nations, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. CRAPO):
S. Res. 197. A resolution to commemorate the 60th Anniversary of the Trinity Test, the culmination of the Manhattan Project, and to honor the people who made it possible; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS
S. 21
At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37
At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. GERLACH) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 58
At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mr. PYOR) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total and on travel to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.
At the request of Mrs. Feinstein, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 151

At the request of Mr. Coleman, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 309

At the request of Mr. DeMint, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 392

At the request of Mr. Levin, the names of the Senator from Montana (Mr. Baucus), the Senator from Oregon (Mr. Wyden) and the Senator from Virginia (Mr. Allen) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 421

At the request of Mr. Bond, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 421, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. Bunning, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include pediatricians as physicians for purposes of covering physicians services under the medicaid program.

S. 467

At the request of Mr. Dodd, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 509

At the request of Mr. Biden, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 509, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 611

At the request of Ms. Collins, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 611, a bill to establish a Federal

Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 629

At the request of Mr. Byrd, his name was added as a cosponsor of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

S. 642

At the request of Mr. Hatch, his name was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 676

At the request of Ms. Murkowski, her name was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 776

At the request of Mr. Johnson, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 784

At the request of Mr. Thomas, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1008

At the request of Mr. Santorum, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 1008, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1047

At the request of Mr. Sununu, the names of the Senator from Oregon (Mr. Wyden), the Senator from West Virginia (Mr. Byrd), the Senator from Arkansas (Mr. Dorgan), the Senator from North Carolina (Mr. Burr), the Senator from Georgia (Mr. Chambliss), the Senator from North Dakota (Mr. Conrad), the Senator from New Jersey (Mr. Corzine), the Senator from South Carolina (Mr. Graham), the Senator from Pennsylvania (Mr. Santorum), the Senator from Maine (Ms. Snowe), the Senator from Ohio (Mr. DeWine) and the Senator from Oregon (Mr. Smith) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation’s past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1066

At the request of Mr. Coleman, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 1066, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1076

At the request of Mrs. Lincoln, the name of the Senator from Iowa (Mr. Harkin) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1082

At the request of Mrs. Hutscho, the names of the Senator from Iowa (Mr. Grassley) and the Senator from North Carolina (Mrs. Holden) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. Baucus, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1172

At the request of Mr. Specter, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorist acts to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1186

At the request of Mr. Obama, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1197

At the request of Mr. Beyer, the name of the Senator from Illinois (Mr. Obama) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1239

At the request of Mr. Smith, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new technologies, and for other purposes.

S. 1265

At the request of Mr. Voinovich, the name of the Senator from California
At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. CHAFFEE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1265, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. HAGEL) and the Senator from Texas (Mr. CORZINE) were added as cosponsors of S. 1355, a bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States.

At the request of Mr. ENZI, the names of the Senator from Nebraska (Mr. ISAKSON) and the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, supra.

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1120 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. ENZI, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. PNYDR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 125 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 126 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1128 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. BIDEN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1379, a bill to provide increased rail security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1140 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1120 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.
amendment No. 1140 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1142**

At the request of Ms. Collins, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1161**

At the request of Mr. Durbin, his name was added as a cosponsor of amendment No. 1161 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1165**

At the request of Mr. Kerry, the name of the Senator from Maryland (Mr. S. Brown) was added as a cosponsor of amendment No. 1165 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1167**

At the request of Mr. Biden, the names of the Senator from Illinois (Mr. Obama) and the Senator from New York (Ms. Gillibrand) were added as cosponsors of amendment No. 1167 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1168**

At the request of Mr. Scherzer, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1168 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1171**

At the request of Mr. Levin, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of amendment No. 1171 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1182**

At the request of Mr. Schumer, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1182 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1184**

At the request of Mr. Nelson of Florida, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1184 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1186**

At the request of Mr. S. Brown, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1186 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1188**

At the request of Mr. Scherzer, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1188 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1192**

At the request of Mr. Schumer, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1192 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1194**

At the request of Mr. Nelson of Florida, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1194 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1206**

At the request of Mr. S. Brown, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1206 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1208**

At the request of Mr. Salazar, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1208 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1209**

At the request of Mr. Salazar, the name of the Senator from New Jersey (Mr. Corzine) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of amendment No. 1209 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1210**

At the request of Mr. Salazar, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1210 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1212**

At the request of Mr. Starken, the names of the Senator from Michigan (Mr. Levin), the Senator from New Jersey (Mr. Corzine), the Senator from Hawaii (Mr. Akaka), the Senator from Connecticut (Mr. Dodd) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 1212 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**AMENDMENT NO. 1217**

At the request of Mr. Stabenow, the names of the Senator from Michigan (Mr. Levin), the Senator from New Jersey (Mr. Corzine), the Senator from Hawaii (Mr. Akaka), the Senator from Connecticut (Mr. Dodd) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Ms. Snowe:

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have fought to ensure that small businesses across the country are treated fairly by Federal Government regulations. Unfortunately, in far too many cases, Federal agencies promulgate regulations without adequately addressing the economic impacts on small businesses.

The Regulatory Flexibility Act, RFA, was enacted in 1980 and requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. The intent of SBREFA was to further curtail the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements. In September we will celebrate the 25th Anniversary of the RFA—a law that is largely working as Congress intended. Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens. To close these loopholes, today I introduce the Regulatory Flexibility Reform Act of 2005, RFRA. This bill would ensure that Federal agencies conduct a complete analysis of the impacts of Federal regulations, thereby providing small businesses, which represent more than 99 percent of all firms in America and provide up to 75 percent of new jobs each year, with much needed regulatory relief.

Under my legislation agencies must consider the indirect effects of an "economic impact." Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means a Federal agency can avoid the various analyses required under the RFA by either requiring the States to regulate small entities or regulating an industry so rigorously that it has a negative impact of burdensome or duplicative regulations on small businesses. It means a Federal Government agency can provide up to 75 percent of new jobs each year, with much needed regulatory relief.

For example, rules can regulate a handful of large manufacturers in the...
same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers. In one case 100,000 small distributors were prevented from distributing their products.

This indirect economic effect had a significant impact on a substantial number of small businesses because their ability to compete in the marketplace—job creating jobs—has and will continue to be harmed.

In addition, this large loophole amounts to an “unfunded mandate” because many States do not have a requirement to conduct an RFA-type analysis of regulations. And even when there is such a statute on the books, those States frequently do not have the resources to conduct the analysis themselves. Worse still, for States with no requirement to conduct RFA-type analyses, the impact of the Federal regulation upon small businesses is never properly assessed either at the Federal or State level.

This situation demands reform.

Second, my legislation requires Federal agencies to consider comments provided by the Small Business Administration’s Office of Advocacy. The SBA’s Office of Advocacy does not receive the public attention it deserves. It should, in case after case has been the law, for small businesses faced with burdensome, duplicative and nonsensical Federal regulations.

The Office of Advocacy serves two critical roles: No. 1, it represents small business’ interests before the Federal government in regulatory matters, and No. 2, it conducts valuable research to further our understanding of the importance of small businesses and their job creating potential in our economy.

My legislation would also amend the RFA to provide a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and hence, to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, the RFRSA would clarify the circumstances for a periodic review of Federal regulations to ensure that there is a significant impact on a substantial number of small entities, a review would be required. It would also clarify the requirement that agencies review all 10-year-old rules to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years. That’s because rules can have unintended and negative consequences in our changing global, information-age economy.

This legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation’s small businesses and their employees are provided with much needed regulatory relief.

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. 3388

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

SECTION 1. SHORT TITLE; TITLE OF CONTENTS.

(a) SHORT TITLE—This Act may be cited as the “Regulatory Flexibility Reform Act of 2005”.

(b) TITLE OF CONTENTS—The title of this Act is as follows:


SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, even though the problems sought to be solved by such regulations are not always caused by these small businesses and other small entities.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities disproportionate and burdensome demands, including legal, accounting, and consulting costs.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but have failed to do so.

(5) Alternative regulatory approaches that do not conflict with the objectives of the statutes the regulations seek to implement may be available and may minimize the significant economic impact of regulations on small businesses and other small entities.

(6) Federal agencies have failed to analyze and uncover less-costly alternative regulatory approaches. The fact that the chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), requires them to do so.

(7) Federal agencies continue to interpret chapter 6 of title 5, United States Code, in a manner that permits them to avoid their analytical responsibilities.

(8) The weight of the compliance of Federal agencies with the analytical requirements to assess regulatory impacts on small businesses and other small entities and obtain input from the Chief Counsel for Advocacy has not sufficiently modified the Federal agency regulatory culture.

(9) Significant changes are needed in the methods by which Federal agencies develop and analyze regulations, receive input from affected entities, and develop regulatory alternatives that will lessen the burden or maximize the benefit to small businesses and other small entities.

(10) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that unforeseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences or enhance economic benefits.

(11) Federal agencies should be capable of assessing the impact of proposed and final rules without delaying the regulatory process or impinging on the ability of Federal agencies to fulfill their regulatory mandates.

SEC. 3. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(a) any direct economic impact on small entities of such rule; and

“(b) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).”

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available.”;

and

(2) by adding at the end the following:

“(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

“(2) if no submission is required, the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 601(a) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “succinct”;

(B) in paragraph (2), by striking “summary” each place it appears and inserting “statement”;

(C) in paragraph (3), by—

(i) striking “an explanation” and inserting “a detailed explanation”; and

(ii) inserting “detailed” before “description”;

(2) EXCEPTIONS.—An agency may not, in any particular case where it determines that—

(A) an explanation is not feasible; or

(B) the explanatory statement is otherwise not feasible;
(D) in paragraph (4), by inserting “detailed” before “description”; and
(E) in paragraph (5), by inserting “detailed” before “description.”

(2) PROVISIONS ON COMMENTS TO CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule)” after “initial regulatory flexibility analysis”.

(3) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and inserting after paragraph (2) the following:

“(3) the agency’s response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;”.

(4) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s Web site, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the Web site where the complete analysis may be obtained.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) the term shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agencies in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.”.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended—

(1) by inserting “detailed” before “statement”; and
(2) by inserting “and legal” after “factual”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“607. Quantification requirements

(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or
(2) more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 5. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“610. Periodic review of rules

(a) Not later than 180 days after the enactment of the Regulatory Flexibility Reform Act of 2005, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made in consultation with the agency, performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. An amended plan, and any final rule in the Federal Register following:

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

“(c) Each agency shall annually submit a report regarding the results of its periodic review of rules, with respect to, in the case of agencies other than independent regulatory agencies (as defined in section 3002(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the agency has determined infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider—

(1) the continued need for the rule;
(2) the nature of complaints received by the agency from small entities concerning the rule;
(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;
(4) the complexity of the rule;
(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;
(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that calculations cannot be made and reports that determination in the annual report required under subsection (c); and
(7) the length of time since the rule has been evaluated to the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and
(8) the current impact of the rule, including—

(A) the number of small entities to which the rule will apply; and
(B) the effectiveness reporting, recordkeeping and other compliance requirements of the proposed rule, including—

(i) an estimate of the classes of small entities that will be subject to the requirement; and
(ii) the type of professional skills necessary for preparation of the report or record.

(e) The agency shall publish in the Federal Register and on its Web site a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the Chief Counsel for Advocacy and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 6. CEREMONIAL AMENDMENTS.

(a) In General.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and
(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term ‘agency’;
(2) in paragraph (2)—

(A) by striking the semicolon at the end and inserting a period; and
(B) by striking “(2) the term” and inserting the following:

“(2) RULE.—The term ‘rule’;
(3) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and
(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term ‘small business’;
(4) in paragraph (4)—

(A) by striking the semicolon at the end and inserting a period; and
(B) by striking “(4) the term” and inserting the following:

“(4) SMALL ORGANIZATIONS.—The term ‘small organization’;
(5) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and
(B) by striking “(5) the term” and inserting the following:

“(5) SMALL ENTITY.—The term ‘small entity’; and
(6) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter, the following definitions apply:”.

(b) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“605. Incorporations by reference and certifications.”.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;
(2) by striking the item relating to section 607 and inserting the following:

“607. Quantification requirements.”.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KYL): S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce, along with my colleagues Senator FEINSTEIN and Senator KYL, the USA PATRIOT Improvement and Reauthorization Act of
2005, a bipartisan bill to reauthorize provisions of the landmark anti-terrorism legislation we adopted in the wake of September 11, 2001. We continue to give tools to law enforcement to protect our security; and, at the same time, to make important improvements to the law to ensure greater protection of civil liberties and to require greater accountability through enhanced reporting and oversight.

In recent months, the political rhetoric of the PATRIOT Act has reached a fever pitch. Not surprisingly, however, the reality fails to match the rhetoric. As the Washington Post has editorialized, “Although the PATRIOT Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism.” At the same time, it would be unwise to credit the act with all of our hard-won successes in the effort to combat terror. As evidence by the guilty attacks in London last week, no law or surveillance regime can prevent every terrorist attack.

Nevertheless, as last week’s attacks remind us, the danger of international terrorism remains real, and has not abated in the years since 9/11. So, we must remain vigilant, and we must be cautious not to recreate the legal circumstances that arguably contributed to significant intelligence failures before 9/11. Reauthorizing the PATRIOT Act, while incorporating improvements designed to safeguard our liberties and enhance reporting and oversight.

The bill we introduce today is the reauthorization of the PATRIOT Act, while incorporating improvements to the law to ensure greater protection of civil liberties and to require greater accountability through enhanced reporting and oversight.

The bill addresses these issues, and adds still more protections to ensure the provision is used responsibly. First, the bill eliminates the need for Congress to affirmatively validate the factual basis for the requested order. According to critics, section 215 included no explicit right for recipients to confer with legal counsel, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review. It is important that we consider modifications to section 215. Our bill addresses these issues, and adds more protections to ensure the provision is used responsibly. First, the bill eliminates the need for Congress to affirmatively validate the factual basis for the requested order. According to critics, section 215 included no explicit right for recipients to confer with legal counsel, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review. It is important that we consider modifications to section 215.

The bill then addresses concerns that such “John Doe” targets had to be—raising concerns that the Government could use them to identify a broadly described target. Our bill corrects this shortcoming and makes other improvements to the roving authority under FISA.

First, the bill responds to concerns that enhanced FISA surveillance wiretaps could be used against someone described generically as a “Middle Eastern male” or “Hispanic female” by requiring such orders to include “sufficient information to describe a specific target.” The bill makes it clear that, although such orders may “rove” from one phone to another when the target changes devices, the Government cannot “rove” from one investigative target to another, seeking to identify the right person. Through this change, we avoid rewarding terrorists or spies who successfully conceal their identities, but we also protect innocent Americans from unwarranted surveillance.

The bill minimizes the chance that “roving” wiretaps could be used indiscriminately against multiple devices by requiring the Government to notify the court every time it begins surveillance of a new device. This notice must be made within 10 days of the initiation of surveillance, and must include a description of the new device, as well as the “facts and circumstances” indicating that each new phone or similar device is “being used, or is about to be used,” by the target.

The bill then amends FISA to require the Government to provide the court with a description of the methods being used to minimize the interception and retention of unrelated communications. Finally, the bill adds new reporting requirements and extends the sunset date until December 31, 2009, allowing the FISA judge to revisit the need for this surveillance tool.

I would next like to turn to the bill’s modification of section 215 of the PATRIOT Act, perhaps the most controversial provision of the act, and one that is frequently misunderstood as the “library” provision.

Prior to the PATRIOT Act, FISA authorized the FBI to obtain orders for the production of certain types of business records, including those of hotels, car rental agencies and storage facilities, in limited circumstances. Under the pre-PATRIOT standard, however, the FBI could not even seek the records of a library. Today, in the presence of a suspected spy or terrorist, unless it had specific reasons to suspect the associate was himself a spy or terrorist. Strangely, this standard was significantly higher than the standard for a subpoena in a criminal case. According to critics, section 215 of the PATRIOT Act amended FISA to permit orders for any records or tangible things sought in connection with an authorized investigation to obtain foreign intelligence not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

As enacted, however, section 215 did not require the FBI to establish the factual basis for the requested order. According to critics, section 215 rendered the FISA court little more than a rubber stamp for the Government’s requests. Moreover, section 215 included no explicit right for recipients to confer with legal counsel, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review. Indeed, in testimony before the Judiciary Committee earlier this year, Attorney General Gonzales conceded these shortcomings in the law, and expressed a new willingness to consider modifications of section 215.

Our bill addresses these issues, and adds still more protections to ensure the provision is used responsibly. First, the bill eliminates the need for Congress to affirmatively validate the factual basis for the requested order. According to critics, section 215 included no explicit right for recipients to confer with legal counsel, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review. Indeed, in testimony before the Judiciary Committee earlier this year, Attorney General Gonzales conceded these shortcomings in the law, and expressed a new willingness to consider modifications of section 215.

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the Congress to monitor the Justice Department’s activities.

In addition to the foregoing, the bill also requires an annual report on the number of times FISA orders for records and tangible things have been issued. The report must cover the period from April 5 hearing, the Attorney General declassified the fact that, as of March 30, 2005, the FISA court had “granted the department’s request for a 215 order 35 times.” He further noted that section 215 had not been used to obtain library or bookstore records, medical records or gun sale records. According to the Attorney General, section 215 had been used only to obtain driver’s license records, public accommodation records, apartment leasing records, credit card records and subscriber information, such as names and addresses for telephone numbers captured through court-authorized pen register devices. It is our hope that regular public reporting, together with enhanced congressional oversight, will bolster public confidence in the law without compromising sensitive investigations.

Finally, as with the multipoint surveillance authority, we have extended the sunset date for section 215 of the PATRIOT Act from December 31, 2005 to Congress must revisit the continuing need for this tool.

Another PATRIOT Act provision that has inspired significant criticism is section 212 of the act, which authorized delayed notice search warrants. Unlike the other sections I have discussed, section 212 is not scheduled to sunset later this year. Nevertheless, in recognition of the concerns raised about this provision, we have made several changes to this authority as well.

Prior to the PATRIOT Act, three federal courts had approved the practice of delayed notice search warrants. Supreme Court precedent also supported the validity of judicially authorized covert entries. Indeed, in Dalia v. United States, a 1979 case involving the analogous situation of a covert entry to install a listening device, the Supreme Court described as “trivialous” the argument that “covert entries are unconstitutional for their lack of notice.” Nevertheless, in the 1995 case of Wilson v. Arkansas, which focused on whether officers must “knock and announce” their presence before serving a warrant, the Court held that, “in some circumstances an officer’s unannounced entry into a home might be unreasonable under the Fourth Amendment.” But, the Court did not address sneak and peak warrants directly, and it left “to the lower courts the task of determining the circumstances under which an unannounced entry is reasonable under the Fourth Amendment.”

The PATRIOT Act sought to create a unified standard for delayed notice searches. Under the PATRIOT Act, notice of a search may be delayed if a court finds reasonable cause to believe immediate notice may have an adverse result, including: (A) endangering the life or physical safety of an individual; (B) flight from prosecution; (C) destruction of, or tampering with, evidence; (D) intimidation of potential witnesses; or (E) otherwise seriously jeopardizing an investigation. The bill continues this language, but extends the period allowed for delaying a trial. Notice must be provided within a “reasonable period” of time, which may be extended for good cause. As noted by critics, however, the period of delay could be indefinite. As a result, and as reported by the Department of Justice, courts have authorized unspecified periods of delay—such as delays until the conclusion of an investigation.

Over the last 3 months, at the Judiciary Committee’s request, the Department of Justice has furnished new information about its use of delayed notice search warrants. This data shows that delayed notice warrants account for less than 0.2 percent of the warrants handled by Federal district courts. Moreover, delayed notice warrants based solely on seriously jeopardizing an investigation account for less than 1 percent of warrants. But, the Court has raised concerns that the “catch-all” provision is being overused. DOJ has also supplied summaries of 15 cases—out of a total of 22 where the delay was based solely on the “catch-all.” In these cases, the delay was based on the substantial risk of compromising a Title III wiretap or frustrating efforts to identify the full scope of a complex criminal enterprise. Accordingly, the draft bill does not eliminate seriously jeopardizing the use of delayed warrants, but rather modifies the requirement to respond to a request for further delay. Instead, the bill enhances reporting requirements—including the addition of new public reporting requirements—to ensure that DOJ continues to use this authority responsibly. The bill also requires the court to set a “date certain” for notice to be provided, eliminating concerns about indefinite delays. The bill permits extensions of the delay period, but requires them to be supported only “upon an updated showing of the need for further delay.” Finally, the bill limits extensions to 90 days each, which parallels the notice requirements for criminal wiretaps and “bugs” which are arguably more invasive than a one-time search, because they may require covert entries and they continue to collect personal data for extended periods of time.

As these changes illustrate, while reauthorizing the PATRIOT Act, we have emphasized enhanced oversight through reporting. This bill adds reporting requirements to several PATRIOT provisions, including the aforementioned public reporting on delayed notice search warrants and FISA business records orders. The bill also adds public reporting on FISA pen registers and the emergency authorization of FISA electronic surveillance. Moreover, throughout FISA, the draft bill aims to emphasize enhanced oversight by the Judiciary Committees to reporting provisions currently limited to the Senate and House Intelligence Committees.

In addition, we have made adjustments to other provisions of the PATRIOT Act. These include:

Section 203, sharing criminal information with intelligence agencies: The bill requires notice to the authorizing Court when there are new or additional indications of crimes, and when information gathered via a court-authorized criminal wiretap is disclosed to intelligence agencies.

Section 207, Duration of FISA surveillance of non-U.S. persons: The bill extends the duration of FISA surveillance warrants for non-U.S. persons under FISA, 120 days for original orders, and up to 1 year for extensions. Also, it extends the duration of FISA pen registers for non-U.S. persons, up to 1 year.

Section 212, emergency disclosure of electronic communications: The bill adds new reporting requirements to ensure the government is using this authority appropriately. The bill also makes technical corrections to harmonize the language permitting the emergency disclosure of contents and records.

Section 505, national security letters: The bill incorporates legislation introduced by Senator CORNYN to address a 2004 Federal district court decision holding a national security letter, or NSL, served on an Internet service provider unconstitutional. This legislation permits the government to disclose NSLs to law enforcement, with a court order, and enforces a 90-day time limit on them. The bill also permits the Attorney General to extend the NSL by 90 days. The bill also extends the sunset date for the “Lone Wolf” provision added to FISA by last year’s Intelligence and Terrorism Prevention Act until December 31, 2009.

Taken together, these changes provide important checks on the government’s authority contained in the PATRIOT Act. At the same time, these amendments honor President Bush’s commitment to the rule of law: a commitment to protect our freedom without weakening the tools used to combat terrorism. I am pleased to be joined by Senators FEINSTEIN and KYL in introducing this measure, and I look forward to securing the support of other Judiciary Committee members as we move to consider this bill.

Mr. President, I would ask that the record be extended to include the comments that I am making.

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The President. The remarks of Senator Kyl are printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 2005]

Congress passed the USA Patriot Act in haste after the Sept. 11, 2001, attacks. Critics predicted that the act would deal a blow to liberty, while property owners were essential to the fight against al Qaeda. A wise compromise gave the administration new powers but had them expire at the end of 2005. Now Congress is giving the FBI a second look. Consequently, various congressional committees are considering whether
the Patriot Act should be reauthorized, rolled back or expanded—and whether this time it should be made permanent, as the administration wishes, or renewed only temporarily.

Although the Patriot Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the very serious infringements on civil liberties in the war on terrorism. It has nothing to do with the detention of Americans as enemy combatants, nor with deporting or detaining illegal immigrants who may have decisive role in terrorist planning. Nor does it address the interrogation of prisoners captured abroad or the roundup of foreigners for minor immigration violations. The law’s key sections were designed to expand investiga-
tive powers in national security cases and permit more information-sharing between intelligence and law enforcement agencies. These have sparked controversy more because they might permit than because of what is known to have happened. Indeed, there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what’s known, it merits reauthorization with minor modifications.

But first more ought to be known. Far from releasing information about its use of the law, the administration has generally hidden even basic information—only to release it when politically convenient. The Patriot Act would require the Justice Department to report back to Congress each year on its use of the Act, but in practice, the administration has, in recent months, released a good deal of information to support its request for reauthorization, the public still lacks a full picture. Before reauthorizing the Patriot Act, Congress needs to demand and receive sufficient information.

And in revising the law, Congress should make its reauthorization more conditional. It should make clear that reauthorization is not at the mercy of the administration’s sense of openness.

Nor should reauthorization be permanent. Knowing it had to return to Congress for reauthor- ization was one of the few incentives for the administration to release information; it’s useful to maintain that incentive. And it’s not overly burdensome to ask the executive branch to periodically justify its need for such powerful investigatory tools.

Finally, intelligence committees have included as part of its reauthorization package a broad authority for the FBI to collect information from businesses in intelligence investigations. The FBI said it needed the authority to protect its undercover operations. The administration has, in its own words, not made contemporaneous to the search, there is reasonable cause to believe one of the following might occur: 1) notification would endanger or physically affect an individual; 2) notification would cause flight from prosecution; 3) notification would result in destruction of, or tampering with evidence; 4) notification would result in intimidation of potential witnesses; or 5) notification would cause serious jeopardy to an investigation or unduly delay a trial. To be clear, the five tailored circumstances that the Department may request judicial approval to delay notification. Only after it determines that the Department’s evaluation before approving any delay.

Delayed notice search warrants provide a crucial flexibility to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a ‘Robinson为了避免 unnecessary need to conduct a search or/or seizure or conducting the search and prematurely notify the target, the Department believes that the notification of his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

A prime example in which a delayed-notice search warrant was executed is Operation Candy Box. This operation was a complex multi-year, multi-country, multi-agency investi-gative effort by the Organized Crime Drug Enforcement Task Force, involving the investigation and disruption of the sale and distribution of both MDMA (also known as Ecstasy) and BC bud (a potent and expensive strain of marijuana). The investigation was obtained on the ground that notice would cause serious jeopardy to the investigation (see 18 V.S.C. § 3103a).

In 2004, investigators learned that an automobile loaded with a large quantity of Ecstasy would be crossing the U.S.-Canadian border on a July 6, 2005.

DEAR MR. CHAIRMAN: We have indicated in some of our responses to questions for the record, including those recently submitted on April 5, 2005, that we would answer our responses to some questions. This letter is intended to supplement previous informa-

DEPARTMENT OF JUSTICE
OFFICE OF LEGISLATIVE AFFAIRS
Washington, DC, Apr. 4, 2005.

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Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

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Delayed-notification search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Patriot Act did not require law enforcement to give immediate notice of the execution of a search warrant. Since Dalia, three Federal courts of appeals have considered this issue and have found that 18 U.S.C. § 2705(a)(2)(E) has constitutional merit. In 1992, the American Bar Association adopted a resolution in support of delayed notification. Since March 2003, after the American Bar Association resolution, the Department of Justice and the Department of the Treasury have legally implemented the delayed notification policies. The Department of Justice has implemented the delayed notification policies and has sought and received court permission to execute a delayed-notification search warrant in their districts since passage of the USA PATRIOT Act.

To provide further detail for your consideration, of the 188 times authority to delay notified search warrants have been sought during a 12-month period ending September 30, 2003, U.S. District Courts handled 23,539 search warrants. By contrast, in one 14-month period ending January 31, 2005, the Department used the section 213 authority contained in section 213 to delay notification 61 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 61 uses of section 213 still only accounts for less than 0.2% of the total search warrants handled by the courts. Indeed, since the USA PATRIOT Act was enacted on October 26, 2001, through January 31, 2005—a period of more than 3 years—the Department has utilized a delayed-notification search warrant only 135 times.

We have been working with United States Attorneys across the country to refine our data and develop a more complete picture of the usage of the section 213 authority. We have manually surveyed each of the 94 United States Attorneys’ Offices for this information which, we understand, is not in a database that is currently available to report our additional findings.

In September 2003, the Department made public the fact that it had exercised the section 213 authority contained in section 213 to delay notification 47 times between October 2001, and April 1, 2003. Our most recent survey, which covered the period between April 1, 2003, and January 31, 2005, indicates we have delayed notification of searches in an additional 108 instances. Since April 1, 2003, no request for a delayed-notification search warrant has been denied. It is possible to misconstrue this information as evidence that courts are merely functioning as a “rubber stamp” for the Department. In reality, it is not true. In reality, it is an indication that the Department takes the authority codified by the USA PATRIOT Act very seriously. We judiciously seek court approval only in those rare circumstances—those that fit the narrowly tailored statute—when it is absolutely necessary and justifiable. As explained above, the Department exercised its authority to seek delayed notice of fewer than 1 in 500 search warrants issued nationwide. To further buttress this point, the 108 instances of section 213 usage between April 1, 2003, and January 31, 2005, occurred in 40 different offices. And of those 40 offices, 17 used section 213 only once. Looking at it from another perspective over a longer period of time, the Department requested court approval on a case-by-case basis and is always dictated by the approving judge or magistrate.

According to the survey of the 94 U.S. Attorneys’ Offices, between April 1, 2003, and January 31, 2005, the shortest period of time for which the government has requested delayed notification was a 15-day period. The longest such specific period was 180 days; the longest unspecified period was until “further order of the court” or until the case was “closed” or “settled.” Of the 188 instances of section 213 usage, the government requested a delay period of time for delay was granted for six warrants (four of these were related to the identity theft investigation). While no court has ever rejected the government’s request for a delay in a few cases courts have granted a shorter time frame than the period originally requested. For example, a case in which the Attorney for the District of Arizona sought a delay of 30 days, and the court authorized a shorter delay of 25 days.

The U.S. Attorneys’ Offices that exercised the authority to seek delayed-notification search warrants between April 1, 2003, and January 31, 2005, just over half (22) of the offices sought extensions of delays. Those 22 offices together made approximately 98 appearances to seek additional extensions. In certain cases, it was necessary for the Offices to seek extensions of delays in accordance with the same period as the original delay. In those instances, the government was able to convince the court that a shorter delay was in the interest of justice. The Department is pleased to provide the following information regarding how often section 213 was utilized and for what purposes.

In September 2003, the Department made public the fact that it had exercised the section 213 authority contained in section 213 to delay notification 47 times between October 2001, and April 1, 2003. Of those 47 instances of section 213 usage, the Department sought extensions of delays in 15 instances. In those 15 instances, the Department was able to convince the court that a shorter delay was in the interest of justice. The Department is pleased to provide the following information regarding how often section 213 was utilized and for what purposes.

In one case, a court denied a U.S. Attorney’s request for an extension of time to make a seizure because of the imminent danger of loss if destroyed, and a GPS tracking device would be lost if destroyed. In that matter, the court modified a preliminary order of the court requiring the government to provide further information to the court to support its request for an extension of the delay period. The court granted 180 days to the government in that matter, and the court granted this request. In another instance, an office sought a 90-day delay period, and the court granted 180 days.

Of the 22 offices that sought delays that would last until the end of the investigation, in only one instance was such a request modified. In that matter, the court originally granted a 30-day delay. However, when notification could not be made within 30 days, the U.S. Attorney requested an extension. The court granted an extension to the judge for an additional 30 days. The court granted an extension through the end of the investigation, for a total of 90 days. This is, according to our survey, the longest period of time for delay sought and granted. In those cases, most extensions were sought and granted for the same period as the original delay requested.

In one case, a court denied a U.S. Attorney’s Office’s request for an extension of the delay in providing notice. This matter involved three delayed-notification search warrants related to the investigation of the identity theft investigation. The original period of delay sought and granted was for 30 days on all three warrants. The Office then sought 90 days extensions. In that matter, there was concern that the multiple targets of the investigation might flee to a foreign country if notified. The court denied our request. The Department was advised that in order to delay notification warranted a 90-day stay of service, particularly in light of the
fact that one of the targets of the investigation was, by this time, in Federal custody in California on an unrelated matter. At some point after notification was made, however, the order was rescinded.

In sum, both before enactment of section 213 and after, immediate notice that a search warrant had been executed has been standard procedure for local search warrant applications. The Department has been used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm individuals or compromise investigations, and even then only with a judge’s approval. Investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to make that choice. Section 213 is a step backward to better protect the public from terrorists and criminals while preserving Americans constitutional rights.

To further be aware, the Department published a detailed report last year that includes numerous additional examples of how delaying notification of search warrants in certain cases has resulted in beneficial results. We have enclosed a copy for your convenience.

If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

WILLIAM E. MOSECHEN, Assistant Attorney General
DEPARTMENT OF JUSTICE
OFFICE OF LEGISLATIVE AFFAIRS,

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: During the closed session of the Senate Judiciary Committee on April 12, 2005, you requested additional information about section 213 of the USA PATRIOT Act. Specifically, you inquired about examples of the use of delayed-notice warrants in which the Department would have faced two choices: (1) seize the drugs and be required to notify the residents of the neighborhood of the search; or (2) not seize the drugs and thereby end our ability to build a significant case on the leadership or (2) not seize the drugs and allow the organization to continue to function. As we continued with the investigation. Because of the availability of delayed-notice search warrants, the Department was not forced to choose. Agents learned that drugs and currency were discovered. Delayed notice of the search warrant’s execution was necessary in order to protect the integrity of other investigative tools being used in the case after the wiretaps. The investigation ultimately led to the indictment of twenty-seven individuals in

An Organized Crime Drug Enforcement Task Force ("OCDETF"), which included agents from the Drug Enforcement Administration (DEA), the Internal Revenue Service, and the Pittsburgh Police Department, as well as officers from other law enforcement agencies, was engaged in a multi-year investigation that culminated in the indictment of the largest trafficking organization ever prosecuted in the Western District of Pennsylvania. The organization was led by Oliver Beasley and Donald "The Chief" Lyles. A total of 38 defendants were indicted on drug, money laundering and firearms charges. Beasley and Lyles were charged with operating a Continuing Criminal Enterprise (CCE) violation. Both pleaded guilty and received very lengthy sentences of imprisonment.

The Beasley-Lyles organization was responsible for bringing thousands of kilograms of cocaine and heroin into Western Pennsylvania. Cooperation was obtained from selected defendants and their cooperation was critical to identifying and arresting individuals in New York who supplied the heroin and cocaine. Thousands of dollars in real estate, automobiles, jewelry and cash have been forfeited.

The case had a discernible and positive impact upon the North Side of Pittsburgh, where the organization was based. The DEA has demonstrated that in Pennsylvania and New York, heroin distribution in this region decreased as the result of the successful elimination of this major drug trafficking organization. In addition, the DEA continued to supply heroin over the course that ran from 2001 to 2003.

While the drug investigation was ongoing, it became clear that the leaders of the drug conspiracy had ties to an ongoing credit card fraud operation. An investigation into the credit card fraud was undertaken, and a search was made of a Fed Ex package that contained fraudulent credit cards. Had the search into the credit card fraud investigation revealed the ongoing drug investigation prematurely, the drug investigation could have been seriously jeopardized. The credit card investigation ultimately resulted in several cases including US v. Larry Goosby, US v. Derecka Lasaun, US v. Sandra Young (Cr. No. 02-74); US v. Lasaun Foster, who was acquitted at trial. These applications were submitted in the case of United States v. Julius Mooring, et al. That case was indicted at the end of April 2005. The trial of fifteen defendants is scheduled to commence in September 2005.

The Justice Department believed that if the targets of the investigation were notified of our use of the GPS devices and our monitoring of the surveillance, the investigative tool would be defeated, and the investigation would be totally compromised. As it was, the principals in the targeted drug distribution organization were highly surveillance-conscious, and reacted noticeably to perceived surveillance efforts by law enforcement. Had they received palpable indications that their activities were being scrutinized, they likely would have ceased their activities, or altered their methods to avoid detection. As a result, the Justice Department believed that the principals in the targeted drug distribution organization were storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, the surveillance equipment was recovered. Lagrange was convicted of one count of conspiracy to traffick cocaine and one count of wire fraud.

As a result of information obtained through a wiretap as well as a drug-smuggling dog, investigators believed that the leader of the drug distribution organization was storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, the surveillance equipment was recovered. By then, the surveillance had entered a new phase. A total of 38 defendants were scheduled to be scheduled for trial. The trial of the remaining defendants is scheduled to begin on July 15. All defendants with standing to challenge any of the orders obtained have entered guilty pleas.

The Justice Department believed that if the targets of the investigation were notified of our use of the GPS devices and our monitoring of the surveillance efforts by law enforcement. Had they received palpable indications that their activities were being scrutinized, they likely would have ceased their activities, or altered their methods to avoid detection. As a result, the Justice Department believed that the principals in the targeted drug distribution organization were storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, the surveillance equipment was recovered. By then, the surveillance had entered a new phase. A total of 38 defendants were scheduled to be scheduled for trial. The trial of the remaining defendants is scheduled to begin on July 15.

In each instance, the period of delay requested and granted was 90 days, and no renewals of the delay orders were sought. And, as required by law, the interested parties were made aware of the intrusions resulting from the execution of the warrants within the 90 day period authorized by the Court.

Example #4: Western District of Washington:

During an investigation of a drug trafficking organization, which was distributing cocaine and an unusually pure methamphetamine known as "ice," a 30-day delayed-notice search warrant was sought in April 2004. As a result of information obtained through a wiretap as well as a drug-smuggling dog, investigators believed that the leader of the drug distribution organization was storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, the surveillance equipment was recovered. By then, the surveillance had entered a new phase. A total of 38 defendants were scheduled to be scheduled for trial. The trial of the remaining defendants is scheduled to begin on July 15.
had entered the home would compromise an attorney entered the home being searched would compromise a particularized need that professionals received three separate seven-day Department initially received a delayed investigation, pre-takedown of several individuals defendants have pled guilty, and the remaining three individuals, including the leader, have pled guilty, and three are fugitives, and one is awaiting trial.

Example #5: Southern District of Illinois: The Justice Department used section 213 of the USA PATRIOT Act in an investigation into a methamphetamine conspiracy in the Southern District of Illinois. In particular, in November 2003, a vehicle was seized pursuant to authority granted under the paragraph.
or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department’s evaluation before approving any delay.

Delayed-notice search warrants provide a crucial option to law enforcement. If immediate notification would result in serious jeopardy to an investigation or unduly delay a trial, a federal judge must agree with the Department’s request for a judicial approval to delay notification, circumstances that the Department may rely upon to delay notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a “Hobson’s choice”: delaying the urgent need to conduct the search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct in order to keep the ongoing investigation confidential.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notice search warrants allow the government to secretly search an individual’s houses, papers, and effects” without notifying them of the search. In every case where the government executed a criminal search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notice search warrants, notice is actually delayed for a reasonable period of time—a time period defined by a federal judge.

Delayed-notice search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Fourth Amendment does not require law enforcement to conduct immediate notice searches. By contrast, in the 39-month period ending September 30, 2005, the Department of Justice executed a criminal search warrant, utilizing the “seriously jeopardizing” prong involved in delayed notice warrants. The Department has provided the Committee detailed descriptions of eight of the twenty-two investigations where the “seriously jeopardizing” prong was the sole “adverse result” used to request delayed notice. The descriptions already provided include Operation Candy Box, which was detailed in our April 4, 2005, letter to the Committee, and seven additional cases described in a May 3, 2005 letter to the Committee. This letter is intended to supplement the previous letters we have provided by detailing the seven remaining investigations that have been unsealed, and identifying the seven remaining investigations that are neither of the seven investigations that remain under seal are terrorism-related.

As we are sure you will agree, the follow examples of the use of delayed-notice search warrants illustrate not only the appropriateness of the Department’s use of this vital tool, but also its importance to law enforcement investigations.

Example #9: Southern District of Illinois: The United States Attorney’s Office for the Southern District of Illinois conducted a delayed-notice search warrant pursuant to Title 18 U.S.C. § 3103a in the investigation of an OCDETF (Organized Crime Drug Enforcement Task Force) investigation in the Southern District of Illinois

The Department has provided the Committee with detailed information regarding how often section 213 has been used. Let us assure you again that the use of a delayed-notice search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of a search warrant’s execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during the preliminary September 2004, U.S. District Courts handled 95,955 search warrants. By contrast, in the 39-month period between the passage of the USA PATRIOT Act and January 31, 2005, the Department used the section 213 authority only 153 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 39-month period of section 213 still only account for less than 0.2% of the total search warrants handled by the courts.

Specifically, you have inquired about examples of where the “seriously jeopardizing an investigation” prong was the sole “adverse result” used to request delayed notice. From January 1, 2003, to January 31, 2005, the Department has employed the “seriously jeopardizing an investigation” prong has been the sole ground for request-
from the car carrier, impounded and the car carrier was allowed to proceed on its way. Thereafter, a delayed-notice search warrant was executed on the load vehicle, resulting in 37 kilograms of cocaine being seized from the vehicle. After the seizure of the load vehicle, conversations regarding efforts to re-obtain the load vehicle were interrupted between the subjects of the investigation. The investigation continued until July 30, 2005, which was the takedown date for all aspects of the investigation. Extensions of the order delaying notice were obtained until the takedown date. Until they were arrested, the subjects of the investigation were completely unaware as to the actual reason why the load vehicle was seized and that the cocaine was located in the load vehicle had been located.

Obviously, the subjects of the investigation received notice that a search warrant had been obtained for the load vehicle. This investigation would have been seriously compromised. Delayed notice allowed the investigative agency to make a significant seizure of cocaine while at the same time allowing the investigation, which had national and international ramifications, to continue to its successful conclusion. Twenty defendants were charged in the Western District of New York, and all have pled guilty.

Example #13: Western District of New York

As a result of investigations in the Western District of New York, the Eastern District of California, and Canada, including wiretaps at locations, information was obtained that several defendants were involved in smuggling large quantities ofephedrine, a listed chemical, from California into the United States. There were four delayed-notice search warrants issued in the case, which were all justified by the ‘‘seriously jeopardizing an investigation’’ prong only. The locations that were believed to be ‘‘stash houses’’ for ephedrine and money, and for two packages sent through the U.S. and Canadian mail which were believed to also contain contraband. All delayed-notice search warrants were issued for 10 days on the grounds that providing notice would adversely affect the investigation. This multi-district case in the Eastern District of California. The prosecution in this case is currently pending.

Example #14: Western District of New York

A delayed-notice search warrant was obtained for the District of Maryland to open and photograph the contents of a safe deposit box that the target, a Canadian citizen, was allegedly using to store his proceeds of drug trafficking. Following the sale of heroin by the target to undercover law enforcement, the load vehicle was seized, and that the cocaine seized in the load vehicle had been located.

In sum, delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers and examples provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm investigative goals, and even then only with a judge’s express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to choose.

Section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights. The Department of Justice is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to delay the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

William E. Moschella,
Assistant Attorney General.

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. 1389

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 ‘‘USA PATRIOT Improvement and Reauthorization Act of 2005’’.
within 10 days after the date on which surveillance begins to be directed at any facility or place of—

(A) the nature and location of each facility or place at which the electronic surveillance is directed;

(B) the facts and circumstances relied upon by the applicant to justify the applicant’s request for the facility or place at which the electronic surveillance is directed being used, or is about to be used, by the target of the surveillance; and

(C) a description of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility at which the electronic surveillance is directed.”

(3) P Enrollment of the House of Representatives and the Committee on the Judiciary of the Senate, after Senate Select Committee on Intelligence.

(2) Modifications of semiannual report requirements under foreign intelligence surveillance act of 1978—

Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended by inserting “,” and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

(1) a description of the nature and location of each facility or place of—

(A) surveillance authorized by the warrant, and the number and duration of any extensions; and

(B) the offenses specified in the warrant or application.

SEC. 4. PATRIOT SECTION 202; DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS.

(a) Electronic Surveillance Orders.—Section 105(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking “, as defined in section 101(b)(1)(A)” and inserting “who is a United States person”;

(2) in paragraph (2)(B), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”;

(b) Physical Search Orders.—Section 302(d) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”;

(c) Pen Registers.—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended by—

(1) inserting after “90 days” the first place it appears the following: “except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order issued under this section may be for a period not to exceed 1 year”;

(2) inserting after “90 days” the second place it appears the following: “except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an extension of an order issued under this section may be for a period not to exceed 1 year.”

SEC. 5. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.

(a) Enhanced Oversight.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

(d) Reporting of Emergency Disclosures.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

(1) the number of accounts from which voluntary disclosures under subsection (b)(8); and

(2) a summary of the basis for disclosure in those instances where—

(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.”.

(b) Technical Amendments to Conform Communications and Customer Records Exceptions.—

(1) Voluntary Disclosures.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (a), by inserting “(i) by striking “Federal, State, or local”; and

(ii) by inserting “immediate” before “danger”; and

(B) by striking subsection (c)(4) and inserting the following:

(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

(2) Definitions.—Section 2711 of title 18, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end; and

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(c) Modifications of Reporting of Emergency Disclosures.—Section 3050 of title 18, United States Code, is amended by inserting at the end the following:

(d) Reporting.—Section 3050(d) of title 18, United States Code, is amended by—

(1) by striking “November 30” and inserting “December 31”;

(2) by inserting “, except that—” before “; and”;

(3) by striking “; and” and inserting “; and”, and

(4) by adding at the end the following:

(L) the total number of applications made under Foreign Intelligence Surveillance Act (50 U.S.C. 1808(a)) is amended by—

(a) Factual Basis for Pen Register and Trap and Trace Devices Under FISA.—

(1) Application.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking “a certification by the applicant that” and inserting “a statement of the facts relied upon by the applicant to justify the applicant’s belief that”.

(2) Order.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended—

(A) in paragraph (1), by striking “as defined in section 2702” and inserting “as defined in section 2705”;

(B) by striking paragraph (2)(C) as a predicate to any application; and

(C) by striking paragraph (2)(D) as a predicate to any application.

SEC. 7. PATRIOT SECTION 214; FACTUAL BASIS FOR PEN REGISTER AND TRAP AND TRACE DEVICES UNDER FISA.

(a) Factual Basis for Pen Registers and Trap and Trace Devices Under FISA.—

(1) Application.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking “a certification by the applicant that” and inserting “a statement of the facts relied upon by the applicant to justify the applicant’s belief that”.

(2) Order.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended—

(A) in paragraph (1), by striking “as defined in section 2705” and inserting “as defined in section 2706”;

(B) by striking paragraph (2)(C) as a predicate to any application; and

(C) by striking paragraph (2)(D) as a predicate to any application.
"(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; "(IV) the length of the provision of service by such provider to the customer or subscriber; "(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber; "(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and "(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and "(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications or from the service covered by the order— "(I) the name of such customer or subscriber; "(II) the address of such customer or subscriber; "(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; "(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber;" (c) Enhanced Oversight.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended— "(1) by inserting "", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate"; and "(2) in subsection (b), by striking "On a semianual basis" through "the preceding 6-month period" and inserting "In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—" SEC. 8. PATRIOT SECTION 215; PROCEDURAL PROVISIONS FOR ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS. (a) FACTUAL BASIS FOR REQUESTED ORDER.— "(1) APPLICATION.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended by striking "shall specify that the records concerned are sought for" and inserting "shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to". "(2) ORDER.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking "if the judge finds that" and all that follows and inserting "the judge finds that the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to". "(D) DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended— "(1) in paragraph (1), by striking "The Director" and inserting "Except as provided in paragraph (3), the Director"; and "(2) by adding at the end following— "(D) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, books, customer lists, firearms sales records, or medical records containing personally identifiable information without the prior written approval of the Attorney General. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation or such authority may not be further delegated.". "(D) PROHIBITION ON DISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows: "(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section other than to— "(A) those persons to whom such disclosure is necessary to comply with such order; "(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or "(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director. "(2)(A) Any person having received a disclosure under paragraph (B), (C), or (D) of paragraph (1) shall be subject to the prohibitions on disclosure under that paragraph. "(B) Any further disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibitions on disclosure under this subsection. "(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirement of this section for an order involving any of the following: "(1) the production of tangible things from a library, as defined in section 212(2) of the Library Services and Technology Act (20 U.S.C. 212(2)). "(2) the production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally. "(3) The production of records related to the purchase of a firearm, as defined in section 122(f)(5) of title 18, United States Code. "(4) The production of health information, as defined in section 1117(4) of the Social Security Act (42 U.S.C. 1320c(4)). "(D) The production of taxpayer return information, return, or return information, as defined in section 6013(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)). "(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex. "(D) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year— "(1) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following: "(A) The production of tangible things from a library, as defined in section 212(2) of the Library Services and Technology Act (20 U.S.C. 212(2)). "(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally. "(C) The production of records related to the purchase of a firearm, as defined in section 122(f)(5) of title 18, United States Code. "(D) The production of health information, as defined in section 1117(4) of the Social Security Act (42 U.S.C. 1320c(4)). "(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision. "(2) (A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. "(B) The record of proceedings, including applications made and orders granted, shall be maintained under procedures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence. "(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classifiable materials, ex parte and in camera. "(f) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended— "(1) in subsection (a), by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate"; and "(2) in subsection (b)— "(A) by striking "One semianual basis" through "the preceding 6-month period" and inserting "In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year—" "(B) in paragraph (1), by striking "and at the end" and inserting "and"; and "(D) by adding at the end following— "(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following: "(A) the production of tangible things from a library, as defined in section 212(2) of the Library Services and Technology Act (20 U.S.C. 212(2)). "(B) the production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally. "(C) the production of records related to the purchase of a firearm, as defined in section 122(f)(5) of title 18, United States Code. "(D) the production of health information, as defined in section 1117(4) of the Social Security Act (42 U.S.C. 1320c(4)). "(E) the production of taxpayer return information, return, or return information, as defined in section 6013(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)). "(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex. "(D) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year— "(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and "(2) the total number of such orders either granted, modified, or denied."."
SEC. 9. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking “A wire or electronic communication service provider” and inserting the following:

“(1) IN GENERAL.—A wire or electronic communication service provider if a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.”; and

(b) NONDISCLOSURE.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking “No wire or electronic communication service provider” and inserting the following:

“(1) IN GENERAL.—No wire or electronic communication service provider”; and

(2) by adding at the end the following:

“(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

(3) OFFICE OF THE ATTORNEY GENERAL.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”;

(c) ENFORCEMENT OF NATIONAL SECURITY LETTERS.—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

“(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General under section 2703(b); and

(d) DISCLOSURE OF INFORMATION.—

(1) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

(A) in subsection (a), by adding at the end the following:

“(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Security Act (50 U.S.C. App.).”;

(B) in subsection (c), by adding at the end the following:

“(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Security Act (50 U.S.C. App.).”;

(2) SECURE PROCEEDINGS.—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

(A) by inserting after “any person” the following: “; except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request;”; and

(B) by adding at the end the following: “Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has access to information or records under this section.”.

SEC. 10. SUNSET PROVISIONS.

(a) MODIFICATION OF PATRIOT ACT SUNSET PROVISION.—Section 222 of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 701 and 702 of the USA PATRIOT Act (18 U.S.C. 2510 note) are amended to read as follows:

“(b) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

(2) SPECIAL RULE.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.

(b) EXTENSION OF SUNSET ON “LONZ WOLF” PROVISION.—Subsection (b) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

“(b) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

(2) SPECIAL RULE.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.

(c) REPEAL OF SUNSET PROVISION RELATING TO SECTION 2522 AND THE MATERIAL SUPPORT TO TERRORISM ACT OF 2002.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.

(d) TECHNICAL AMENDMENT.—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 is amended to read as follows:

“(a) SHORT TITLE.—This Act may be cited as the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001.”

SEC. 11. ENHANCEMENT OF SUNSHINE PROVISIONS.

(a) RULES AND PROCEEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

“(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

“(A) All of the judges on the court established pursuant to subsection (a).

“(B) All of the judges on the court of review established pursuant to subsection (b).

“(C) The Chief Justice of the United States.

“(D) The Committee on the Judiciary of the Senate.

“(E) The Select Committee on Intelligence of the Senate.

“(F) The Committee on the Judiciary of the House of Representatives.

“(G) The Permanent Select Committee on Intelligence of the House of Representatives.

“(H) The Select Committee on Intelligence of the Senate.

“(I) The Permanent Select Committee on Intelligence of the Senate.

“(J) The Committee on the Judiciary of the Senate.

“(K) The Committee on the Judiciary of the House of Representatives.

“(L) The House Select Committee on Intelligence.

“(M) The Senate Select Committee on Intelligence.

“(N) The Permanent Select Committee on Intelligence.

“(O) The Select Committee on Intelligence.”

“(b) ENHANCED CONGRESSIONAL OVERSIGHT OF FISA EMERGENCY AUTHORITIES.—

(1) EMERGENCY ELECTRONIC SURVEILLANCE.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807) is amended—

(A) in the first sentence, by inserting “; and” at the end

(B) in paragraph (b), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after the “Senate”;

(D) in the second sentence, by striking “and the Committee on the Judiciary of the House of Representatives and the Senate”;

(E) by adding at the end the following:

“and the Committee on the Judiciary of the Senate.”

(2) EMERGENCY PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(A) in the first sentence, by inserting “; and” at the end

(B) by adding at the end the following:

“the number of subsequent orders approving or denying such physical searches.”

(3) EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1816(b)), as amended by section 7, is amended—

(A) in paragraph (1), by striking “and” at the end

(B) in paragraph (2), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“and the number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”

By Mr. INOUYE (for himself and Mr. SUNUNU):


Mr. INOUYE. Mr. President, I rise today to introduce a bill that aims to reauthorize the Coral Reef Conservation Amendments Act of 2005, legislation that reauthorizes and modernizes the Coral Reef Conservation Act of 2000. I am pleased to be joined in this endeavor by Senator JOHN SUNUNU, the new Chair of the Commerce Committee’s National Ocean Policy Study, who is also greatly concerned about the fate of our coral reefs and the future of our coastal regions and resources. Coral reefs, often called the “rainforests of the sea,” are among the oldest and most diverse ecosystems on
the planet. Covering less than one percent of the Earth’s surface, these fragile resources provide services worth billions of dollars each year to the United States economy and economies worldwide. Coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, pharmaceuticals, and shoreline protection. In Hawaii, reef-related activities generate $360 million each year for the State’s economy, and the overall worth of these reefs has been estimated at close to $10 billion.

However, these reefs are also under pressure from some 1.2 million residents and the seven million tourists visiting each year. Threats range from land-based sources of pollution, overfishing, recreational overuse, alien species introduction, marine debris, coral bleaching and the increased acidity of our oceans. Despite these impacts, there are still remote coral reefs that are largely intact, such as those in the Northwestern Hawaiian Islands, continued conservation and study of these isolated reefs is necessary for understanding healthy coral reef ecosystems and restoring impacted ecosystems. The reefs of the Northwestern Hawaiian Islands are an important nesting and breeding site for many endangered and threatened species. A Federal public designation process is underway to manage these areas as a National Marine Sanctuary under a science-based management scheme that will accommodate multiple uses while achieving the necessary conservation goals. Increased funding and expanded Federal, State and local partnerships in this area have resulted in monitoring, mapping, and research programs have improved our understanding of the spatial and temporal dynamics of Hawaiian reefs which can be used to guide conservation and management decisions.

Through this reauthorization, we can build upon lessons learned in Hawaii and other areas and apply them throughout the United States. A mere five years ago, Congress took its first step toward addressing coral reef declines by authorizing legislation that provided targeted funding to advance our understanding and capacity to address threats to coral reefs. Since then, strong support for these programs around the country, as well as focused funding, has provided unprecedented attention that will help us strengthen and refocus the legislation. The report of the U.S. Ocean Commission has further underscored the urgent need to improve management and conservation of coral reefs from a variety of threats. Our hearing on coral threats last month provided additional recommendations for changes to move from monitoring to action to improve coral conservation.

The Coral Reef Amendments Act of 2005 responds to these recommendations by increasing annual authorizations under the Coral Reef Conservation Act, starting at $30 million in fiscal year 2006, and increasing to $35 million in fiscal year 2009 to 2012. This roughly doubles the authorization levels in the existing act. It also gives priority attention to local action strategies and territorial needs, as well as on prevention of physical damage from vessel and other Federal, State and local agencies. The U.S. Ocean Commission has further refocused the legislation. The report of the U.S. Ocean Commission has further recommended that will help us strengthen and refill the legislation. The report of the U.S. Ocean Commission has further underscored the urgent need to improve management and conservation of coral reefs from a variety of threats. Our hearing on coral threats last month provided additional recommendations for changes to move from monitoring to action to improve coral conservation.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Coral Reef Conservation Amendments Act of 2005.”

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406(d)) is amended—

(1) by striking “GEOGRAPHIC AND BIOLOGICAL” in the heading and inserting “PROJECT”;

(2) by striking paragraph (9) and inserting “(9) $8 million of the funds authorized by section 204(d) are transferred to section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406(b)) to encourage the Department of the Interior to conduct a National Coral Action Strategy.”;

(3) by striking paragraph (3) and inserting the following:

“(3) Remaining funds shall be awarded for—

(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6406(g)) is amended—

(1) by striking “or” after the semicolon in paragraph (9);

(2) by redesignating paragraph (10) as paragraph (12); and

(3) by striking “after the semicolon in paragraph (9) the following:

“(10) activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs;

“(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems; or”;

SEC. 3. EMERGENCY RESPONSE.
Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended as follows:

SEC. 206. EMERGENCY RESPONSE ACTIONS.

(a) IN GENERAL.—The Administrator may undertake or authorize action necessary to prevent or mitigate coral reef destruction from vessel or other physical impacts, including damage caused by natural disasters.

(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restoration of the vessel and any impacted coral reef.

(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

“(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

“(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.”

SEC. 4. NATIONAL PROGRAM.
Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) by striking “and” after the semicolon in paragraph (3);
(2) by striking "partners," in paragraph (4) and inserting "partners;" and; and
(3) by adding at the end the following:
"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities described identified in section 210(b)."

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.
(a) In General.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking "fiscal year 2008," inserting "fiscal year 2009 through 2012," and stereotyping the following:
"(1) $2,000,000 shall be used for the fiscal year 2006, $32,000,000 for fiscal year 2007, $34,000,000 for each of fiscal years 2008 through 2012, of which no less than 30 percent per year (for each of fiscal years 2008 through 2012) shall be used for the Vessel Fund established under section 205(5);" and
(3) by striking "$1,000,000" in subsection (b) and inserting "$2,000,000;" and
(4) by striking subsection (c) and inserting the following:
"(c) COMMUNITY-BASED GRANTS.—The Administrator shall be authorized to distribute to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended.; and
(5) by striking subsection (d).

By Mr. LAUTENBERG (for him- self, Mr. JeffFords, Mrs. Boxer, Mr. Kerry, Mr. Corzine, Mrs. Clinton, and Mr. Kennedy)
S. 1391. A bill to amend the Toxic Substances Control Act for the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.
Mr. LAUTENBERG. Mr. President, I rise today to introduce the Child, Worker and Consumer Safe Chemicals Act of 2005. Senators Jeffords, Boxer, Kerry, Corzine, Clinton and Kennedy are cosponsors of this legislation.
Every day, Americans use household products that contain hundreds of chemicals. Most people assume that those chemicals have been proven safe for their families and children. Unfortunately, that assumption is wrong. Many chemicals that have been in use for decades have never been tested for their health effects.
Over 40 years ago Rachel Carson, in her book Silent Spring, warned about the dangers of using chemicals that had not been fully tested. Today, nearly all of those same chemicals are still being used—yet to day most of them have never been tested for their health effects.
Many of these chemicals perform amazing services and make our lives easier. But in recent years study after study has raised concerns about some of the chemicals that are used in thousands of products.
For instance, take the common baby bottle. Many baby bottles contain the chemical “Bisphenol A” which at very low doses has been shown to affect reproduction, the immune system, brain chemistry, behavior and more. How great is the risk of using Bisphenol A in baby bottles, water bottles and other everyday products? The answer is “we don’t know.”

We have laws to make sure that pesticides and medicines are safe—and even toys. But we fail to require similar regulations for hundreds of products used in baby bottles, water bottles, food packages and thousands of other products. This is inexcusable.
But the current law, known as “Toxic Substances Control Act” (TSCA) actually sets up roadblocks to EPA getting the vital information it needs to determine whether these chemicals are safe. So last year, I asked the Government Accountability Office (GAO) to assess TSCA to determine how effective it has been in doing the job of protecting public health and the environment.

In the GAO report released today, Chemical Regulation: Options Exist to Improve EPA’s Ability to Assess Health Risks and Manage its Chemical Review Program, we learn that TSCA is such an ineffective and burdensome law that it often fails to protect our children, workers and the general population from exposure to carcinogens such as asbestos—for which there is no safe level of exposure.

According to the GAO, only five chemicals out of 2999 reviewed through 29 years when Congress passed TSCA have ever been restricted by EPA. In 29 years, the agency has formally requested health and environmental effects information on just 200 chemicals—out of about 80,000 chemicals in commerce.

The GAO reports, “EPA does not routinely assess existing chemicals and has limited information on their health and environmental risks.” It adds, “EPA lacks sufficient data to ensure that potential health and environmental risks of new chemicals are identified.”

Children are the most sensitive population to chemical pollutants and we must protect that sacred bond between a mother and her child. Again, it is inexcusable that our laws require extensive data to approve pesticides and pharmaceuticals as safe—but fail to require similar analysis for the chemicals in baby bottles, water bottles, food packages and thousands of other products.

That is why today I am introducing The Child-Safe Chemicals Act. My bill will establish a safety standard that each chemical卖给 the market must meet. It shifts the burden of proving that chemicals are safe from EPA to the chemical manufacturers. Under my bill, the manufacturers must provide the EPA with whatever data it needs to determine if a chemical uses meets the safety standard. And the bill strengthens EPA’s authority to restrict the use of chemicals which fail to meet that standard.

I have 10 grandchildren . . . and I believe we have a sacred duty to protect the health of infants and children. I agree with David Maguire, a professor of religious ethics at Marquette University who stated, “As a principle of ethics, whatever is good for kids is good; whatever is bad for kids is ungodly.”

My bill has been endorsed by the American Public Health Association and many of the nation’s leading pediatricians. The American people have a right to assume that the products they use are safe. This bill will help guarantee that right.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Kid Safe Chemicals Act with Senators LAUTENBERG, BOXER, KERRY, CORZINE, CLINTON and KENNEDY. The purpose of the bill is simple—improve children’s health by reducing exposure to harmful toxic chemicals in everyday consumer products.

Synthetic chemicals play an integral role in the U.S. economy and in enhancing our quality of life. Yet—like most Americans—I assumed basic safeguards were in place to keep chemicals widely used in household products were first determined to be safe. Sadly, this assumption is false.

A new report, issued today by the Government Accountability Office, shows that most chemicals used in consumer products today have never undergone any federal safety review. Further, the report demonstrates that EPA lacks the necessary legal tools to protect our children from harmful chemicals.

The 1976 Toxic Substances Control Act (TSCA) actually sets up roadblocks to improve EPA’s ability to assess health risks and manage its chemical review program.

To all people who care about our children’s health, GAO’s conclusions should be a call to action. Three findings merit particular attention.

First, GAO found that “EPA does not routinely assess health and environmental risks of existing chemicals and faces challenges obtaining the information necessary to do so.” For example, the Agency has required testing for fewer than 250 of the 62,000 chemicals used in commerce since EPA began reviewing chemicals in 1979.

Additionally, GAO found that “EPA’s reviews of new chemicals provide limited assurance that health and environmental risks are identified before the chemicals enter commerce.” According to the report, chemical companies generally do not test new chemicals for toxicity or human exposure levels before they are submitted for EPA review, forcing the Agency to rely on predictive modeling that “does not ensure that the chemicals’ risks are fully assessed before they enter commerce.”

Finally, even when EPA has toxicity and exposure information on chemicals showing significant health risks, GAO found that the Agency has difficulty overcoming the legal hurdles needed to take action. As a result, in almost three decades, EPA has issued regulations to ban or limit the production or use of only five chemicals.

Our toxic ignorance would be less alarming if it wasn’t coupled with overwhelming evidence of widespread human exposure. Study after study—including those by the Centers for Disease Control—have found a cocktail of synthetic chemicals in the blood and tissues of the American people. For example, bio-monitoring studies have found Bisphenol A, a chemical used in plastic baby pacifiers, water bottles, and food and beverage containers, in 95 percent of people tested. Similarly, chemicals such as P-POA, which is used in nonstick Teflon pans, and polybrominated diphenyl ethers, used as flame retardants, are regularly found in breast milk and fetal liver tissue.

To be clear, the health effects of these chemicals are unknown. Because no one is required to look, we do know, however, that most of us are carrying in our bodies dozens—if not hundreds—of synthetic chemicals to which our predecessors were never exposed. We also know that the incidence of certain cancers and neurological and developmental disorders linked to chemical exposure are on the rise.

The Kid Safe Chemical Act would fundamentally overhaul the nation’s chemical management framework. First, it would protect kids by requiring chemical manufacturers to perform basic testing of their products. Second, it would reduce our toxic ignorance by providing much needed hazard and exposure information to EPA and the public. Third, using a science based, worst-first priority system, EPA would be required to determine the safety of 30 chemicals within the next five years. By 2020, all chemicals distributed in commerce would need to meet the safety standard.

To avoid imposing an undue burden on industry, the Kid Safe Chemicals Act relies on essentially the same safety standard as the Food Quality Protection Act, which passed the Gingrich-Lott Congress unanimously and which chemical manufacturers themselves have complied with for the past decade. In short, chemical manufacturers would need to establish to EPA that there was “a reasonable certainty of no harm” before distributing their chemicals in commerce. A ten-fold safety factor would be built in to account for the unique sensitivity of children.

Finally, the Kid Safe Chemicals Act encourages innovation of less toxic chemicals by removing existing disincentives and initiating a safer alternatives and green chemistry program.

As a result, the bill has been endorsed by a wide array of public health groups, such as the Breast Cancer Fund, the Center for Children’s Environmental Health, and the American Public Health Association.

I believe that the Kid Safe Chemicals Act represents a rational, common sense approach to reducing children’s exposure to toxic chemicals.
Economic Development, I am pleased to have Senator DORGAN, the ranking member of the subcommittee join me to introduce this important bill. Our subcommittee has jurisdiction over the Federal Trade Commission and its missions and this legislation would reauthorize the FTC from fiscal year 2006 through 2010.

The FTC reauthorization bill is important for the FTC to carry out its critical mission of preventing unfair competition and protecting consumers from the deceptive acts or practices in the marketplace.

The responsibility to protect consumers is quite broad and includes a wide array of deception and unfair business practices, including price fixing, telemarketing fraud, Internet scams, and consumer identity theft.

As a product of its responsibilities, the FTC plays a vital role in maintaining integrity in the marketplace and strengthening our economy.

This legislation authorizes appropriations to fund the FTC’s operations including moneys for efforts to secure data privacy and to combat spyware and identity theft. These are areas that have posed an increased threat to consumers recently, affecting millions of consumers with a pricetag to society in the billions of dollars.

The services and protections the FTC performs for consumers are invaluable and we need to pass an authorization bill, which it has operated without since its inception.

I urge my colleagues to support this legislation and its expeditious passage through the Congress.

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. 1392

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 “FTC Reauthorization Act of 2005.”

SEC. 2. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

“Sec. 25. (a) There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $213,000,000 for fiscal year 2006, $241,000,000 for fiscal year 2007, $253,000,000 for fiscal year 2008, $269,000,000 for fiscal year 2009, and $276,000,000 for fiscal year 2010.”

By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

Mr. VITTER. Mr. President, I rise to introduce the Hospital Emergency Reimbursement Act of 2005. This bill will help ensure the safety of many patients, elderly residents, and those who require critical care during the event of a hurricane or other disaster.

Each year, natural disasters place millions of Americans in harm’s way. Hurricanes, floods, and other hazards pose a particular danger to people with special health needs who depend on technology to keep them alive. For them, electricity is a necessity that makes lengthy evacuations a life-threatening race against the clock. These patients must be sheltered in medical facilities with reliable power generators that will perform during a severe storm and during the immediate recovery period after the storm.

Providing for their safety is precisely why I am introducing the Hospital Emergency Reimbursement Act. This bill will enable the Federal Emergency Management Agency, under certain circumstances, to reimburse private for-profit hospitals that shelter special needs patients during federally declared disasters.

Currently, FEMA only has the authority to reimburse a hospital for sheltering if it is a public or nonprofit institution. However, the number of special-needs patients living in many communities. The guidelines for providing assistance must acknowledge this reality. Last year in Louisiana, two people with critical needs died in transit from New Orleans to a temporary public facility in Baton Rouge in the evacuation for Hurricane Ivan. With every storm or evacuation order, tens of thousands of families with relatives in critical condition scramble to make arrangements to protect their loved ones.

By allowing reimbursement to additional private facilities, the Hospital Emergency Reimbursement Act of 2005 would promote the safety of Americans around the Nation by allowing greater flexibility during an emergency. The amount of reimbursement provided by FEMA under this bill would be limited to the same amount available to public and nonprofit facilities. Furthermore, funds would be available to for-profit hospitals when public or nonprofit facilities within a 30-mile radius have met or exceeded their capacity. Under this measure, public and non-profits still are used first for emergency needs, with private for-profit hospitals available as backup to ensure that everyone in a medically critical condition is covered.

I urge my colleagues to support the Hospital Emergency Assistance Act of 2005.
TEXT OF AMENDMENTS

SA 1218. Mr. REID (for Mr. BYRD, for himself, Mr. INOUYE, Mr. SARBANES, Mr. REED, Mr. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, Mr. CORZINE, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, and Mr. ROCKEFELLER) proposed an amendment 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; as follows:

On page 77, line 18, strike “$2,694,300,000” and insert “$2,694,000,000”.

On page 78, line 13, strike “$365,000,000” and insert “$1,866,000,000”.

On page 79, strike lines 1 through 4 and insert the following:

(D) $365,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail and $1,156,000,000 for transit security grants; and

SA 1219. Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to amendment SA 1124 proposed by Mr. ENSIGN 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; as follows:

Strike all after the first word and insert the following; page 77, line 20, strike “of which $367,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and” and after “local grants,”:

SA 1220. Mr. GREGG proposed an amendment to amendment SA 1205 proposed by Mr. SHEPARD, Mr. SARBANES, Mr. REED, Mrs. DOLLE, Mr. DONN, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) 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; as follows:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State or local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(A) $1,417,899,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8.

(B) $235,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Climate Change Science and Economics, will be held on Thursday, July 21 at 10 a.m. in Room SH-216.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony to the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Steve Waskiewicz at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2005, at 9:30 a.m., to receive testimony on the investigation into FBI allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 13, 2005, at 10 a.m., to conduct a hearing on “Money Laundering and Terror Financing Issues in the Middle East.”

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 13, 2005, at 9:30 a.m. for a hearing titled, “Chemical Facility Security: What Is the Appropriate Federal Role?”

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

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Habeas Corpus Proceedings and Issues of Actual Innocence” on Wednesday, July 13, 2005, at 9:30 a.m. in Dirksen 226.

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

SUBCOMMITTEE ON AVIATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Wednesday, July 13, 2005, at 10 a.m., on the Financial Stability of the Airlines.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on July 13, 2005, at 9:30 a.m., to hold a hearing to discuss the Endangered Species Act.

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

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
Megan Adelman-Tenny

Mr. D EWINE. Mr. President, I ask unanimous consent that the order for objection, it is so ordered.

ARMY PFC MEGAN ADELMAN-TENNY

Mr. D EWINE. Mr. President, next week, on Saturday, July 23, people of all ages will gather for a special race in Alliance, OH. This race will benefit the Megan Adelman-Tenny Foundation, which was set up in memory of Army PFC Megan Adelman-Tenny, who was killed in an airborne training accident on January 29, 2005, when her parachute failed to open. She was 19 years old.

This foundation will award an annual scholarship to any high school student who has participated in cross-country, has lettered in the sport, and who possesses the same attributes that made Megan such a special person. I rise today to pay tribute to Megan and to celebrate those attributes—her zest for life, her zeal for organization, and her unmatched competitiveness.

According to her mother Melissa, Megan grew up as a “tomboyish” girl. She was always outside, riding her bike or rollerblading. She never backed down from her older siblings and twin-sister, Matt. She was always speaking her mind and asserting her will. Her spirit described her as “energetic and full of life. She was a kickbutt girl. She took no prisoners. She didn’t let anything hold her back.”

Indeed, Megan was someone who lived her life to the fullest. At Alliance High School, Megan played the violin, sang in the choir, and ran on the cross-country team. Starting her sophomore year, Megan also worked part-time at McDonald’s. Her involvement in all of these activities left her just enough time for her junior high and high school sweetheart—the love of her life—Joshua Tenny.

As a testament to Megan’s penchant for living in the moment, she and Joshua eloped on December 22, 2004. Her older brother, Marcus, remembers the surprising elopement:

I picked Megan and Joshua up, and we were driving to the Best Buy store in Canton, and Megan told me they needed to make a stop first because they wanted to get married. So, we went to the municipal building in Canton. They filled out all the paperwork for their marriage license and were getting excited... It was spur-of-the-moment, but they wanted to get married and be together.

While Megan lived her life as it came to her, she was also the type of person who made plans, set goals, and did her best to fulfill them.

As a member of the cross-country team, Megan took responsibility for packing her bag, organizing meets, and taking care of her twin-sister. According to her mom, Megan acted as another mother to Matt. She cooked for him, cleaned his room, and packed his cross-country bag before meets.

In addition to being exceptionally organized, Megan was also a fierce competitor. In junior high school, she faced the choice between two sports: basketball and cross-country. Megan decided to join the cross-country team, an individual sport in which the athletes must compete with other runners, as well as their own bodies.

Megan excelled. She was a fantastic runner, qualifying for the State meet three times. She was a leader on her team and inspired others to do their best. Her track coach, Al Eibel, remembers Megan as a hard worker who never complained.

During the 2002 season, Megan was clipped by a car mirror while on a practice road-run. Though she didn’t break it, her arm was badly bruised and swollen. Even though she could barely move her arm, Megan competed a few days later. Coach Eibel recalls Megan as telling him:

‘‘I know she was in pain, but she didn’t say a word. She ran, and by districts, she was fine. Everyone knew we’d always be able to count on Megan.’’

Upon graduating from high school, Megan knew that it wasn’t the right time for her to go to college. She didn’t feel particularly drawn to it and, with two siblings already attending Ohio University, Megan knew it would be a financial hardship for her family. Instead of college, Megan made a plan to serve 4 years in the Army, with her husband Joshua, and then start a family. She reserved a place for college at a later time, if she felt inclined to go.

Her mother remembers Megan’s decision to join the Army:

She thought about it and came to the conclusion she was going to do it. And, she went in and did it with gusto.

Megan completed advanced individual specialty training in human resources and was part of the 82nd Airborne at Fort Bragg, NC. Megan’s organizational skills and attention to detail allowed her to breeze through basic training. At one point, she even mentioned to her mother that she might want to become a drill sergeant. Her mother said:

Well, you’re bossy and you’re organized—I don’t see what would keep you from doing it.

It didn’t surprise anyone when Megan was the strongest woman and fastest person in her basic training unit. She earned the nickname “Speedy Gonzales” from others in her unit because of her running ability. Megan was not someone who held back when it came to competition and she never backed down from anyone or anything.

Her brother, Marcus, remembers Megan crying during boot-camp, not because it was difficult, but because she felt others were not taking it as seriously as she was. That’s just the type of person Megan was. She was passionate about the things and the people she cared about.

Marcus talked to his sister after she had completed her first training jump with the 82nd Airborne. Megan, who was always something of a daredevil, had “loved the jump.” She told her brothers and sister that they would have to try sky diving with her. Megan was also extremely excited about her next jump and her career in the Army.

Frankly, Megan was just excited about life.

Any person who devotes a large part of their time and effort to competitive running has probably seen the movie “Chariots of Fire.” In the film, one of the characters asks the question: “[W]here does the power come from to see the race to its end?” The answer to this question is, “From within.”

Megan Adelman-Tenny had that power, that passion, that drive from within, which allowed her to accomplish anything she set her mind to. She was someone who, like any good runner, took things step by step, while also keeping the finish line in sight.

On July 23, many people will run and walk 5 kilometers in memory of Megan. And, with each step taken, they honor her life.

As I think about Megan’s short, but full life, I am reminded of a very familiar passage from the Bible, a passage from St. Paul’s letter to Timothy, in which St. Paul said:

'The time of my departure has come. I have fought the good fight. I have finished the course. I have kept the faith.'

There is no question, Megan Adelman-Tenny had that passion, that drive from within, which allowed her to accomplish anything she set her mind to. She finished the course. She kept the faith. Megan was truly a wonderful young woman, whom we will never forget.

My wife, Fran, and I continue to keep Megan’s husband, Joshua, her parents, Mark and Melissa, her sister Tim, and brothers Marcus and Matt in our thoughts and in our prayers.

MARINE CORPORAL RICHARD GILBERT, JR.

Mr. D EWINE. Mr. President, I rise today to pay tribute to Marine Cpl Richard Gilbert, Jr., from Dayton, OH, who gave his life in the defense of freedom on January 26, 2005. Richard lost his life in a helicopter accident near the town of Rutba, Iraq. Thirty-one service members lost their lives in this tragic accident.

Having just completed major operations in Fallujah, Richard and his unit were on their way to help secure Iraq for the upcoming elections. They sacrificed their lives standing up for freedom and standing against terror and tyranny. Like his comrades who perished with him, Richard Gilbert gave his body, will, and soul to his country and for his country. For that I wish to honor him this evening.

Richard Gilbert was born on May 12, 1978. He was a caring boy, who loved animals and being outdoors. He hated when people cried. His mother Helen, recalls that if Richard saw anyone around him crying, he would go over to them, throw one of his small arms...
around their shoulders, and tell them it was "ok."

As Richard grew up, he made friends, played Little League, and followed his favorite sports teams. He was an avid fan of the University of Dayton Flyers basketball team and The Ohio State University football team. His support of the Buckeye's football team, however, caused a bit of tension in the Gilbert home every year in the late fall. It seems Richard's brother was a Michigan Wolverines fan and according to their mother, when the Wolverines and Buckeyes squared off, "You didn't even want to be near the house when those boys watched the game!"

When Richard wasn't discussing football with his brother, he was often found discussing something with somebody. He was an incredibly articulate and intelligent young man, able to spout facts about anything from sports to religion to politics. His friends would often call Richard over if they were debating and needed someone with the knowledge to settle it.

Richard also loved music. He was a self-taught guitarist, who composed his own music. According to friends, he loved heavy metal and he was always at peace when composing or playing his guitar.

Of all his interests, however, Richard's greatest love was of politics. After discovering that President Harry Truman was one of his distant cousins, Richard made it his goal to ascend one day to that same office. His passion for politics earned him the nickname "The Governor" from his friends, and his mother jokingly recalls that, "[he] was a natural-born politician. When you asked him a question, he'd talk for a half-hour and never give you an answer!"

Richard had hopes of running either for Mayor of Dayton or the Dayton City Commission after he returned from Iraq. I remember being at calling hours and talking with people who told me about his aspirations, and how they thought he would be a great politician, a great public servant. He would have been great in either position.

Richard was, like many of our service men and women, deeply affected by the terrorist attacks of September 11, 2001. Prior to the attacks, he was working on the assembly line at Behr Dayton Thermal Products. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

After September 11, however, Richard saw a clear duty to his country and to protecting all of us from future threats. In December 2001, he joined the Marines, where he was assigned to the 1st Battalion, 3rd Marine Regiment, 1st Marine Expeditionary Unit based in Hawaii. His lifelong friend, Marine SSgt Lonnie McMurphy, remembers the phone call he got from Richard. Lonnie tried to talk him out of the Marine infantry, telling Richard that his intelligence would be more valuable in another area that might also be less dangerous, but, according to Lonnie, "He wanted it. He wanted the infantry. He wanted to go fight [and] defend our country."

In joining the Marines, Richard stood up for freedom, leaving behind a good paying job, a new house, and his beloved friends and family. He put his life on hold so that we could safely go on with ours. Richard served our Nation with a dedication and fervor that was noteworthy even to one of his fellow Marines. According to JJ Holmes, who wrote in an email message on an Internet tribute to Richard, "I served with Gilbert, and we became very good friends, which is saying a lot, because I didn't make many good friends while I was in the Marines. I guess it's because I'm picky about the company I keep. And it doesn't get much better than Gilbert to have as a friend. We had very different religious and political views, yet it never hindered our relationship, because we had a mutual respect for each other."

I know this though, out of all the Marines in our Company, Gilbert never complained once about his duty to his country. I could see every day I spent with him how proud he was to serve. Not to diminish the belief of all the other Marines in their duty, Gilbert shined a little more. His dedication was unwavering. (He was) an example to all Marines. I know without a doubt through our conversations we had sitting on the backs of our military vehicles, that if Gilbert had to go, he wanted to leave us the way he did—fighting for the country he believed in more than anything.

As a child, Richard wrote an essay about his father, Richard Gilbert, Sr., who was a Vietnam veteran. In the essay, Richard described his dad as a hero. Today, Mr. Gilbert says this of his son: "[He] was my hero, and he was the bravest person I ever met."

This sentiment was echoed by his sister, Teresa, remembers Chuck as "a fine young man—quiet and polite. I remember his smile...he always had a smile."

Chuck also always had an eye out for others. His sister, Teresa, remembers a phone call she got from her brother in the dead of winter a few years ago. Teresa, Chuck said, "I need a huge favor." Apparently, Chuck had been approached by a homeless man asking for money. The man had no coat and instead of money, Chuck gave him the coat off his back. He then struck up a conversation with the man and found out that he was trying to get to the other side of the city to meet his wife and kids. That's when Chuck called his sister to come and pick up his new friend and give him a ride.

"That's just the kind of guy Chuck was," Teresa recalled. "He'd give you the coat off his back if you needed it."

In 2000, Chuck graduated from Hamilton High School. He still had a passion for history and had determined he wanted to become a teacher. Chuck decided to take advantage of the G.I. Bill, while also following in his father's footsteps. Just weeks after graduation, the boy who had once posed as a "miniature G.I. Joe," became the real thing when he enlisted in the Army.

During basic training, Chuck broke his foot. He was also, at this time, set to marry his high school sweetheart, Stephanie. Chucky decided to take advantage of the G.I. Bill, while also following in his father's footsteps. Just weeks after graduation, the boy who had once posed as a "miniature G.I. Joe," became the real thing when he enlisted in the Army.
Friends remember Chuck being incredibly happy on his wedding day, shedding tears as he said his vows. Chuck was a very sensitive person, who wore his emotions on his sleeve.

The same qualities that made Chuck an exceptional human being made him an exceptional soldier. He was beloved by his fellow service men and women. In a deployment to Kosovo, Chuck earned the nickname “Cabbage Patch,” because of, what his sister Teresa describes as, “his chunky face, deep blue eyes, and Blonde hair.” His buddy made a gift of a modified cabbage patch kid to Chucky by giving the doll a “high and tight” hair cut, adding some tattoos, and dressing it in tiny BDU’s. Chuck’s mother still has that doll. It sits in a room dedicated to her son in Alexandria, AL.

In Iraq, Chuck led a squad of 10 men. They specialized in mine clearing, bridge building, and in assisting the Iraqi patrols. Their mission was one of rebuilding and security. In carrying out this mission, Chuck was known for protecting his men, putting their safety before his own. He often led patrols, “on point,” meaning he was out front in combat formations, leaving himself the most exposed to danger. This leadership style led to a Purple Heart, when Chuck was wounded by shrapnel from a previous roadside explosive, and earned him the admiration of his fellow soldiers.

SSG Scott Swanson speaks for many of those who knew Chuck when he said this:

[He] was a great NCO—one who soldiers looked up to for knowledge, strength, and most of all, courage. I’m honored to be able to call [Chuck] my brother in arms.

In an email posted on an Internet tribute to Chuck, fellow serviceman Sergeant Shane Uras, wrote the following:

Chuck—it’s been two months now, and I’m still having trouble getting it through my head that you are gone. I love you bro, and there’s not a day that goes by that your memory doesn’t make me a stronger person.

You were my best friend and godfather to my son Landon. We had a huge party when we get back in your memory and were going to send the video of it and other videos to your parents so they understand how big a part you placed in our lives while you were away from them. I love you man, and I’m proud to have known you. Your country is grateful for your sacrifice—I know my family and I are. God bless you Chuck!

It is hard to lose someone like Chuck Webb. He was the anchor of his unit. His comrades looked to him for strength and depended on him to keep them safe. Such a role was not new for Chuck. His life was one of service to others. He was a caring, sensitive, devoted person who quite literally, would—and did—give the “coat off his back.”

The following lines, from Emily Dickinson, seem, in a way, to have guided Chuck’s life. She wrote:

“If I can stop one heart from breaking, I shall not live in vain. If I can ease one life the aching, or cool one pain, or help one fainting robin unto his nest again, I shall not live in vain...”

Chuck Webb was a good person, who cared about others. We owe it to him to celebrate his life—a life devoted to easing the aches and cooling the pains of so many others. It is in these good deeds that his memory lives on.

My wife, Fran, and I continue to keep Chuck’s family and in our thoughts and in our prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION

Mr. SESSIONS. Mr. President, I will make some remarks on an amendment I have offered—S 1140—along with Senator HATCH and Senator Grassley that is dealing with the appropriation of $5 million, with that amount equally divided between two purposes. One, facilitating the Department of Homeland Security entering into memorandums of understandings with States and localities under section 287(G) of the Immigration and Naturalization Act. That is, the ability to enter into memorandums or agreements with States and localities in order that they may participate in a positive way in helping enforce the immigration laws of the United States. And, two, reimbursing States and localities for the costs they incur in training their law enforcement officers under these memorandums of understanding.

The other half of this amendment would be permitted for expenses such as those related to travel and transportation to the training location, subsistence payments or per diem allowance and costs for securing temporary replacements for law enforcement personnel who are participating in the Federal training.

I am pleased Senators HATCH and GRASSLEY have cosponsored the amendment. I hope each of my colleagues will carefully consider it and vote for its passage.

The amendment is needed to confront two issues currently prohibiting the nationwide advancement of agreements under INA section 287(G). This is a provision in the Immigration Code that provides for cooperative agreements to be entered into in a section that is not being adequately utilized.

First, there is a lack of Department of Homeland Security personnel tasked with negotiating and overseeing the entry into 287(G) training agreements with their States. There is also a shortage of DHS resources and trainers to conduct State and local training courses in a timely manner, including annual refresher courses for States such as Alabama that have already entered into 287(G) MOU.

Second, States that enter into MOUs must currently absorb the cost related to pulling their law enforcement officers off duty and sending them to an intensive 5- to 6-week course. They are extensively trained under these agreements. If a State does not have the money to pay for these extended leaves of absence or to hire replacements for the law enforcement officers wanting to receive immigration enforcement training, then it is the State’s responsibility to absorb the cost. Such cost is prohibitive under these agreements.

In the realm of immigration law enforcement, the State of Alabama struggled for years to achieve effective cooperation between Federal law enforcement entities and our State and local law enforcement officers. All too often I heard the same story from our Alabama sheriffs and police chiefs: We call Immigration and Naturalization Service whenever we arrest an illegal alien, and they say they do not have the time to pick them up. They tell us to let them go. They have told me, on occasion, that INS told local officers unless they had 15 or 18 individuals at one time, don’t bother to call them.

As a result, Alabama requested that additional Federal immigration agents be assigned to the State. Alabama advocated that extra immigration detention beds be established in the state, and Alabama requested the Immigration and Naturalization Service to be more responsive to requests that illegal aliens be taken into Federal custody. Though some progress was made, most of the requests were only partially met, at best.

To address the problems, I arranged for an Immigration and Customs enforcement officer to travel to the State of Alabama for 2 weeks to train all of our State troopers on cooperation with the Federal Government in the enforcement of Federal immigration laws. State troopers reviewed fake documents, were taught about different categories of aliens, legal and illegal, and were shown how to use a computer database at the Law Enforcement Support Center (LESC), a database that had been used only three times in the State of Alabama the year before the training because the officers simply did not know how to use it.

In September of 2003, Alabama followed in the footsteps of the State of Florida and became the second State in the Nation to enter into an INA 287(G) agreement with the Federal Government. This law has been on the books since 1996.
for over a decade, but was not used until after 9-11. It is a tragedy we fail to take now advantage of the opportunity this law provides. That agreement allowed for a select group of 21 Alabama State troopers to receive extensive immigration and enforcement training and the authority to perform immigration and enforcement functions which resulted in their active communication with the Federal immigration agents stationed in the State—these agreements ought to be routine in every State in America.

After the MOU was negotiated and signed, the Department of Homeland Security sent personnel to Alabama to train the first class for a 5-week period. I thought 2 weeks was more than sufficient to my way of thinking. A deputy sheriff or city police officer can arrest a Senator for committing crimes in his community, but I suppose we have to have a 5-week training before they can arrest somebody who is not a citizen for violation of our immigration laws.

They were trained in how to identify fraudulent immigration documents, and in how to work together with federal agents to enforce immigration laws. I strongly believe that the MOU Alabama entered into has added to the knowledge and resources available to Alabama’s Department of Public Safety and has changed the level of cooperation we receive from the Federal immigration enforcement entities on a daily basis.

I am certain the State of Alabama will seek to continue the agreement for many years to come. I am hoping other States will follow the lead of Alabama so that, too, can benefit from the cooperative partnerships fostered by 287(G) MOUs.

Why is this important? It is important for one reason. We have just over 2,000 federal agents nationwide who are not on the borders of our country and charged with the responsibility of apprehending and enforcing immigration laws throughout the heartland of America.

There is no way those 2,000 officers can ever adequately patrol our streets for immigration violators and do a good job of handling these problems. But we have 750,000 State and local law enforcement officers who are on our streets and in our communities every single day, apprehending people for DUIs, apprehending people during fights, apprehending people for other violations of minor notice of law enforcement. In the course of that, they often discover these people are here illegally. They, as a result, should be subject to the enforcement of immigration laws by the State and local officers. If we have any respect for law in this country at all that is what should happen, but that is not occurring.

So how do we get to that point? They tell us they have to have all this training to be qualified. OK, let’s give them training. I do not know that we need a full 5 weeks for every officer out there, but I think it is quite helpful that some of these officers have a good and sincere training to be more effective. If we train them to their capability, we will have thousands of new officers patrolling our streets all over America at no cost to the Federal Government, watching out on our streets and in our communities for those who violate our laws. That is what we ought to be doing if we are serious at all about enforcing the laws of this country. I think the American people are. I think those of us in Congress need to get serious about it.

I think all MOUs under 287(G) of the INA are a good place to start and need to be expanded. Under these MOUs, officers receive good training. The program creates good cooperation between local law enforcement and Federal agents. They learn how each others’ systems work, and they develop memoranda as to what will happen if somebody is apprehended, whom they should call, how they should be detained, how long they should be detained, where they should be taken, and who is going to be compensated for their efforts.

In conclusion, I think this amendment will make it financially attractive for more States to participate in these agreements. After all, they are helping enforce Federal immigration law. Why shouldn’t we assist them in paying for the training we want them to receive? State and local police forces can make a difference in these efforts. I am excited we will perhaps be moving forward with this amendment. It will make a big difference.

I understand the managers are not here tonight and will not call up the amendment or attempt to do so, but I have talked with the manager and, hopefully, we can make some progress on that.

Mr. President, I will share briefly that also tomorrow I expect to call up the S. 629, the mass transportation bill I have offered and believe strongly in. We had a hearing on it in the Judiciary Committee that is unanimous consent to call up and to adopt S. 629. I understand there may be an objection. There is not an objection on the Republican side. There may be an objection on the Democratic side, although it did come out of our Judiciary Committee with bipartisan support. I am hopeful we can move this important bill forward.

We have seen now in Spain and in London that there is the desire to attack our mass transit transportation systems. What the Department of Justice tells us is that we have gaps and loopholes in our current laws that deal with those that would attack our transportation systems and that those laws need to be tightened up. If we do so, it will help the investigators and prosecutors be more effective in prosecuting those who may seek to do harm.

I think it is time to move on that legislation. After all, we have been working on it for over a year. I think everybody has had good opportunity to review it. I think it is in every way professional and fair and ought to be passed. I look forward to moving it. If there is some objection from Members, and they would like to share that with me, perhaps we can solve those difficulties and reach an accord and move this important piece of legislation forward. We absolutely do not need to have an attack on our mass transportation system in America and not have the tools for our prosecutors and investigators to prosecute it adequately. That bill, as I noted, the mass transportation bill, is S. 629. It is not an amendment to the appropriations bill on the floor tomorrow, but a piece of legislation that I expect to be offering.

Finally, Mr. President, I will also be offering tomorrow and would be calling up an amendment to this appropriations bill that deals with making sure our Federal officials enter into the National Crime Information Center the names and identifying factors of people who have absconded after having been arrested for illegal immigration. That amendment is S.A. 1139.

We have hundreds of thousands of absconders, people who have been apprehended in our country for being here illegally. Amazingly, this is what happens: They are apprehended, they are given a date for a deportation hearing, and they are released on bail prior to that hearing. Or sometimes they have their hearing and are to be deported on a given date, and they are released on bail at that time, with the order to show up for deportation.

For those who have been ordered deported and released on bail, to show up for deportation, we now have learned that over 87 percent of them do not show up to be deported and in some counties over 90 percent never show up for their initial hearings; these percentages really make a mockery of the law. It has to be discouraging to the agents who have gone out and worked with these cases just released on bail, and nobody even enters their names in the National Crime Information Center database.
July 13, 2005

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. SESSIONS, Mr. President, I ask for a second reading, and in order to place this bill under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. SMITH. Mr. President, I rise today to discuss the issue of United Nations reform. This year marks the 60th anniversary of the founding of the United Nations. As you know, the U.N. emerged from the ashes of the Second World War with a mandate to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of human beings. These basic principles embodied in the U.N. charter are still significant in today’s changed strategic environment.

Yet, the scandals and mismanagement that has engulfed the organization threaten both its reputation and its relevancy. These scandals have resulted in a consensus that the U.N. must be reformed. Three major reports have been released in the past 7 months, including one by Secretary-General Kofi Annan that outline the need for specific reforms to make the U.N. more efficient, more accountable, more transparent, and more effective in responding to the challenges we face today. I am pleased to see that there is agreement on this need. Yet, I remind my colleagues that when the current Secretary-General took office in January 1997, he vowed to make the hard decisions necessary to reform the institution.

But 8½ years have gone by, and he has been unwilling or unable to do so. In fact, reprehensible dealings and scandalous behavior at the U.N. has continued unabated. Furthermore, the U.N. budget has grown by leaps and bounds. Over the past 4 years, the U.N. regular budget has increased by more than $1.1 billion over a 2-year period—from $2.5 billion to $3.6 billion.

The U.S. is handed a bill from the U.N. for 22 percent of the cost, and whether we agree with the way the U.N. spends its money, we are expected to pay. And this does not take into account the costs of peacekeeping operations, which are expected to be over $5 billion this year alone.

The Constitution gives a Congress the power of the purse and as such, it is our duty to monitor how the American taxpayers’ money is spent. In the case of the massive waste, fraud, and abuse at the U.N., we must take action to rectify this situation.

As the recent report issued by the USIP Task Force on the United Nations said, “Americans are vested in a United Nations that embodies values of honesty, decency, and fair play.” Yet, the U.N. is hardly a model for these basic values.

The appalling kickbacks, bribes, and financial mismanagement of the Oil-for-Food program serve as a disturbing illustration of an insufficient oversight system within the U.N. The design of the program and the failure of the U.N. to properly monitor it allowed Saddam Hussein to pocket billions of dollars in money that was meant for the Iraqi people suffering under his brutal regime.

Sexual exploitation and abuse by U.N. peacekeepers serving in missions around the world is an intolerable abuse of trust by those who are supposed to be contributing to a peaceful resolution to conflict situations.

Embezzlement and extravagant personal spending have been documented at U.N. programs such as UNICEF, the United Nations Development Programme, and the United Nations Conference on Trade and Development.

Countries such as Zimbabwe, Cuba, and Sudan—known violators of the basic human rights of their citizens—have been included as members of the Security Council and have used their position to manipulate its agenda to prevent resolutions that condemn their human rights records. If the U.N. does not act boldly, and act now, it will have little credibility to serve as an organization that promotes the values in its Charter. As a European diplomat told me recently, however, the U.N. is incapable of reforming itself. It is quite good at issuing reports, having meetings, appearing contrite, and then resolutely promising to change when news reports publicize the details of the problems within the organization. But history has shown that U.S. leadership is critical to ensuring that meaningful reform is implemented.

Last month, the House of Representatives passed comprehensive legislation that provides a framework for implementing U.N. reform. This effort was led by the Chairman of the House International Relations Committee, Mr. Hyde, who worked diligently to produce a responsible bill that addresses the need for serious, meaningful, and practical reform.

Today I am introducing this legislation to serve as an organization that promotes the values in its Charter.

The legislation requires that 50 percent of the U.S. contribution to the United Nations regular budget be withheld if specific reforms are not implemented. Before dismissing this approach, I urge my colleagues to examine the reforms mandated and the flexibility inherent in the legislation.

First, the reforms. Title I requires management and budgetary reforms to create a more streamlined, efficient,
and effective organization. It shifts funding mechanisms for 18 programs of the U.N. from the regular assessed budget to voluntarily funded programs in an effort to make these programs more accountable to those who fund them. It calls for budgetary practices that make the U.N. more accountable to those who fund it. It sets forth contributions that are required to be withheld from the U.N. budget to voluntary funded programs. It mandates reforms of the U.N. It shifts the U.N. budget to voluntarily funded programs and chooses to calls for reform is when its member states that don't see their national interests served by the U.N. entity that selects members on the U.N. Security Council. It mandates establishing a database so that past participation in these operations, and exposes exploitation by U.N. peacekeepers. These measures, including adopting a Code of Conduct for all personnel participating in these operations, and establishing a database so that past abusers are not able to participate in future operations, have been specifically endorsed by the Secretary General's special advisor on sexual exploitation and abuse and should be in place by this summer. But it is incumbent upon us to ensure that they are not stalled by member states that don't see this tragic situation as a serious problem.

Title V puts forward ways to improve budget practices by requiring more details about the U.N. budget, including proposed increases, to be presented to Congress. And finally Title VI provides the leverage.

If I could come up with a better way, I would pursue it wholeheartedly. But even the strongest supporters of the U.S.-U.N. relationship acknowledge that the only way the U.N. pays attention to calls for reform is when its budget is threatened. Experience has shown that the U.N. will institute needed improvements only when Congress threatens to withhold U.S. funding. This is not meant to be draconian. These reforms, if implemented, will increase the U.N.'s accountability, the legitimacy, and the effectiveness of the U.N.

In fact, I want to underscore the importance I place on a United Nations organization that can fulfill its core objective—to serve as an institution that supports the preservation of international peace and security. I feel this objective is at risk.

Finally, it is important to highlight the flexibility that is built into this legislation. The transition to the new administration 2 years to work with the U.N. to make these necessary reforms before the witholding provision is triggered. Even after 2 years, it does not insist that every one of the reforms be implemented by a certain date. It allows an additional year for the U.N. to complete the job. If the U.N. adopts measures that achieve the same purpose as those outlined in this bill, it allows the full U.S. contribution to be expended. And if the U.N. chooses not to implement these needed reforms, the legislation authorizes the contributions that are withheld from expenditure to remain available until the U.N. acts.

In 1949, Dean Acheson said that the United States must work actively to make the United Nations an effective instrument of international cooperation. There is, and always will be, a role for America in ensuring that the U.N. lives up to the ideals of its charter. By pushing for these critical reforms, I believe that we can forge the U.N. into the effective instrument of international cooperation that we all hope it can be.

It is my belief that this legislation is the instrument to get the job done—to make the U.N. an organization that its founders envisioned 60 years ago.

I yield the floor.

S8244

CONGRESSIONAL RECORD — SENATE
July 13, 2005

CONTROLLED SUBSTANCES EXPORT REFORM ACT of 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1395 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1395) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1395) was read the third time and passed, as follows:

SECTION 1. REEXPORTATION OF CONTROLLED SUBSTANCES.

(a) Short Title.—This Act may be cited as the “Controlled Substances Export Reform Act of 2005.”

(b) In General.—Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended by adding at the end the following:

“(c) With respect to the first country, the controlled substance is consigned to a holder of permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance has been issued by the country.

“(d) With respect to the second country, substantial evidence is furnished to the Attorney General by the person who will export the controlled substance from the United States to another country, signed to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance is to be issued by the country; and

“(e) The controlled substance is to be exported from the United States to another country.

“(f) The controlled substance is to be exported from the second country to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. KENNEDY. Mr. President, I urge my colleagues to support S. Res. 173, which Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I introduced to express support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us know that a comprehensive way forward will be found, and the best way to do so is by continuing to implement the Good Friday Agreement.

The 1998 Agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland. The parties to the Agreement made a clear commitment to “partnership, equality, and mutual respect” as the basis for moving forward to end the long-standing conflict and achieve lasting peace for all the people of Northern Ireland. The parties affirmed their “total and absolute commitment to exclusively democratic and peaceful means” to achieve the goal of peace.

Our resolution reiterates our support for the Good Friday Agreement as the way forward in Northern Ireland. It re-jects the statement of Democratic Unionist Leader Ian Paisley, who said in May that the Agreement “should be given a reasonable burial.” Inclusive power-sharing based on the defining qualities of the Agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Rep-ublican Army to immediately cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties according to the democratic mandate of the Good Fri-day Agreement, and commit to work in good faith with all the institutions established under the Agreement, including the Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the police service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently re-store the democratic institutions of Northern Ireland, complete the process of demilitarization in Northern Ireland, and advance equality and human rights in Northern Ireland.

The United States Government continues to strongly support the peace process in Northern Ireland. The United Kingdom and the Government of Ireland collaborate in a way forward that is consistent with the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the Record.

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

The resolution (S. Res. 173) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to “partnership, equality, and mutual respect;” as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their “total and absolute commitment to exclusively democratic and peaceful means;” in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary and criminal activity in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved (i) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and
(ii) it is the sense of the Senate that—
(A) the Irish Republican Army must immediately—
(1) complete the process of decommissioning;
(2) cease to exist as a paramilitary organization; and
(3) end its involvement in any way in paramilitary and criminal activity;
(B) the Democratic Unionist Party in Northern Ireland must—
(1) share power with all parties according to the democratic mandate of the Good Friday Agreement; and
(2) commit to work in good faith with all the institutions established under the Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;
(C) Sinn Fein must work in good faith with the Police Service of Northern Ireland;
(D) the leadership of Sinn Fein must insist that those responsible for the murder of Robert McCartney and those who were witnesses to the murder—
(i) cooperate directly with the Police Service of Northern Ireland; and
(ii) be protected fully from any retaliation by the Irish Republican Army; and
(E) the Government of the United Kingdom must—
(i) permanently restore the democratic institutions of Northern Ireland; and
(ii) complete the process of demilitarization in Northern Ireland; and
(iii) advance equality and human rights agendas in Northern Ireland.

PERMITTING THE EXECUTIVE DIRECTORS, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF THE OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3071, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3071) to permit individuals currently serving as Executive Directors, Deputy Executive Director, and General Counsel of the Office of Compliance to serve one additional term.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3071) was read the third time and passed.

ADDITIONAL COSPONSOR—S. 629

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to S. 629, the Railroad Carriers and Mass Transportation Act of 2005.

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

ORDERS FOR THURSDAY, JULY 14, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, July 14. I further ask that following the passing of the resolution, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders to be reserved, and the Senate to take up consideration of the Homeland Security appropriations bill; provided that the time until 10 a.m. be equally divided between the two leaders or their designees, and that at 10 a.m., the Senate proceed to the series of stacked votes as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. SESSIONS. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security bill. Under a previous order, at 10 a.m., the Senate will proceed to a series of votes on five pending amendments to the bill.

Following those votes, we will continue working through the remaining amendments. There are currently a dozen pending amendments, and more are expected to be offered tomorrow.

We will complete action on the bill this week. Therefore, Senators should expect a very busy day with votes throughout.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. 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 8:44 p.m., adjourned until Thursday, July 14, 2005, at 9:30 a.m.
EXTENSIONS OF REMARKS

HONORING THE LIFE OF TESS MANALO-VENTRESCA

TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. LANTOS. Mr. Speaker, I rise today in sadness to honor the extraordinary life and service of Tess Manalo-Ventresca. Ms. Manalo-Ventresca died on Tuesday, July 12th, 2005 of complications from heart surgery. I wish to offer my sincere condolences to her husband Joel Ventresca, her family and friends.

Tess Manalo-Ventresca’s passing is a loss for the people of the 12th Congressional district. Tess was an extraordinary human being, one we all can look up to in hopes of serving our community as selflessly as she did. For the past 30 years Tess played a vital role in the Bay Area community, volunteering in the Haight Ashbury, the Tenderloin and the Sunset districts of San Francisco. She donated her time to numerous causes, from helping local youths to assisting underserved communities, to promoting small, local businesses and neighborhood safety. Most recently she was a volunteer with Experience Corps at the Sunset Beacon Center. For the past five years she participated in this program, which places older adult volunteers in public schools to provide tutoring for children in need.

Ms. Manalo-Ventresca never looked for accolades, no matter how richly deserved; nevertheless they were showered upon her. Earlier this year, she was named California Woman of the Year by the California State Assembly and was chosen to be an Asian Pacific American 2005 Local Hero by KQED. In April she was selected for a MelLife Foundation Older Volunteers Enrich America Award.

Just last April my wife Annette and I met with Tess. I could not then, and can not now, express adequately the appreciation I have for the incredible work she did throughout her lifetime. The Sunset, the Bay Area and the country need more people like Tess. To the very end Tess was working on projects to help children live up to their potential and to improve the neighborhoods in which we live.

Tess helped give children a brighter future, a gift that will live on with us forever. The joy she brought to life will never be forgotten.

HONORING THE RECEIPT OF THE ARMY ACHIEVEMENT MEDAL OF PRIVATE FIRST CLASS JON BRUMBAUGH

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary service and achievement of Private First Class Jon Brumbaugh, a former resident of the Chautauqua County City of Jamestown, upon receiving the Army Achievement Medal.

Brumbaugh, a graduate of Jamestown High School was awarded this honor for meritorious achievement while serving as a Heavy Armor Specialist during JRTC Rotation 05–05. His leadership and ability to accomplish missions made PFC Brumbaugh a vital part of his infantry division.

PFC Brumbaugh began his time in the Army in October of 2003. Due to several outstanding characteristics, he became known as a team leader and gained multiple comments from officers, thus allowing him to move up the chain of command. In February of 2004 Jon went to Airborne School, where he received his Wings upon graduation. Currently, Jon is assigned to the 4th Infantry Division, known as the 4th ID, B Company 2–8 INS. Part of Jon’s duties involve being assigned to a Bradley Fighting Vehicle where he is second in command of his section. Jon is stationed at Fort Hood where he resides with his wife and their two sons.

Flight for Life’s reputation is second only to its dedicated crew. Located across the state in Denver, Frisco, Colorado Springs and Pueblo, the crew consists of 31 flight registered nurses, 27 flight paramedics, 14 helicopter pilots, 6 fixed-wing pilots, 6 helicopter mechanics, 10 emergency medical technicians (EMT), and 10 communications specialists.

Mr. Speaker, the people of Flight for Life in Colorado are not only talented professionals, but they are indeed public servants who deserve our admiration. I join the large number of Coloradans and others across the country who have been positively affected by these people in saying a well-deserved “thank you” for all that they do to serve and protect our citizens.

TRIBUTE TO REV. J.J. ROBERSON

HON. AL GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, on Sunday, July 10, 2005, in the great city of Houston, TX, my friend and distinguished religious leader Dr. J.J. Roberson will commemorate more than four decades in the ministry with the observance of Mt. Hebron Missionary Baptist Church’s Annual Father, Son’s and Grandson’s Day.

Born in New Gulf, TX, in 1918, Dr. Roberson graduated from Wharton Training School and attended Tyler Barber College where he was certified as a Master Barber. He also attended Southern Business College, Southwestern Seminary, Texas Southern University and Mount Hope Bible College where he earned his Doctor of Divinity degree. Dr. Roberson has been married to his darling wife Eloise Jackson Roberson for 63 years and is privileged to count among those who will be honoring him on this special occasion his sons in the ministry and his extended family.

Founded on January 8, 1958, Mt. Hebron, under Dr. Roberson’s leadership, has been the mecca of community activism. His church is known throughout the city of Houston as a spiritual soldier who leads by example. Over the years, he has presided over the establishment of a number of sanctuaries, an apartment complex and a state-of-the-art Pipe Organ installed in 1998 with the expansion of the pulpit and the purchase of 75 acres of land in Brazoria County. To date, the membership has grown to more than 1,900 members and 1,058 families.

A decorated World War II Veteran of the U.S. Army, Dr. Roberson is presently Commander of VFW Eugene Warren Post No. 471. He is also the President of the Baptist Ministers Association of Houston and Vicinity, 1st Vice Moderator of the Independent Missionary Baptist General Association of Texas, Secretary-Treasurer of the Missionary Baptist General Convention of Texas BTU Board, and
1st Vice President of the South Texas Regional Convention.

Mr. Speaker, in 2001, Dr. Roberson was inducted into the Religious Hall of Fame in Dallas, TX. That same year, he received the L.A. Simpson Pastor of the Year Award. Over the years, he has produced an NAACP Membership Citation, War Against Drugs Commendation and honors from the Sam Houston Area Council and the Boy Scouts of America. In 1986, he received an "Official Memorandum from the State of Texas" in honor of Martin Luther King Day. In 1982, the Mayor of Houston issued a proclamation declaring the month of June, 1982 as Building Project Days for Mt. Hebron Baptist Church, Inc.

Finally, Mr. Speaker, I am honored to have the opportunity to pay tribute to such a strong and dedicated leader who has, over the years, been a great friend and mentor. Dr. Roberson has, through his ministry, touched the lives of so many people and we are all the better for having him in our lives.

CELEBRATING THE LIFE OF GARY CLARK

HON. JUANA MILLER-McDONALD
O F CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. MILLER-McDONALD. Mr. Speaker, Congresswoman LUCILLE ROYBAL-ALLARD and I rise today to celebrate the life of Gary Clark, who died on June 22, 2005 at age 47. Gary was a longtime resident of Signal Hill, CA in the 37th Congressional District.

Over the past two decades, Gary served with great distinction in the world of public transportation. He was the head of the Government Relations Department at the Los Angeles County Metropolitan Transportation Authority, one of the largest public transit agencies in the country.

He began his transit career with the Orange County Transportation Authority and in 1988 joined the Southern California Rapid Transit District, which eventually became LACMTA.

In his capacity as Deputy Executive Officer of Government and Board Relations, Gary played a leadership role in coordinating LACMTA’s legislative advocacy in Washington and Sacramento. He spent a significant amount of time on Capitol Hill over the years. In 1979, as a result, we came to know him and his work well.

Gary possessed great integrity and intelligence. His friends, coworkers and family remember him as a person of dignity, strength and compassion despite the pressures of a demanding job. He was the quintessential public servant who dedicated himself to the needs of the community and firmly believed in the mission and purpose of public transportation.

In addition, Gary was a man of great faith. He served as Director of Music for 13 years at Hebron Baptist Church, Inc.

Although we knew him primarily through his role in transportation policy, Gary displayed a real zest for life and was passionate about many things—the church, politics, democracy, equality and sports. He was an ardent Los Angeles Dodgers fan and also closely followed the football team at UCLA, his alma mater.

Mr. Speaker, it is with sadness that we say farewell to this remarkable human being who personifies the best of us and who served the public transportation community with honor and distinction. Gary will be truly missed. We extend our condolences to his partner, Peter Cobo, his mother, Berniece Clark, sisters Diane Kildun and Kathleen Larson, and nephews and nieces.

HONORING GARLAND, TX.
TEACHER, SHERRY MULLINS

HON. SAM JOHNSON
O F TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. In preparing her students for the program, Ms. Mullins rose above the call of duty and equipped her students for success.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

GAMBLING EXPLOSION

HON. FRANK R. WOLF
O F VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. Tribal casinos have been propagating at an alarming rate. I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being spiraled out of control, with devastating consequences for our country.

This is not a Republican or a Democrat issue; nor is it a conservative or a liberal issue. It is a matter that calls for action in the best interest of our country. Gambling, once limited to places like Las Vegas and Atlantic City, is now coming to cities—and even small towns—across America and bringing with it all its social ills, like higher crime and suicide rates, increased personal bankruptcies and the breakup of families.

I write today asking that you issue an executive order placing an immediate two-year moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act (IGRA) of 1988. Congress, with the help of your administration, must examine the unintended consequences of this legislation and address the gaping loopholes in the law.

The moratorium also should apply to the federal recognition process of tribes, which is completely broken. As you know, I have long been calling for reforms of the tribal recognition process. I repeatedly asked former President Clinton and his administration to take action and have written your administration on several occasions asking for a top-to-bottom review of the process. To date, no steps have been taken to address the issue.

Something also needs to be done to address the issue of senior level staff leaving the Bureau of Indian Affairs and then immediately going out and representing tribes seeking federal recognition. Tougher restrictions must be put in place.

Native Americans have become mere pawns in what is now a billion dollar battle-ground as outside interests—and investors, some from outside the country—have worked behind the scenes to spur the growth of tribal casinos. In September 2001, the then General Accounting Office (GAO) report saying the process was fraught with problems and needed improvement. The report concluded by saying because of weaknesses in the process, "the end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful and political strategy."

The number of tribes now actively "reservation shopping" is extremely troubling. The story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, --
Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed. The sidebar article detailing the battles being waged in these states over this issue begins:

"..."
local taxes and regulations, knowing the tribe has to go through the Bureau of Indian Affairs.

**THE INTRODUCTION OF THE NASA AUTHORIZATION ACT OF 2005**

**HON. BART GORDON**  
*OF TENNESSEE*  
*IN THE HOUSE OF REPRESENTATIVES*

Wednesday, July 13, 2005

Mr. GORDON. Mr. Speaker, I am today introducing the “National Aeronautics and Space Administration Authorization Act of 2005”. I am joined as cosponsors by all of my Democratic colleagues on the Science Committee, and I hope that other Members on both sides of the aisle will join us once they have had a chance to review the legislation.

Mr. Speaker, the legislation being introduced today provides an authorization for NASA that is credible, practical, and conferenceable. It recognizes that NASA has been, is, and should continue to be a multi-mission agency with significant R&D activities in science, aeronautics, and human space flight. This bill makes it clear that we support the President’s goal of making exploration beyond low Earth orbit the long-term objective of NASA’s human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA’s aeronautics R&D program needs to be revitalized because of its benefits to the nation’s economy, national security, and quality of life. Similarly, NASA’s science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA’s major programs is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA’s accounts into science, aeronautics, and human space flight. This bill makes it clear that we support the President’s goal of making exploration beyond low Earth orbit the long-term objective of NASA’s human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA’s aeronautics R&D program needs to be revitalized because of its benefits to the nation’s economy, national security, and quality of life. Similarly, NASA’s science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA’s major programs is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA’s accounts into science, aeronautics, and human space flight accounts, flexible “firewalls” between NASA’s major accounts, and consultation requirements in the event changes to the existing balance are contemplated.

Let me mention a few of the other main features of the bill. It provides a three-year authorization and funding guidance for NASA’s major programs. Funding guidance contained in the bill includes:

- Funding for a Hubble Space Telescope servicing mission
- Additional funding for the James Webb Space Telescope to compensate for the impact of the delay in selecting a launch vehicle for the mission, as well as for other programmatic challenges, so that this high priority mission can remain on track.
- Funding for university research restored to FY 2005 levels.
- Funding for the Earth Science program’s Glory mission restored.
- Additional funding for the high priority Earth Science program’s Global Precipitation Mission (GPM).
- Additional funding to allow ongoing, scientifically productive spacecraft missions such as Voyager and Galileo.
- Funding preserved for fundamental, applied, and commercial life sciences and other microgravity research not tied to the human exploration program.
- Aeronautics funding restored to the FY 2004 level and the decline contained in the President’s five-year budget for aeronautics reversed.
- Increased funding for education, including for the National Space Grant program.
- Full funding for the Space Shuttle program.
- Full funding for the International Space Station program.
- Human Exploration funding to allow accelerated development of the Crew Exploration Vehicle (CEV) and its associated launch vehicle as well as for further implementation planning for NASA’s human exploration program.
- Funding provided for promoting technology transfer initiatives at NASA.
- Some of the policy provisions contained in the bill include:
  - Ensuring that if the overall NASA budget is cut, the authorized levels for each of NASA’s major programs would be cut proportionately, so no one area would suffer disproportionate cuts.
  - Having NASA prioritize its science programs and periodically assess their performance.
  - Having NASA develop a plan to ensure the continued health of the critically important Deep Space Network.
  - Directing NASA to develop a financing policy for aeronautics and technology programs to advance the aeronautical state-of-the-art in key areas.
  - Directing NASA to honor its international obligations to the International Space Station program.
  - Strongly encouraging NASA to have a goal of retiring the Space Shuttle in 2010 and initiating Crew Exploration Vehicle (CEV) operations, but directing NASA not to retire all of the Shuttles until the CEV is operational unless the Administrator determines continued Shuttle operations would not be safe.
  - Establishing priorities for NASA’s Human Exploration program for the next three years—namely, development of the CEV and its associated launch vehicle, and definition of the overall exploration architecture and prioritized implementation plan.
  - Directing NASA to work to improve access to its educational programs by minorities and economically disadvantaged students.
  - Directing NASA to seek an independent review of its educational programs and the extent to which they are effective in achieving STEM goals.
  - Establishing a prize program at NASA to encourage needed technology developments.
  - Encouraging NASA to aid in the development of the commercial space sector.

By directing NASA to develop a workforce strategy for its civil service workforce, seek input from the affected employees, and not undertake RIFs until Congress has had a chance to review NASA’s plans.

Directing NASA to develop a financing policy for its test facilities that protects key national assets.

Providing NASA with enhanced use lease authority at its Centers.

Limiting off-shoring of contracts for the procurement of goods and services.

Having the Aerospace Safety Advisory Panel (ASAP) take on additional responsibilities, namely monitoring NASA’s long-term compliance with the Columbia Accident Investigation Board’s (CAIB) safety recommendations.

Establishing an independent commission to evaluate the safety of the International Space Station.

Providing a framework for establishing an independent commission in the event of a future human space flight accident.

Mr. Speaker, as you can see, the bill that we are introducing today is intended to provide clear Congressional direction to NASA with respect to priorities and balance. At the same time, it is intended to be flexible enough to accommodate changes and emergencies. Not everyone will agree with every provision in this bill—but that’s been the case with every significant piece of legislation that I can remember being considered by this body. That is what the legislative process is all about. At the same time, I believe that the NASA Authorization Act of 2005 does provide a credible, practical, and conferenceable vehicle for providing needed guidance to NASA for the next three years.

NASA is an agency that has been committed to excellence in all of its areas of endeavor. It truly is a workforce of “rocket scientists”. The legislation I am introducing today provides the policy and funding guidance that will position NASA for a productive and exciting future, and I hope that we can move it to the President’s speedy enactment.

Finally, Mr. Speaker, I would like to close by stating a sentiment that I know is shared by all Members. Namely, our thoughts and prayers are with all of the members of the NASA family as they prepare to return the Space Shuttle to flight, and in particular we wish the crew of the Space Shuttle Discovery well on their upcoming journey.

**PERSONAL EXPLANATION**

**HON. TERRY EVERETT**  
*OF ALABAMA*  
*IN THE HOUSE OF REPRESENTATIVES*

Wednesday, July 13, 2005

Mr. EVERETT. Mr. Speaker, on June 30th, I met with Governor Bob Riley and attended the Base Realignment and Closure Commission Regional hearing in Atlanta, Georgia in conjunction with Alabama’s military installations. As a result, I was unable to vote on rollcall votes 345–362. Had I been present, I would have voted as follows:

- Rollcall Vote 345: “no.” An amendment by Jim Davis to prohibit use of funds in the bill to enforce regulations preventing family travel to Cuba. Amendment failed.
- Rollcall Vote 346: “no.” An amendment by Barbara Lee to prohibit use of funds in the bill...
to enforce regulations preventing travel to Cuba by academic institutions. Amendment failed.

Rollecall Vote 347: "no." An amendment by Bernie Sanders to prohibit use of funds in the bill to provide for the competitive sourcing of flight service stations. Amendment passed.

Rollecall Vote 348: "no." An amendment by Charlie Rangel to prohibit the use of funds from being made available to implement, administer, or enforce the economic embargo of Cuba, except that the foregoing limitation does not apply to the administration of a tax or tariff. Amendment failed.

Rollecall Vote 349: "yes." An amendment by Mark Souder to prohibit the use of funds to enforce the DC gun ban. Amendment passed.

Rollecall Vote 350: "yes." An amendment by Scott Garrett to prohibit the use of funds to enforce the Supreme Court ruling about eminent domain. Amendment passed.

Rollecall Vote 351: "no." An amendment by Rosa DeLauro to prohibit use of funds in the bill to enter into any contract with an incorporated entity where such entity’s sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Bahamas, the Cayman Islands, Antigua, or Panama. Amendment failed.

Rollecall Vote 352: "yes." An amendment by Joel Heffey to reduce the overall level of spending by one percent. Amendment failed.

Rollecall Vote 353: "yes." An amendment by Carolyn Kilpatrick to prohibit the use of funds from being made available to recommend approval of the sale of Unocal Corporation to CNOOC Ltd. of China. Amendment passed.

Rollecall Vote 354: "no." An amendment by David Obey requiring testimony before Congressional committees and communication with Members of Congress, witnesses will give frank and complete answers to all questions. Amendment failed.

Rollecall Vote 355: "no." An amendment by Sherrod Brown to prohibit the use of funds from being used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $900 million or more. Amendment failed.

Rollecall Vote 356: "no." An amendment by Nydia Velasquez to prohibit funds made available in the Act from being used by the General Services Administration to carry out the eTravel Service program. Amendment passed.

Rollecall Vote 357: "no." An amendment by Chris Van Hollen to prohibit funds made available in the Act from being used to implement the revision of Office of Management and Budget Circular A–76 made on May 29, 2003. Amendment passed.

Rollecall Vote 358: "yes." Final passage of the Transportation-Treasury Appropriations bill.

Procedural and Suspension Votes

Rollecall Vote 359: "yes." Previous question vote.

Rollecall Vote 360: "yes." Suspension vote expressing the sense of the House that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take actions that threaten to impair the national security of the United States.

Rollecall Vote 361: "yes." Suspension vote expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

Rollecall Vote 362: "yes." Suspension vote providing supplemental funding for VA health care.

TO HONOR JEFFREY C. KROON ON HIS 20 YEARS OF OUTSTANDING SERVICE

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the dedicated public service of Jeffrey Kroon, resident of Chautauqua County city of Jamestown, upon receiving the Boys and Girls Clubs of America National Service to Youth Award.

Kroon was presented with the award at the Boys and Girls Clubs awards night, for his 20 years of devoted service to the organization. He began working with the Jamestown club in 1985 as an employment coordinator for teens. Within 5 years he became the Boys and Girls Club of Jamestown assistant director, a position that he still holds.

In addition to the work he does with the Boys and Girls Club, Kroon has also been a volunteer with the Jamestown Area Youth Soccer League for the past 22 years. For 15 of the past 22 years Kroon has served as president.

Along with receiving the National Service to Youth Award, Kroon was also given the National Professional Service Award for extreme devoted service to boys and girls.

Kroon is a very dedicated man whose commitment and service is highly appreciated at the Jamestown Boys and Girls Club. I am proud, Mr. Speaker, to have the opportunity to honor him here today.

HONORING AND THANKING ALAN LEMONS AND CHADO JACOBS

HON. BOB BEAUPREZ
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor and thank two men from Hudson, Colorado, Alan Lemons and Chado Jacobs, for their selflessness and heroic acts that helped save the lives of two other fellow Coloradans, Shalyn and Zach Roach on Saturday, June 18, 2005.

Mr. Speaker, on that same day I was witness to an event of true heroism and of God’s great intervention. That Saturday, I had the honor of joining some of the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospital’s Flight for Life team of Colorado.

It just so happened that on this Saturday morning, the Flight for Life air ambulance was called to the accident site in Hudson, Colorado, where Shalyn and Zach Roach had been in a car accident that led to their car being trapped upside down, underwater, in an irrigation canal.

As the car lay upside down, partially submerged in water, the situation was obviously very dire for the Roaches. However, thanks to Alan Lemons and Chado Jacobs, Shalyn and Zach Roach are still with us today.

After witnessing the accident, Mr. Lemons and Jacobs immediately rushed into the canal and, putting their own personal safety aside, went underwater in order to pull the Roaches from their submerged vehicle and perform CPR on Shalyn.

Mr. Speaker, the term “hero” means different things to different people. To some, people who have fought in wars for our country are heroes, and I think that’s a very appropriate description. For others, a hero may be a former teacher or coach, or maybe even a professional athlete. I submit, Mr. Speaker, that the actions of these two men from Hudson, Colorado are nothing short of heroic.

Before the Flight for Life crew arrived on the scene of the accident, these men acted without concern for themselves and helped save two lives of people they had never met before.

And so, Mr. Speaker, it’s with great appreciation and honor that I speak from the floor of this great chamber to honor Alan Lemons and Chado Jacobs for their selflessness and heroism. We’re proud to call them Coloradans, and the State is a better place because of them.

TRIBUTE TO JUDGE ARMANDO V. RODRIGUEZ

HON. AL GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. GREEN of Texas. Mr. Speaker, I would like to pay a special tribute to a friend of mine. Judge Armando V. Rodriguez, who recently celebrated more than thirty-two years as a Judge in the Harris County Justice Court.

Judge Armando V. Rodriguez is a native Houstonian who received his Bachelors of Business Administration, Bachelor of Law, and Doctor of Jurisprudence degrees from the University of Houston. He has been an active community leader in Harris County for over 40 years and has been an active member of a number of civic clubs and boards. He is truly one of the most dedicated public servants in our great city of Houston.

In 1972, Judge Rodriguez received the distinction of being appointed as one of the first Hispanics to preside over the City of Houston’s Municipal Court system.

In 1973, he was the first Hispanic to be appointed Justice of the Peace by the Commissioners Court of Harris County, and by election has continuously held that office and is currently serving as the Presiding Judge. From 1992 to 1993, he was Vice Chairman of the Justice of the Peace Section of the State Bar of Texas.

Mr. Speaker, at the invitation of then President Jimmy Carter, Judge Rodriguez addressed the Conference on Hispanic Heritage in Washington, DC on the future of the Hispanic Community.

In the early 1980’s Judge Rodriguez and I Co-Founded Houston’s Black-Brown Coalition. This organization was designed to bring African-Americans and Hispanics together to work on issues of common interests. In addition,
Mr. Speaker, in 1969, Judge Rodriguez founded Fiestas Patrias, a non-profit organization dedicated to promote an awareness of their culture and heritage among young Hispanics. Judge Rodriguez has been the recipient of the Alex Award from the Houston NAACP Legal Defense and Educational Fund and Benito Juarez Medalion from then President Luis of Mexico, the highest honor given a non-resident of Mexico for creating better goodwill and understanding between Mexico and the United States.

Finally, Mr. Speaker, I congratulate my friend, Judge Armando V. Rodriguez for thirty-two years of outstanding service to our community.

Mr. NORWOOD. Mr. Speaker, today I rise to recognize the lifelong dedication to our Nation’s service of one of my constituents, Major General Janet E.A. Hicks of Augusta, Georgia. This week, Major General Hicks retires after 30 years of service in the U.S. Army Signal Corps. She ends her Army career as Commander of the Army Signal Center and Fort Gordon, in which position she has served since 2002.

General Hicks graduated from Simpson College in Iowa, and received her Masters Degree from Georgia Southern University in Statesboro. She was granted a direct commission in the Army in March 1975, and attended the Women Officers’ Orientation Course at Fort McClellan, Alabama.

Her first assignment was to the 41st Signal Battalion in Korea. She was subsequently assigned to the 25th Infantry Division at Schofield Barracks, Hawaii, where she taught the Signal Officer Basic and Advanced Courses. She next served at Fort Richardson, Alaska as logistics officer, followed by an assignment with Central Command MacDill Air Force Base, Florida.

She was promoted to command the 125th Signal Battalion, 25th Infantry Division in 1992. After attending the Army War College, she assumed command of the 516th Signal Brigade with concurrent duties as deputy chief of staff for information management of the U.S. Army, Pacific at Fort Shafter, Hawaii.

She assumed command of Fort Gordon in 2002. Major General Hicks has been awarded the Legion of Merit, Defense Meritorious Service Medal, Joint Service Commendation Medal, Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal with two oak leaf clusters, and the Humanitarian Service award.

Mr. Speaker, after 30 years of distinguished service to her Nation, Janet Hicks would be perfectly justified in taking some time off to serve herself for a change.

But I am pleased to note that her service to others will instead continue uninterrupted, as she assumes new duties as Headmaster of Augusta Preparatory School.

Mr. Speaker, as representative of the people of Georgia’s 9th Congressional District, I thank Major General Janet Hicks for her dedication of service to her Nation in uniform, and for her future service to our community and its young people.

CORPORAL LYLE J. CAMBRIDGE

HON. TOM UDALL
of NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of Corporal Lyle Cambridge.

Lyle lived a life rich in the traditions of his family and Native Culture. Unfortunately his life was cut short last Tuesday, July 5th, when he was killed while on patrol in Baghdad at the age of 25. This was his second tour of duty in Iraq.

Lyle, a graduate of Aztec High School, joined the United States Army in May 2002. He followed on the same military path as his brother Vernon, who has been in the Army for 12 years, and his father Joe, a veteran of Desert Storm.

Surviving Lyle are his parents, Virginia and Joe Cambridge Sr., his wife Evonne, his two sons, 3-year-old Wyatt and 1-year-old Nick, and many siblings.

After learning of Lyle’s fate, they and other members of the Navajo community gathered to remember him and pray. Through their heartache, they recalled Lyle’s generous spirit and fun-loving personality.

Today and always, we also recognize the spirit, strength and sacrifice of Corporal Lyle Cambridge.

Our heartfelt condolences and prayers are with Lyle’s family and friends during this time of great loss. We salute him for his courage and bravery.

TRIBUTE TO LIEUTENANT COLONEL RICHARD “MOOSE” HAAS

HON. DENNIS, R. REHBERG
of MONTANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. REHBERG. Mr. Speaker, I rise today to salute one of the many brave men and women who serve all of us in our great military. I would especially like to pay tribute today and offer my personal thanks to Lieutenant Colonel Richard “Moose” Haas, of the United States Air Force, for a job well done.

As a fellow Montanan, I’d like to take this time to highlight Colonel Haas’ service to our country. Today, he serves in the Pentagon, working at the leading edge of future National Defense writing concepts outlining how the Department of Defense will maintain the peace and security of this great Nation for years to come.

Moose is a highly decorated combat veteran winning two Distinguished Flying Crosses with Valor during missions in Operation Desert Storm. He has also served in Operations Desert Shield, Deny Flight, Provide Comfort, and more recently in Enduring Freedom where he helped plan the Air Campaign against Taliban and Al Qaeda forces. He has logged over 2500 hours in the F–111 and F–15E fighter aircraft, with over 300 of those in combat.

I know many of my colleagues will join me in thanking Colonel Haas for the many years of service he has given our country and in congratulating him on retirement. I wish him all the best in his future endeavors.

HONORING GAYLORD NELSON

HON. TAMMY BALDWIN
of WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the life and legacy of Gaylord Nelson of Wisconsin. Since his death a little more than a week ago, at age 89, much has been written about this extraordinary statesman, environmentalist, husband, father, and friend.

Gaylord Nelson was a giant in Wisconsin history. In a life dedicated to public service, Gaylord Nelson embodied the ethics of his state: hard work, personal conduct, integrity, compassion, and good humor.

Gaylord Nelson was a patriot who, as a young soldier, courageously served 46 months in a just war, and then, as a U.S. Senator, courageously took a stand against a war he believed was unjust.

As a State Senator and Governor of Wisconsin, Gaylord Nelson was an effective leader and natural-born politician who practiced the fine art of governing by always striving for the common good, seeking common ground, and practicing common decency. His political battles were never personal, and his personal friendships knew no political boundaries.

As a U.S. Senator, Gaylord Nelson brought his energy and activism to the national stage. His concern for the environment was visionary and relentless. Gaylord Nelson’s efforts led to the Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. In 1995, President Bill Clinton honored him with the Nation’s highest civilian award: the Presidential Medal of Freedom.

Gaylord Nelson was an advocate for consumers, small business owners, farmers, and all who shared his belief in the promise of America.

Above all, he was, as one report noted, “A voice crying out for the wilderness.” As the father of Earth Day, he leaves a legacy of environmental awareness and action that has changed lives and livelihoods for the better in communities throughout the world.

Gaylord Nelson of Wisconsin was a citizen of the world, a leader of the highest ethical standards, and a model public servant whose life’s work will continue to inspire Americans for many generations. I join with all of Wisconsin in saluting him today.

SIKH FLAG RAISED IN CALIFORNIA

HON. EDOLPHUS TOWNS
of NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. TOWNS. Mr. Speaker, on July 3 in Turlock, California, the Sikh flag was raised at an event there. There were speeches from
many distinguished Sikhs, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and many others. The event was organized by Dal Khalsa America, the American branch of a Sikh political party that is strongly in support of independence for Khalistan, the Sikh homeland. Leaders of Dal Khalsa America have been arrested in India, along with other leaders, for raising the Khalistani flag there.

In all, dozens were charged last month on the 21st anniversary of India’s military attack on the Golden Temple for daring to raise the flag of Khalistan in violation of Indian law. Though these are not crimes in India. They are not crimes in any democratic country. Yet these charges follow the arrests of 35 Sikhs in January for hoisting the Sikh flag and making speeches on India’s Republic Day.

These are just the latest acts in a pattern of repression that includes the killings of over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 89,000 Muslims in Kashmir, tens of thousands more Christians and Muslims around the country, and tens of thousands of Buddhists, Hindus, Manipuris, Tamils, and other minorities. It seems that the more support for the freedom movement rises, the more brutal India’s repression of it gets.

Self-determination is the essence of democracy. But instead of settling the issue of freedom democratically in a free and fair vote, India chooses to suppress the freedom movement with excessive and brutal force.

I am glad that we do not live in that kind of democracy, Mr. Speaker. Instead, we live in a country where you can say what you want, believe what you want, and raise a flag if you want. We must do what we can to help bring India to that kind of democracy, especially with Prime Minister Manmohan Singh coming for a visit soon.

Mr. Speaker, the time has come to stop our aid and trade with India and to put the Congress on record in support of self-determination for the people of Punjab, Khalistan, of Kashmir (as India promised in 1948), of predominantly-Christian Nagaland, and of the other Indian minorities seeking self-determination.

It should start with the dropping of all charges against those arrested or charged for raising a flag and with the release of all political prisoners, and I urge President Bush to bring up these two issues when Prime Minister Singh is here. Only when these goals are achieved can India be welcomed into the family of democratic nations. Only then can these minorities live in freedom, peace, security, stability, dignity, and prosperity.

Mr. Speaker, I would like to place the Council of Khalistan’s press release on the flag raising in California and its open letter to President Bush on the charges against the Sikh activists who raised the flag into the RECORD at this time.

KHALISTAN FLAG HOISTED IN CALIFORNIA

WASHINGTON, D.C., July 12, 2005.—At an event on July 3 in Turlock, California, Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, invited Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, to hoist the flag of Khalistan. The Council of Khalistan is the government pro tempore of Khalistan. It is leading the struggle for Khalistan’s independence. Aulakh, who led some of the protests and marches in other events in Punjab to promote independence for Khalistan, said today that the council’s independence declaration was made on October 7, 1987. The event was shown throughout India on an Indian television channel called Aaj Tak on July 6. Dr. Aulakh was the California representative of Voice of America.

As soon as Dr. Aulakh raised the flag, slogans of “Khalistan Zindabad” (“Long live Khalistan”) were loudly spoken at the event, and the organizers stated that they spoke out strongly for a free and independent Khalistan. Speakers included Dr. Atawar Singh, Dr. D. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Amritsar, Dr. Paramjeet Singh Arjewat, Sardar Dharam Singh Bains of Philadelphia, and others.

“If anyone speaks out for freedom, the Indian government sees them as terrorists,” Dr. Aulakh said. “This is not going to work. Everyone knows the modus operandi of the Indian government.” The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1948, and tens of thousands of Tamils, Bodo, Manipur, and others. The Indian Supreme Court called the Indian government’s murders of Sikhs “worse than a genocide.”

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India with another 4,000 having been in illegal custody since 1984! “These prisoners never committed any crime but peacefully speaking out for Sikh freedom,” said Dr. Aulakh. “How can there be political prisoners in a democracy?” he asked. “We demand the release of all political prisoners,” he said.

“A former police officer, Darsh Singh, a former Jathedar of the Akal Takht, said, ‘If a Sikh is not a Khalistani, he is not a Sikh’.” Dr. Aulakh noted. He added that the event in Turlock was in line with the strong sentiment for freedom in Punjab, Khalistan. “We must work hand-in-hand, the Sikh diaspora and our Sikh brothers and sisters in Punjab, Khalistan, until the glow of freedom shines on a free and sovereign Khalistan,” he said.

“I thank Sardar Sekhon for organizing this event,” Dr. Aulakh said.

The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it.” Dr. Aulakh said. Last year, Punjab Chief Minister Capt. Amrinder Singh issued a bill canceling the agreements that allowed the diversion of Punjab water to non-northerners. The bill asserted the sovereignty of Punjab, Sardar Attinder Pal Singh, another former Member of Parliament, held a seminar in Khalistan in Punjab. It was well attended and had 130 presentations, including one by Professor Gurjeet Singh, IAS, Professor of Sikhism. He said, “Dal Khalsa has held marches through Punjab demanding the establishment of an independent Khalistan.”

On the Anniversary of the Indian government’s military attack on the Golden Temple, the center and seat of Sikhism, last month, Dal Khalsa, the Khalsa Panchayat, the Shiromani Akali Dal (Amritsar), Damdami Taksal, the Sikh Student Federation (Bittu), and the Akal Federation marched through the streets of Amritsar demanding freedom for Khalistan. They carried posters of the demolished Golden Temple and denouncing the arrest of Sant Jarnail Singh Bhindranwale, a Sikh leader who was murdered in the Golden Temple attack. Along with General Shabeg Singh, Bhai Preneeta Singh was also there, a strong advocate of Sikh freedom. Dal Khalsa also raised the flag of Khalistan on Republic Day, January 26, 35 Sikhs were arrested at that time. Some of them have been denied bail. Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple attack and against the leaders of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. Those charged include Dal Khalsa America, Singh Bittu, Sarabjit Singh Ghuman, Dr. Manjinder Singh Jandit, and others, as well as former Member of Parliament Simranjit Singh Mann.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, the Austro-Hungarian Empire, the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonials. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilingual state that is doomed to disintegrate like the Austro-Hungarian Empire. “We must continue to pray for and work for the keynote of India’s given birth,” Dr. Aulakh said. “Without political power, religions cannot flourish and nations perish.”

COUNCIL OF KHALISTAN,
WASHINGTON, DC, July 12, 2005.

DEAR KHALISA JI: Last month on the anniversary of India’s brutal attack on the Golden Temple and 125 other Gurdwaras throughout Punjab, dozens of Sikhs were charged by the Indian government. Warrants for their arrest were issued. Their crime was raising the flag of Khalistan in the presence of over 30,000 Sikhs. We salute them for this action and for their courage. Apparently, they demonstrated self-determination and freedom can get you arrested in India. Unfortunately, this is part of a pattern.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. On Republic Day, Sikh leaders raised the Sikh flag in Amritsar and made speeches in support of Khalistan. 35 Sikhs were arrested for raising the Sikh flag. Eleven of them continue to be held and they have been denied bail. I was invited to raise the flag on July 3 in California, at an event organized by Dal Khalsa America. I would like to thank Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, who also raised the flag of Khalistan. Speakers included Dr. Atawar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Dr. Paramjeet Singh Arjewat, Sardar Dharam Singh Bains of Philadelphia, and others. The event also showed throughout India on an Indian television channel called Aaj Tak on July 6. I was interviewed by a California representative of Voice of America.

I raised the slogans of “Khalistan Zindabad” were raised.”

In 1849, Guru Gobind Singh gave sovereignty to the Sikh Nation, giving the blessing “In grieikh khon deon Patshahi” (“I give sovereignty to the humble Sikhs.”) Just two years after his departure from this earthly plane in 1708, the Sikhs established out our own independent state in Punjab, Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. There was no such thing as India then.

Today we struggle to regain the sovereignty that Guru Gobind Singh bestowed upon us over 300 years ago. Yet the Jathedars such as former Member of Parliament Simranjit Singh Mann was quoted as saying that “We don’t want a separate territory.” Does Jathedar Vedita,
like every other Sikh, pray “the Khalsa shall rule” every morning and evening? Has he forgotten our heritage of freedom? How can the spiritual leader of the Sikh religion deny the Sikh Nation the ultimate aspiration for freedom and sovereignty? Is he not stung by the words of one of his predecessors, former Akal Takht Jathedar Professor Darshan Singh? “If a Sikh is not a Khalistani, he is not a Sikh?” Is Akal Takht occupied by a person who does not believe in Sikh values and Sikh aspirations?

Punjab’s Chief Minister, Captain Amarinder Singh, has declared a holy war of the Sikh Nation for asserting Punjab’s sovereignty and preserving Punjab’s natural source, its river water, for the use of Punjab farmers. It is a fight for Punjab’s water resources. In so doing, Amarinder Singh and the Legislative Assembly explicitly declared the sovereignty of the state of Punjab. In December former Member of Parliament Simranjit Singh Mann again reverted to public support of Khalistan. He pledged that his party will lead a peaceful movement to liberate Khalistan. Obviously, Mr. Mann is aware of the rising support of our cause. Mann joins Sardar Atinder Pal Singh, Sardar D.S. Gill of the International Human Rights Organization, and other Sikh leaders in Punjab in defense of Khalistan. Openly, Jagjit Singh, President, of Dal Khalsa, was quoted in the Deccan Herald as saying that “the Indian government cannot control Punjab. Sikh aspirations can only be met when they have a separate state.” There is no other choice for the Sikh nation but a sovereign, independent Khalistan. Every Sikh leader must come out openly to protect him. We salute those Sikh leaders in Punjab who have done so.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. Leaders like Dr. Jagjit Singh Chohan, Harchand Singh Longowal, Didar Bains, Ganga Singh Dhillion, the Akal Dal leadership, and others who were complicit in the attack on the Golden Temple cannot be trusted by the Sikh Nation. The evidence against them on Chakravyuh, the Platform of Indian Secularism, the Sikh Nation cannot believe that these leaders will not betray the cause of Khalistan, just as they betrayed the Sikh Nation of 1984. It must be clear that we are to continue to move the cause of freedom for Khalistan forward in 2005 as we did in 2004.

The Akal Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Even now the fight continues. In 1994 the Sikh nation demanded the return of the sanctified shrine. How can these so-called Sikh leaders connive with the people who carried it out? If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akal Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparalleled corruption. If Jathedar Vedant opponents freedom and sovereignty for the Sikh, then he is not fit to sit in Akal Takht, in the seat of the Khalsa Panth. The Sikh Nation should have a Jathedar who is committed to restoring sovereignty that is our birthright and that Guru gobind Singh granted.

Is this the freedom that Guru gobind Singh bestowed upon us? Is this the “glow of freedom” that Nehru promised us when Master Tara Singh and the Sikh leaders of the time chose to take our share with India?

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 19 years we have had this fight while others sat on the sidelines and profited from the sacrifices and resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

The Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered more than a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. Otherwise they could behave like a real Jathedar. Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre of Sikhs and others at Jallianwala Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as “unidentified bodies.” Their remains were never even given to their families! Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Over 250,000 have been murdered at the hands of the Indian regime. Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from the Indian government. Sikh leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel’s memo labelling Sikhs “a criminal tribe.” What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us dedicate ourselves to living up to the blessing of Guru Gobind Singh. It is time to launch a Shantmai Morcha to liberate Khalistan and self-determination in a free and fair vote, the democratic way. It is time to shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

Gurmukh Singh Aulakh, President.

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS ADMINISTRATION ON JULY 21, 1930

HON. STEVE BUYER OF INDIANA IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BUYER. Mr. Speaker, as Chairman of the Committee on Veterans’ Affairs, today I am introducing H. Res. 361 recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930. I am joined by the Committee’s Ranking Member, Mr. Evans, in introducing this resolution.

More than 48 million men and women have served America well and faithfully in military uniform. More than 1 million made the ultimate sacrifice for our freedom. Twenty-five million veterans are living among us today. These men and women selflessly set aside their civilian lives to put on the uniform to serve us. Many return from that service bearing wounds to body and spirit. Many return hungry to take advantage of the fruits of the democracy they defended, and seek education and employment opportunity.

The nation’s obligation to her defenders is as old as that defense itself. In his second inaugural address in 1865, President Abraham Lincoln clearly expressed the obligation: “. . . to care for him who shall have borne the battle, and for his widow, and his orphan.”

On July 21, 1930, pursuant to a Congressional authorization, President Hoover issued an executive order to “consolidate and coordinate Government activities affecting war veterans,” creating the Veterans Administration. The new VA was charged with ensuring that America’s veterans received the benefits and services they had earned through their military service.

Today the 230,000 public servants of the Department of Veterans Affairs, formed from the VA in 1989, continue the noble tradition of their predecessors in service to veterans and their families.

The men and women of today’s VA are dedicated to caring for today’s veterans and stand ready to provide for our servicemembers who now defend our freedoms and our way of life.
Once taken aboard the American ship the gia, Casimir Pulaski was mortally wounded. The assault against British forces in Savannah, Georgia in October 1779 took his life. On an assessment that: "I came here, where freedom is being defended, to serve it, and to live or die for it."

On September 11, 1777, Pulaski fought bravely in the battle at Brandywine, helping to avert a disastrous American defeat and courageously saving the life of George Washington. General Washington was so impressed with Pulaski's valor and abilities at Brandywine, helping to fight Russian and Prussian interference in American independence.

General Pulaski was born in Poland in 1748, as the son of a man of fifteen, Pulaski joined the Polish army, along with his father, to fight Russian and Prussian interference in Polish political affairs. After being outlawed by Russia for his actions in favor of liberty, Pulaski moved to Paris where he soon met Benjamin Franklin. In his quest to find mercenary soldiers, Franklin convinced Casimir Pulaski to join the colonies' cause against Great Britain.

In 1777, Casimir Pulaski came to Philadelphia to meet General George Washington. Upon meeting Washington Pulaski wrote in a letter that: "I came here, where freedom is being defended, to serve it, and to live or die for it."

Mr. HIGGINS. Mr. Speaker, I rise today in support of H.J. Res. 54, honoring the heroism and sacrifice of General Casimir Pulaski (1748–1779), who fought valiantly with the Continental Army during the American Revolution war and died for freedom and American independence.

We in Western New York have the great privilege of having a strong and vibrant Polish American community. The Polish influence in Western New York can be traced back to Pieter Stadnitski, one of the partners of the Holland Land Office Company; the Dutch company which purchased and brought settlers to the area in the early 19th century. Since that time the community in Cheektowaga has thrived both culturally and politically. It is therefore fitting that the Pulaski Parade honoring General Pulaski is to take place in Cheektowaga, NY on July 17, 2005. This parade will honor Polish artists, politicians, dignitaries and heroes like Pulaski. I very much look forward to attending this parade, supporting the great courage of General Casimir Pulaski and saluting our great Polish American friends in Western New York.
A TRIBUTE TO SENATOR GAYLORD NELSON

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to a leader whose lifetime of public service reflected the very best of Wisconsin values. Senator Gaylord Nelson, the man credited with sparking the modern environmental movement, died July 3, at the age of 89.

Growing up in the small town of Clear Lake, Wisconsin, Senator Nelson developed a passion for the natural world, the protection of which became his highest political priority. He learned the true value of public service from the examples set by his parents, a small-town doctor and nurse who were known for treating neighbors in need regardless of their ability to pay. Though his political career would take him to Madison, WI, and then on to our Nation's Capital, Washington, DC, he never lost the friendly and generous character that marked his early years in Clear Lake.

Among elected officials, Senator Nelson's leadership is undeniable. He served three terms in Wisconsin's State Senate before being elected Governor in 1959. Four years later, he ascended to the U.S. Senate, where he served for 18 years.

His accomplishments are too numerous to list. He is most widely known as the founder of Earth Day, an annual celebration that mobilized public support for environmental stewardship and brought new political attention to the importance of protecting and preserving the natural world.

Building on the grassroots organizing that made Earth Day a success, Senator Nelson authored landmark conservation legislation at both the State and Federal levels. His legacy includes a huge array of public lands and park spaces, including the St. Croix Wild and Scenic Riverway, the Apostle Islands National Lakeshore, and Governor Nelson State Park.

He sponsored legislation to protect rivers and waterways. He co-sponsored laws protecting the Appalachian Trail, and banning the use of toxic chemicals like DDT and Agent Orange.

Most widely known for his commitment to conservation, Senator Nelson also made his mark in other areas, including consumer protection, ethics and opposition to the Vietnam War.

As remarkable as his legislative accomplishments were the appealing and unpretentious style for which he was known. A friend to all, Senator Nelson once remarked that he could never dislike anyone whom he took the time to know. He avoided partisan rancor, and developed lifelong friendships with many whose views he opposed on the Senate floor. While he clearly understood that maintaining relationships enabled his political accomplishments, his sincere regard for his contemporaries was never in question.

When his career as an elected official ended in 1980, Senator Nelson continued his environmental advocacy as chairman of the Wilderness Society. As recently as April of this year, Senator Nelson wrote to students at MacDowell Montessori in Milwaukee—"the same school my own granddaughters attended—to hail their Earth Day celebration and urge them to adopt a lifelong commitment to the environment.

Mr. Speaker, millions of Americans owe a debt of gratitude to Senator Nelson for his efforts to protect the natural world around us. He understood that access to clean air, water, and wilderness is crucial not only for our physical survival, but also for our spiritual nourishment. I am thankful to him for his passionate pursuit of these public goods, and for the example of public service that I take as inspiration in my own career.

HONORING RICHARD JOHNSON, SENIOR FARMER OF THE YEAR

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Richard Johnson for being selected as the 2005 Madera County Chamber of Commerce Senior Farmer of the Year. Mr. Richard Johnson will be recognized at the Madera County Farm Bureau's 84th Annual Meeting and Senior Farmer Presentation on July 14th in Madera, California.

Mr. Johnson is a model of excellence in his community. For over 51 years, Richard has been an active member of his community. As a child, Richard grew up working on a 300 acre farm, and upon entering Madera High School, he continued to strengthen his appreciation for Agriculture through his active membership in Future Farmers of America.

After graduating from Madera High School, Richard went on to attend Fresno State where he majored in Agriculture. Upon returning from military service with the United States Air Force (1951–1955), Mr. Johnson relocated to farming in Madera County, where today he continues to farm a diverse bounty of crops and livestock on 1,940 acres.

Mr. Johnson has been a member of the Madera County Farm Bureau for over 30 years, over 11 of which he has served as a member of the organization's Board of Directors. In addition, Richard Johnson has tirelessly devoted his time to numerous community organizations and projects, including Coats for Kids, Chowchilla 20–30 Club, and the Madera County Republican Central Committee. During the Christmas season, Mr. Johnson can be seen visiting local elementary schools dressed as Santa Claus.

Richard Johnson, together with his wife Lila Nelson-Johnson, have 3 sons.

Mr. Speaker, I rise today to congratulate Richard Johnson upon being named Senior Farmer of the Year by the Madera Chamber of Commerce. His contributions to America's agricultural communities and to his country have been invaluable. I invite my colleagues to join me in commending Mr. Johnson for this achievement.

IN HONOR OF JOSEPH H. EVANS

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to a heroic Delaware firefighter, Joseph Evans, who tragically died in the line of duty at the age of 41. While responding to a house fire in the early hours of July 10th, 2005, Joe, an engineer with the Bridgeville Volunteer Fire Company, suffered a heart attack. Despite the best efforts of medical personnel, Joseph Evans passed away shortly after his arrival at the Nanticoke Hospital.

For 41 years, Joseph Evans was a member of the Bridgeville Volunteer Fire Company. During his dedicated career with Station #72, Joe served in many capacities, including Director of Supplies, Assistant Chief Engineer, and Chief Engineer. In 1986, his work earned him recognition as Bridgeville's "Fireman of the Year." Joe's efforts were not confined to Bridgeville; he also served with the Sussex County Firemen's Association, the Sussex County Fire Chiefs Association, the Delaware State Fire Chiefs Association and the Del-Mar-Va Volunteer Firemen's Association.

In addition to his work with the fire department, Joe was successful in other pursuits. As a young man, he distinguished himself athletically as a member of the 1962 Blue-Gold All Star Football team. A lifetime farmer, Joe also worked for many years at the Nanticoke Valley Farm and later Bell Atlantic, where he received the company's Spirit of Excellence Award.

Mr. Speaker, in closing, Joseph Evans heroically gave his life in the service of others. This dedication, which is typical of firefighters throughout the United States, is a testament to his courage and selflessness. I join my colleagues in remembering Joe's contributions.
and offer my sincerest sympathy to both his family and his colleagues at the Bridgeville Volunteer Fire Company.

IN HONOR OF PAUL WINCHELL

HON. JERROLD NADLER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. NADLER. Mr. Speaker, I rise today to recognize the life and accomplishments of Paul Winchell, who passed away on Friday, June 24th.

Paul was born in Manhattan’s Lower East Side on December 21, 1922. He studied ventriloquism from an early age, overcoming speech impediments and a difficult family life. He would go on to become one of the great pioneers of early television, bringing a smile to every household with his ventriloquist act on the Paul Winchell-Jerry Maloney show in the 1950’s.

To younger generations, Paul was best known as the voice of Tigger, the lovable tiger from Walt Disney’s adaptation of “Winnie the Pooh.” He also played numerous roles on children’s programs such as the Jetsons, the Smurfs, the Brady Bunch, and the Beverly Billies. But Paul was much more than an entertainer—he was also an innovative thinker and inventor with thirty patents.

At the age of 35, Paul decided to return to school at Columbia University, where he studied and went on to work on projects for the American Red Cross and the Leukemia Society. In 1963 he joined forces with Doctor Henry Heimlich, and together they developed and patented the first early artificial heart. Rather than sit on his accomplishment, however, he donated the heart to the University of Pennsylvania for Dr. Robert Jarvik’s first successful heart implant in 1982.

Paul Winchell lived a life of unparalleled diversity. Whether making children smile or improving lives through innovation, he dedicated himself to the betterment of his surroundings, and I request that we honor him for a life well lived.

SECURE TRAINS ACT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. NORTON. Mr. Speaker, today, I am reintroducing the Secure TRAINS, Secure Transit and Railroads Across America and Investment in National Security, Act of 2005 for the second time in 2 years, and pleading the urgency of passage before Congress goes on its August break, I am pleased to have as cosponsors, Democratic Leader NANCY PELOSI, Minority Whip STENY HOYER, Committee on Transportation and Infrastructure Ranking Member JIM OBERSTAR, Homeland Security Committee Ranking Member BENNIE THOMPSON, and Senate Transportation Committee Member and Chair of the Democratic Caucus BOB MENENDEZ. London should be too close for congressional comfort while the country’s subways, buses, rail, light rail and ferries go unprotected. London’s tally thus far of 52 dead and 700 injured and the Madrid totals of more than 190 killed and 1,800 injured could be far worse here, considering the abysmal state of passenger and freight preparedness across the United States today.

Instead of direct passage, I tried to get the Homeland Security Committee, on which I serve, to include Secure TRAINS in the Department of Homeland Security, DHS, authorization bill, passed by the House in May, but my bill was defeated on a party line vote. I managed to get two amendments requiring DHS to develop passenger security best practices for mass transportation operators, and to develop a national plan for public outreach and awareness for employees and I passengers. However, the key provisions of the bill and of another I cosponsored for freight hazmat security protection were defeated because the President’s budget did not fund them.

President Bush’s 2006 budget eliminated dedicated funding for mass transportation altogether, instead forcing mass transit into the Targeted Infrastructure Protection Program, TIPP, to compete with other transportation sectors, such as ports, which already receive at least some dedicated funding. Last year, Congress provided only $150 million for mass transportation security grants, but this year the Senate Appropriations Committee already has reduced these grants by $100 million.

I can only ask, rhetorically, whether the administration and Congress know that the people ride each day nearly 16 times as many passengers use public transportation as use airlines—9 billion passenger trips annually on public transportation—but 90 percent of transportation security funding has gone to air travel, after the fact, after the catastrophe. We are breaking our post-9/11 promise not to be caught flat footed again because we have let the record stand at $21 billion for air travel security and $550 million for public transportation security all told. Secure TRAINS at a little over $3.8 billion modestly increases investment in public transportation and freight security.

Unlike much of the wasteful, open-ended funding for homeland security in the period following 9/11, most of the funding in Secure TRAINS would be available through grants. Thus, the Homeland Security Committee’s formula based on threat, vulnerability and consequences would be applied with far greater financial efficiency and efficacy. The bill provides for first-line commonsense security, including cameras, communication systems, explosive detection, and security upgrades on tracks and in tunnels. The bill also includes whistleblower provisions I have been unable to get in prior bills. Stockbrokers and accountants can be protected by Sarbanes-Oxley, it’s time we gave the same whistleblower protection to employees charged with keeping trains and buses secure.

We must not go on August vacation leaving subways, busses and rail as they were last week when London was attacked for the first time since World War II. This is the third time I have tried to get this bill passed. We must let it become three strikes and you’re out.

H.R. 458—THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. PATRICK T. McHENRY
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. McHENRY. Mr. Speaker, I rise today to strongly support H.R. 458, the Military Personnel Financial Services Protection Act, and specifically to highlight some of this very important legislation. Title II is designed to protect our brave soldiers as they fight to defend our freedoms, by regulating all lenders that qualify as military lenders—including payday advance businesses, small loan companies, financial companies, or other types of creditors.

I would like to thank Congressman WESTMORELAND, the sponsor of this bill, as well as Chairman OXLEY and Chairman BACHUS. We would not be able to eliminate unscrupulous lenders from offering these products without the leadership demonstrated by the House Financial Services Committee.

As a representative from North Carolina, I am particularly concerned with protecting our military. North Carolina is the most military friendly State in the Nation. With bases such as Fort Bragg and Camp Lejeune, I am familiar with military lenders that prey on our servicemen and women. These companies hurt our military by charging unjustifiable rates, using products with hidden fees, and refinancing loans to the detriment of military consumers. It often takes honest soldiers years to escape the financial hardships caused by these dishonest practices.

Our soldiers, like all American citizens, have a variety of financial service needs and value having a wide array of choices and alternatives to fulfill those needs. I applaud many of these alternative financial services outlets, including payday lenders, for striving to protect military personnel by conforming to the best practices recommended by the Community Financial Services Association, a panel of distinguished retired military members.

Rather than unnecessarily inhibiting lenders and limiting the options for our military, H.R. 458 cracks down on abusive practices while preserving access to credit. Title II mandates these necessary protections, such as disclosures and marketing and collection reforms, on a broad range of military lenders. Under Title II, all military lenders will be required to provide detailed disclosures on a variety of subjects. These mandatory disclosures include:

Not requiring service members to complete agreements merely because they signed an application or received a notice;

Advising military personnel, who are seeking short-term credit due to a family or other emergency, to consider applying through one of the Armed Forces’ Relief Societies, the United Service Organizations or another base or military organization;

Acknowledging that any credit extension is not sponsored or endorsed by the Armed Forces, the Department of Defense, or any Federal entity;

The loaner may not contact the borrower’s commanding officer or chain of command to collect the debt; and

That the service member and his/her dependents may have additional protections
which cannot be waived, even if suggested or required by the lender.

Again, my sincere thanks to the financial institutions that pushed for these reforms and to Congressman Westmoreland for his leadership. I look forward to working with my colleagues and our partners in the private sector to eliminate practices and protect the financial health and access of our military.

PUTTING ALLEGATIONS IN THE PROPER CONTEXT

HON. MARK E. SOUER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. SOUER. Mr. Speaker, in the press for the past few days, I have reportedly heard all sorts of allegations and innuendoes against Karl Rove. Most of these seem to be political, rather than factual. I believe this Wall Street Journal article puts the debate about what was said by whom into a proper context. Former Ambassador Wilson has been largely discredited. Karl Rove, though it has been implied that he broke the law, does not appear to in fact have done so. It is Wilson whose politically motivated comments who should be under scrutiny, not Rove.

[From the Wall Street Journal, July 6, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove’s head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we’d say the White House political guru deserves a prize—perhaps the next iteration of the “Truth-Telling” award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real “whistleblower” in this whole sorry pseudoscientific case. It was National Review’s Matthew Cooper and other reporters to be wary of Mr. Wilson’s credibility. He’s the one who told the press the truth that Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC’s “Meet the Press” and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. “Interviews and documents provided to the Committee indicate that a CPD [Counterproliferation Division] employee, suggested his name for the trip,” said the report.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn’t even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain’s Lord Butler delivered its own verdict on the 16 words: “We conclude that ‘The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa’ was well-founded and accurately reported.”

In short, Joe Wilson hadn’t told the truth about what he’d discovered in Africa, how he’d discovered it, what he’d told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure publicly and thoroughly discredited, let us know.

If there’s any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention perhaps a “special counsel” probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

TOLERANCE AND ACCEPTANCE FOR PEOPLE OF OTHER CULTURES

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HOLT. Mr. Speaker, I rise today to condemn in the strongest terms possible an ugly and xenophobic comment that recently came to my attention. Yesterday, a staff member who works for another Member of Congress responded to an e-mail inquiry regarding the upcoming visit of Indian Prime Minister Manmohan Singh with what can only be described as an insulting and bigoted attempt at humor. His comments were deeply offensive to Indians, Indian Americans, and countless others like me who do not tolerate such bigotry.

On one of my visits to India a few years ago I was able to meet with government officials, including Prime Minister Singh, then a member of the Rajya Sabha, India’s Upper House of Parliament. I was deeply impressed by his intellect, thoughtfulness, and the success of his economic program, and I am proud to welcome him as he addresses a Joint Session of Congress this week—knowing that all Americans will listen to his words. We have much to learn from him regarding tolerance and acceptance of people of other cultures.

THE TUSKEGEE AIRMEN—A HERO’S WELCOME

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RANGEL. Mr. Speaker, I would like to welcome to Capitol Hill today a contingent of veterans representing one of the most distinguished military units in American history. The individuals whom I speak of are known as the Tuskegee Airmen, and they are visiting the Capitol today as part of a ‘Tuskegee Airmen Legislative Day.’ Many people may see these

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predicted that the Tuskegee program would fail. However, failure was not an option for these men, and they delivered in amazing fashion.

The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. They would also have the WWII distinction of never losing an American bomber under their escort, despite flying in some of the enemies’ most heavily defended areas. During their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

There is currently an effort underway to bestow the Congressional Gold Medal on the Tuskegee Airmen. I have introduced H.R. 1259 here in the House, and Senator Levin has introduced similar legislation in the Senate. The Gold Medal was created and first awarded 200 years ago to Americans whose courage and determination in battle exemplified the spirit of our nation. In keeping with that tradition, I can think of no better recipients than the Tuskegee Airmen.

They not only displayed courage and bravery, they changed our military forever. Today, many minority groups, especially African Americans, are overrepresented in the military compared to their numbers in the general population. They are the central core of the volunteer military and serve our nation with heroic distinction in Iraq and throughout the world. With the significant role that minorities continue to play in the Armed Forces, our country is indebted to the Tuskegee Airmen for helping to lay that foundation.

Today, the young men who roamed the skies of Tuskegee, Alabama, and World War II Europe, are seasoned veterans of war and life. Many of them are no longer with us, but the hope and pride that they inspired in all of us are reborn in the hearts and minds of every subsequent generation of Americans. I can attest to the hope they gave to a young kid from Harlem, as he set out to fight in Korea. Their example served me well in that war, and in life.

At a time in our country when we hear a lot of rhetoric about patriotism, we can learn from the example of the Tuskegee Airmen. They fought for their country at a time when the rights they risked their lives to protect did not extend to them. They fought not just for America, but the promise of America—the promise of liberty, equality, and freedom for all people. As long as we aspire to fulfill this promise, so too will the spirit of the Tuskegee Airmen live. Again, I thank the Tuskegee Airmen for all they have done for our country, and I extend this welcome—a hero’s welcome—to them.
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, July 14, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JULY 15

9:30 a.m.
Homeland Security and Governmental Affairs
To hold an oversight hearing to examine the United States’ relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security.

JULY 18

9:30 a.m.
Foreign Relations
To hold hearings to examine improving security in Iraq.

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Brian David Miller, of Virginia, to be Inspector General, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

10 a.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, S. 1170, to establish the Fort Stanton-Snowy River National Cemetery Conservation Area, S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

JULY 19

10 a.m.
Energy and Natural Resources
Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

FOREIGN RELATIONS

To hold hearings to examine United Nations reform.

VETERANS’ AFFAIRS

Business meeting to consider pending VA legislation.

JULY 20

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider proposed Better Healthcare through Information Technology Act, proposed Medical Device User Fee Stabilization Act of 2005, and pending nominations.

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine biosecurity preparedness and efforts to address agroterrorism threats.

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, S. 1170, to establish the Fort Stanton-Snowy River National Cemetery Conservation Area, S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101-601).

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

FOREIGN RELATIONS

To hold hearings to examine United Nations reform.

VETERANS’ AFFAIRS

Business meeting to consider pending VA legislation.

JULY 26

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine how farm bill programs can better support species conservation.

JULY 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine Indian Gaming Regulatory Act exceptions and off-reservation gaming.

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Conservation Reserve Program.

JULY 28

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101-601).

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

FOREIGN RELATIONS

To hold hearings to examine United Nations reform.

VETERANS’ AFFAIRS

Business meeting to consider pending VA legislation.

SEPTEMBER 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

FOREIGN RELATIONS

To hold hearings to examine United Nations reform.

VETERANS’ AFFAIRS

Business meeting to consider pending VA legislation.

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Senate

Chamber Action

Routine Proceedings, pages S8153–S8246

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1386–1395, and S. Res. 197.

Measures Reported:

S. 364, to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities, with amendments. (S. Rept. No. 109–102)

Measures Passed:

Controlled Substances Import and Export Act: Senate passed S. 1395, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

Good Friday Agreement: Committee on Foreign Relations was discharged from further consideration of S. Res. 173, expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland, and the resolution was then agreed to.

Office of Compliance Term Extensions: Senate passed H.R. 3071, to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term, clearing the measure for the President.

Department of Homeland Security Appropriations: Senate continued consideration of H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:

Adopted:

Salazar Amendment No. 1207, to provide for a report on the effectiveness of programs concerning State and local government emergency officials.

Salazar Modified Amendment No. 1209, to require a quadrennial review by the Department of Homeland Security.

Salazar Modified Amendment No. 1210, to express the sense of the Senate regarding rail tunnel security research.

Pryor Amendment No. 1125, to encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system.

Schumer/Boxer Modified Amendment No. 1184, to encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS).

Clinton Modified Amendment No. 1105, to require a detailed description of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001.

Clinton Amendment No. 1106, to require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security.

Ensign Modified Amendment No. 1104, to require the Transportation Security Administration to potentially implement the use of multi-compartment bins to screen passenger belongings at security checkpoints.

Byrd (for Feingold) Amendment No. 1120, to require reports to Congress on Department of Homeland Security use of data-mining.

Byrd (for Boxer) Modified Amendment No. 1155, to provide oversight of homeland security spending.

Byrd Amendment No. 1201, to require State and local governments to expend or return grant funds.
Durbin Amendment No. 1166, to provide that MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry. Pages S8188–89

Gregg (for Thomas) Amendment No. 1172, to authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the United States Customs and Border Protection. Page S8202

Gregg (for Hutchison) Modified Amendment No. 1173, to express the sense of the Senate regarding coordination with the American Red Cross.

Gregg (for Hatch) Amendment No. 1221 (to Amendment No. 1171, as modified), to clarify the source of allocated funds.

Reid Amendment No. 1161, to express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq. Page S8203

Voinovich Amendment No. 1075, to increase funds for emergency management performance grants, with an offset. Pages S8178–79, S8204

McCain Modified Amendment No. 1151, to specify how certain vehicles are to be deployed to enhance border security.

Withdrawn:

Schumer Amendment No. 1183, to provide additional funding to counter man portable air defense systems.

Pending:

Byrd Amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka Amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan Amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) Amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants.

Subsequently, a point of order was raised with respect to the emergency designation provision in the amendment and a motion to waive was entered.

Gregg (for Ensign) Modified Amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures. Pages S8155, S8184–85

McCain Modified Amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

McCain Modified Amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Schumer Amendment No. 1189, to provide that certain air cargo security programs are implemented.

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation and a motion to waive was entered.

Schumer Amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments.

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation and a motion to waive was entered.

Reid (for Byrd) Amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit.

Ensign Amendment No. 1219 (to Amendment No. 1124), of a perfecting nature.

Shelby Modified Amendment No. 1205, to appropriate funds for transit security grants for fiscal year 2006 authorized in the Public Transportation Terrorism Prevention Act of 2004.

Gregg Amendment No. 1220 (to Amendment No. 1205, as modified), of a perfecting nature.

During consideration of this measure today, the Senate also took the following actions:

By 36 yeas to 60 nays (Vote No. 177), 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 Dodd/Stabenow Modified Amendment No. 1202, to fund urgent priorities for our Nation’s firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million. Subsequently, the point of order that the amendment
would provide spending in excess of the subcommittee’s 302(b) allocation was sustained, and the amendment thus fell. Pages S8163–70, S8191–99, S8201

By 42 yeas to 55 nays (Vote No. 178), 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 Akaka Modified Amendment No. 1112, to increase funding for State and local grant programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation was sustained, and the amendment thus fell. Pages S8199, S8201–02

A unanimous-consent agreement was reached providing that at 10 a.m. on Thursday, July 14, 2005, Senate proceed to a series of votes on or in relation to certain pending amendments; further, that no second-degree amendments be in order to any of the amendments prior to the votes. Page S8202

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, July 14, 2005; further, that the time until 10 a.m. be equally divided. Page S8245

Committee Meetings
(Committees not listed did not meet)

GUANTANAMO BAY
Committee on Armed Services: Committee concluded open and closed hearings to examine the investigation into Federal Bureau of Investigations allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility, after receiving testimony from General Bantz J. Craddock, USA, Commander, U.S. Southern Command; Lieutenant General Randall M. Schmidt, USAF, Senior Investigating Officer; and Brigadier General John T. Furlow, USA, Investigating Officer.

NOMINATIONS
Committee on Armed Services: Committee ordered favorably reported the nominations of 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, and 8 nominations in the Army, Navy, and Air Force.

TERRORIST FINANCING
Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine money laundering and terror financing issues in the Middle East, focusing on the Financial Action Task Force, the use of charities to fund terrorism, and the Presidential Executive Order (13224) which allows the United States to freeze the assets of certain organizations, after receiving testimony from Stuart Levey, Under Secretary of the Treasury, Office of Terrorism and Financial Intelligence; E. Anthony Wayne, Assistant Secretary for Economic and Business Affairs, and Nancy Powell, Acting Assistant Secretary for International Narcotics and Law Enforcement, both of the Department of State; Dennis M. Lormel, Corporate Risk International, Fairfax, Virginia; Steven Emerson, The Investigative Project on Terrorism, Washington, D.C.; and Mahmoud A. El-Gamal, Rice University, Houston, Texas.

Hearing recessed subject to the call.

AIRLINE FINANCIAL STABILITY
Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine the financial stability of airlines, focusing on the continued financial difficulties faced by legacy airlines, the effect of bankruptcy on the industry and competitors, and the effect of airline pension underfunding on employees, airlines and the Pension Benefit Guaranty Corporation, after receiving testimony

ENDANGERED SPECIES ACT: PRIVATE LANDOWNER INCENTIVES

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded a hearing to examine the Endangered Species Act and incentives for private landowners, focusing on existing Federal incentives for private landowners to protect threatened and endangered species, as well as new and innovative ways for incentivizing species protection on private lands, after receiving testimony from Marshall P. Jones, Deputy Director, Fish and Wildlife Service, Department of the Interior; Sara Braasch, Regional Assistant Chief, Natural Resources Conservation Service, Department of Agriculture; Michael J. Bean, Environmental Defense, and Lawrence D. Wiseman, on behalf of the American Forest Foundation and the American Tree Farm System, both of Washington, D.C.; Paul Campos, Home Builders Association of Northern California, Contra Costa County, on behalf of the National Association of Home Builders; Alan Foutz, Colorado Farm Bureau, Akron, on behalf of the American Farm Bureau Federation; and Robert J. Olszewski, Plum Creek Timber Company, Inc., Atlanta, Georgia.

CHEMICAL FACILITY SECURITY

Committee on Homeland Security and Governmental Affairs: Committee resumed hearings to examine the Federal role regarding chemical facility security, receiving testimony from Martin J. Durbin, American Chemistry Council, Arlington, Virginia; Matthew Barma, ISOCHENM, Inc., Lockport, New York, on behalf of Synthetic Organic Chemical Manufacturers Association; Bob Slaughter, National Petrochemical and Refiners Association, and Gerald V. Poje, National Academy of Science, both of Washington, D.C.; Glenn Erwin, United Steel Workers International Union, Washburn, Missouri; and Carol L. Andrass, Environmental Defense Fund, New York, New York.

Hearings will continue on Wednesday, July 27, 2005.

STREAMLINED PROCEDURES ACT

Committee on the Judiciary: Committee concluded a hearing to examine current habeas corpus proceedings and issues of actual innocence, focusing on S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, after receiving testimony from Seth P. Waxman, Wilmer, Cutler, Pickering, Hale and Dorr, Washington, D.C., former Solicitor General of the United States; Thomas Dolgenos, Office of Philadelphia District Attorney, Philadelphia, Pennsylvania; John Pressley Todd and Kent E. Cattani, both of the Office of Arizona Attorney General, Phoenix; and Barry C. Scheck, Yeshiva University Cardozo School of Law, and Bryan A. Stevenson, New York University School of Law, both of New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3262–3275; and 3 resolutions, H.J. Res. 58; H. Con. Res. 208; and H. Res. 3611 were introduced. Pages H5800–01

Additional Cosponsors: Page H5801

Reports Filed: Reports were filed today as follows:

  H.R. 624, to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (H. Rept. 109–166);
  H.R. 1359, to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, amended (H. Rept. 109–167); and

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as speaker pro tempore for today. Page H5743

Chaplain: The prayer was offered today by Rev. Dr. Arnold B. Lovell, Senior Pastor, Second Baptist Church in Knoxville, Tennessee. Page H5743

Suspensions: The House agreed to suspend the rules and pass the following measures:
Veterans' Compensation Cost-of-Living Adjustment Act of 2005: H.R. 1220, amended, to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans;

Pages H5749–54

Making permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program: H.R. 2385, amended, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program;

Pages H5754–56

Agreed to amend the title so as to read: to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

Page H5756


Pages H5756–58

Vincent Palladino Post Office Building Designation Act: H.R. 2183, to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the “Vincent Palladino Post Office”; and

Pages H5758–59


Pages H5759–60


Pages H5760–64

East Asia Security Act of 2005: H.R. 3100, to authorize measures to deter arms transfers by foreign countries to the People’s Republic of China;

Pages H5764–66


Pages H5766–68

Water Resources Development Act of 2005—Rule for Consideration: The House agreed to H. Res. 346, the rule 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, by voice vote.

Pages H5768–72

Recess: The House recessed at 1:27 p.m. and reconvened at 1:54 p.m.

Page H5772

Energy Policy Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

Pages H5772–77

The House began consideration of the Capps motion to instruct conferees on the bill. Further consideration will continue tomorrow, July 14.

Page H5777

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:10 p.m.

Committee Meetings

NATIONAL SECURITY IMPLICATIONS—CHINA NATIONAL OFFSHORE OIL MERGER—UNOCAL CORPORATION
Committee on Armed Services: Held a hearing on national security implications of the possible merger of the China National Offshore Oil Corporation with Unocal Corporation. Testimony was heard from C. Richard D’Amato, Chairman, U.S.-China Economic and Security Review Commission; R. James Woolsey, former Director, CIA; and public witnesses.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Will continue tomorrow.

TREASURY’S REPORT—TERRORISM RISK INSURANCE ACT
Committee on Financial Services: Held a hearing entitled “Treasury’s Report to Congress on the Terrorism Risk Insurance Act (TRIA),” Testimony was heard from John W. Snow, Secretary of the Treasury.

ENTREPRENEURIALISM AND FEDERAL GOVERNMENT
Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled “From Bureaucrats to Plutocrats: Can Entrepreneurialism Work in the Federal Government?” Testimony was heard from David M. Walker, Comptroller General of the United States, GAO; former Speaker of the House of Representatives Newt L. Gingrich of Georgia; and a public witness.

IMPROVE AVIATION SECURITY
Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection,
Cybersecurity held a hearing entitled “Leveraging Technology to Improve Aviation Security.” Testimony was heard from Cathleen A. Berrick, Director, Homeland Security and Justice, GAO; and public witnesses.

U.S. AND RUSSIA BIOLOGICAL WEAPONS PROGRAMS

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005
Committee on the Judiciary: Ordered reported, as amended, H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

FEDERAL LANDS—MOTORIZED RECREATIONAL USE
Committee on Resources: Subcommittee on National Parks and the Subcommittee on Forests and Forest Health held a joint hearing entitled “Motorized Recreational Use on Federal Lands.” Testimony was heard from Dale Bosworth, Chief, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

SMALL BUSINESS DEVELOPMENT CENTERS
Committee on Small Business: Held a hearing entitled “Small Business Development Centers: New Offerings for a New Economy,” Testimony was heard from public witnesses.

SERVICE MEMBERS’ GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005
Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action H.R. 3200, Servicemembers Group Life Insurance Enhancement Act of 2005.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005
Permanent Select Committee on Intelligence: Ordered reported, as amended, H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Joint Meetings

YUKOS AFFAIR
Commission on Security and Cooperation in Europe (Helsinki Commission): Commission met to receive a briefing regarding the political and business implications of the prosecution and imprisonment of Russian Yukos Oil Chairman and Chief Executive Officer (CEO) Mikhail Khodorkovsky from Peter Roudik, Senior Foreign Law Expert, Congressional Research Service, Library of Congress; and Leonid Nevzlin, Tel Aviv, Israel.

COMMITTEE MEETINGS FOR THURSDAY, JULY 14, 2005

Senate
Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitors Center construction, 10:30 a.m., SD–138.

Full Committee, business meeting to consider H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, 2 p.m., SD–106.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine military justice and detention policy in the global war on terrorism, 9:30 a.m., SR–325.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Department of Treasury’s report to Congress entitled: “Assessment: The Terrorism Risk Insurance Act of 2002”, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of R. Thomas Weimer, of Colorado, and Mark A. Limbaugh, of Idaho, each to be an Assistant Secretary of the Interior, 10 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine the National Park Service’s business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nomination of Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Department of State, 3 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Biotechnology and Public Health Preparedness, to discuss preparing an effective and immediate public health response in the aftermath of a terrorism attack, 10 a.m., SD–430.

Full Committee, with the Committee on Indian Affairs, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to
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hold hearings to examine how prepared the National Capital Region is for terrorism, focusing on how the National Capital Region (NCR) is spending its homeland security grant funding, the organizational structures established to provide coordinated security, and if the NCR can be used as a model for security in other regions of the country, 9:30 a.m., SD–562.

Full Committee, to hold hearings to examine the Department of Homeland Security, 1:30 p.m., SD–562.

Committee on Indian Affairs: with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on the Judiciary: business meeting to consider 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. 153, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 103, to respond to the illegal production, distribution, and use of methamphetamine in the United States, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and committee rules for the 109th Congress, 9:30 a.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the nomination 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, 10:30 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, oversight hearing on Bureau of Land Management/Forest Service National Fire Plan, 10 a.m., B–308 Rayburn.

Committee on the Budget, hearing on Mid-Session Review Budget of the United States Government Fiscal Year 2006, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to continue mark up of H.R. 609, College Access and Opportunity Act of 2005, 11:15 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, to mark up the following measures: H.R. 3204, State High Risk Pool Funding Extension Act of 2005; H.R. 3205, To amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety; and H. Res. 220, Recognizing America’s Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, hearing entitled “One Year Later: Evaluating the Effectiveness of Project Bio-Shield,” 10 a.m., 2154 Rayburn.


Committee on Resources, hearing entitled “Status of Settling Recognized Tribes’ Land Claims in the State of New York,” 10 a.m., 1324 Longworth.


Committee on Science, to mark up H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005, 11 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the following bills: H.R. 230, National Small Business Regulatory Assistance Act of 2005; H.R. 527, Vocational and Technical Entrepreneurship Development Act of 2005; H.R. 2981, To amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; and H.R. 3207, Second-Stage Small Business Development Act of 2005, 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Cell Phones on Aircraft: Nuisance or Necessity?, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following bills: H.R. 3208, Disaster Relief Equity Act of 2005; and H.R. 2358, Rural Disaster Assistance Fairness Act of 2005, 2 p.m., 2167 Rayburn.

Committee on Veterans’ Affairs, to mark up the following: H.R. 3200, Servicemembers’ Group Life Insurance Enhancement Act of 2005; and a resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Welfare and Work Data, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.
**Next Meeting of the SENATE**

9:30 a.m., Thursday, July 14

**Senate Chamber**

Program for Thursday: Senate will continue consideration of H.R. 2360, Homeland Security Appropriations, and vote on, or in relation to, certain pending amendments to the bill beginning at 10 a.m.

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**Next Meeting of the HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, July 14

**House Chamber**


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**Extensions of Remarks, as inserted in this issue**

**HOUSE**

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Udall, Tom, N.M., E1474  
Wolf, Frank R., Va., E1474

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