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No. 118

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 20, 2005.

I hereby appoint the Honorable KENNY MARCHANT to act as Speaker pro tempore on this day.

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

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

### HONORING THE LATE SIMON WIESENTHAL

Mr. DREIER. Mr. Speaker, I rise today to honor one of the great promoters of tolerance in our time, Simon Wiesenthal, who we learned has passed away at the age of 96. Mr. Wiesenthal, who spent 4 years in Nazi concentration camps, dedicated his life to seeking justice for those who were unable to seek it for themselves. While Mr. Wiesenthal survived the Holocaust and was rescued by American troops in 1945, dozens of his family members, in-

cluding his own mother, perished at the hands of the Nazis.

Upon his liberation, Mr. Wiesenthal relentlessly and often singlehandedly tracked down over 1,100 Nazi war criminals and saw that they were brought to justice. Without his tenacity, such mass murderers as Adolf Eichmann and Franz Stangl may never have been held accountable for their crimes against humanity.

But Mr. Wiesenthal's legacy is not limited to atoning for the past. He also knew the importance of educating future generations to ensure that similar atrocities would never again take place.

He established the Simon Wiesenthal Center to foster tolerance and understanding. The Center, headquartered in Los Angeles but with offices throughout the entire world, has made great contributions to efforts to combat racism, anti-Semitism, terrorism and genocide. I have had the great privilege, as has Governor Schwarzenegger and both President Bushes, of visiting and working with the Wiesenthal Center over the years to advance their noble mission.

Additionally, the Wiesenthal Center's Museum of Tolerance hosts 350,000 visitors annually, including 110,000 children, vividly educating them on the history of the Holocaust and the importance of defeating bigotry and racism in our time. For as Mr. Wiesenthal himself once said, "The history of man is the history of crimes, and history can repeat. So information is a defense. Through this, we can build, we must build, a defense against repetition."

Mr. Speaker, Simon Wiesenthal represented the best of humanity. Born into unspeakable tragedy, he refused to ignore his responsibility to those who, unlike him, did not outlive the Holocaust. His dogged determination was the strongest voice of the victims. Accountability and education, not revenge, were his aims. Mr. Wiesenthal's

greatest lesson, Mr. Speaker, was that even out of such horror, some good can come.

His message of tolerance is one that must continue to be honored, respected and taught. If someone who suffered so greatly can turn his life into a positive force for change, surely the rest of us can take his lesson to heart and never forget the dark past in the hope of building a brighter future.

### RESPONDING TO LAST WEEK'S COMMENTS OF MAJORITY LEADER REGARDING AFFORDABLE HOUSING BILL

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

Mr. FRANK of Massachusetts. Mr. Speaker, it would be fruitless for any one of us to dedicate himself or herself to refuting every inaccuracy that is uttered on this floor, so I reserve that effort for those of particular public policy significance, and I want to address some comments by the gentleman from Texas, the majority leader, last week as he was justifying the hostage taking that has occurred with the bill that would create an affordable housing fund through Freddie Mac and Fannie Mae's profits. We have, as you know, rules that urge us—not urge us—insist that we refrain from impugning each other's honesty. I will simply note that the gap between what the majority leader said and reality was unusually large even by the standards of political debate. First of all, he quite inaccurately said that nothing in the bill regarding Fannie Mae and Freddie Mac that came out of our committee, the Financial Services Committee, on a 65-5 vote, that nothing in that bill would have provided aid to the people who were stricken by the hurricane. He

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

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



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was, of course, quite wrong. The basic mechanism which we are now talking about putting to the aid of the people who lost their homes was in the original bill. That is, the bill as it came out of committee said that 5 percent of the profits of Fannie Mae and Freddie Mac would go to affordable housing. Note that Fannie Mae and Freddie Mac's profits by everybody's agreement are increased by a series of associations they have with the Federal Government. Everyone acknowledges Fannie Mae and Freddie Mac can borrow money from the public more cheaply than other entities, and we have said that in return for the arrangements that allow that to happen, we will impose certain restrictions on them. It is not a confiscation of private property; it is the recognition that these entities profit and we want something in return. There had been a lot of agreement that we were not getting enough in return. We thought one thing we could do was to take 5 percent of the after-tax profits and put it towards affordable housing.

In the bill that was there, it is true that the bill that we passed before the summer recess did not talk about the hurricane's effects, mainly because the hurricane had not happened, so we are guilty of not having foreseen the terrible events in Katrina. But the basic mechanism was there. What we did do after Katrina was to say, and the gentleman from Louisiana (Mr. BAKER) took the lead, the gentleman from Ohio the chairman of the committee and I said, Yes, that makes sense. Let's take this mechanism for affordable housing that was created and let's in this first year in particular focus as the first priority on Louisiana. But the mechanism that was available for us to do that was in the bill. It is simply wrong to say that there was nothing in the bill to help them. The basic mechanism for their aid was in the bill and we were then able to respond to this latest circumstance and send it there.

The second gap between what the majority leader said and reality was when he said, well, these are just negotiations. No, these are not negotiations. This is a kidnapping. This is a hostage taking. There is a legitimate philosophical objection by some of the most conservative Members of this body to the notion of putting these profits to help affordable housing. As I said, it is not just your average private corporation. These are private corporations whose profits are greatly enhanced by a series of governmental arrangements which they are greatly attached to. But we had that battle in committee and those who tried to kill this particular program of affordable housing as part of their profits lost by 53-17. Some of them are still against it. Some of them want some other changes. Let us have some votes on the floor.

From time to time, and I guess we finally have found one thing, Mr. Speaker, we have reached the limit of the

majority's ability to run out the clock. In the past when they have had tough votes, we have waited 3 hours, 2 hours, more time as I have noted than it takes us to evacuate the building in case of a threat when they twist arms and put on pressure. Apparently even they recognize that support for using some of the profits of these private corporations, which profits are enhanced by Federal help, that putting that to affordable housing, particularly now when we have this need for housing in Louisiana, that they could not hold the rollover open long enough to twist enough arms to get there. Well, that is democracy. Let us have the vote on the floor.

I would just add this, Mr. Speaker as I close. There is a lot of concern about how we are going to pay for the aid that we all believe should go to Louisiana. We have one small piece, hundreds of millions, but it is still hundreds of millions, and in most contexts that is not small, we have got a way to deal with the housing needs of those people without in any way impacting the Federal budget. Again, that mechanism was in the bill when it came out of committee. We were then able to adapt it to this situation. That is what the Republican leadership is refusing to allow the House to vote on. If the majority thinks it is a bad idea, I will regretfully wave good-bye to it, but I do not understand why under any theory of democracy a bill that comes out of committee 65-5 with a provision that was supported 53-17 is held hostage, not for negotiations but held hostage because there is a provision that some of the most conservative Members of the body are opposed to philosophically, they do not have the votes to beat it on the floor, they will not abide by democratic principles, they are engaging in this kind of ambush.

#### BASE CLOSINGS

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

Mr. LAHOOD. Mr. Speaker, I am here this noontime to introduce a resolution of disapproval regarding the base closing commission which I believe is a flawed document. I believe it is flawed because I think the base closing commission ignored some very, very significant information. But most importantly I think the base closing commission and those at the Defense Department who helped them make these recommendations ignore the fact that we are at war and has ignored the fact that the 130,000 men and women that are in Iraq fighting the good fight, winning the freedom and hope and opportunity for the people there, many of them come from bases around the country, they are citizen-soldiers, they are volunteers, they are people who have been well-trained and well-equipped and are doing a great job but

they are people who come from bases, some of which have been recommended for closure by the base closing commission. I think that does fly in the face of what we believe is the idea of having a strong military, the idea of having a citizen-soldier, the idea of not having a draft because we have these bases that provide the kind of capability when these men and women are called upon to do the hard work as they did in Afghanistan. We see now in Afghanistan millions of people have gone to the polls and voted and they do have democracy there. The same will be true of Iraq very soon, thanks to the citizen-soldiers.

This report is flawed because it does not take into account a Federal law on the books that says that bases cannot be closed without the Governor of the State authorizing the closure of that base. The base closing commission ignored that law. They bypassed that law. I believe there now is in some courts in this country opinions that say that these bases should not be closed unless the Governor of that State agrees to that. But the base closing commission ignored that.

I think it is also important to note that through all of the deliberations and hearings and visits that took place, part of what was ignored is the impact that these bases have in certain parts of the country. They are very, very important, to the economies of local communities, to what they do for local communities, and this will be a terrible blow to many communities around the country. But I think the military aspect is probably the most important aspect that we really need to look at.

I am here today introducing this resolution of disapproval hoping that my colleagues as they have a chance to consider the recommendations that have now been forwarded from the President to the Congress, we now have a period of time to consider these, I hope Members will look at these recommendations, consider the terrible, terrible deficiency that are included in these recommendations and consider the impact that these recommendations will have on our military. Now is not the time to be closing bases around the country. Now is not the time to be eliminating men and women who have done the hard work that they have been asked to do, who have done the good work that they have been asked to do. This is the wrong time. The timing is wrong.

We now as a Congress have the opportunity, I think, to have our say. We have the opportunity to say, those of us that have stood with the President, that have stood with the military, that have made the votes to provide the money to make sure that our military have the kind of capability they have to win the peace and to win democracy in Afghanistan, to win the peace and to bring about democracy in Iraq are saying that this is not the time to be closing bases, Guard and Reserve bases and

other bases around the country and emasculating the military. This is the wrong time.

I hope that our Members will look carefully at these recommendations and become a cosponsor of the resolution of disapproval that I have introduced today. I think when Members look at these recommendations they will see that they are flawed, they will see that this is not the right time, and I believe that when given the opportunity to really study these recommendations, Members will decide that this resolution of disapproval is the right thing to do and to send them back to the commission.

Mr. Speaker, I urge Members to cosponsor my resolution and to look at these recommendations and come to the same conclusion that I have come to.

#### RECESS

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

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

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

#### PRAYER

The Reverend Donald J. Young, Pastor, 12th Street Baptist Church, Gadsden, Alabama, offered the following prayer:

O God, we acknowledge You as giver and sustainer of life and through Your Son, Jesus Christ, provider of eternal life. We pray Your wisdom and Your guidance upon our leaders as they meet here today to deliberate on matters which affect not only here, but across the world.

We acknowledge Your blessings upon us and give thanks to You for Your care and watching over us. We thank You for the freedoms and liberties which have been given to us. Help us as we and others attempt to preserve them. We pray Your wisdom and leadership upon our President and the leaders of our Congress as they guide us during this time of national disaster. We pray for our fellow citizens who have been in harm's way and for those who care for them. We also ask Your watch and care for those serving in our place in the military across this world.

Help us to be generous not only in our prayers, but in our resources as well.

Guide all our leaders across this land during this difficult period in our history.

As Jesus taught us to pray in His model prayer: Thy kingdom come, Thy will be done on earth as it is in heaven. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her 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. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS 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.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2862) "An Act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Appropriations: Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD, to be the conferees on the part of the Senate.

#### WELCOMING THE REVEREND DONALD J. YOUNG

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

Mr. ADERHOLT. Madam Speaker, I rise today to recognize our guest chaplain, the Reverend Donald J. Young. Reverend Young's life has been one of service to God and to his country.

After graduating from the University of Illinois in 1969, he joined the United States Army and served in Korea. When he left the Army in 1973, he worked in Illinois as a manager of Finance America. He could have had a long career for Finance America, lived

in Illinois and raised his family. Instead, he again answered a call to serve and entered the Southern Baptist Theological Seminary, graduating from there in 1981. Since entering Seminary his service has taken him to communities in Virginia, in Florida, and most recently in the State of Alabama.

In 1995, he was an Associate Pastor of Education and Senior Adults at Hillcrest Baptist Church in Enterprise, Alabama. In 2002, he began serving in his present role as Minister of Education and Senior Adults at the 12th Street Baptist Church in Gadsden, Alabama. He and his wife have one daughter, Dawne, who resides in Orlando, Florida.

Reverend Young is joined today by his wife, Deborah, and several members of the 12th Street Baptist Church in Gadsden, along with several others from the Fourth Congressional District. I appreciate the prayer that Reverend Young has offered this afternoon. It is an honor to have him as our guest here in the United States House of Representatives.

#### TWO AMERICAN WARRIORS

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

Mr. POE. Madam Speaker, in San Jacinto County in east Texas last Thursday, two men died trying to save another's life. Denny "Bo" Galloway, deputy constable, 34, died when he ran into the rough Trinity River trying to save Bernardo Vasquez, a 21-year-old Marine on leave from Iraq.

Vasquez had disappeared in the fast-moving river trying to save his uncle, who had gotten trapped in the current. Vasquez was to return to Active Duty today. His mother's only desire was that he return from Iraq alive. But Vasquez died saving another. Bo Galloway was a tough, rural cop who had spent the previous night rescuing people from a train wreck.

When hearing the 911 call about Vasquez, Galloway rushed to the scene and went directly into the river. Galloway died and left a wife and three sons behind. Both men were warriors. One fought the war on crime, one fought the war on terror. Both died responding to the first duty of all American warriors, saving those in trouble. We share in the grief of the two families and once again thank our people who wear the uniform of the soldier and of the peace officer.

#### ON THE PASSING OF SIMON WIESENTHAL

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

Mr. LANTOS. Madam Speaker, today the world lost Simon Wiesenthal, the

conscience of the Holocaust, who labored heroically for decades to make certain that history will not forget that nightmare nor let its perpetrators escape justice.

He did it, as he said, not just for Holocaust victims like himself, but for his grandchildren, for if one generation's criminals go unpunished, their descendants will conclude that they too can get away with murder.

Simon Wiesenthal was also a personal friend. He inspired my wife, Annette, in her efforts to gain recognition for another giant of righteousness, Raoul Wallenberg, the Swedish diplomat who saved the lives of tens of thousands of Hungarian Jews during the Nazi era.

Annette and I will miss our visits with Simon Wiesenthal, but he has left us a proud legacy through his vigilance, bravery, and commitment to justice.

#### REBUILDING THE RIGHT WAY

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

Mr. DELAY. Madam Speaker, last week President Bush spoke to the Nation from Jackson Square, New Orleans about his plans for the relief, recovery, and rebuilding of the gulf coast region and residents.

"There is no way to imagine America without New Orleans," he said. And there is no way to imagine the necessary recovery effort without the leadership and support of the Federal Government. Every dime that has been appropriated and every dime that will be appropriated from the Federal Treasury to the people of the gulf coast has come from the votes of the House of Representatives, and we are honored to have that opportunity.

And with this opportunity, Madam Speaker, comes a great responsibility to make sure that the money comes from and goes to the right places. Committees are already at work developing oversight plans for the Hurricane Katrina relief money, as are inspector general offices across the Federal Government.

Funds will be needed to rescue certain communities in Louisiana and Mississippi and we will have a moral and physical obligation to ensure it gets spent on the right priorities.

But just as important as our duty to ensure the money goes to the right places is our duty to ensure the money comes from the right places. Even before the levees were fixed and the flood waters started to recede, many voices were calling for massive tax increases to pay for the recovery effort.

Of course, most of these voices were calling for massive tax increases long before Katrina ever showed up on the Doppler radar, some since Ronald Reagan first asked Congress to lower them. The so-called Katrina tax hikes are not about Katrina, they are about tax hikes, and will only serve to bal-

loon the oversized, underresponsive energy management system that broke down 3 weeks ago in the wake of the hurricane.

The gulf coast region is today without an economy, without jobs or businesses or investment. Raising taxes will not help create any of those things, but will instead guarantee that the region's economic troubles spread to the rest of the country. We cannot allow that, and the President has already said he will not.

The challenge, then, to both sides of the aisle, is to find a way to pay for the recovery and rebuilding of New Orleans and the rest of the gulf coast without the tax hikes or without wasteful spending that we cannot afford.

#### WE NEED TO ROLL BACK THE TAX CUTS AND DEVELOP AN EXIT STRATEGY TO GET OUT OF IRAQ

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

Mr. KUCINICH. Madam Speaker, I want to agree with my good friend from Texas (Mr. DELAY) that we need to do everything we can to avoid any kind of tax hikes.

However, I think all Americans would expect that the top 1 percent of the income earners in this country, who receive most of the benefit from the administration's tax cuts, should have to give up some of their tax cuts in order to relieve the burden on the people in the gulf coast. It is only fair.

America can meet its responsibilities, but we are going to have to roll back those tax breaks that were given to the wealthiest Americans in order to help the least of our brethren.

We can also save money by planning an exit strategy out of Iraq. Wherever I go in my district, people say, get us out of Iraq. Well, it is time for us to have an exit strategy. That is what House Joint Resolution 55 is about, a bipartisan exit strategy.

We can do things to have the resources to take care of people in the gulf. But we first have to get out of the Persian Gulf. And we also have to get out of this thinking that says that tax cuts are somehow the way to economic recovery.

#### PROGRESS IN THE GLOBAL WAR ON TERROR

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

Mr. WILSON of South Carolina. Madam Speaker, Sunday's elections in Afghanistan are another example of progress in the global war on terrorism.

Millions of Afghans bravely defied terrorists, just as Iraqi voters did in January when they cast their ballots in the first free parliamentary elections in history. They are developing a

civil society which will prevent the spread of terrorism and help protect American families. Due to the strong resolve of President Bush and our troops, a spirit of freedom and democracy are spreading throughout the world.

Libya has terminated its nuclear weapons programs. Lebanon has resumed its democracy with the withdrawal of Syria. Indonesia has had its first free presidential elections. Egypt began multi-candidate elections. Pakistan has strengthened its ability to stop cross-border terrorism, and Kuwait now allows women to vote. Free elections in Ukraine.

Recently, leading terrorists were killed or captured in Algeria, Saudi Arabia, and even here in California. Over 20 years ago, Ronald Reagan advanced the idea of peace through strength. As we now witness the greatest spread of freedom in the history of the world, his vision is reality.

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

#### SUCCESS OF THE TEXAS MEDICAL LIABILITY TRUST

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

Mr. BURGESS. Madam Speaker, just a little over 2 years ago Texas passed a constitutional amendment that allowed for caps on noneconomic damages in medical liability lawsuits. And what has been the experience in Texas over those 2 years?

Well, we have seen insurance and doctors come back to the State. Texas had gone from 17 down to two medical insurance companies, and now they are back up to 12. Not-for-profit hospitals have seen significant increases in the money that they are now able to invest in plants and equipment, money that otherwise would have gone for their self-insurance programs.

And perhaps most importantly, the rates of liability insurance for Texas doctors has come down. Texas Medical Liability Trust has reduced rates three times since the passage of House bill 4 and proposition 12, 12 percent in 2004, 5 percent in 2005, and now a recently announced 5 percent decrease in 2006, and, coupled with that, a 5 percent dividend rebate. So that now there is a total of 27 percent insurance savings for Texas doctors in medical liability.

Speaking to physicians of the Texas Medical Association just last weekend, Dr. Dennis Factor said, "Access to health care and the malpractice environment in Texas has made a healthy recovery since the Texas legislature passed medical liability reform."

I urge this body to take it up and get it done.

#### AMERICAN SPIRIT

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

Mr. PRICE of Georgia. Madam Speaker, heroes come in every shape and form. Some teach in our classrooms, some defend our freedoms overseas, and on 9/11 our heroes were the ones who wore the insignia of the fire and police departments of New York City on their uniforms.

And again today, our heroes in the aftermath of Hurricane Katrina are numerous. Some are doctors and nurses who have saved lives, others are National Guardsmen and women who rescued people from rooftops and elsewhere. But most are those that you will not read about in the newspaper: Americans committing random acts of kindness when help is needed.

People are opening their homes, donating clothing, and enrolling evacuated children into schools in their communities. In Georgia we have nearly 10,000 children who have been enrolled in our schools. We have set up shelters, held telethons, and opened megacenters to serve as a one-stop-shop for evacuees, all to help them put their lives back together.

You name it, and the residents of Georgia are stepping up to the challenge and helping out wherever they can.

Madam Speaker, we will overcome this tragedy and we will do it one day at a time and one life at a time. That is truly the American way and the American spirit.

□ 1415

#### THE AMERICAN GOLD STAR MOTHERS

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

Mr. GUTKNECHT. Madam Speaker, The American Gold Star Mothers Group was incorporated in 1929. On June 23 of 1936, President Franklin Delano Roosevelt issued a proclamation designating the last Sunday in September as Gold Star Mothers Day. To this very day, Madam Speaker, Gold Star Mothers Day is the last Sunday in September. Unfortunately, over the last several years Americans have forgotten about that.

So at the request of some of my constituents, I introduced a resolution. It is being sponsored in the Senate by Senator TOM COBURN from Oklahoma encouraging all Americans to recognize this very important day.

The Gold Star Mothers is a group that no one joins voluntarily. You must have lost a son or a daughter in combat to become a member of the Gold Star Mothers Association.

This resolution is important, and we will vote on it tomorrow. I currently have over 200 co-sponsors, and I would encourage other Members to join. The dedications and triumphs of the Gold Star Mothers stem from a shared bond. As they describe it, and I close: "The success of our organization continues

because of the bond of mutual love, sympathy and support of the many loyal, capable and patriotic mothers who while sharing their grief and their pride have channeled their time, efforts and gifts into lessening the pain of others. We stand tall and proud by honoring our children, assisting our veterans, supporting our Nation and healing with each other."

#### ACCOUNTABILITY IN FEDERAL DISASTER RELIEF

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

Ms. FOXX. Madam Speaker, like so many of my constituents, I have been extremely saddened by the devastation inflicted by Hurricane Katrina. To date I have supported the \$10.5 billion in aid and voted for several bills to help ease the strain of this difficult time.

It is understandable that some have questioned my vote against the \$51.8 billion relief supplemental. I believe taxpayer money should be spent wisely. My concern is that huge sums of money are being spent with little assurance the money is really helping those in need. Some estimate the Federal Government will be asked to spend as much as \$200 billion on relief. But my support depends on tight controls and accountability measures. That is why I voted the way I did.

It is also why I have co-sponsored legislation to create a chief financial officer for the Federal Government's Hurricane Katrina relief efforts. Without this level of oversight and accountability, we will waste precious tax dollars, and every dollar wasted is a dollar that is not going to assist a displaced family in need. We also need to examine what the role of Federal Government should be in disaster relief. I will continue to support measured, commonsense solutions, but I will not support out-of-control Federal spending without proper oversight. We will not help the people affected by this storm by wasting taxpayers' money.

#### SONGWRITERS CAUCUS

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

Mrs. BLACKBURN. Madam Speaker, today I am welcoming many of my constituents who are songwriters to the Hill to perform for tonight's Songwriters Caucus event. While they are with us today and tomorrow, they are taking the opportunity to call on Members of Congress to remind them that protecting the intellectual property of our Nation's creative community is the same as protecting the private property of our citizens.

These songwriters are on the front-line in building a knowledge-based economy in our country that is recognized and acknowledged by other na-

tions and trading partners around the world. We salute their commitment to growing and invigorating the free enterprise system and by doing it so pleasantly, always with a song.

#### THE GOLDEN RULE

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

Mr. CLYBURN. Madam Speaker, I come today to say to the people of South Carolina, most especially the people of Columbia and the midlands, how much I appreciate the tremendous outpouring of love and respect they have given to the victims of Katrina. I want to say a special thank you to Mayor Bob Coble of Columbia, businessman Sam Tannenbaum of Columbia, and the Columbia chamber president, Ike McLeese.

These three dynamic gentlemen coordinated an effort in Columbia to receive evacuees that I would like to call a practical application of the Golden Rule. They decided that they would not put anyone in shelters. Anyone coming to Columbia would go to a home or to a private motel room. We have just been informed that we can expect more evacuees coming to Columbia tomorrow morning.

I want to say those who have volunteered to man the One Stop Center to please continue to practice the Golden Rule.

#### HONORING AFGHANI WOMEN

(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 of Florida. Madam Speaker, I rise today to express my solidarity with the courageous women of Afghanistan.

This past weekend, Afghani women once again made history as their country held their second round of free and fair elections to select a national parliament and provincial assemblies.

Despite threats of retaliation and retribution, 580 women stood for election. These 580 women have risen up to be leaders of their land, in a country that just 4 years ago prohibited women from participating in national life.

Just as significant, many men for the first time voted to support female candidates. While skeptics on the left and in the media said it could not be done, this is an unmistakable victory for forces of democracy in our battle against tyranny and oppression.

The Afghan election demonstrates that we have learned the lessons of history: if women are not allowed to participate in the decision-making process, if women are deprived of rights to run for elective office, and if women are barred from determining their own future, then those women will suffer oppression and human rights violations.

Afghani women no longer have to fear the terrible cruelty of their past because they now control their own future.

With our support, these women will continue to fan the flame of democracy and build a brighter future.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### FLEXIBILITY FOR DISPLACED WORKERS ACT

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina, as amended.

The Clerk read as follows:

H.R. 3761

*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 "Flexibility for Displaced Workers Act".

#### SEC. 2. SPECIAL RULES FOR NATIONAL EMERGENCY GRANTS RELATED TO HURRICANE KATRINA.

(a) USE OF GRANTS FOR PROJECTS OUTSIDE DISASTER AREA.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act (29 U.S.C. 2918(d)(1)) on projects that provide assistance in areas outside of the disaster area (as such term is defined in section 173(a)(2) of such Act).

(b) EXPANDED ELIGIBILITY FOR DISASTER RELIEF EMPLOYMENT.—Funds provided to States that submit applications for assistance described under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act, or public sector employment authorized under subsection (c) of this Act, to individuals affected by Hurricane Katrina, including those who have relocated from States in which a major disaster was declared under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) due to the effects of Hurricane Katrina, who were unemployed at the time of the disaster or who are without employment history, in addition to individuals who are eligible for such employment under section 173(d)(2) of Workforce Investment Act of 1998.

(c) AUTHORIZATION FOR GENERAL PUBLIC SECTOR EMPLOYMENT.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 to address

the effects of Hurricane Katrina may be used to provide to eligible individuals temporary employment by public sector entities for a period not to exceed 6 months in addition to disaster relief employment described in section 173(d)(1) of such Act.

(d) EXTENSION OF THE DURATION OF DISASTER RELIEF EMPLOYMENT.—The Secretary of Labor may extend the 6-month maximum duration of employment under this Act and under section 173(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(d)) for not more than an additional 6 months due to extraordinary circumstances.

(e) PRIORITY FOR DISASTER RELIEF EMPLOYMENT FUNDS.—In awarding national emergency grants to States under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina by providing disaster relief employment, the Secretary of Labor shall—

(1) first, give priority to States in which areas that have suffered major disasters (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) are located; and

(2) second, give priority to the remaining States that have been most heavily impacted by the demand for services by workers affected by Hurricane Katrina.

(f) ELIGIBILITY FOR NEEDS-RELATED PAYMENTS.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide needs-related payments (described in section 134(e)(3) of such Act (29 U.S.C. 2864(e)(3))) to individuals described in subsection (b) who do not qualify for (or have ceased to qualify for) unemployment compensation, and who are not employed on a project described under section 173(d) of such Act, for the purpose of enabling such individuals to participate in activities described in paragraphs (2), (3), or (4) of section 134(d) of such Act.

(g) USE OF AVAILABLE FUNDS.—With the approval of the Secretary of Labor, any State may use funds that remain available for expenditure under any grants awarded to the State under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) or under this section, to provide any assistance authorized under such section 173 or this section, or personal protective equipment not otherwise available through public funds or private contributions, to assist workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(h) EXPANDED ELIGIBILITY FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—In awarding national emergency grants under section 173(a)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(1)), the Secretary may award such a grant to an entity to provide employment and training assistance available under section 173(a)(1) of such Act to workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(2) ELIGIBLE ENTITY.—In this subsection, the term "entity" means a State, a local board (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or an entity described in section 166(c) of such Act (29 U.S.C. 2911(c)), that submits an

application for assistance described in section 173(a)(1) of the Workforce Investment Act of 1998 to address the effects of Hurricane Katrina.

#### SEC. 3. SENSE OF CONGRESS.

(a) MOBILE ONE-STOP CENTERS.—It is the sense of Congress that States that operate mobile one-stop centers, established as part of one-stop delivery systems authorized under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) should, where possible, make such centers available for use in the areas affected by Hurricane Katrina, and areas where large numbers of workers affected by Hurricane Katrina have been relocated.

(b) EXPANDED OPERATIONAL HOURS.—It is the sense of Congress that one-stop operators (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) should increase access for workers affected by Hurricane Katrina to the one-stop delivery systems authorized under subtitle B of title I of such Act, including through the implementation of expanded operational hours at one-stop centers and on-site services for individuals in temporary housing locations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

#### GENERAL LEAVE

Mr. BOUSTANY. Madam 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. 3761.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 3761, the Flexibility for Displaced Workers Act, which I sponsored, to provide critical assistance for workers affected by Hurricane Katrina.

The bill creates new uses for the National Emergency Grant Disaster Relief Employment Assistance Program, which is part of the Workforce Investment Act, to address unique needs created by Hurricane Katrina damage.

The Department of Labor has already awarded \$191 million in disaster relief grants to the States affected by Hurricane Katrina, including \$62 million to my home State of Louisiana. These funds can already be used to hire dislocated workers, long-term unemployed individuals, individuals laid off as a result of the disaster for jobs that will aid in the recovery of the gulf coast. These jobs include projects that provide humanitarian assistance for disaster victims and projects that aid in the repair, renovation, and reconstruction of facilities and lands located in the affected area.

The grants also may be used for training activities, which is especially critical for our residents who may need employment in new industries.



While this existing assistance is crucial for our region's recovery, the impact of Hurricane Katrina has created unique needs because so many workers from New Orleans have been relocated to other parts of the country, including over 100,000 alone in my district, and also who are unable to return immediately to their homes.

In addition, the sheer number of newly unemployed, as many as 400,000 workers in the region, as well as the high poverty level of many evacuees, requires the use of innovative solutions.

This bill would make important improvements to the Disaster Relief Assistance Program to address these unique needs.

First, it would allow States to provide disaster relief employment for services to victims to occur at locations outside of the declared disaster area. This is critical to help those who have been forced to temporarily relocate.

While the current assistance program focuses on those who lost their jobs as a result of a disaster, the bill allows funds to serve those who were not employed at the time of the disaster, including those with no work history. This critical improvement will allow the program to provide such individuals with work experience and training that will help them obtain long-term private sector employment in the future.

The bill would also permit the funds to be used to subsidize temporary public-sector employment in work other than restoration and recovery, as long as the projects benefit the local community. Given the substantial number of individuals who have lost their jobs in this disaster, temporary work will help families maintain income while they work to rebuild their lives.

The grants could also be used to provide need-related payments to workers who have exhausted or did not qualify for unemployment compensation benefits. Workers could receive such payments as long as they were engaged in job search, job preparation or training, thus ensuring that families will have some security as they prepare for new employment.

Finally, the bill would allow the Secretary of Labor to extend disaster relief employment assistance for an additional 6 months, beyond the 6 months permitted under current law. Given the extraordinary circumstances of Hurricane Katrina, such assistance may be needed for a longer period of time to help families recover.

This bill makes commonsense changes that would provide new flexibility and allow our States to respond immediately to the extreme needs created by this disaster. While additional job training and reemployment services may be needed, this is a critical first step. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad to see the majority is acting quickly to provide assistance to the victims of Hurricane Katrina.

I believe it is moments like this that we see the greatness in America, when Americans join together and help one another in a positive, can-do spirit. As we know, much help is needed, home, jobs, school, counseling, the list goes on and on. I am also glad to see the Department of Labor is on the frontlines of providing job assistance and arranging jobs for and estimated 400,000 unemployed.

The bill before us today takes the first step by permitting the Secretary of Labor to provide National Emergency grants outside the disaster area so that the individuals who have been evacuated throughout the country can receive assistance. It permits the Secretary to help individuals who may not have proper documents with them. It permits the Secretary to give grants to States to place individuals in public sector jobs. And it permits the Secretary to provide income support for those individuals if they exhaust their unemployment benefits and are in training programs. Changes made today would permit States to use unspent funds for protective safety equipment.

I laud the majority for recognizing and supporting the role of the public sector jobs and income support play in getting the unemployed into the workforce and into good jobs. However, I do want to note that there are a lot of unanswered questions about this bill and how it will be implemented, and I am hopeful that these questions will be answered in the coming weeks and months as additional legislation is needed and as we work out this legislation.

The first question is, in what types of jobs will individuals be placed? Will displaced individuals be placed in low-wage jobs? Under the Department's existing regulations, unemployed individuals can be employed in jobs earning up to a maximum of \$12,000 over 6 months. That means a maximum of \$8 an hour.

Will all individuals be placed at the maximum rate, or will some jobs be dead-end, minimum-wage jobs? Will the focus be on short-term cleanup jobs or jobs that can lead to a decent standard of living?

These are important questions to those individuals in the area who are trying to restore their lives and restore the ability to maintain the standard of living for their families.

The second question is, how much money will the Department of Labor seek for providing job assistance to the Katrina victims? The bill expands the Department's national emergency grant authority, but the DOL does not have any grant funds remaining. The fiscal year 2005 budget by the Depart-

ment of Labor appropriates \$157.8 million in national emergency grant funds, and DOL has already promised \$191 million to help Katrina victims.

□ 1430

House 2006 appropriations would only award DOL \$212 million. Any significant effort to assist Katrina victims will require additional funding. DOL has not yet sent up or in any way indicated how much additional funding it will seek for these efforts, nor has the Department of Labor indicated how much, if any, of the already appropriated \$62 billion will be used for training or job creation.

Third, what health, safety, and labor protections will be afforded displaced workers assigned to this work? The administration has issued an executive order taking Davis-Bacon wage protections away from construction workers who will rebuild the gulf coast, suspended many affirmative action rules for reconstruction contracts, and suspended regulations limiting the number of hours truck drivers can drive while transporting fuel.

After September 11, many workers at and near the cleanup grounds of Ground Zero did not have proper health and safety protections. A change made this morning permits States to use unspent emergency funds on protective safety gear. And this is a good beginning, but the bill still does not make this a requirement. This is especially disturbing in light of the fact that the bill creates public employment in Louisiana, Mississippi, and Alabama, which do not have health and safety protections for their State and local workforces.

Fourth, will the funds be used to oppose extended unemployment benefits for long-term unemployed or an expanded disaster unemployment assistance program? The bill permits States to provide income-related payments to individuals who are unemployed and have exhausted unemployment benefits. It also expands the current authority from just individuals in training to those who are seeking work, but not in training.

In the past, the Bush administration proposed similar initiatives as a way of preventing Congress from providing extended unemployment benefits to the long-term unemployed. Will DOL grants be used as a vehicle to weaken the unemployment insurance system? Will this program be a substitute for an expanded disaster unemployment assistance program which would provide unemployment benefits to all workers unemployed as a result of the disaster? If this program is a substitute for extended unemployment insurance or expanded disaster unemployment assistance, and the administration seeks only limited WIA national emergency grant funding, far fewer workers would be helped. These requests must be answered soon.

Finally, what accountability requirements will apply? Many speakers, some

today, talked on the floor about their concern about the rate at which we are spending money and whether or not there is an accountability system for the expenditure of that money. These grants are made by the Secretary of Labor on a discretionary basis. There is no requirement for adequate coordination with the State's needs and activities. There must be standards by which Congress and the public can monitor the use and the effectiveness of these grants.

I urge the majority to answer these unanswered questions. And in closing, again I commend the majority for making this a very important first step to try to get these funds to help these individuals who need employment and need the income from that employment.

We need a comprehensive and thoughtful plan to address this crisis. This bill is that first step, and I look forward to the majority's consideration of a comprehensive, long-term effort to rebuild the affected southern coastal States.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I rise today in support of this bill which would provide significant flexibility for workers displaced by Hurricane Katrina as they seek temporary employment and training.

Our prayers are with the residents of the gulf coast region, as well as all those working on the relief and recovery effort. All of our colleagues from the region, including two of my own on the Committee on Education and the Workforce, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from Louisiana (Mr. BOUSTANY), should know that our thoughts are with them and their communities as well.

I commend the gentleman from Louisiana (Mr. BOUSTANY) for drafting this important piece of legislation in short order. It will make a world of difference for thousands of workers in his region of the country.

Hurricane Katrina has disrupted the lives of an unprecedented number of gulf coast residents. Among the harshest realities of the hurricane is that tens of thousands of workers have been displaced not just from their homes, but from their jobs as well. Through both legislative initiatives here in Congress and administrative actions by the U.S. Department of Labor, the Federal Government is working to eliminate bureaucratic red tape so that workers and their families in the impacted areas may access immediate assistance, including temporary job placement and training.

One way we are doing this is through the national emergency grants which provide temporary disaster relief em-

ployment of up to 6 months for individuals who participate in projects that provide assistance for victims of that particular disaster.

In the wake of Hurricane Katrina, the Labor Department has awarded more than \$191 million in national emergency grants thus far to help provide more than 40,000 temporary jobs in the gulf coast region. The legislation before us today takes another important step. It adds even more flexibility to these grants. In short, it makes more jobs and training available to more displaced workers more quickly.

For example, for the countless displaced workers who have left the gulf coast region, this measure makes national emergency grant funds available for employment projects located outside the designated Hurricane Katrina disaster area. It also expands the national emergency grant eligibility to displaced individuals who currently are unemployed, as well as those with no prior work history, and finally, to provide workers with the peace of mind that this assistance will not disappear too soon, this legislation will empower the Secretary of Labor to extend the duration of the national emergency grant projects from 6 months to 12 months.

Madam Speaker, we have made substantial progress over the past 2 weeks, both in the recovery efforts in the gulf coast area and in our own legislative efforts here in Washington. This bill marks another step in the long process that this Congress will undertake over the coming weeks and months to address the needs of all of those impacted by this tragedy.

Once again, I want to thank the gentleman from Louisiana (Mr. BOUSTANY) for his work and urge my colleagues to join me in support of this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. MARCHANT).

Mr. MARCHANT. Madam Speaker, Hurricane Katrina has disrupted the life of an unprecedented number of gulf coast residents. A well-known reality of the hurricane is the tens of thousands of workers who have been displaced not just from their homes but from their jobs.

In the continuing wake of Hurricane Katrina, the Flexibility for Displaced Workers Act is essential to increase the flexibility of certain funds to respond to the reemployment needs of displaced workers. I commend the gentleman from Louisiana (Mr. BOUSTANY) for bringing forward this important piece of legislation.

One way to eliminate government red tape so workers and their families in impacted areas may access immediate assistance, including temporary job placement, is through increased flexibility of national emergency grants. National emergency grants are award-

ed by the Department of Labor. They are used to provide temporary disaster relief employment, for up to 6 months, to individuals who participate in projects that provide clothing, food, shelter, and other humanitarian assistance for victims of a particular disaster. Funds may also be used to provide jobs for those participating in the demolition, the cleanup, repair, renovation, and reconstruction of facilities and lands within the disaster area. These national emergency grants may be used by public or private entities which provide employment and training activities.

So far, in response to Hurricane Katrina, NEGs have been awarded to provide more than 40,000 temporary jobs in the gulf coast region. The Flexibility for Displaced Workers Act will significantly expand the flexibility of the NEGs for gulf coast workers, with the goal of making more jobs and training available to individuals faster. This bill will specifically make NEG funds available for displaced workers' employment projects outside the designated Hurricane Katrina disaster area. This is vital in areas like my home State of Texas, which has become a home away from home for hundreds of thousands of Louisianans, and which has sheltered a large majority of the evacuees.

It will permit previously awarded NEG funds to be directed to workers impacted by Hurricane Katrina and allow displaced workers to obtain public-private sector jobs not related to the disaster. Also, if necessary, the bill empowers the Secretary of Labor to extend the duration of the NEG grants from 6 months to 12 months.

Lastly, the bill will authorize gulf coast residents with expired unemployment compensation, who are participating in reemployment activities, to be eligible for NEG payments.

I urge all of my colleagues to vote for this valuable piece of legislation to assist victims of this horrible disaster.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield back my time as well.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3761, as amended.

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. GEORGE MILLER of California. Madam 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.



# EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE

Mr. KLINE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2132) to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The Clerk read as follows:

H.R. 2132

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

## SECTION 1. EXTENSION OF WAIVER AUTHORITY.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070, note) is amended by striking "September 30, 2005" and inserting "September 30, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

### GENERAL LEAVE

Mr. KLINE. Madam 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. 2132.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 2132, legislation to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency. This legislation, Madam Speaker, simply extends beyond September 30 of this year the provisions of the HEROES Act of 2003, legislation I introduced 2 years ago, which expresses the support and commitment of the United States House of Representatives for the troops who protect and defend the United States.

Madam Speaker, throughout our involvement in the war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard or the Armed Forces, whether Army, Marine Corps, Navy, Air Force or Coast Guard, have been called to active duty or active service. As our Nation seeks to rebuild the communities devastated by Hurricane Katrina, many more of our men and women in uniform have been asked to serve.

Many of these men and women are also college and university students whose service sends them away from their class and work and studies to defend our Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance or educational credit as a result of their service.

Such a scenario is clearly not acceptable. The HEROES Act helps protect our men and women in uniform so they will not face education-related financial or administrative difficulties while they defend our Nation. The men and women who will continue to serve beyond the end of this month deserve the same guarantee.

The intent of this legislation is very specific. Congress has granted flexibility to the Secretary of Education to waive statutory or regulatory conditions of the Higher Education Act to ensure our men and women in uniform are not placed in an adverse financial position because of their service. This waiver authority gives the Secretary the power to protect recipients of student financial assistance from further financial difficulty generated when they are called to serve; minimize administrative requirements without affecting the integrity of the programs; and adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family.

Madam Speaker, the HEROES Act was approved 2 years ago by an overwhelming majority of 421 to 1. Today's extension simply reinforces Congress' commitment to our military, our students, our families and our schools.

I urge my colleagues to stand in strong support of this initiative and join me in voting "yes" on H.R. 2132.

Madam Speaker, I reserve the balance of my time.

□ 1445

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

Madam Speaker, I rise today in support of the HEROS Act introduced by my colleague from Minnesota, and I want to commend him on this legislation. It is a good bill and it is an important bill.

However, I must say that I am disappointed that we are not using this opportunity today to further strengthen the support we are providing to our men and women fighting in Iraq, Afghanistan, and elsewhere. We can and should be doing better.

As you heard, the bill before us allows the Secretary of Education the opportunity, the authority to ensure that those men and women serving in Iraq who have Federal student loans not have to make payments on those loans while they are serving overseas, while they are in combat, and while they are on active duty.

But the problem is this: while they are on active duty, while they do not have to make payments, the interest payments on those loans continues to accrue and accumulate. So, then, that man or woman, the soldier, comes back to the United States owing a larger bill than when he or she was deployed.

For example, if you left for Iraq or Afghanistan owing \$20,000 in Federal student loans and you were there for a period of time, and your loan interest

payments accumulated \$2,000, you would return home owing \$22,000 instead of the \$20,000 payment you faced when you left.

That is why the gentleman from Ohio (Mr. RYAN) and I have introduced legislation to allow those men and women to defer any interest payments during that period. So when you were deployed, you would truly have a time out on your loan. For example, if you left owing \$20,000, you would return owing \$20,000.

It is our belief that while our men and women are serving our Nation overseas, they should not actually be at the same time accumulating greater interest on those Federal student loans during that period of time. Our bill would make it mandatory that the Secretary of Education make sure they did not come back owing more than when they left.

Moreover, the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Ohio (Mr. RYAN), and myself introduced an amendment to the Higher Education Act that would do exactly what I just described. It was taken up by the Committee on Education and the Workforce, and the committee adopted that amendment that said not only should we say you do not have to make your scheduled payments but during that period of time that you are deployed, interest will not accrue.

I was very pleased that on a bipartisan basis the Committee on Education and the Workforce adopted that amendment. The problem is this: that amendment is sitting in a queue. It is sitting in a line here waiting for the air traffic controllers to move it to the front of the line. And who knows what will happen to the higher education bill in the Senate. They are way behind the House in that area. So there is no reason for us to wait. This was an opportunity to make that change and make it today.

It is especially important for those who are in the Reserves and National Guard, who, when they are deployed, are often making a much larger income here in the United States than the salary they are receiving as soldiers overseas. So they had the income while they were here at work to make these payments, and now they are deployed overseas at lower income, yet those interest payments continue to accrue.

For that reason, I would have thought this was a terrific opportunity to address that shortcoming in this bill. This is a good bill, but a bill that we can certainly make better; and there is no reason we could not do it today. The only reason we cannot do it today is this bill has been brought up under a procedure that does not allow the gentleman from Ohio and myself and others to offer that amendment, an amendment which, as I say, received bipartisan support in the Committee on Education and the Workforce.

So, Madam Speaker, I had hoped we would have addressed that now, and I am disappointed we did not. I will support this bill, because I think it is a

good bill. I just think we could have used this opportunity to make it even better.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am pleased to yield 2 minutes to the aforementioned gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to speak in support of the Higher Education Relief Opportunities for Students, or HEROS, Act. As has been stated, this was enacted September 12 of 2001, somewhat in response to events of 9/11; and it provides relief from student loan debt for Reservists and National Guardsmen called to active duty while still in college.

This bill expires in about 2 weeks, September 30, 2005; so it is only appropriate that the gentleman from Minnesota has introduced H.R. 2132, which extends the law for another 2 years. We currently have many Guardsmen and Reservists who are still being called up out of college, some to battle Hurricane Katrina; but many more are serving in Iraq and Afghanistan. Many Members of Congress, myself included, have been to Iraq and Afghanistan many times, and I continue to be amazed at their competence and their willingness to sacrifice; and I guess this is the least that we can do to help them understand how much they are appreciated.

This bill also encourages colleges and universities to provide a full tuition refund for students called up during a semester. It does not mandate it, but I think this is an important provision of the bill. As mentioned by the gentleman from Maryland (Mr. VAN HOLLEN), in addition I have worked with the chairman, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Maryland to insert language in the higher education bill, which recently passed out of the Committee on Education and the Workforce, which would extend relief from interest on student loan payments for active duty soldiers called to active duty after leaving college; and of course the HEROS Act would not cover those because it refers only to those who are in college.

So I look forward to working with the chairman on implementation of this provision as we further consider the higher ed bill at a future date, and again I wish to thank the gentleman from Minnesota (Mr. KLINE) for his provision here and the chairman for his work.

Mr. VAN HOLLEN. Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am now very pleased to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I rise in support of this bill to extend as-

sistance for the men and women serving in the military by continuing to provide student aid flexibility; and I want to applaud the gentleman from Minnesota (Mr. KLINE) for his leadership in providing flexibility and support for military personnel.

I would also like to thank the gentleman from California (Mr. MCKEON) for his continued support for higher education and his leadership along with the gentleman from Minnesota (Mr. KLINE) to protect the interests of members of the armed services.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), on the other side of the aisle, have worked closely with us on this bill. And because it does expire at the end of this month, we do, in fact, need to extend it.

The Higher Education Act, which we will extend after we deal with this bill, deals with the issue of deferring the interest payments on those loans for active duty people, our servicemembers, who have been called up. That higher education bill we will talk about when we deal with the extension of the current Higher Education Act, but we are hopeful that in the coming month or so we will be able to bring the higher education reauthorization bill to the floor which will deal with the issue our friend from Maryland has referred to.

I do want to say that this is an important bill. We need to get it passed and get it to the other body to pass it so that our men and women in uniform will not be penalized because in fact they were called up, those who were in an institution of higher education. So I congratulate the gentleman from Minnesota (Mr. KLINE).

Mr. VAN HOLLEN. Madam Speaker, I yield myself such time as I may consume. I urge my colleagues to support this very important piece of legislation that extends the existing authorities and again congratulate the gentleman from Minnesota (Mr. KLINE).

I do want to underscore the fact that I thought we should use the opportunity right now to improve this legislation in the way I described. We are, of course, hostage to our own congressional calendar, but I do not think we should be holding our troops overseas hostage to that same calendar.

The higher education bill, whenever it comes before the House, still has to go through a long process. It has to get through the House, as we know; it has to get through the Senate; and then it must be signed by the President. That could be months. It could be years, as we know, for this process. I do not think we should be asking the men and women in Iraq and Afghanistan to be waiting years while their interest payments on these Federal student loans are accumulating.

It seems to me we should get it done now. We have an opportunity to get it done now, and I hope we will move quickly to deal with that situation. Especially if the Higher Education Act

gets bogged down, it seems to me we should move quickly to address that discrete issue that we can handle by itself without all the other issues that are tangled up as part of the higher education bill.

So, again, a good bill. I wish we had used the opportunity to make it a little better, but I urge my colleagues to support it.

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

Mr. KLINE. Madam Speaker, in closing I wish to thank the gentleman from Maryland and certainly thank the chairman and my colleagues for their support of this bill. It has been an interesting discussion we have had about legislative strategy.

I agree that our troops, their welfare, and the pressure that is put on them sometimes as they are students is extremely important and something, frankly, not for us to trifle with. We have the opportunity here with a bill that has already received overwhelming support in its current form in both the House and Senate and been passed into law, and it seemed to us we should take advantage of this to make sure our troops receive continuous coverage, and then address the larger question the gentleman from Maryland raised earlier.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 2132.

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.

#### HIGHER EDUCATION EXTENSION ACT OF 2005

Mr. BOEHNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3784) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3784

*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 "Higher Education Extension Act of 2005".

#### SEC. 2. EXTENSION OF PROGRAMS.

(a) EXTENSION OF DURATION.—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through December 31, 2005.

(b) PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program

under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

(c) **EXTENSION AT CURRENT LEVELS.**—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

(d) **ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.**—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

(e) **ADDITIONAL EXTENSION NOT PERMITTED.**—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

(f) **EXCEPTION.**—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108-188.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

#### GENERAL LEAVE

Mr. BOEHNER. Madam 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. 3784, as amended.

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

There was no objection.

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

Madam Speaker, each year millions of Americans, young and old, partici-

pate in higher education programs at this Nation's colleges and universities. Higher education has become more important than ever with a changing marketplace and increasing international competition; and that is why the Federal investment in higher education is so important.

For more than 2 years, my colleagues and I have been working to strengthen and renew the Higher Education Act so that we can better serve the millions of low- and middle-income students aspiring for a college education. And while we have made great progress this year, the reauthorization process is still not complete.

Today, I stand in support of the Higher Education Extension Act so that we ensure these vital programs continue to serve American students. The measure extends critical programs for a brief time frame, 3 months, to give Congress the additional time it needs to complete this process in the best interests of students and taxpayers.

In February, the gentleman from California (Mr. MCKEON) and I introduced the College Access and Opportunity Act to complete the Higher Education Act reauthorization. That bill, similar to legislation of the same name we offered last year, was the culmination of a comprehensive effort to expand college access by focusing on fairness, accountability, affordability, and quality.

That bill contained a number of reforms that I had hoped would be enacted by today. The College Access and Opportunity Act would have realigned our student aid programs to place first priority back where it belongs, on the millions of low- and middle-income students who have not yet received a higher education.

The bill would have strengthened Pell grants, college access programs, and campus-based student aid. It would have broken down barriers and eliminated outdated regulations that are preventing nontraditional students from achieving their higher education goals.

It would have significantly realigned the multibillion-dollar student loan programs to expand access for current and future students and restore fairness so that all student borrowers would be treated equally. Consumer protection for borrowers would have been strengthened, red tape would have been reduced, and because accountability is the cornerstone of American education reform, colleges and universities would have been held more accountable to students, parents, and taxpayers, the people they serve, through increased sunshine and transparency.

□ 1500

Now I remain committed to a comprehensive reauthorization and hope to complete that process this year. In the meantime, the bill before us is critically important. We cannot allow programs under the Higher Education Act

to expire. Too many students depend on this assistance as they strive for a higher education. Yet it is equally important that we remain committed to comprehensive reforms that will build upon these programs in strengthening them in order to expand college access.

Madam Speaker, I strongly support the extension of the Higher Education Act. Millions of American students depend on these programs, and we must not let our commitment to higher education lapse. But it is equally important that we remain focused on the ultimate goal of enacting comprehensive reforms that will strengthen and renew the Higher Education Act so it can meet the needs of current and future students.

I encourage my colleagues to support this bill and work with us in the coming weeks and months to complete this comprehensive reform package so we can better serve American students who are pursuing a college education.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today to support H.R. 3784, a temporary 3-month extension of the Higher Education Act. This, in essence, extends temporarily the 1998 reauthorization which was fashioned in a very bipartisan manner by the gentleman from California (Mr. MCKEON) and myself.

I am pleased that in the face of a national tragedy a simple extension has been offered. I hope the Republican leadership can use this time, however, to reevaluate H.R. 609, their plan to balance the massive deficit on the backs of students already struggling to pay for college. H.R. 609 is part of the reconciliation package.

Madam Speaker, from my days in the seminary, I always believed that reconciliation was a loving thing. H.R. 609, however, is certainly not an act of love. While I am cosponsor of this extension bill, I cannot ignore the impending cuts the Higher Education Act bill will ultimately suffer if the Republican reauthorization bill, H.R. 609, becomes law.

H.R. 609 represents the largest cut in the history of Federal student financial aid. The largest cut in history. That is something that should give all of us pause and concern, and I am sure it does.

The Committee on Education and the Workforce reported H.R. 609 in July by a straight party-line vote. H.R. 609 generates nearly \$9 billion by eliminating some of the excessive lender subsidies, raising interest rate caps and rates on consolidation loans, charging student borrowers higher fees, and cutting critical student aid delivery funds; yet the \$2 million in savings gained by eliminating the excessive lender subsidies alone will not be directed to helping students in any way.

When the gentleman from Maryland (Mr. VAN HOLLEN) and I pushed to do away with this outrageous subsidy to

lenders, it was our hope that the money would be used to aid students and not to finance tax cuts for the wealthiest.

Instead, the Republican-passed budget and higher education reauthorization intends to balance the massive deficit on the backs of students already struggling to pay for college. This raid on student aid misses a golden opportunity to redirect millions to student borrowers and additional grant aid for students.

The gentleman from California (Mr. GEORGE MILLER) and I offered an amendment in committee to recycle millions of dollars in savings to guarantee a \$500 increase in the maximum Pell grant, lower the interest rate caps on student loans, and give students a choice between a low fixed or variable rate on consolidation loans without raising costs to students or taxpayers. The Republicans rejected our amendment.

Under H.R. 609, the typical student borrower with \$17,500 in debt will be forced to pay an additional \$5,800 for his or her current student loans compared to current law. However, I would like to thank the gentleman from Ohio (Chairman BOEHNER) for offering H.R. 3784, the temporary 3-month extension of the Higher Education Act. While I am pleased to offer my support, I hope this extension will allow the Republican leadership time to reconsider their plan to raid student aid. I offer my services to work with them to achieve just that.

In the context of both reconciliation and the reauthorization of the Higher Education Act, we must move forward in a way that helps, not harms, our students. I look forward to working with the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON) to achieve that.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I appreciate my colleague's support of the bill today to extend the Higher Education Act; but I find myself in a position of having to rise and respond to some of the criticisms of H.R. 609, the reauthorization bill for the Higher Education Act that is in process.

The gentleman is right, we do over the next 5 years save \$9 billion in taxpayer funds while at the same time we reduce origination fees for students, we expand loan limits for students, and better equalize the campus-based aid programs around the country.

Now, my colleague and his friends on the other side of the aisle came up with proposals to save money as well. The only difference here is that we decided that net of \$9 billion ought to be saved for the taxpayers because, after all, it is their money. My friends on the other side of the aisle decided to spend it. Well meaning, well intentioned, but at some point we in Congress have a re-

sponsibility to enact public policy that is fair for all.

Some people do not go to college. As my friend knows, I am the only one of my 11 brothers and sisters to go to college. To the extent we are providing loans, they are being paid for by taxpayers, some of whom do not get a higher education. So what is fair?

I think the underlying bill, providing college loans, providing Pell grants for underserved students, is a very good thing for our country. But how much is enough?

We are going to spend about \$75 billion this year in Pell grants and student loans to help low- to middle-income students achieve the dream of a higher education. I think that it is an important part of our responsibility to help improve our society. But at the same time, we also have a responsibility to people who pay taxes, and people who pay taxes watching money flowing out of this institution like water over a dam.

At some point I am not going to stand here and be embarrassed because we help improve access to higher education, we help improve the ability of students to pay for their loan programs, and at the same time save \$9 billion over 5 years for the taxpayers. I think it is a pretty good deal for all.

Madam Speaker, I reserve the balance of my time.

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

We all know there is a direct relationship between revenue and expenses. We try to keep that balance fiscally correct and morally correct.

I happen to have voted against the tax cuts proposed by President George W. Bush. I voted against them because I could see what was going to happen. Most of those tax cuts, as most people will concede, went to the wealthier people in this country, including Members of Congress. Had we just deducted from those \$2 trillion of tax cuts, when you take the whole cost, the cost of the debt, if we just deducted \$9 billion from those \$2 trillion, we would have money here and we would not have to balance this on the backs of the students. We could have saved it for any other program also, obviously. I am consistent that I voted against those tax cuts. I got a little criticism back home from some people; not many, but some. I saw this coming. I could see for sure that education was going to suffer. Those programs for the neediest in the country were going to suffer. The tax cuts were entirely too large, and those tax cuts have forced us to where we are in the bill put out by the committee, H.R. 609.

I think all of us have to be very cautious when we vote for revenue or revenue cuts. We have to be very cautious when we vote for expenditures. But there is a direct relationship, so I can stand here with a certain purity and say I did not vote to give away the \$2 trillion, I voted to retain these funds so we could help students.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would say to my friend from Michigan, and we are friends, I proudly voted for the tax cuts and thank goodness that we passed them. Let us recount what has happened over the past 4½ years: a weak economy in 2001; followed by the devastating effects of 9/11; a war in Afghanistan and a war in Iraq; and now Hurricane Katrina.

If we had not enacted those tax cuts in early 2001, what shape would our economy be in today? I want to correct my friend that voting for reductions in marginal tax rates does not mean reductions in revenue to the Federal Government. We have had this debate here in Congress now for 25 years, but reducing marginal tax rates has in fact increased revenues to the Federal Government. And look at the strength of our economy today that would not have been there had we not had those reductions in taxes.

We can, in fact, reduce taxes, grow our economy, and hold the lid on spending and give the American people the best deal in the world: good government, reasonable level of services, and more money in their pocket, that they can decide how to spend in the best interest of themselves and their families and their communities.

Madam Speaker, I reserve the balance of my time.

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

No one questions, and I can never question either the sincerity nor the fairness of the chairman. I have been here 29 years, and I cannot recall a chairman being more fair during all of our deliberations in committee. And we are friends. We disagree on certain, maybe some fundamental things. But the gentleman asked what would have happened had we not enacted those tax cuts. One thing, we would not be seeing deficits as far out as the eye can see. That is not healthy for the economy, so we can debate that. Maybe we should have had some of those tax cuts, maybe not all. But again, because we are friends, we will continue to work together. Because the chairman is fair, he will always give us a chance in committee to offer our ideas and he will listen to them patiently. We respect the chairman for that on this side of the aisle.

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

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

Madam Speaker, I thank the gentleman from Michigan (Mr. KILDEE). As I said before, we are friends and I appreciate the gentleman's kind remarks. I believe our committee process here in Congress ought to be an open forum and that Members clearly can agree, but in our committee we do not really

allow members to be disagreeable. I think what it does is foster a committee where members cooperate and get to know each other and work together, and even though we may not agree on everything, every member should have a right to offer his or her ideas about the pending legislation.

Now back to the bill at hand, and I thank the gentleman from Michigan (Mr. KILDEE) for supporting the extension of the Higher Education Act for 3 months, and it is my fervent desire in the next 3 months Congress will reenact this authorization to the benefit of millions of American students.

□ 1515

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 3784, as amended.

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

A motion to reconsider was laid on the table.

#### EXTENDING THE AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read as follows:

H.R. 3765

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

#### SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836) is amended—

(1) in subsection (a) by striking “In fiscal years 2001 through 2005, the” and inserting “The”; and

(2) by adding at the end the following: “(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam 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 Louisiana?

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 3765, to authorize an extension of the Army Corps of Engineers' section 214 program. Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Madam Speaker, H.R. 3765 is urgently needed since the authority for this program expires on September 30 of this calendar year. If this program expires, the corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

The Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting the section 214 program. H.R. 3765 is identical to the language in section 2003 of the Water Resources Development Act of 2005, which passed the House on July 14, 2005, by a vote of 406 to 14.

While the other body has not yet acted upon the Water Resources Development Act this year, I am hopeful that in the wake of Hurricane Katrina they move quickly to pass the bill providing for the water resources needs of our Nation. But because the authority for the section 214 program is expiring, it is necessary to move this piece separately.

I thank the gentleman from Washington (Mr. BAIRD) and our colleagues from Washington State for introducing this bill. I urge all Members to vote in favor of H.R. 3765.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I support House passage of H.R. 3765. This bill extends through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This program is popular and well received, particularly in the northwest part of the country. And I congratulate the gentleman from Washington (Mr. BAIRD), my committee colleague, for his attention to this issue and for securing today's consideration of this bill.

The language in H.R. 3765 is identical to that which is contained in H.R. 2864, the Water Resources Development Act of 2005, which passed the House on July 14 by an overwhelming vote of 406 to 14. This bill should likewise receive strong support.

Today's consideration of one section of this larger Water Resources Development Act should not be viewed as an indication that the larger bill will not be enacted this year. I remain opti-

mistic that the other House of Congress will soon consider this vital legislation, particularly in light of the vital role of flood damage reduction, navigation, and storm damage reduction projects in protecting lives and property and enhancing economic well-being.

The tragic events associated with Hurricane Katrina indicate how important our water infrastructure really is. However, the Senate is not likely to act on the broader legislation before the Secretary's authority to accept funds expires on September 30, just 10 days from now. By providing this extension, the program can continue uninterrupted; and I urge support of this bill.

Madam Speaker, I reserve the balance of my time.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time, and my colleagues on the committee and the gentleman.

I also want to express my gratitude to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), as well as the gentleman from Tennessee (Mr. DUNCAN), subcommittee Chair, for their support and recognition of the urgency of this matter.

The sense of what we are about today is trying to extend a bill that is already law that is included in the WRDA bill, which we have already passed in this body but that has not passed the other body. The reason we need to do this is common sense, and it is about preserving jobs.

The listing under the Endangered Species Act of salmon in the Pacific Northwest overwhelm the Corps of Engineers and other regulatory agencies in their ability to process permits in a timely manner. Section 214(d) of the Water Resources Development Act allows local entities to provide financial assistance to the corps to provide for the resources needed to process permits more efficaciously. It does not in any way prejudice the outcome of that permitting application. It merely expedites it and provides valuable needed resources. This has been used successfully in partnership throughout the Northwest and the west coast and has saved literally millions of dollars and thousands of jobs in our region.

I reiterate that the bill has passed the House already in its portion of the WRDA, that it is existing law. So we are not really trying to change anything. What we are trying to do is extend this vital provision for several more years so that permits in the process right now are not immediately stopped, which they otherwise would be without passage of this.

Again, I thank my colleagues for their leadership and recognition of the

importance of this bill. I urge its passage.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time.

I rise in support of section 214, which was introduced by the gentleman from Washington (Mr. BAIRD), my friend and colleague.

This is a critical piece of legislation for many States including Washington, and I hope that every member of the delegation rises to voice strong bipartisan support.

We have, in the last few weeks, seen in Katrina what nature can do, and section 214 enables communities to fund a fast-track Federal permit process by the Army Corps of Engineers. A modest investment by local governments can reap enormous community benefits in time and money without compromising either the independence or the integrity of the permit process.

Seattle, the community I represent, has used section 214 to save time and millions of dollars on a number of important local projects including the Seawall-Viaduct project. Unless we act, this important tool will expire by the end of the month.

Hurricane Katrina reminds us how vulnerable we are to natural forces. Seattle is an earthquake zone. There is no one living in Seattle who does not think we are going to have another earthquake. And we must move quickly, in my view, to replace the aging and fragile viaduct along the waterfront which carries over 100,000 cars a day. The viaduct is a lifeline of the region. If it falls, the port of Seattle will be blocked. It will create havoc in the whole area. It connects our communities and is the transportation artery for goods arriving at the port of Seattle and going to the middle of the country. In fact, Seattle is often called "Chicago West."

It would be a national catastrophe if we lost the viaduct, and we are trying to prepare for it. We are counting on 214 as part of our comprehensive viaduct replacement strategy, and we really do not want to lose this tool at this point. Without it, the seawall, the viaduct's foundation, will surely take much longer; and time is not on our side. We had an earthquake here about 3 years ago which shook for 60 seconds. Had it shaken for about 90 seconds, we probably would have had the catastrophe at that point.

It is not a matter of if. It is really a matter of when this happens in Seattle, and we must prepare. And we need this tool.

I thank the committee for bringing this bill forward and urge every Member to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no fur-

ther requests for time, and I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I thank our colleagues from the other side of the aisle for working on this bipartisan piece of legislation. It is critically important, and I urge its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3649.

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.

#### SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The Clerk read as follows:

Senate Amendment:

On page 7, after line 3, insert the following new section:

#### SEC. 302. CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

*Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

#### GENERAL LEAVE

Mr. BOUSTANY. Madam 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. 3649.

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

There was no objection.

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

Madam Speaker, I will be very brief in my comments on this. The bill that we are considering today is nearly identical to the legislation that was approved by this body by a 401 to 1 vote last week. H.R. 3649, as passed by the Senate, includes an additional technical amendment that will temporarily extend funding for national highway safety programs through the end of the current fiscal year.

H.R. 3649 will also ensure that funding is made available for State recreational boating programs for the remainder of fiscal year 2005. These funds support boating safety and education, outreach and communication programs in each and every State and U.S. territory to promote safe and responsible boating and fishing practices nationwide.

I thank my colleagues for their continued support of this important legislation and for their work to improve access and safety on our Nation's waterways. I urge a "yes" vote on H.R. 3649.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today to voice my support for H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005.

The purpose of this bill is very simple: to correct two provisions in the recently passed H.R. 3, the SAFETEA-LU bill. One concerns the reauthorization of the Coast Guard's boating safety program; and the other, Vehicle Safety Operations and Research funding.

The short-term extension that extended the highway program and the funding of the Recreational Boating Safety program until August 15 did not have this provision. However, SAFETEA-LU provided for long-term reauthorization and funding of the Recreational Boating Safety program beginning on October 1, the new fiscal year. So as a result, gas taxes that are collected between August 15 and October 1 from recreational boaters cannot be given to the State boating law administrators to fund their recreational boating safety programs.

H.R. 3649 corrects this problem by extending the old Recreational Boating Safety and Sportfish programs until October 1, 2005, when the new funding formulas take effect.

□ 1530

Madam Speaker, the Recreational Boating Safety Grant program provides 50/50 matching funds to the States for their recreational boating safety and education programs.

These programs save lives. It is our responsibility to see that there is not an interruption in this program.

H.R. 3649 also corrects a funding problem that resulted in a \$23.7 million



reduction in fiscal year 2005 funds for the National Highway Traffic Safety Administration vehicle safety programs. That highway safety and vehicle safety program funding is split between the highway trust fund and general funds. For fiscal year 2005, appropriations chose to not provide any general fund money to the National Highway Traffic Safety Administration vehicle safety program, instead pulling additional resources from the highway trust fund.

NHTSA's vehicle safety program then became subject to the same cut in funding as the highway projects are in SAFETEA-LU. If these funds are not restored, certain vehicle safety activities may be significantly impacted, including ongoing research to test and evaluate automobiles and numerous research projects designed to save lives and prevent injuries on our Nation's roads.

So I urge my colleagues to pass H.R. 3649 to ensure that our States receive the necessary matching funds for their recreational boating safety programs between August 15, 2005 and October 1, 2005.

Madam Speaker, I have no further requests for time, I urge the passage of this bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3649.

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

A motion to reconsider was laid on the table.

#### SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The Clerk read as follows:

H.R. 409

*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 "Sierra National Forest Land Exchange Act of 2005".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ , Mt. Diablo Meridian, California.

(2) **NON-FEDERAL LAND.**—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N $\frac{1}{2}$ NW $\frac{1}{4}$ , Mt. Diablo Meridian, California.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

#### SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) **EXCHANGE AUTHORIZED.**—

(1) **IN GENERAL.**—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of \$50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) **ACCEPTABLE TITLE.**—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) **CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.**—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) **VALUATION OF LAND TO BE CONVEYED.**—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be \$200,000 and the value of the Federal land shall be deemed to be \$250,000.

(c) **ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) **CONDITIONS ON CONVEYANCE OF FEDERAL LAND.**—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4 have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) **DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.**—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) **COST COLLECTION FUNDS.**—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

#### SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) **PURPOSE.**—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) **EASEMENT REQUIRED.**—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) **REQUIRED TERMS AND CONDITIONS.**—The easement granted under this section shall provide the following: "The United States of America, hereinafter called 'Grantor', pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee', all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of the Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee."

# SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) **RIGHT OF FIRST OFFER.**—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) **NOTICE AND OFFER.**—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) **ACCEPTANCE OR REJECTION OF OFFER.**—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) **EFFECT OF REJECTION.**—If the hydro-power easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

## GENERAL LEAVE

Mr. RENZI. 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 Arizona?

There was no objection.

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

Mr. Speaker, H.R. 409, introduced by the gentleman from California (Mr. RADANOVICH), provides for the exchange of land within the Sierra National Forest of California.

The bill would exchange 160 acres of Forest Service property, of which only 15 acres is above water, for 80 acres of private land surrounded by National Forest. The landowner has agreed to pay the difference of \$50,000 to the Forest Service to finalize the land trans-

fer. After the completion of the exchange, the landowner will convey the property to the Sequoia Council Boy Scouts, who have run a camp on the land through a special use permit for the last 30 years.

The bill will benefit both the Forest Service and the Sequoia Council Boy Scouts. I urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 409 directs the Secretary of Agriculture to exchange 160 acres of Federal land in the Sierra National Forest at Shaver Lake for an 80-acre inholding also in the Sierra National Forest.

H.R. 409, Mr. Speaker, further requires that the owners of the non-Federal land make a \$50,000 cash equalization payment and convey the Federal land to the Sequoia Council of the Boy Scouts of America within 4 months of receiving it.

Mr. Speaker, we have no objections to H.R. 409.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 409.

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.

## DIRECTING THE SECRETARY OF THE INTERIOR TO CONDUCT A BOUNDARY STUDY EVALUATING THE SIGNIFICANCE OF THE COLONEL JAMES BARRETT FARM IN THE COMMONWEALTH OF MASSACHUSETTS

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 394

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

### SECTION 1. BOUNDARY ADJUSTMENT STUDY.

(a) **DEFINITIONS.**—For the purposes of this Act:

(1) **BARRETT'S FARM.**—The term "Barrett's Farm" means the Colonel James Barrett Farm listed on the National Register of Historic

Places, including the house and buildings on the approximately 6 acres of land in Concord, Massachusetts.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(b) **STUDY.**—Not later than 2 years after the date that funds are made available for this section, the Secretary shall conduct a boundary study to evaluate the significance of Barrett's Farm in Concord, Massachusetts, as well as the suitability and feasibility of its inclusion in the National Park System as part of Minute Man National Historical Park.

(c) **CONTENT OF STUDY.**—The study shall include an analysis of the following:

(1) The significance of Barrett's Farm in relation to the Revolutionary War.

(2) Opportunities for public enjoyment of the site as part of the Minute Man National Historical Park.

(3) Any operational, management, and private property issues that need to be considered if Barrett's Farm were added to the Minute Man National Historical Park.

(4) A determination of the feasibility of administering Barrett's Farm considering its size, configuration, ownership, costs, and other factors, as part of Minute Man National Historical Park.

(5) An evaluation of the adequacy of other alternatives for management and resource protection of Barrett's Farm.

(d) **SUBMISSION OF REPORT.**—Upon completion of the study, the Secretary shall submit a report on the findings of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

## GENERAL LEAVE

Mr. RENZI. 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 Arizona?

There was no objection.

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

Mr. Speaker H.R. 394, introduced by the gentleman from Massachusetts (Mr. MEEHAN) and amended by the Committee on Resources, would direct the Secretary of the Interior to conduct a boundary study to determine the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and its feasibility for inclusion as part of the Minute Man National Historical Park. During the Revolutionary War, the 5-acre farm was instrumental for its role as a storage station for cannons, gunpowder, and other munitions.

Mr. Speaker, I urge adoption of the bill, and I reserve the balance of my time.

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

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

Ms. BORDALLO. Mr. Speaker, the majority has already explained the

purpose of H.R. 394, which was introduced by the gentleman from Massachusetts (Mr. MEEHAN). Barrett's Farm is a significant historical resource, as evidenced by its previous designation on the National Register of Historic Places.

The British marched out of Boston in April of 1775 looking for munitions stored by colonists at Barrett's Farm. They found neither the munitions nor the farmer's owner, James Barrett, leader of the Middlesex militia, who was to soon meet the British at North Bridge where, as Emerson wrote, "The embattled farmers stood and fired the shot heard around the world."

The gentleman from Massachusetts (Mr. MEEHAN) is to be commended for his leadership on H.R. 394. Many individuals and organizations recognize the historical importance of Barrett's Farm and support this legislation. It is our hope that this study authorized by H.R. 394 will determine the most appropriate means to preserve and interpret this important aspect of our Nation's history.

Mr. Speaker, with that, we support H.R. 394 as a means to help preserve the history of Barrett's Farm and its role in the start of the American revolution, and urge adoption of the legislation by the House today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Guam for yielding me this time. I also thank the gentleman from Arizona for his comments on this legislation. This legislation begins the process of further protecting an important part of American history.

Colonel James Barrett's farm, located in the town of Concord, Massachusetts, is already listed on the National Register for Historic Places for its significance. My legislation calls for a boundary study to evaluate adding Barrett's Farm to the Minute Man National Historic Park, which would forever protect it from development.

As the gentlewoman from Guam has indicated, a brief history of Barrett's Farm explains why its addition to the Minute Man National Historic Park would be appropriate.

Colonel James Barrett was the commander of the militia in Middlesex during the Revolutionary War. His farm was a central depot where the American revolutionaries stored cannons, gunpowder, and other munitions.

On April 19, 1775, General Thomas Gage, the commander of all British forces in North America, ordered 700 of his troops to march to Barrett's Farm to destroy the supplies stored there. We all know the story of what happened next.

The colonists learned of the British plot ahead of time and sent a Boston silversmith, Paul Revere, into the night to call his countrymen to arms. Immediately, the citizens of Concord started hiding the town's supplies. Colonel Barrett's sons plowed his fields

and hid munitions in the furrows. By the time the British reached the farm, the colonial militia had taken up position, ready to strike at the British Army.

Ultimately, the colonists and the British came to blows at the North Bridge in Concord, where "the shot heard around the world" was fired, launching our war for independence.

The citizens of Concord knew the area, had the manpower and weapons, and sent the Redcoats running, dealing a harsh blow to the British Army.

Thirty years ago, Barrett's Farm was listed on the National Register of Historic Places. Even in Massachusetts, where most places can be called historic, Barrett's Farm stands out as an icon of American history.

Minute Man National Historic Park encompasses 967 acres, including the North Bridge, Lexington Green, and the Battle Road Trail, where the British traveled and advanced and retreated.

Including Barrett's Farm within the boundaries of Minute Man Park would add an integral part of this storied battle. Barrett's Farm was the impetus for the British advance and vigorous work of Colonel Barrett, and his militia was a reason why the British retreated.

This battle has become iconic of American history and every piece of that story should be preserved. By adding the farm to the Minute Man National Historic Park and placing it in the able oversight of the National Park Service, we can ensure that this important piece of our history will be enjoyed for generations to come.

Passing today's legislation, which authorizes a study to this end, is the first step towards reaching the goal.

We would not have the opportunity to pass the bill today if it were not for the hard work of many people who have ensured the story of Colonel James Barrett be told. First and foremost is Anna Winter, the director of Save Our Heritage, a nonprofit group dedicated to preserving the grand history of the Commonwealth of Massachusetts. Anna and her colleagues are the driving force behind the effort to protect places like Walden Pond and Barrett's Farm.

I would also like to recognize the efforts of Nancy Nelson, the superintendent of Minute Man National Park. Nancy's tireless efforts to maximize the impact of the park have created not only a spot of extraordinary beauty, but also have preserved the land in which our freedom was won. Because of Nancy and her colleagues at the National Park Service, our children can learn the history of our Nation while walking the same steps as those patriots did centuries ago.

I would also like to thank the staff of the Trust for Public Land, a hard-working group of people that highly values the conservation of all lands for historical sites and community parks to wilderness areas. For over 30 years, the Trust has helped more than 2,700

conservation projects come to fruition, each project representing a community like Concord, trying to beautify and protect its natural history.

Finally I would like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) for bringing this important bill to the floor, and I deeply appreciate the effort of my colleagues.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 394, as amended.

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

A motion to reconsider was laid on the table.

#### AMENDING THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT TO EXTEND THE DATE AFTER WHICH SURPLUS FUNDS IN THE WILDLIFE RESTORATION FUND BECOME AVAILABLE FOR APPORTIONMENT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1340) to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

The Clerk read as follows:

S. 1340

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

#### SECTION 1. AVAILABILITY OF SURPLUS FUNDS IN WILDLIFE RESTORATION FUND.

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C)) is amended by striking "2006" and inserting "2016".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. 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 Arizona?

There was no objection.

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

Mr. Speaker, I support S. 1340 introduced by the distinguished chairman of the Senate Environment and Public Works Committee, Senator JAMES

INHOFE. This legislation can help fund repairs to the environmental damage wrought by Hurricane Katrina to the gulf coast, as well as help other high priority wetlands throughout the United States.

When the North American Wetlands Conservation Act was enacted in 1989, it directed that money appropriated to this program was to be deposited into an interest-bearing account and that the interest earned could be used for conservation purposes.

□ 1545

In the past 16 years the interest has amounted to \$235 million or nearly one-third of the total Federal investment in the North American Wetlands Conservation Program.

As a result of this money, millions of acres of critical wetlands habitat has been conserved, maintained, purchased and restored. Those wetlands are essential to the survival of not only millions of migratory waterfowl, but, more importantly, to the people who live along our coasts.

Most of southern Louisiana, including New Orleans, is wetlands. And those communities, as well as Gulfport and Biloxi, Mississippi and Mobile, Alabama, can benefit from the projects funded under this bill. Unfortunately, the authority to retain earned interest expires on September 30 of 2005.

S. 1340 extends that provision until 2016, and this legislation is supported by the Bush administration, a host of conservation groups, including Ducks Unlimited, the Congressional Sportsman Foundation, and the International Association of Fish and Wildlife Agencies.

Mr. Speaker, I urge a yea vote so that we can send this conservation measure to the President.

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

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

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

Ms. BORDALLO. Mr. Speaker, the purpose of S. 1340 is to extend for 10 years the authorization to use surplus funds in the Pittman-Robertson wildlife restoration account to support wetlands restoration projects, coordinated under the North American Wetlands Conservation Act.

The accrued interest generated by funds deposited in the Pittman-Robertson account since 1989 has provided over \$235 million to fund North American wetlands conservation projects across the country.

This extension will ensure the continuation of this valuable conservation funding source, and will be important to our future efforts to restore protected wetland habitats in the region devastated by Hurricane Katrina.

I urge Members to support this worthy legislation.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 1340.

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

A motion to reconsider was laid on the table.

#### RECOGNIZING SPACE SHUTTLE COMMANDER EILEEN COLLINS, MISSION SPECIALIST WENDY LAWRENCE, AND THE CONTRIBUTIONS OF ALL OTHER WOMEN WHO HAVE WORKED WITH NASA

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res 450) recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle *Discovery* on STS-114, as amended.

The Clerk read as follows:

H. RES. 450

Whereas the National Aeronautics and Space Administration was created in 1958 under President Eisenhower and has, since then, accomplished great things in the fields of science, technology, aeronautics, and aerospace exploration;

Whereas women have worked since the 1960's for the right to play a vital role in NASA's missions in outer space;

Whereas after more than twenty years of waiting, the first American woman, Sally Ride, flew in outer space in 1983 aboard the Space Shuttle Challenger;

Whereas in 1984, Kathryn Sullivan became the first American woman to perform a space walk aboard the Space Shuttle Challenger during mission STS-41;

Whereas in 1986, Christa McAuliffe, who was to be the first teacher and civilian in space after being selected from 11,000 applicants, and Mission Specialist Judith Resnik, were killed aboard the space shuttle Challenger just 73 seconds after lift-off during mission STS-51L;

Whereas in 1992, Mae Jemison became the first African-American woman to fly in outer space aboard the Space Shuttle Endeavor during mission STS-47;

Whereas Shannon Lucid previously held the United States record for the amount of time spent living and working in space on a single mission aboard the Russian Mir space station for over 6 months in 1996;

Whereas in 1999, Eileen Collins became the first woman to command a space mission when Space Shuttle Columbia deployed the Chandra X-Ray Observatory;

Whereas in 2003, Mission Specialists Kalpana Chawla and Laurel Clark were killed aboard the Space Shuttle Columbia on reentry during mission STS-107;

Whereas we celebrate America's Return to Flight with Space Shuttle *Discovery*'s STS-114 mission, which Eileen Collins commanded and on which Wendy Lawrence served as Mission Specialist; and

Whereas great strides have been made in the Space Shuttle and International Space Station era to increase the number and

prominence of women serving in the NASA Astronaut Corp, thereby giving us hope for the future of American women in space, including Ellen Baker, Yvonne Cagle, Tracy Caldwell, Kalpana Chawla, Laurel B. Clark, Mary Cleave, Catherine Coleman, Eileen Collins, Nancy J. Currie, Jan Davis, Bonnie Dunbar, Anna Fisher, Linda Godwin, Susan J. Helms, Joan Higginbotham, Kathryn Hire, Marsha Ivins, Mae C. Jemison, Tamara E. Jernigan, Janet Kavandi, Susan L. Kilrain, Wendy Lawrence, Shannon Lucid, Sandra Magnus, Megan McArthur, Pamela Melroy, Barbara Morgan, Lisa Nowak, Karen Nyberg, Ellen Ochoa, Judith A. Resnik, Sally K. Ride, Patricia C. Hilliard Robertson, Margaret Rhea Seddon, Heidemarie Sefanyshyn-Piper, Nicole Scott, Kathryn C. Thornton, Janice Voss, Mary E. Weber, Peggy Whitson, Sunita Williams, and Stephanie Wilson: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with the National Aeronautics and Space Administration following the successful mission of the Space Shuttle *Discovery* on STS-114; and

(2) celebrates the many achievements of women in the National Aeronautics and Space Administration and congratulates Commander Collins and the rest of her crew.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. CALVERT. 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 450, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I want to commend the gentlewoman from New York (Mrs. MALONEY) for her insight into the contributions of women in the NASA community and to the success of our Nation's civil space program.

House Resolution 450 goes a long way in recognizing the importance of women to our Nation's civil space program, from Commander Elaine Collins and Mission Specialist Wendy Lawrence of the *Discovery* mission, to the other 40 women who have served in NASA's Astronaut Corps.

To all of the women who offer ground support for the launches, these women in the sciences, our Nation offers a resounding thanks.

Not all of those women are often in the spotlight, but they still serve as inspiring role models for all our daughters. What better way to have our children think they can be whatever they aspire to be than to have everyone share the opportunity to get a bite of the apple of success.

In order for the United States to retain its global competitive edge, we need the contributions from all of our citizens. Since all advanced societies now depend on technology for their economic might, the new measure of that might are those graduates with degrees in science and engineering.

The United States is slipping in this category. We are producing a shrinking share of the world's technological talent. China and India are the newest and strongest competitors. The last time the U.S. graduated more engineering and scientific Ph.D.s than Europe and three times as many as Asia was in 1975.

These trends have reversed so now the European Union graduates about 50 percent more Ph.D.s than the United States, and Asia is slightly ahead of the United States.

At the current rate, China will probably overtake us by 2010. They have already produced nearly as many engineering graduates in a month as we do in a year. Outstanding role models inspire our young ladies to pursue a life of study and work in science and engineering.

Seeing these women doing exciting important jobs in our space program is the best way that I know to encourage our children to do the same.

Mr. Speaker, I would like to thank again the gentlewoman from New York (Mrs. MALONEY) for her thoughtful legislation. I plan to support this important legislation when it comes to a vote and encourage all Members to do the same.

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

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I am delighted to rise today to pay tribute to our female astronauts. These heroines are not only a source of pride for all Americans, but they have also inspired countless women to reach for the stars in their own lives and careers.

The space program has long been one of the best examples of America's leadership role in the world. Our astronauts are daring, brilliant, and selfless, risking their lives for the sake of scientific discovery. But like our Nation itself, they were once divided along gender lines.

Indeed, when NASA was created by President Eisenhower in 1958, there were no female astronauts. Of course, there were no women on the Supreme Court back then, and in Congress there was just one female Senator, and only 15 women serving in Congress.

Mr. Speaker, we have come a long way in the last four decades. There are now 14 women Senators, 66 female Members of Congress, and at NASA women are not just along for the ride, they have assumed leadership roles in both the agency and on its missions, as we have seen by this fine work of Eileen Collins and Wendy Lawrence.

I am especially delighted today to recognize the achievements of my fellow New Yorker, Eileen Collins from Elmira, New York, who in 1999 became the first woman to command a space shuttle.

In 2003, Ms. Collins again took to the reins of a space mission, providing steady guidance to the Space Shuttle *Discovery* during an incredibly difficult and perilous mission.

Mr. Speaker, women have taken part in some of the greatest NASA missions, and some of the most heartbreaking too. Some of these women gave their lives for our country.

As a former teacher, I remember feeling incredibly proud when my colleague, Christa McAuliffe, was selected from more than 11,000 applicants to become the first civilian in space, the first teacher in space.

Of course, we were all horrified when the Space Shuttle *Challenger* exploded 73 seconds after lift-off, cutting short the lives of Christa and the other brave astronauts who flew with her.

The loss of the *Challenger* and, more recently, of the Space Shuttle *Columbia* were staggering blows to our country. But I know that our space program will rebound from these disasters, as it always has, with a new sense of purpose, stronger and more determined than ever.

I also know that as we rebuild, American women will be leading the way, inspired by the sense of duty to our country and by the women who have come before them. Women like Sally Ride, the first woman in space; Kathryn Sullivan, the first American woman to perform a space walk; Mae Jemison, the first African American woman astronaut; Shannon Lucid, who set a U.S. record for the most time living in space.

Thanks to these pioneering women astronauts, the sky is the limit for women and girls in this final frontier.

Today, we recognize the contribution of all of the women who work to realize the grand mission of NASA and who continue to contribute today.

Mr. Speaker, today our country faces an increasingly severe shortage of qualified math, science, and engineering students and professionals to fill the high-tech jobs of tomorrow.

Women have long been underrepresented in these fields, both in the workplace and in the classroom. It is essential to our economy, even to our national security, that we attract the best and the brightest to these fields.

The number of girls and young women entering math, science, and engineering is growing and moving in the right direction. And in our universities and workplaces, we need to cultivate nondiscriminatory environments to further this momentum.

NASA truly showcases the very best of what women can achieve and can contribute, and the fact that they can contribute equally. May the women pioneers we honor today inspire not only the astronauts, but the scientists,

mathematicians, and engineers of tomorrow. I thank them for their wonderful contributions. I congratulate the entire team.

Mr. Speaker, I submit for printing in the RECORD the names of 29 current and 13 deceased or former female NASA astronauts.

Ellen Baker, Yvonne Cagle, Tracy Caldwell, Kalpana Chawla, Laurel B. Clark, Mary Cleave, Catherine Coleman, Eileen Collins, Nancy J. Currie, Jan Davis, Bonnie Dunbar, Anna Fisher, Linda Godwin, Susan J. Helms, Joan Higginbotham, Kathryn Hire, Marsha Ivins, Mae C. Jemison, Tamara E. Jernigan, Janet Kavandi, Susan L. Kilrain.

Wendy Lawrence, Shannon Lucid, Sandra Magnus, Megan McArthur, Pamela Melroy, Barbara Morgan, Lisa Nowak, Karen Nyberg, Ellen Ochoa, Judith A. Resnik, Sally K. Ride, Patricia C. Hilliard Robertson, Margaret Rhea Seddon, Heidemarie Sefanyshyn-Piper, Nicole Scott, Kathryn C. Thornton, Janice Voss, Mary E. Weber, Peggy Whitson, Sunita Williams, and Stephanie Wilson.

□ 1600

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in favor of House Resolution 450, recognizing Shuttle Commander Eileen Collins and Mission Specialist Wendy Lawrence, who are an inspiration to women everywhere. They serve as role models to young women and have succeeded in fields traditionally dominated by men.

Their success is due in part to the hard work of trailblazing women who came before them. Elizabeth Blackwell, who was a resident of my native Cincinnati and the first American female medical doctor, once said: "For what is done or learned by one class of women becomes, by virtue of their common womanhood, the property of all women."

When we think of great women astronauts, we must remember two from the Buckeye State.

The first is Judith Resnick. She was born in Akron, graduated from Firestone High School, and earned her doctorate in electrical engineering before joining NASA. Judith died tragically aboard Space Shuttle *Challenger*.

The second is Nancy J. Currie of Troy, Ohio, who graduated from Troy High School, earned a degree in biological science from Ohio State University, eventually earning a doctorate in engineering. She flew four successful missions between 1993 and 2002, and in 2003 Dr. Currie was selected to lead the Space Shuttle Program Safety and Mission Assurance Office.

These women are outstanding in their field, outstanding by virtue of what they have accomplished, not because they are women. They succeeded in fields traditionally dominated by men and inspired young girls around the country to succeed in their footsteps. It is for these future female leaders that we must continue to push the



envelope and recognize those who came before them.

Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 450, a resolution to honor the women of NASA for their hard work and dedication. In 360 B.C., the great philosopher Plato bemoaned that "nothing can be more absurd than the practice that prevails in our country of men and women not following the same pursuits with all their strengths and with one mind, for thus, the state instead of being whole is reduced to half."

It has been more than 2,000 years since Plato made this simple, common-sense observation. It has not been easy; but in the intervening centuries, women have proven time and time again that they can excel in any field they choose. Along the way, there have been many trailblazers: Barbara Jordan, the stateswoman; Marie Curie, the scientist; Amelia Earhart, the pilot; Dr. Antonia Novello, the first woman and the first Hispanic Surgeon General.

Today, we honor some new additions to this august list, the talented women of NASA's astronaut core. Commander Collins and Mission Specialist Lawrence performed flawlessly on their latest mission aboard Space Shuttle *Discovery*.

They are but the latest examples of a long tradition of excellence among our female astronauts that stretches back over two decades to Sally Ride's historic mission as the first American female astronaut.

These astronauts stand as inspirations to young women, not only in this country but around the globe, who look at them and understand that no dream is out of reach because they realize that they too can do what others have done.

They should be very proud of their accomplishments.

Of course, in praising the astronauts, we should not neglect the contributions of other women of NASA: the scientists, the engineers, the program managers, and all of the others who contribute to our space program.

All of these talented women are trailblazers in their own right. I commend them for their hard work and the excellent example they set.

I want to thank the gentlewoman from New York, not only for her initiative in introducing this most thoughtful resolution but also for helping make real Plato's ideal of equality of opportunity for all.

I think it is a great resolution, and I urge its adoption.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of all women who have worked with

NASA in preparing to launch the Space Shuttle *Discovery*.

Women have made great strides in the space and aeronautics industry. The first African American woman in space was my good friend Dr. Mae Jemison. She served as the science mission specialist on STS-47 Spacelab-J in 1992.

In 1999, Mr. Speaker, we had another first: Eileen M. Collins was the first female commander of the space shuttle. Collins and her crew launched aboard Space Shuttle *Columbia* in July of 1999.

My State of Texas has a strong focus in space and aeronautics as the home of the Johnson Space Center. I am especially proud of all the women who have made significant contributions to the space flight, and I honor their courage. Dr. Mary Ann Webber is another astronaut, who is now employed in my district at the University of Texas Southwest Medical School and working and encouraging young ladies now to think of a career of that sort.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, what a pleasure it is to come to the floor, as I just left Colonel Eileen Collins and Wendy Lawrence and the rest of the STS-114 crew; and they are an inspiration to all of us, not just those of us in this Chamber but to people around the world.

I stand today in support of the resolution offered by my colleague and good friend from the great State of New York (Mrs. MALONEY).

This resolution recognizes the valuable contributions that women have made at NASA and particularly praises those who played a role in the success of STS-114. The accomplishments of the STS crew are the result of a rich history of women in NASA. Long before STS-114 women like Sally Ride, the first American woman in space; Kathryn Sullivan, the first American woman to perform a space walk; Mae Jemison, the first African American in space; and Shannon Lucid, the previous American record holder for the length of time spent in space on a single mission, they pushed the boundaries of human space flight.

Women have also paid a dear price in the name of human space flight. Christa McAuliffe, Judith Resnick, Kalpana Chawla, and Laurel Clark will always be remembered for their courage and heroism. And Eileen Collins and Wendy Lawrence and the rest of STS-114 crew stand on the shoulders of those great women who came before them, and this resolution rightly recognizes that fact.

Once again, I thank the gentlewoman from New York (Mrs. MALONEY) for introducing this important resolution, and I commend all of my colleagues for paying attention on the floor today to something that is really important,

not just to today, but for generations to come.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his support and advocacy for NASA and its work. I thank the chairman of the full committee, the gentleman from New York (Mr. BOEHLERT); and of course the ranking member, the gentleman from Tennessee (Mr. GORDON), for their leadership, along with the gentleman from California (Mr. CALVERT), chairman of our subcommittee; and of course the ranking member, the gentleman from Colorado (Mr. UDALL).

I am especially appreciative that we would come today to acknowledge not only the leadership of women but also NASA's contributions to America. So I rise to speak as well to H. Res. 441 and H. Res. 446. I thank the gentlewoman from New York (Mrs. MALONEY), who has been steadfast in reminding us of the importance of the involvement and the empowerment of women.

Is it not exciting that we can rise today as the *Discovery* crew comes to the United States Capitol to be able to acknowledge that Colonel Eileen Collins was, in fact, the commander of this particular outstanding effort to return United States to space.

One would wonder with Hurricane Katrina behind us and Hurricane Rita in front of us why we can stand before our colleagues to acknowledge the outstanding contributions of women to the safety and the advancement of humankind and Americans and as well that of NASA. And I say this: NASA equates to science and scientific discovery and advancement, and I am very proud to say that our lives have been made better by the contributions that NASA has made to society.

We were told early on that the use of NASA technology could have predicted or maybe not predicted, foreseen, detected the tsunami. We know now that we have seen the constant repetitiveness of hurricanes that NASA will be a very strong partner in determining how we can better detect the coming of hurricanes and be more safe.

So it is with great pride that I rise to thank Sally Ride, a neighbor in our community in Houston; Kathryn Sullivan; Christa McAuliffe, who lost her life in the earlier *Challenger* flight; and Judith Resnick; Mae Jemison, of course, who served as a role model for many, many young girls; Shannon Lucid; and of course Kalpana Chawla and Laurel Clark, who lost their lives in *Columbia* in the 2003 mission.

But today we have a lot to celebrate because Eileen Collins and Wendy Lawrence were part of that great Space Shuttle *Discovery*, STS-114. With their leadership, we return to space; and I believe we return to the opportunities that space allows.

I am always reminded, whenever we have the opportunity to salute what



NASA does, to say that the research has generated successes in detection and cure of strokes, HIV/AIDS, heart disease, cancer. So we know that NASA is part of our society, and it has the ability to enhance our society.

My congratulations to the *Discovery* crew, to the many women we honor today, such as Ellen Baker, Yvonne Cagle, Tracy Caldwell, Bonnie Dunbar, Anna Fisher, Marsha Ivins, Susan L. Kilrain, Wendy Lawrence, Ellen Ochoa, Judith A. Resnick who has passed of course, Sally K. Ride, Nicole Scott, and many, many others.

It is for us to carry forth their dream by providing the support from the United States Congress but, more important, it is to announce that these women are leaders but also that NASA has laid the groundwork for this society and all around the world to be advanced to a better quality of life.

My salute to NASA and to the fellow employees and as well to the leaders, women, who have taken us into space.

I rise today as a proud cosponsor of H. Res. 450 which congratulates the National Aeronautics and Space Administration and the *Discovery* crew. Let me offer my own personal congratulations to this brave crew who returned NASA to flight and made history in our Nation through the advancement of aeronautics.

Being from the City of Houston, which is home to the Johnson Space Center, I take great pride in the accomplishments of NASA. I am proud to say that I was among the Congressional Delegation that was at Cape Canaveral for the anticipated launch. While the correct decision was made not to launch that day, this brave crew was able to successfully complete its mission. The launch of the Space Shuttle *Discovery* came more than 2 years after the tragic *Columbia* shuttle accident. The crew of the *Discovery* included astronauts Steve Robinson, Jim Kelly, Andy Thomas, Wendy Lawrence, Charlie Camarda, Eileen Collins and Soichi Noguchi. With implementation of the *Columbia* Accident Investigation Board recommendations completed, this crew of seven astronauts flew aboard Space Shuttle *Discovery* on mission STS-114 to test new safety techniques and deliver needed supplies to the International Space Station. Two crewmembers, Steve Robinson and Soichi Noguchi, ventured outside the Shuttle three times on spacewalks. The first demonstrated repair techniques on the Shuttle's protective tiles, known as the Thermal Protection System. During the second spacewalk, they replaced a failed Control Moment Gyroscope, which helps keep the station oriented properly. Finally, they installed the External Stowage Platform, a sort of space shelf for holding spare parts during Station construction. STS-114 will also be the third trip of the Multi Purpose Logistics Module (MPLM) named Raffaello to the Station. It's essentially a "moving van" that transports supplies to the orbital outpost.

I have consistently stated that since the *Columbia* shuttle accident, safety must be our number one priority. All Americans can look proudly upon the achievements of our space exploration when they look upon the crew of the Space Shuttle *Discovery*.

Truly, we as a Nation have come a long way in the area of space exploration since

President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war. . . . The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well, space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked." Our Nation has seen great tragedy and yet we continue to move forward because that is the only path that knowledge will accept; truly it is appropriate that this shuttle was named *Discovery*.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 450, as amended.

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

A motion to reconsider was laid on the table.

#### CONGRATULATING NASA AND THE "DISCOVERY" CREW

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 441) to congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age, as amended.

The Clerk read as follows:

H. RES. 441

Whereas the Space Shuttle Return-to-Flight is the first step in the Nation's Vision for Space Exploration;

Whereas the Space Shuttle *Discovery* Crew completed three highly successful extra-vehicular activity spacewalks;

Whereas the STS flight 114 accomplished the first in-flight heat shield repairs on the Space Shuttle;

Whereas the *Discovery* crew delivered more than 6 tons of needed supplies and equipment to the International Space Station;

Whereas *Discovery*'s spacewalkers removed a failed Space Station gyroscope and replaced it with a new one, restoring full capability of the Station's attitude control system;

Whereas the *Discovery* mission successfully used three different Canadian robotic extensions to conduct spacewalks and to survey the Shuttle: the Shuttle Canadarm; the Space Station Canadarm2; and the Orbiter Boom Sensor System;

Whereas the crew of the *Discovery* experienced "virtual" visits from leaders of 2 nations, the President of the United States and the Prime Minister of Japan; and

Whereas Commander Eileen Collins led the crew of 7 and guided the *Discovery* vehicle through an unprecedented back flip maneuver: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the entire National Aeronautics and Space Administration team and community, who provided invaluable technical support and leadership for the historic mission of Space Shuttle *Discovery* STS flight 114;

(2) commends Commander Eileen Collins, for being the first female space shuttle commander and a role model for all;

(3) commends Col. Jim Kelly, pilot of STS 114, for his second flight aboard the Space Shuttle and his participation in robotic arm operations;

(4) commends Charlie Camarda, mission specialist, a "rookie" who performed like a veteran by transferring the multipurpose logistics module from the International Space Station to the Space Shuttle;

(5) commends Wendy Lawrence, mission specialist, for outstanding skill in operating Canadarm2;

(6) commends Soichi Noguchi of Japan, mission specialist, a "rookie" who was a "spacewalker" for the inspections and repairs of the Space Shuttle;

(7) commends Steve Robinson, mission specialist, for his outstanding skill as a "spacewalker," who enhanced and repaired *Discovery* and the International Space Station; and

(8) commends Andy Thomas, mission specialist, who performed the laser checks on the leading edge of the Space Shuttle by the operation of Canadarm2.

□ 1615

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. CALVERT. 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. 441, the resolution under consideration.

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

There was no objection.

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

Today, we are paying tribute to real American heroes, the crew of the return-to-flight STS-114 Discovery shuttle mission and the NASA team and community on the ground. These heroes have the right stuff that inspires a Nation, from kids studying math and science, to all of us who are awed and inspired by NASA, and our astronauts.

When I introduced this resolution less than a week ago, we had such enthusiastic support that we quickly secured 55 bipartisan cosponsors who represent communities across the Nation. When we pass this resolution today, we plan to present a copy to each member of the *Discovery* crew as a token of the Nation's gratitude for their heroism.

We all worry about the competitiveness of this great Nation and the fact that our schoolchildren are less competitive in math and science than many of their international peers. Currently, the U.S. share of undergraduate and graduate degrees in sciences and engineering has been falling behind those of Asia and Europe. Intuitively, we know that we need to encourage our youth to study these challenging subjects, and with heroes like Commander Eileen Collins, Pilot Jim Kelly, Mission Specialists Charlie Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas, it is much easier to inspire American students to devote their time and studies to science, as we saw during the Apollo program.

The NASA family and this *Discovery* crew have initiated the first step of the Nation's Vision for Space Exploration. Last year, the President announced the Vision for Space Exploration which states that NASA will complete the International Space Station, will return to the Moon no later than 2020, and will extend human presence across the solar system and beyond. This week, NASA released its Exploration Architecture for this vision, which outlines the steps NASA plans to take in order to return to the Moon and explore our solar system over the next 13 years.

In the first space age, our Nation invested in the space program to gain global leadership during the Cold War. Now we are in the second space age, with our global competitiveness worldwide at stake. We must have the United States at the forefront in the exploration of our solar system and the global leader in the high-technology industries. Our preeminence in the world is dependent on our leadership in space.

We honor the STS-114 *Discovery* crew as true American heroes. They are strong men and women who motivate our children and inspire our Nation and the world. They have taken the historic first step of the Vision for Space Exploration and have brought us one step closer to our Nation's destiny.

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

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the brave crew of STS-114 for their hard work and dedication in carrying out the space shuttle's return-to-flight mission.

The astronauts of STS-114 did a superb job. They performed their tasks flawlessly, executing complex maneuvers, conducting several space walks, performing on-the-fly repairs, and delivering critically needed supplies to the International Space Station. In short, they made it look easy, but in fact we know that it was an extremely challenging mission.

I am pleased that this House is honoring their accomplishments today. At the same time, I think they would be the first to acknowledge that they did not do it alone.

The STS-114 crew was backed by a superb team on the ground who also deserve our praise. The engineers and support staff who made this mission possible should be equally proud of their accomplishments. Their hard work and long hours spent preparing for this mission are fully recognized and gratefully appreciated.

Thus, by our actions today, we thank all of those who are responsible, not just the astronauts, but the entire NASA team, thousands of dedicated men and women at NASA centers and at contractor facilities across the country. We thank them for their dedication and perseverance, and we want them to know that they are special to us.

NASA has made great strides since the tragic *Columbia* accident. While it is clear that additional work lies ahead, it is fitting that we take a moment to celebrate what has been accomplished thus far.

I would like to thank the gentleman from California (Chairman CALVERT) for his leadership in introducing this outstanding resolution, and I am honored to speak in support of it.

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

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from upstate New York (Mr. BOEHLERT), the chairman of our committee.

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

Mr. BOEHLERT. Mr. Speaker, I will insert this wonderful statement, developed by a very capable staff, in the RECORD, but let me just speak a couple of minutes about something that I think is really important.

While we salute the magnificent team of people that made STS-114 possible, and I am not just talking about Colonel Collins and her crew, I am talking about all those dedicated professionals in NASA all over the country. They are a part of a team that developed the success story, but I want to salute the American taxpayers for supporting this mission with their hard-earned tax dollars.

A lot of people will say to me what is all this about space, this Buck Rogers stuff, flying in the heavens? I will tell my colleagues what it is about. It is about finding new ways, better ways, to do things for the most important planet in the universe, the one we live on, the planet Earth.

We derive so much from that investment in space right here at home on the planet Earth, and Colonel Collins and all the other team provide a constant source of inspiration to our young people to pursue career opportunities, to master the science and math disciplines. It is wonderful. And if the United States of America hopes to maintain its preeminent position in the international marketplace, we have got to do better. What better example of what can be achieved than the dedicated, committed, outstanding crew of Space Transportation System 114?

It is a pleasure for me to join my colleagues in congratulating them and all of their associates in the NASA family and all those contractors, all the thousands of people who made possible this wonderful success story.

I want to congratulate the entire NASA return-to-flight team and the seven members of the crew of STS-114 for the recent successful completion of their 14-day mission on the Space Shuttle *Discovery*. Specifically, I would like to congratulate Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi (SO-ee-chee NO-gu-chee), Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their test flight to the International Space Station.

We commend the crew for the risks they take in furthering our Nation's goals in space exploration and we recognize them for the fine examples they set in pushing back the frontiers of knowledge. This flight was the first since the *Columbia* accident more than 2½ years ago and represents the culmination of a tremendous amount of work by government and contractor engineers, scientists, technicians, and operators. This flight also brought more than six tons of much needed supplies to the International Space Station. The return-to-flight team and crew is to be congratulated for this important step in moving our Nation's human spaceflight program forward.

I would like to thank the Chairman of the Space and Aeronautics Subcommittee for introducing this resolution to recognize the significant achievements of the NASA team and the crew of STS-114.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield as much time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank my colleague for his leadership in bringing this resolution to the floor.

I rise to congratulate the National Aeronautics and Space Administration and the *Discovery* crew on their successful return to flight this spring and on the many hours of work leading up to that pivotal moment.

As a member of the House Committee on Science, I support NASA's commitment to science and technology research in space. It has been very successful. I also support the breakthroughs in aeronautics research that NASA has made over the years.

NASA research touches many aspects of our everyday lives such as satellite phone technologies, intensive care monitoring, highway safety, breast cancer biopsies, and hurricane observation technology, and I could go on.

To NASA and the *Discovery* crew, I say well done. I was really on pins and needles until they hit Earth safely.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Dallas, Texas (Mr. HALL).

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

Mr. HALL. Mr. Speaker, I rise in support of the resolution to congratulate NASA and the crew of the Space Shuttle *Discovery* on their very successful completion of their latest mission.

Mr. Speaker, I rise today in support of this resolution to congratulate NASA and the crew of the Space Shuttle *Discovery* on the successful completion of their latest mission to the International Space Station. Commander Eileen Collins, Pilot Jim Kelly, Mission Specialists Charlie Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas skillfully executed the 14-day mission in outer space.

This Space Shuttle mission was the first since the *Columbia* disaster two years ago. NASA learned a great deal from that accident, and this test flight two months ago helped the space agency learn even more. While in space, the crew completed three successful spacewalks, and accomplished the first in-flight heat shield repairs on the Shuttle. The two-week mission also encompassed the first "back flip maneuver" so that crew could take pictures of the underbelly of the Shuttle to determine if there was damage to the vehicle during lift-off.

The *Discovery* crew also delivered more than 6 tons of needed supplies and equipment to the International Space Station. While on the Station, "spacewalkers" Noguchi and Robinson replaced a failed gyroscope with a new one, thus restoring full capability of the Station's attitude control system. The crew also facilitated "virtual visits" from the President of the United States and the Prime Minister of Japan.

Returning the Shuttle to flight was the first step toward meeting the goals of the new Vision for Space Exploration—it helps America fulfill its promise to our international partners to complete the International Space Station. While the Shuttle's next return to space will be delayed for a few months as engineers work to redesign the tiles on the fuel tank, I am hopeful that we will soon be on our way back to the Station.

Just this week, NASA administrator Michael Griffin unveiled detailed plans for achieving the goal of returning to the moon by 2018 and pushing on to Mars beyond that date. I am particularly pleased that the plans include many crew safety mechanisms for the new space ship. Astronauts like the ones we are

honoring today, deserve our best efforts to ensure their safe journey into space and return to earth. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

I look forward to working with my colleagues to help make the Vision for Space Exploration a reality. With astronauts like the *Discovery* team and specialists and staff at NASA, America will continue to push frontiers and lead the world in space exploration and discovery.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, again, I thank my fellow Texan for the time, and I rise to congratulate NASA and, of course, the *Discovery* crew for the outstanding work and for the history that they made.

It is history for the United States to be able to return to space. Though, we have had a longstanding commitment, and NASA has been the agency and arm and focal point of Americans', if you will, fascination with space and science and the wonderment of exploration, it is important to celebrate this *Discovery* crew, not only because of Eileen Collins, but because of the bravery which they showed.

One of the issues we have been grappling with and working with since the tragedy of both *Challenger* and *Columbia* is the issue of safety. Even in the most scrutinized of Space Shuttle *Discovery*, it was determined that there was a deficiency in the launch, and a difficult posture was set for those who were now on board and in space. The cool-headedness, the cohesion of the crew, the guiding hand of the commander and the work of the Kennedy Space Center staff and the Johnson Space Center staff and all of the others created this opportunity for a safe return.

At the same time, I think what *Discovery* proved to us is that there is no measure we should leave, no stone unturned as relates to safety, and I look forward to my colleagues moving forward on hearings to address the question of how we can be even more safe and move more resources toward the question of safety and research.

So my salute to the *Discovery* crew for what they have done not only for their places in history, but what they have done with respect to the United States return to flight and our first step toward the Nation's Vision for Space Exploration. We have now begun where we started in the 1960s, with CAMRA. We have never given up hope. We have never given up the light that space provides for our young people.

Might I say that I am excited by the interest of our committee in working on funding sources to be able to encourage more young people in America to take up the sciences; more girls, and certainly boys, but an emphasis on young girls and young women to go into geology and biology and chemistry and the earth sciences and astronomy

and to be able to be part of this new vision of science and exploration in the 21st century.

I thank the *Discovery* crew. I thank them for their place in history. I thank them for the place in history they have put America and Americans, and I thank them for helping us return to our vision and that is the Nation's Vision for Space Exploration. Congratulations to all and to their families.

Mr. CRAMER. Mr. Speaker, I rise today in support of House Resolution 441, congratulating the NASA STS-114 team on the successful completion of the historic test flight to the International Space Station.

I join my colleagues in applauding Commander Eileen Collins and her crew on the outstanding job they did onboard the Shuttle *Discovery*. This 14-day journey was one of the most complex space missions in the history of our Nation's space program. The crew successfully completed three spacewalks, and accomplished the first in-flight repair of the Shuttle's heat shield. They replaced a failed gyroscope onboard the Space Station, helping restore the capability to control the Station's position in orbit. The crew also successfully utilized the new Orbiter Boom Sensor System for the first time. This boom system gives NASA an unprecedented ability to examine the condition of the Shuttle once it reaches orbit. And after an extended grounding of the Shuttle fleet, the *Discovery* crew delivered more than 12,000 pounds of much needed supplies and equipment to the Station. *Discovery* and its crew also returned about 7,000 pounds of Station material back to Earth. All of us are very proud of their heroism and resolve during their mission.

I also congratulate the NASA team on the ground who worked day and night to ensure that this mission was a success, and as safe as possible. In Congress, I have the privilege of representing NASA employees and contractors at the Marshall Space Flight Center. I am proud of their hard work and dedication to making this *Discovery* flight as safe as possible.

Mr. Speaker, STS-114 was the first of two Return-to-Flight test flights. And NASA collected an unprecedented amount of test data from this flight. NASA will build on what it has learned from this *Discovery* mission as it prepares for the second test flight. There is much work yet to be done, but I believe that under the leadership of Administrator Mike Griffin, NASA is moving along the correct path.

Finally, Mr. Speaker, I want to take a moment to remember the brave crewmembers of the Shuttle *Columbia*. *Discovery*'s successful mission, and the ongoing work towards the second Return-to-Flight test flight, represents our nation's ongoing commitment to the *Columbia* crew's spirit of exploration.

I strongly urge my colleagues to adopt this resolution.

Mr. DREIER. Mr. Speaker, I rise today in strong support of House Resolution 441, which congratulates the National Aeronautics and Space Administration and the Space Shuttle *Discovery*'s crew for their recent 14-day test flight. The mission was an important step in returning the Shuttle to flight and toward meeting our obligations in completing the International Space Station. The many NASA employees and contractors who worked to make the flight safe and successful deserve our support and praise.

The Shuttle's successful flight lays the foundation for an exciting decade for NASA and an exciting time for everyone interested in space science and exploration. I am especially looking forward to several missions that NASA will undertake through the La Canada Flintridge-based Jet Propulsion Laboratory. As my colleagues well know, I have the privilege of representing JPL and I am a strong supporter of it here in Congress. JPL's missions have consistently generated public support and are a mainstay in NASA's scientific portfolio.

JPL's continued management of NASA's Mars program, which for the last year and a half has brought us the twin Rovers Spirit and Opportunity, has resulted in unprecedented success. In addition, the planned 2007 launch of the Phoenix Mars Scout and the 2009 launch of the Mars Science Laboratory will provide the country with a long-duration science laboratory that represents a major leap in space exploration. Specifically, MSL will collect soil samples and rock cores from Mars and analyze them for organic compounds and environmental conditions that could have supported microbial life in the past.

Through its work at JPL, NASA is also slated to begin two major missions that will give us greater insight into the origins of our universe. The first of these is the Space Interferometry Mission, or SIM PlanetQuest. Scheduled for launch in 2012, SIM will determine the positions and distances of stars several hundred times more accurately than any previous program. This precision will allow us to measure the distances to stars throughout the galaxy and to probe nearby stars for Earth-sized planets. The second mission, the Europa Orbiter, will discover whether an ocean exists beneath the surface of one of Jupiter's most interesting moons. This mission should launch in 2015.

JPL is also poised to conduct a series of missions that will examine Earth and lead to better predictions and understandings of our planet's climate. These missions include the launch of CloudSat later this year; the Ocean Surface Topography Mission and the Orbiting Carbon Observatory in 2008; and the 2009 launch of Aquarius, which will provide the first-ever global maps of salt concentrations on the ocean's surface. These missions will provide valuable insight into our planet's precipitation and weather patterns.

Each of JPL's current and future missions are an integral part of NASA's overall space exploration plan. With JPL's missions and other NASA initiatives, such as the agency's rollout of its new exploration architecture for returning to the Moon, there can be no doubt the next decade will be an exciting one.

In closing, Mr. Speaker, I want to again say that the most recent Shuttle mission is just another example of what NASA is doing right. I am pleased to join my colleagues today in congratulating the crew and look forward to another successful Shuttle mission in the near future.

Mr. WELDON of Florida. Mr. Speaker, I rise today with my colleagues to acknowledge the crew of STS-114 in their heroic mission to the International Space Station this past summer. Their mission was watched with awe and appreciation by the entire world. I am proud that so many of my constituents work with NASA and especially the Human Space Flight program.

Great nations explore. America has taken up this banner and has committed itself to

space exploration. We gain so much for our efforts. Space is of such a vital interest to our Nation from an economic and strategic vantage point. The Shuttle *Discovery* and her crew provided a vital support and logistics mission to the ISS. Their mission was an important part of our on-going exploration of space. I thank the crew and all of those who made the mission a success.

We have a wonderful new Vision for Space Exploration that includes a return to the Moon and eventually go onward to Mars. STS-114 played its own small, but critical part in that journey.

Mr. GORDON. Mr. Speaker, I rise today to honor the brave astronauts of STS-114, Space Shuttle *Discovery*. These astronauts, and the entire NASA team, should be very proud of their accomplishments.

The long hours of training and preparing paid off in the nearly flawless execution of multiple spacewalks and many other critical tasks on this mission, including delivering much needed supplies to the space station and performing unprecedented in-flight repairs.

Americans all across this country were riveted by the adventures of these men and women. In fact, there was so much interest that new internet records were set: more than two-and-a-half million people visited NASA's website over the course of this mission.

Many of those "hits" were children, tomorrow's explorers, who have found new heroes and role models in the crew of STS-114. By showing our children what they can accomplish, these astronauts inspire the next generation and encourage them to focus on science, engineering and technology—fields that are vital to our future economy and security.

The ability to inspire is, perhaps, the greatest benefit of our space program and this *Discovery* crew has provided inspiration for all of us.

It is fitting that we honor the crew of STS-114 and all of the NASA employees and contractors who are helping this Nation explore space. I thus am proud to be an original cosponsor of H. Res. 441, and I urge its adoption.

Mr. UDALL of Colorado. Mr. Speaker, heroes are those select few among us who are endowed with courage and strength, those who risk life and limb to further a cause greater than themselves. I rise today to honor seven such heroes, the astronaut crew of STS-114.

These men and women should be very proud of what they accomplished on this historic mission. Through their bravery and ingenuity they helped bring our manned space program back to life. After two-and-a-half years on the ground, we have finally returned to space to continue our exploration into the unknown.

Though our shuttle program still faces many challenges in the months and years to come, we are taking time today to acknowledge the progress NASA has been made thus far. I would like to thank those responsible, not just the astronauts, but the entire NASA team, thousands of dedicated men and women at NASA centers across the country, for their commitment.

In honoring the astronauts of STS-114, we should not forget those who came before them. By continuing our exploration of space, this mission continues their legacy. I am sure

that the brave souls who gave their lives aboard the *Columbia* would be very proud of this *Discovery* crew.

Their steps of progress will lead us into the next chapter of human exploration.

Thank you and I urge members to suspend the rules and pass this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 441.

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. CALVERT. 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.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMMONS) at 6 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3761, by the yeas and nays;

H. Res. 441, by the yeas and nays.

#### FLEXIBILITY FOR DISPLACED WORKERS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3761, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3761, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 476]

#### YEAS—400

Abercrombie	Delahunt	Johnson (IL)
Ackerman	DeLauro	Johnson, E. B.
Aderholt	DeLay	Johnson, Sam
Akin	Dent	Jones (NC)
Alexander	Dicks	Jones (OH)
Allen	Dingell	Kanjorski
Baca	Doggett	Kaptur
Bachus	Doyle	Keller
Baird	Drake	Kelly
Baldwin	Dreier	Kennedy (MN)
Barrett (SC)	Duncan	Kennedy (RI)
Barrow	Edwards	Kildee
Bartlett (MD)	Ehlers	Kilpatrick (MI)
Barton (TX)	Emanuel	King (IA)
Bass	Emerson	King (NY)
Bean	Engel	Kingston
Beauprez	English (PA)	Kirk
Becerra	Eshoo	Kline
Berkley	Etheridge	Knollenberg
Berman	Evans	Kolbe
Berry	Everett	Kucinich
Biggart	Farr	Kuhl (NY)
Bilirakis	Fattah	LaHood
Bishop (GA)	Feeney	Langevin
Bishop (NY)	Ferguson	Lantos
Bishop (UT)	Filner	Larsen (WA)
Blackburn	Fitzpatrick (PA)	Larson (CT)
Blumenauer	Flake	Latham
Blunt	Foley	LaTourette
Boehlert	Forbes	Leach
Boehner	Fortenberry	Lee
Bonilla	Fossella	Levin
Bonner	Fox	Lewis (CA)
Bono	Frank (MA)	Lewis (GA)
Boozman	Franks (AZ)	Lewis (KY)
Boren	Frelinghuysen	Linder
Boucher	Gallegly	Lipinski
Boustany	Garrett (NJ)	LoBiondo
Boyd	Gerlach	Lofgren, Zoe
Bradley (NH)	Gilchrest	Lowey
Brady (PA)	Gillmor	Lucas
Brady (TX)	Gingrey	Lungren, Daniel
Brown (OH)	Gohmert	E.
Brown (SC)	Gonzalez	Mack
Brown-Waite,	Goode	Maloney
Ginny	Goodlatte	Marchant
Burgess	Gordon	Markey
Butterfield	Granger	Marshall
Buyer	Graves	Matheson
Calvert	Green (WI)	Matsui
Cannon	Green, Al	McCarthy
Cantor	Green, Gene	McCaul (TX)
Capito	Grijalva	McCollum (MN)
Capps	Gutierrez	McCotter
Capuano	Gutknecht	McCrery
Cardin	Hall	McDermott
Cardoza	Harman	McGovern
Carnahan	Harris	McHugh
Carson	Hart	McIntyre
Carter	Hastings (FL)	McKeon
Case	Hastings (WA)	McMorris
Castle	Hayes	McNulty
Chabot	Hayworth	Meehan
Chandler	Hefley	Meek (FL)
Chocola	Hensarling	Meeks (NY)
Clay	Herger	Melancon
Cleaver	Herseth	Mica
Clyburn	Higgins	Michaud
Coble	Hinchey	Millender-
Cole (OK)	Hinojosa	McDonald
Conaway	Hobson	Miller (FL)
Conyers	Holden	Miller (MI)
Cooper	Holt	Miller (NC)
Costa	Honda	Miller, Gary
Costello	Hooley	Miller, George
Cramer	Hostettler	Mollohan
Crenshaw	Hoyer	Moore (KS)
Crowley	Hulshof	Moore (WI)
Cubin	Hunter	Moran (KS)
Cuellar	Hyde	Moran (VA)
Culberson	Inglis (SC)	Murphy
Cunningham	Inslee	Musgrave
Davis (AL)	Israel	Nadler
Davis (CA)	Issa	Napolitano
Davis (IL)	Istook	Neal (MA)
Davis (KY)	Jackson (IL)	Neugebauer
Davis (TN)	Jackson-Lee	Ney
Davis, Jo Ann	(TX)	Northup
Davis, Tom	Jefferson	Norwood
Deal (GA)	Jenkins	Nunes
DeFazio	Jindal	Nussle
DeGette	Johnson (CT)	Oberstar

Obey	Ruppersberger	Tauscher
Oliver	Ryan (OH)	Taylor (NC)
Ortiz	Ryan (WI)	Terry
Osborne	Ryun (KS)	Thomas
Otter	Sabo	Thompson (CA)
Owens	Salazar	Thompson (MS)
Oxley	Sánchez, Linda	Thornberry
Pascarell	T.	Tiahrt
Pastor	Sanchez, Loretta	Tiberi
Paul	Saxton	Tierney
Payne	Schakowsky	Turner
Pearce	Schiff	Udall (CO)
Pelosi	Schmidt	Udall (NM)
Pence	Schwartz (PA)	Upton
Peterson (MN)	Schwarz (MI)	Van Hollen
Peterson (PA)	Scott (GA)	Velázquez
Petri	Scott (VA)	Visclosky
Pickering	Sensenbrenner	Walden (OR)
Pitts	Serrano	Walsh
Poe	Shadegg	Wamp
Pombo	Shaw	Wasserman
Pomeroy	Shays	Schultz
Porter	Sherman	Waters
Price (GA)	Sherwood	Watson
Price (NC)	Shimkus	Watt
Price (OH)	Shuster	Waxman
Putnam	Simmons	Weiner
Rahall	Simpson	Weldon (FL)
Ramstad	Slaughter	Weldon (PA)
Rangel	Smith (NJ)	Weller
Regula	Smith (TX)	Westmoreland
Rehberg	Smith (WA)	Wexler
Reichert	Snyder	Whitfield
Renzi	Sodrel	Wicker
Reyes	Solis	Wilson (NM)
Reynolds	Souder	Wilson (SC)
Rogers (AL)	Spratt	Wolf
Rogers (KY)	Stark	Woolsey
Rogers (MI)	Stearns	Wu
Rohrabacher	Stupak	Wynn
Ross	Sullivan	Young (AK)
Rothman	Sweeney	Young (FL)
Roybal-Allard	Tancred	
Royce	Tanner	

#### NOT VOTING—33

Andrews	Ford	Pallone
Baker	Gibbons	Platts
Bilchrest	Hoekstra	Radanovich
Boswell	Kind	Ros-Lehtinen
Brown, Corrine	Lynch	Rush
Burton (IN)	Manzullo	Sanders
Camp	McHenry	Sessions
Cummings	McKinney	Skelton
Davis (FL)	Menendez	Strickland
Diaz-Balart, L.	Murtha	Taylor (MS)
Diaz-Balart, M.	Myrick	Towns
Doolittle		

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded they have 2 minutes remaining in which to cast their votes.

□ 1851

Mr. PAUL changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### ANNOUNCING THE BIRTH OF JACK KEVIN BARTON

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

Mr. BARTON of Texas. Mr. Speaker, we have had some catastrophes the last several weeks in our great Nation, but there is some good news. I am proud to report that the Sixth District of Texas has a new voter, at least in 18 years.

Jack Kevin Barton was born to my sweet wife, Terri, last Thursday evening at 7:06. He weighs 10 pounds, 4 ounces. He is in good health and is politically unaffiliated.

#### CONGRATULATING NASA AND THE “DISCOVERY” CREW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 441.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 441, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 477]

#### YEAS—401

Abercrombie	Conyers	Green, Al
Ackerman	Cooper	Green, Gene
Aderholt	Costa	Grijalva
Akin	Costello	Gutierrez
Alexander	Cramer	Gutknecht
Allen	Crenshaw	Hall
Baca	Crowley	Harman
Bachus	Cubin	Harris
Baird	Cuellar	Hart
Baker	Culberson	Hastings (FL)
Baldwin	Cummings	Hastings (WA)
Barrett (SC)	Cunningham	Hayes
Barrow	Davis (AL)	Hayworth
Bartlett (MD)	Davis (CA)	Hefley
Barton (TX)	Davis (IL)	Hensarling
Bass	Davis (KY)	Herger
Bean	Davis (TN)	Herseth
Beauprez	Davis, Jo Ann	Higgins
Becerra	Davis, Tom	Hinchey
Berkley	Deal (GA)	Hinojosa
Berman	DeFazio	Hobson
Berry	DeGette	Holden
Biggart	Delahunt	Holt
Bilirakis	DeLauro	Honda
Bishop (GA)	DeLay	Hooley
Bishop (NY)	Dent	Hostettler
Bishop (UT)	Dicks	Hoyer
Blackburn	Dingell	Hulshof
Blumenauer	Doggett	Hunter
Blunt	Doyle	Hyde
Boehlert	Drake	Inglis (SC)
Boehner	Dreier	Inslee
Bonilla	Duncan	Israel
Bonner	Edwards	Issa
Bono	Ehlers	Istook
Boozman	Emanuel	Jackson (IL)
Boren	Emerson	Jackson-Lee
Boucher	Engel	(TX)
Boustany	English (PA)	Jefferson
Boyd	Eshoo	Jenkins
Bradley (NH)	Etheridge	Jindal
Brady (PA)	Evans	Johnson (CT)
Brady (TX)	Everett	Johnson (IL)
Brown (OH)	Farr	Johnson, E. B.
Brown (SC)	Fattah	Johnson, Sam
Brown-Waite,	Feeney	Jones (NC)
Ginny	Ferguson	Jones (OH)
Burgess	Filner	Kanjorski
Butterfield	Fitzpatrick (PA)	Kaptur
Buyer	Flake	Keller
Calvert	Foley	Kelly
Cannon	Forbes	Kennedy (MN)
Cantor	Fortenberry	Kennedy (RI)
Capito	Fossella	Kildee
Capps	Fox	Kilpatrick (MI)
Capuano	Frank (MA)	King (IA)
Cardin	Franks (AZ)	King (NY)
Cardoza	Frelinghuysen	Kingston
Carnahan	Gallegly	Kirk
Carson	Garrett (NJ)	Kline
Carter	Gerlach	Knollenberg
Case	Gilchrest	Kucinich
Castle	Gillmor	Kuhl (NY)
Chabot	Gingrey	LaHood
Chandler	Gohmert	Langevin
Chocola	Gonzalez	Lantos
Clay	Goode	Larsen (WA)
Cleaver	Goodlatte	Larson (CT)
Clyburn	Gordon	Latham
Coble	Granger	LaTourette
Cole (OK)	Graves	Leach
Conaway	Green (WI)	Lee

Levin	Osborne	Sherwood
Lewis (CA)	Otter	Shimkus
Lewis (GA)	Owens	Shuster
Lewis (KY)	Oxley	Simmons
Linder	Pascarell	Simpson
Lipinski	Pastor	Skeltan
LoBiondo	Paul	Slaughter
Lofgren, Zoe	Payne	Smith (NJ)
Lowey	Pearce	Smith (TX)
Lucas	Pelosi	Snyder
Lungren, Daniel E.	Pence	Sodrel
	Peterson (MN)	Solis
Mack	Peterson (PA)	Souder
Maloney	Petri	Spratt
Marchant	Pickering	Stark
Markey	Pitts	Stearns
Matheson	Platts	Stupak
Matsui	Poe	Sullivan
McCarthy	Pombo	Sweeney
McCaul (TX)	Porter	Tancredo
McCollum (MN)	Price (GA)	Tanner
McCotter	Price (NC)	Tauscher
McCrery	Pryce (OH)	Taylor (NC)
McDermott	Putnam	Terry
McGovern	Rahall	Thomas
McHugh	Ramstad	Thompson (CA)
McIntyre	Rangel	Thompson (MS)
McKeon	Regula	Thornberry
McKinney	Rehberg	Tiahrt
McMorris	Reichert	Tiberi
McNulty	Renzi	Tierney
Meehan	Reyes	Turner
Meek (FL)	Reynolds	Udall (CO)
Meeks (NY)	Rogers (AL)	Udall (NM)
Melancon	Rogers (KY)	Upton
Mica	Rogers (MI)	Van Hollen
Michaud	Rohrabacher	Velázquez
Millender-	Ross	Visclosky
McDonald	Rothman	Walden (OR)
Miller (FL)	Roybal-Allard	Walsh
Miller (MI)	Royce	Wamp
Miller (NC)	Ruppersberger	Wasserman
Miller, Gary	Ryan (OH)	Schultz
Miller, George	Ryan (WI)	Waters
Mollohan	Ryun (KS)	Watson
Moore (KS)	Sabo	Watt
Moore (WI)	Salazar	Waxman
Moran (KS)	Sánchez, Linda T.	Weiner
Moran (VA)	Sanchez, Loretta	Weldon (FL)
Murphy	Saxton	Weldon (PA)
Musgrave	Schakowsky	Weller
Nadler	Schiff	Westmoreland
Napolitano	Schmidt	Wexler
Neal (MA)	Schwartz (PA)	Whitfield
Neugebauer	Schwarz (MI)	Wicker
Ney	Scott (GA)	Wilson (NM)
Northup	Scott (VA)	Wilson (SC)
Norwood	Sensenbrenner	Wolf
Nunes	Serrano	Woolsey
Nussle	Shadegg	Wu
Oberstar	Shaw	Wynn
Obey	Shays	Young (AK)
Olver	Sherman	Young (FL)
Ortiz		

## NOT VOTING—32

Andrews	Hoekstra	Pomeroy
Boswell	Kind	Radanovich
Brown, Corrine	Kolbe	Ros-Lehtinen
Burton (IN)	Lynch	Rush
Camp	Manzullo	Sanders
Davis (FL)	Marshall	Sessions
Diaz-Balart, L.	McHenry	Smith (WA)
Diaz-Balart, M.	Menendez	Strickland
Doolittle	Murtha	Taylor (MS)
Ford	Myrick	Towns
Gibbons	Pallone	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "To congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Spe-

cialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005, which historical mission represented a great step forward into the new beginning of the Second Space Age."

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on September 20, 2005. Had I been present I would have voted "yes" on rollcall Nos. 476 and 477.

## PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC, from a meeting with Nicaraguan President Bolaños in Managua, and therefore unable to be on the House Floor for rollcall votes 476 and 477. Had I been here I would have voted "yea" on rollcall vote 476, and "yea" on rollcall vote 477.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-227) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1915

## HONORING TIANNA MADISON

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

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize a distinguished Ohioan, Tianna Madison. In August, Ms. Madison, a graduate of Elyria High School, won the long jump at the World Track and Field Championships held in Helsinki.

A nine-time State champion, Ms. Madison shocked the world when she leaped 22 feet, 7¼ inches to win the title, defeating Russian Olympic silver medalist Tatyana Kotova.

During her senior year in high school, Ms. Madison became only the third athlete in Ohio history to capture four events in a State meet 2 years in a row. The first was another long jumper, Jesse Owens.

At 19, Ms. Madison is one of the youngest-ever world track champions. When asked by the Plain Dealer if she was surprised by her stunning performance, she replied, "I expected it. I prayed about it. I knew it was going to happen. I just did not know which year."

Mr. Speaker, it is my honor to congratulate Tianna Madison on her remarkable achievement.

## PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and missed roll call vote 471 and 472 on Thursday of last week. Had I been present, I would have voted nay on roll call 471, and nay on roll call 472.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

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

There was no objection.

## COST OF E85 FUEL AND UNLEADED FUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I am certainly a great supporter of the ethanol industry. Ethanol does a great many good things. It reduces our dependence on foreign oil. It reduces the trade deficit, which is certainly a very difficult problem for our economy. It reduces the cost of the farm bill. And it helps the economy, creates roughly 200,000 jobs. And, of course, it also produces more energy than it consumes.

Mr. Speaker, this is something that is widely misunderstood. And I would like to show the chart here, Mr. Speaker, that I think illustrates something



that many people do not realize. For every BTU of energy that goes into the process of making ethanol, you get roughly 1.4 BTUs of energy back.

On the other hand, with gasoline, for every BTU that you put into the input cost into the manufacturing, you get eight-tenths of a BTU back. An MTBE which, of course, is a fuel additive, for every one unit of energy you get sixty-seven hundredths back.

Now the reason for that is that ethanol harnesses the energy of the sun, as corn grows. And so it is a net savings. And so a lot of good things about ethanol, a lot of things that are positive.

However, there are some things that have occurred here recently that are rather disturbing at the present time, and I think that this following chart pretty well illustrates this. We had assumed that since ethanol is made from corn, corn prices are low. In Nebraska recently, the price of a bushel of corn was \$1.54. And a good price would be maybe \$3 a bushel. So corn is very, very low right now. That is the primary ingredient to make ethanol.

We have heard about the refinery capacity being reduced. And that has been a problem that has caused gasoline prices to spike. But ethanol is not dependent, largely, upon the refinery industry.

Fifteen percent of E85 is gasoline. The other 85 percent is ethanol, which is made at an ethanol plant, which is really distributed mostly across the Midwest. So the hurricane had absolutely no effect on most of the cost of ethanol, and yet we find these things to be true.

On August 1 of 2005, in North Platte, Nebraska, the cost of E85, 85 percent ethanol, was just slightly under \$2; \$1.99 a gallon. In Lincoln, Nebraska it was \$2.04. So, pretty close; just a 5 cent spread.

However, by September 19, yesterday, that price had risen dramatically. North Platte was \$2.69 a gallon, which was a 70 cent increase. Lincoln, Nebraska was \$3.09, which was \$1.05.

Again, we understand that there is a shortage of fuel. We realize there are refinery problems. But ethanol should be pretty much insulated from those problems. So it is very difficult for those of us who are fairly close to that industry to understand how in the world we could see those kinds of increases in such a short period of time.

By the same token, the cost of unleaded fuel, with no ethanol in it, actually was cheaper in North Platte and Lincoln by 10 cents and 40 cents a gallon, and this is unheard of, because normally E85 should run 30, 40, 50, even 60 cents a gallon cheaper, because there is a 51-cent tax credit for ethanol because of the fact that it does rely primarily on corn, which is a domestically produced commodity.

So anyway, we are quite concerned about this. We have asked people to look into this. I believe that the Energy and Commerce Committee is will-

ing to take a look at it, the volatility of fuel prices and the fact that this is really very damaging to our economy.

It is very damaging to our farm economy, particularly, and they are the ones that produce the ethanol. So this is really something that is very puzzling and something that we are hoping that Congress, particularly the Energy and Commerce Committee, can get to the bottom of.

#### ANNIVERSARY OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, just over a year ago, Congress allowed the Federal ban on assault weapons to expire without a floor vote. The ban was allowed to die despite the support of two-thirds of the American people and the support of nearly every police organization in the country. And although he did nothing to help, President Bush even said he supported the ban. But Congress refused to listen to common sense and allowed weapons such as AK-47s and Tec-9s to be available throughout the United States.

Since then, the NRA and its allies in Congress have pursued a radical agenda to weaken our gun laws. In July, the other body passed legislation giving the gun industry unprecedented protections from negligent lawsuits. This legislation will see that negligence goes unpunished.

It will also give the industry no incentive to pursue safety innovations for their products. Had these protections been in place for the auto industry 40 years ago, cars would not have seat belts, air bags, antilock brakes.

The NRA says this law will prevent frivolous lawsuits against the gun industry. But it is a problem that does not exist. Over the past 10 years, over 10 million lawsuits have been filed in the United States. Only 57 have involved the gun industry. And only 12 of those have been ruled frivolous by judges.

The current system works. Frivolous lawsuit against the gun industry are not coming to trial. Also, the NRA has begun a lobbying campaign to convince State legislatures to overturn workplace gun laws. Whether it is at a day care center or school, church or hazardous material plant, the NRA wants employees to come to work armed.

Again, it defies common sense. Guns are already the third greatest hazard in the work field. Seventeen Americans die in the job because of guns each and every week. Instead of dismissing irresponsible business practices and allowing guns in day care centers, Congress should focus on legislation that keeps illegal guns out of the hands of criminals and terrorists.

We need to give gun law enforcement the tools to enforce current gun laws. According to the Department of Jus-

tice, only 2 percent of Federal gun crimes are enforced. I have introduced legislation to improve the National Instant Background Check System, or NICS, to make sure people who are not allowed to own guns cannot access them.

NICS is a database used to make sure potential gun buyers are legally permitted to own firearms. But the system is only as good as the information States provide. Twenty-five States have entered less than 60 percent of their felony convictions into the NICS database.

In 13 States, domestic violence restraining orders are not entered into the NICS system. My bill will require States and Federal agencies to provide the FBI with all relevant records necessary to conduct effective background checks.

The bill estimates a nationwide grant program to allow State law enforcement agencies to update and transmit records for inclusion into NICS.

Another step towards reducing the threat of gun violence is to include individuals on the Federal terrorist watch list in the NICS system. That individuals with known terrorist ties are allowed to buy guns, with no questions asked, represents a serious threat to our homeland security.

Earlier this year, the United States Government Accountability Office issued a report revealing 44 instances of persons listed on Federal terrorist watch lists attempting to purchase firearms from gun shows during a 4-month period in 2004. Thirty-five of these transactions resulted in a successful purchase of a firearm.

Our current law allows our enemies in the war on terror to arm themselves within our own borders. I have introduced legislation to place persons on the Transportation Security Administration's no-fly list into the NICS system. If we do not trust an individual to board a plane, common sense dictates that we should not allow them to buy guns.

Both sides of the gun issue have a vested interest in reducing gun violence. In 2002 alone, guns killed over 30,000 Americans. Each year, gun violence kills more of our children than cancer, pneumonia, asthma, AIDS, and the flu combined.

Studies show gun violence costs our health care system more than \$100 billion a year. Mr. Speaker, we must work together to achieve commonsense solutions to violence, without infringing on the second amendment rights of law-abiding citizens.

#### UNEQUAL TAXATION HURTS EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, in a prior existence, I spent eight terms in the Utah legislature and 28 years as a

public classroom teacher. And in both of these situations I recognized, first of all, as a legislator, the capacity of the State to fund public education. And as a teacher, I understood firsthand the need for adequate funding of education. And it seemed as if in all cases there was some gigantic blockage that made it impossible for those two needs to kind of coalesce together.

Well, today I am a Member of this august body, I am a member of the Federal Government, and I have identified what I think is that blockage that made it so difficult to bring these two needs together. That blockage is we. It is the Federal Government. It is the amount of land that the Federal Government owns.

Like a dam in a creek that artificially stops the flow of water in that creek, there is a dam on the stream of funds for kids, and that dam is the biggest landowner this side of the Soviet Union: we, the Federal Government.

Let me try and illustrate what I am talking about. If you look at this first map, notice the States that are in red. These are the States that have the most difficult time of increasing their funds and their commitment to public education. And you will notice that these red States are predominately in the West. Twelve of the 15 States with the slowest growth in public education funding are actually found in the West. And it is a significant difference.

These Western States have an increase of around 33 percent in their funding growth of education, whereas the Eastern States have a 68 percent increase in their growth of funding.

Let us try the next one. If you look at the kind of concept of class size, once again if you look at the States that are in red, those are the States with the largest class size. And it is a significant difference, as much as an average of 3 per class in each of those particular States.

Let me try the third one as well. If you look at the need for public education funding, the States once again in red are the States where the need is greatest.

□ 1930

The States in red, those in the West have a 3 percent growth rate in their population going into public education. The East this year for the first time got up to zero percent. They had been the negative number system before that time. So why is this situation where the States in red, those in the West, are always having a difficult time in funding of education? It is not because they do not tax as much.

If you look at the western States, their total State and local taxes are equal to or higher than those in the East. And it is not because they do not have a commitment to education. If you look at the percentage of their budget that goes to education, it is once again a higher ratio almost by .6 percent higher in the West than it is in the East.

If the West is taxing as much, if they are as committed in their budget, if they have the need, yet their class sizes are high and they cannot fund the education that happens to be there, then what seems to be the problem? What is this obstacle?

I happen to think that I found at least a prima facie case for a correlation, and it is land. If you draw an imaginary line between Montana to New Mexico, everything west of that line, 52 percent of that is owned by the Federal Government. Go east of that line and only 4 percent is owned by the Federal Government. Let us try this next map and you will see what I mean.

Everything indicated in blue is the amount of each State owned and controlled by the Federal Government. If you make a correlation with those States having a difficult time funding their educational system and the amount of land owned by the Federal Government, you see an amazing correlation. The problem lies at the feet of the Federal Government. The enormous amount of land owned and controlled by the Federal Government is the reason why those States in the West are basically in the back of the financial bus for education.

Land has historically been the mechanism of funding education by States. The State of George in 1777 was the first State that actually offered opportunities to try to assist those local communities. The State of Connecticut actually sold 3 million acres of land to fund their education system. Of course it was land that was in Ohio which they claimed at the time; but even though it was not their State, at least they were selling something. Close enough for government work.

The State of Texas, you will notice, has very little land owned by the Federal Government because when they were admitted they kept their land; but immediately they set aside 17,000 acres by the State to put in a trust fund to pay for their public education programs and systems.

It goes back to when Henry VIII closed down the monasteries and redistributed the land. One of the conditions for redistributing that land was they would take the traditional role of that monastery land and help to fund the purposes of education.

There are four ways in which land connects with public education funding: through school trust lands, through royalties from land, through the enacting clause promised western States, and, fourth, through property tax.

Let me talk about a few of those for just a moment. Property tax. It is obvious those in the West do not have the property to tax. If you were to change the situation around and simply say four percent of the West should be owned by the Federal Government and put the price at about \$525 an acre, that is an average, and up it at the lowest tax rate, this is what the result would be. This is the amount of money

that each western State would have additionally that they could raise by themselves to fund public education. My State of Utah would have \$116 million. California, \$110 million. Alaska would have \$782 million, and that is only the portion that would deal with the funding of education.

There is another concept that should be involved here. When every one of these western States was made a State, there was a clause in their enabling language that said the land should be given to the Federal Government until such time as the Federal Government shall dispose of the land.

With that, Mr. Speaker, I will come back at another time and review some of these issues with you. But there is a need to recognize the situation in the West. And there is a need to understand that the West is being treated unfairly, and it goes back to this problem of public ownership with the West. At some time, there needs to be a solution to this problem.

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

#### BETRAYAL OF AMERICAN VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor have become little more than an afterthought, most recently evidenced by what we saw in the aftermath of Hurricane Katrina.

While productivity is up in this country, while profits are up in this country, wages are falling, and poverty is increasing. Since 1973, not coincidentally the year that America went from a trade surplus into a trade deficit, since 1973 the average worker has seen her wages or his wages go up about 10 percent in real dollars while that worker's productivity has increased about ninety percent. Productivity up ninety percent, wages up only 10 percent.

It used to be in this country since World War II that when productivity went up, workers' wages went up roughly the same amount. And this is the key, that workers shared in the wealth they created for their employers. So productivity jumped up 90 percent, wages went up only 10 percent, profits skyrocketed for employers. Workers have not shared in the wealth they create.

An August census report revealed around the same time as Hurricane Katrina that in the United States the number of uninsured Americans has increased dramatically as has the number of families living below the poverty line; 1.1 million Americans dropped into poverty in 2004 alone, 2 million more Americans enrolled in Medicaid that year. Yet in the face of growing poverty and the rising number of uninsured Americans, this administration and Republican leadership are demanding that we cut \$10 billion, that is billion with a B, \$10 billion from Medicaid.

Think about that again. More and more people need Medicaid, not just because of Katrina but because of layoffs, because of plants closings like Michigan, in my State of Ohio, other places, because more and more employers are dropping their coverage. The congressional response is cutting Medicaid by \$10 billion so that the President and Republican leadership can give tax cuts to the wealthiest 1 percent of people in this country.

Think about that. That is a choice. We give tax cuts to the wealthy, more tax cuts to the wealthiest 1 percent. The way to pay for it is to cut Medicaid by \$10 billion. That is a choice that politicians and elected officials made. Give tax cuts to the wealthiest people. Cut programs like Medicaid that really matter for people who have lost their jobs, for the working poor, for people that have suffered from Katrina, for all the reasons that people have been down on their luck.

Household incomes fell for the fourth year in a row in 2004, something that has not happened since the Depression. In every segment of the American society except for the very wealthy, every segment has seen income decline in the last 5 years. America's men and women working full-time, the recent productivity is up; but they are not sharing in the wealth they create.

The number of people living in poverty increased by 1.1 million people. The infant mortality rate in this country is rising. The infant mortality rate in Washington, DC, is twice the infant mortality rate in Beijing. The infant mortality rate in this country went up last year for the first time since 1958. Our Nation cannot survive as a thriving democracy under policies that rely on trickle down economic theories.

Now, 2 weeks ago President Bush signed an executive order that will allow companies that win Federal no-bid contracts, Halliburton, Bechtel, some of the other friends of the Presi-

dent's and the Vice-President's, his executive order will allow those companies to pay less than the prevailing wage. We give them unbid contracts and huge profits, as they have had in Iraq. They will have these huge contracts in Mississippi, Louisiana, and Alabama; and yet they are exempt from paying the prevailing wage.

When government should be in its most proactive to ensure the return of a thriving economy, this administration is actively working to lower wages. The community hit hardest by Katrina is the working poor. These men and women will literally do the heavy lifting and the rebuilding of Louisiana, Alabama, and Mississippi. Yet the President is saying, Cut their wages.

Cheating workers out of fair wages robs them of the ability to take ownership in their community. The goal should be to put wealth in those communities from people that are working and rebuilding those communities. One must ask why the President would depress wages for a community in crisis. Cutting wages for people who are struggling to rebuild their lives is a betrayal of American values. The President of the United States should know better.

#### PLEDGE POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I 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.

Mr. Speaker, this simple, powerful statement is a patriotic phrase defining what we are all about as citizens of this Republic. It is being said in school yards across America every day. In some States it is the State law that it be said. In Texas, for example, it is required along with the Texas State pledge and a moment of silence each day. This is observed by students and by teachers. But not every school child may say it. In fact, some are actually forbidden to say it because it mentions, heaven forbid, under God.

A member of the pledge police, a Federal judge in California, has issued his decree denouncing the pledge and forbidding it in some school districts in California because some adult atheist has become offended. The atheist, mind you, is not a student in any school, just an offended individual that has convinced the pledge police to stop the pledge from being uttered in schools because he is offended.

It has become the habit of the offended to use the Federal courts to change the majority will of the people, claiming the conduct of the majority of Americans is unconstitutional because it is offensive.

Okay, Mr. Speaker, what constitutional violation has occurred here?

Some claim the first amendment is violated by kids saying the pledge because of the theological phrase "under God." Let us examine this.

The first amendment reads in part: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

First of all, assume the pledge establishes religion. Congress has not made any law about the pledge, but our Federal courts have taken the word "Congress," reinterpreted that phrase, and applied it universally to all governments, including school boards. By what authority do Federal courts expand the word "Congress" to include all government entities?

Well, because they make words mean something more than they really mean by twisting simple concepts in the Constitution to mean difficult concepts for us people to understand. It is also necessary to understand that our Forefathers put the phrase in the Constitution to prevent a State and national religion like what was occurring in England at the time.

So are the atheists and the pledge police Federal judges seriously really thinking that the phrase "under God" is equivalent to establishing a national religion in the United States?

Well, my question for them is, what exactly would that religion be? Too bad the court did not enlighten us simple Americans what national religion the pledge establishes. But our Federal judges here have systematically tried to remove any mention of a divine being in the public sector by claiming any mention of God establishes a national religion. This defies common sense and makes the first amendment say something it does not say.

By the way, if this phrase is purely a religious one, why does the pledge police judge not read the second half of the first amendment that says, the government may not prevent the free exercise of religion? By banning the pledge if it is religious, does not this judge violate the free exercise of religion? That phrase is in our first amendment as well. It does seem so to me.

The pledge, when stated and looked at objectively, is a statement of patriotic duty and affirmation to America, to truth and liberty and justice. It is not purely a religious statement. It is a statement of civic duty and responsibility and national pride.

So what is next, Mr. Speaker? Are the pledge police going to ban the pledge we say each day here in the House of Representative? We shall see about that.

The real issue here is not the forbidding of the Pledge of Allegiance by our courts. It is more serious than that. It is the new constitutional right that is being invented and conceived in the minds of the far-fetched Federal elites that is not even in the Constitution at all, but the Constitution is being used as excuse to invent this new right. It is the right not to be offended.

If I am offended by what you say or do or by what the government says or does, I can go to court and sue you because I am offended. This atheist was offended by a bunch of school kids, by their mere utterance of the Pledge of Allegiance. So he goes and sues and convinces a judge to protect his right not to be offended. So no more offended words, so no more pledge. This is an example of the new phantom constitutional right of freedom from being offended.

Mr. Speaker, I was a felony court trial judge in Houston for over 20 years. I heard thousands of cases. All of those were based on the United States Constitution. But the last time I checked in the Constitution, freedom from hurting someone's feelings was not included in the Constitution. So in truth this is the right that was allegedly violated by those kids in California. They offended someone, they hurt someone's feelings, and now they have to stop.

This is a dangerous movement, but this mysterious right is not in the Constitution. But the right of free speech, Mr. Speaker, is in the Constitution. And I say to those kids in California, your right of free speech was violated by the pledge policeman when he issued his pronouncement against you mentioning "under God."

So now you may proudly say the pledge each morning in a closet or in silence, and when you get to that phrase "with liberty and justice for all," just remember you lost some of your liberty by this ruling, and it certainly is not justice for all but only for those who are offended. Mr. Speaker, this ought not to be.

□ 1945

#### IRAQ HEARING

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last Thursday, September 15, we held an informal congressional hearing to discuss and explore a military withdrawal from Iraq. It was called "The Bipartisan Congressional Forum on How to Bring the Troops Home." It was the first of its kind and it was about time.

I had hoped that the House Committee on Armed Services or the House Committee on International Relations would have taken up the matter, but repeated calls for such hearings have fallen on deaf ears. So, with the help of my colleagues and with many others and also my wonderful staff, we went about putting together this very needed hearing.

In so doing, we knew absolutely that opposition to the war is a stance that is firmly in the political mainstream. Less than 40 percent of Americans, according to the recent polls, approve of the President's handling of Iraq, and

roughly half want to see our troops come home as soon as possible. With this being an American sentiment comes responsibility to be more than a protest movement.

We also knew that we needed to offer sound, thorough policy proposals that could turn our deeply held convictions into operational reality, and that is what Thursday's hearing was all about. This was not an opportunity for placard waving, though there is certainly a time and a place for that. We were more interested in how to bring our troops home, rather than why.

We heard from a broad range of experts, from scholars and military strategists. We heard from Senator Max Cleland from Georgia.

We started with an overview of the situation on the ground, including a perspective on the lives of Iraqis under U.S. occupation. Later, we heard about specific ways that we can pivot away from the current policies, ending our military presence in Iraq and bringing our troops home. From there, we transitioned into a discussion of what next. I have always insisted that ending the war does not and cannot mean abandoning Iraq and its people.

Believing in the principle underlying Colin Powell's "Pottery Barn Rule," and that even if it was the Bush administration policy that broke it, at the very least we must play a constructive role in the rebuilding of Iraq.

Most of all, Thursday's hearing was designed to inspire a long overdue national conversation about alternatives to the current Iraq policy.

Our goal was to fill the policy vacuum and break the silence on Capitol Hill where, frankly, Members of Congress have been slow to embrace the fresh thinking and new approaches to Iraq that their constituents are eager to discuss and are eager to hear. For too long, for a number of reasons, this debate has been ceded to the Bush administration, even as they have produced a bloody and ruinous debacle.

Thursday's hearing demonstrated that we want to do more than just say no to the war in Iraq. We want to say yes to a new, intelligent, progressive, peaceful Iraq policy that will both protect the American people and fulfill our obligations to the Iraqi people. Chief among these obligations is to ensure that the United States does not maintain a long-term military presence in Iraq. That means no permanent bases and no control over Iraqi oil.

From our witnesses, it was clear: We need to engage in an open and robust dialogue, both at home and in Iraq. They agreed that multiparty peace talks are the best way to convince all factions of Iraqis that we are serious about allowing them to dictate their country and rebuild it, and, most important of all, the need for a commitment to bring the U.S. troops home. The truth is that our military presence in Iraq is contributing to the chaos there, not alleviating it. By bringing our troops home, we can save both

American and Iraqi lives and we can reunite thousands of American families in the process.

Mr. Speaker, my hope is that last week's hearing will serve as a catalyst for elected officials, for think-tanks and others around the country to join in a dialogue about military disengagement from Iraq, that the hearing will start a discussion that has been long, long overdue. The time for action in Iraq is now. So let us start taking action.

#### UNIVERSITY OF WEST GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to share one of the many stories of human compassion and generosity that have emerged in the aftermath of Hurricane Katrina.

Organizations across the 11th District of Georgia are working hard to assist Katrina's victims, and the State University of West Georgia in Carrollton is a shining example. As evacuees from the gulf coast began making their way north into our State, the University of West Georgia community realized these victims needed shelter, food, and support immediately.

So the university arranged to house 180 evacuees, including 80 children, in Roberts Hall, an empty dorm in the middle of campus. Dormitory living is now providing these families with the privacy and security they need to begin piecing their lives back together.

But the State University of West Georgia did not just house these evacuees. The community understood that shelter was only the first step to helping these victims get back on their feet. So the university and Carroll County community mobilized all their resources to assist their adopted residents.

The health services staff and nursing department faculty worked to provide the victims with health care services. The university opened its computer labs, and volunteers helped victims locate family members and find relief resources. The community came together to provide food, clothing, personal necessities, and home items for their guests, and local organizations are helping many of these victims find work in the area.

Mr. Speaker, it would have been more than enough for the University of West Georgia and Carroll County residents to house, feed and clothe these victims, but this generous community wanted to do more. They wanted to help these victims get their lives back together and start them on the path to recovery.

So the Carrollton public school system quickly registered children so they would not fall behind in their education. Because a college dormitory is only a temporary living situation, the Carroll County Housing Authority is

helping these evacuees locate more permanent housing in West Georgia. Counselors and social workers are on the university's campus every day helping victims access both emotional and financial resources.

Perhaps what is most inspiring, Mr. Speaker, is the way the West Georgia student body has gotten involved. Students are supervising play activities for the children. They are helping school-aged kids with their homework every night. Campus organizations are planning social and recreational activities for the evacuees, trying to bring some joy to their incredibly trying days.

Mr. Speaker, this level of personal and organizational generosity would be impressive anywhere in America, but in Carrollton, Georgia, this outpouring of support is especially heartening. Carroll County was hit by severe tornadoes and storms in the days following Hurricane Katrina. The community spent much of Labor Day weekend cleaning up the 30 homes that were destroyed and the many other community resources damaged by the storms and, yes, mourned a life tragically lost.

Yet even as this community was recovering from its own hardships, it was eager to help others in need. By opening their doors and hearts to Katrina's evacuees, Carroll County residents assured their guests that together they would rise to the challenges of this natural disaster. And, together, they have.

Mr. Speaker, I ask that my colleagues join me in praising the amazing work of the University of West Georgia and Carroll County community.

In the aftermath of Hurricane Katrina, we have seen the best side of humanity. We have shown that no American is a stranger, and the State University of West Georgia exemplifies this amazing American capacity to help others, no matter how great their need.

I thank the school and the community for their service.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PAYING TRIBUTE TO JOHN HAROLD JOHNSON IN RECOGNITION OF HIS MANY ACHIEVEMENTS AND CONTRIBUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

##### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to one of the America's most outstanding citizens, the late Mr. John H. Johnson, founder and chief executive officer of the Johnson Publishing Company, who died August 8 of heart failure at the age of 87.

Mr. Johnson was recognized and renowned as an emblem of the American dream, an embodiment of the civil rights movement, and a revolutionary businessman.

Given the breadth and impressiveness of his contributions to American society and to African American culture, the Congressional Black Caucus Foundation will honor him later this week with its Phoenix Award.

He was perhaps best known for launching the twin publications *Ebony* and *Jet* magazines. These sister magazines were started by Mr. Johnson specifically to engage the African American community. He also published numerous books, owned *Fashion Fair* Cosmetics and several radio stations, as well as held a majority ownership stake in *Supreme Liberty Life Insurance Company*. Mr. Johnson earned tremendous influence and success in his lifetime, but by no means were any of his accomplishments given to him.

He was born a child of meager means, but left this earth as one of America's wealthiest businessmen. Mr. Johnson personified the idea that hard work and determination can lead to success. He simply refused to accept anything less.

Born January 19, 1918, in Arkansas City, Arkansas, Mr. Johnson was raised by his widowed mother. She moved the two of them to Chicago in 1933 after saving her money over several years so that he could have the chance to go to high school, as his own hometown offered no education for blacks beyond primary grades.

After thriving in high school as the class president and student council president, an honor student, and the newspaper and yearbook editor, Mr. Johnson won a scholarship to the University of Chicago. He took classes at night while working as an office boy at the *Supreme Liberty Life Insurance Company* where he was in charge of compiling stories about the black community and sending them to the president of the company.

It was while working in this position that Mr. Johnson realized that there were no magazines or publications specifically designed for America's black population. This inspired him to create his own magazine, the *Negro Digest*. Started in 1942, with only \$500 from a loan secured with the assistance of his mother, the magazine began to draw followings when Mr. Johnson sent out letters asking for donations to fund its publication. Three thousand people donated \$2 each, and within a year the

magazine was selling 50,000 copies a month.

In November of 1945, *Negro Digest* evolved into *Ebony*, a magazine modeled after *Life* magazine. *Ebony* focused on successes and achievements within the black community. Today, this magazine reaches about 42 percent of all African American adults, with a paid circulation of about \$1.7 million. Mr. Johnson also founded *Jet*, another highly successful magazine aimed at the black community.

Mr. Johnson also sought to publish with a conscience. He published the highly controversial photographs of the open casket of Emmett Till, a 14-year-old Chicago boy who had been beaten to death by white men in Mississippi. While the images were thoroughly disturbing, Mr. Johnson felt that they simply needed to be published and seen by the public. "I decided finally that if it happened, it was our responsibility to print it and let the world experience man's inhumanity to man," he said.

A philanthropist, Mr. Johnson donated to many worthy causes, including a gift of \$4 million to historically black Howard University in Washington, D.C. The university would thank Mr. Johnson by later renaming its school of communications in his honor.

□ 2000

Although Mr. Johnson attended the University of Chicago and Northwestern University, he never completed a degree. However, during his lifetime he received honorary degrees from 31 schools, including Harvard, Howard, and Northwestern universities.

In 1982, Mr. Johnson had the honor of being the first African American to be included in *Forbes* Magazine's list of "The 400 Richest Americans." His 1989 autobiography "Succeeding Against the Odds," was a national best-seller.

Indeed, Mr. Johnson's initial loan of \$500 for his first magazine, he would later grow and develop that initial investment into an empire worth close to half a billion dollars.

We owe Mr. John H. Johnson a great debt of gratitude. His name may not have been known to every household in America, but his 60-year-old publications have had an important and unmistakable impact on American history and culture. His legacy has touched countless African Americans, including myself, and his inspiration and example will continue to be felt for generations of blacks to come.

Both his wife, Miss Eunice Johnson, and daughter were his business partners, and his daughter, Miss Linda Johnson Rice, has succeeded him as chairman and chief executive officer of Johnson Publishing Company. A great man, a great humanitarian.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise tonight to acknowledge and celebrate the life and vast and phenomenal achievements of John H. Johnson, the CEO, chairman, founder and publisher of the Johnson Publishing Company Inc., in Chicago, Illinois.

Mr. Johnson rose from humble origins to become an icon in the African-American community. It was his vision and creation that launched *Ebony* and *Jet* magazines which became staples in black family homes. His publications depicted positive and factual images of our culture, accomplishments and social advances and plight. Through his resourcefulness, tenacity and love for his people, he created a vehicle for us to see images of ourselves and read articles that reflected our human condition.

I have vivid memories of growing up and seeing *Ebony* and *Jet* in the home of my parents and seeing pictures of my race and individual struggles to secure civil rights for all African-Americans. Ultimately, the efforts of Mr. Johnson resulted in the creation of a publication that achieved a circulation of 1.7 million readers with a monthly readership of 11 million persons.

Truly, John H. Johnson deserves all the accolades we heap upon him. In an effort to highlight the diverse beauty amongst our people, John Johnson produced the *Ebony* Fashion Fair, the world's largest traveling fashion show. The efforts of John Johnson resulted in him being able to employ over 2,600 people and sales in excess of \$388 million.

The contributions of John Johnson were acknowledged and commended by U.S. presidents. President Nixon brought John Johnson with him in 1957 on a tour of the continent of Africa where they visited nine countries. In 1959 he accompanied President Nixon to Russia and Poland, and in 1961 he was appointed by President Kennedy to serve as the Ambassador to the Independence Ceremonies of Ivory Coast. President Clinton awarded him with the Presidential Medal of Freedom.

I am pleased to acknowledge the contributions of John H. Johnson, a publishing pioneer, entrepreneur, visionary and African-American icon.

#### NORTHWEST AIRLINES

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, the American airline industry is struggling, absolutely struggling in the face of very high fuel prices, of pension costs, and fierce competition. Delta and Northwest Airlines have recently filed for bankruptcy protection under chapter 11. United Airlines also recently got a bankruptcy court to severely discount the value of its employee pensions. Clearly, the airline industry needs some help, and they need some leadership. But an article that I read yesterday forces me to question the leadership of certain executives in the airline industry.

Gary Wilson is the chairman of Northwest Airlines, a role where he is supposed to be providing leadership to his company. Northwest Airlines is currently subject to a work stoppage by mechanics and cleaners over wage concessions and job reductions. And now Northwest has approached their pilots and their flight attendants asking them to take significant wage cuts.

Earlier this year, Northwest Airlines stopped funding their defined pension benefit program, only funding their employees' 401(k) program, and I am sure that the 401(k) was also buying plenty of Northwest stock. And what was Chairman Gary Wilson doing during this time with his 4.3 million shares of company stock? He was selling that stock.

Mr. Speaker, today, in the *Detroit Free Press*, there is an article, and the title is "Northwest Airline Chief Sold Shares Just Before Bankruptcy." The article says: "Less than a month before Northwest Airlines Corporation filed for bankruptcy, its chairman sold nearly a third of his remaining shares."

Gary Wilson was not showing faith or confidence in the company that he is charged with leading. Instead, he was dumping his stock before his company went under. And I wonder if the employee 401(k) was selling, or even if it was allowed to sell at the same time. Mr. Wilson sold his shares at an average of \$5.45 per share, and just yesterday that stock was trading for 84 cents per share.

Northwest Airlines is a major carrier in the Detroit, Michigan, market; and it serves my district. We have been hearing all summer long that Northwest was in trouble and that it could be forced to file for bankruptcy protection. Well, what took so long? One has to wonder if the bankruptcy filing was delayed simply so executives like Mr. Wilson could sell their stock to make sure they got their money before the company went out. That is not leadership; that is cowardice or worse.

The employees and the customers of Northwest deserve better. And while Northwest has been asking employees to make concessions in their pensions, they have not been asking the same of their executives. In fact, this past July it was reported that the supplemental pension plan that covers the company's CEO was not subject to a pension freeze. That pension was slated to give the CEO nearly \$1 million a year if he retired at the age of 65.

That was reported again in the *Detroit Free Press* on July 16: "Northwest Airlines to Freeze Pensions for Salaried Staff." Not affected by the freeze is the supplemental pension plan that covers CEO Doug Steenland, among others. In its last annual report, Northwest indicated that Steenland was on track to receive an annual pension of \$947,417 a year if he retires at age 65." And "The airline has said that such generous pensions are needed to recruit and retain top executives."

Well, based on those examples, I do not think Northwest has done a very good job of attracting the best executives. Mr. Speaker, we need strong airlines in this country. We also need competition. We need safety and quality customer service in the airline industry. Of course, employees need to know if sacrifice is needed in the face of increasing costs and competitive pressures, but so do executives. They

should be setting the tone for the company, and they should lead by example. They should not cut and run in the face of trouble.

What is happening at Northwest Airlines at its very highest levels is disgraceful.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

(Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### COMMEMORATING THE LIFE OF JOHN H. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, like my colleague, the gentleman from Illinois (Mr. DAVIS), I rise tonight to salute an extraordinary and gifted American.

John H. Johnson had a vision and used that vision to destroy negative racial stereotypes and to expand opportunities for all African Americans and for all Americans. With a dream and a \$500 loan, secured by his mother's furniture, Mr. JOHNSON began publishing the "Negro Digest" in 1942. With very limited resources and his dream, he built an empire that included publishing and cosmetics.

Through his work and his vision, he has made a lasting contribution. "Jet" and "Ebony" provided a window to the African American community that benefited African Americans and all Americans. "Ebony" and "Jet" became part of the dialogue. It was a way of communicating. We read it in our homes, schools, and in the barber shops and beauty shops.

There is a saying in the African American community: "If it is in 'Jet,' it must be true." In the pages of "Jet" magazine, we read the current news that had an impact on the African American community. In the pages of "Ebony," people saw how other people lived; and we aspired to be like the people we saw on those pages. The pages of his magazine inspired and motivated generations of African Americans. It also helped to break down racial stereotypes by offering positive images and stories of African American men and women.

In 1957 and in 1959, he accompanied Vice President Richard M. Nixon on a special goodwill tour to nine African countries and to Russia and Poland. In 1961, he was appointed by President John F. Kennedy as Special U.S. Ambassador to the Independence Ceremonies of the Ivory Coast. And in 1963, he was appointed by President Lyndon B. Johnson as Special United States Ambassador to the Independence Ceremonies of Kenya. In 1996, he was awarded the Presidential Medal of Freedom by President Bill Clinton.



Johnson was solid, dependable, and reliable. He helped to energize the African American community during the height of the civil rights movement. During the struggle for equality, he published the images of the murder of Emmett Till, which galvanized the civil rights movement. His magazines have been an anchor for African Americans and continue to do that today.

His contribution to the African American community and to American life was unique and significant, and tonight we all salute the memory of John Johnson.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

(Mr. McDERMOTT 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 Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS 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 (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK of Michigan addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### JUDGES AND OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I appreciate the opportunity to speak tonight regarding some very significant things that are happening in our country today. We are in a critical time in our history when we have two U.S. Supreme Court vacancies and when we have a nominee like Judge John G. Roberts put forth by the President for Chief Justice of the United States.

Mr. Speaker, tonight I want to talk about the importance of having people on the courts who will read the Constitution for what it says, because I believe that it goes to the very heart of this Republic.

Our Founding Fathers, those who fought in the Revolution, did so because they wanted a rule of law and not a rule of men. Mr. Speaker, I believe with all of my heart that the historical moments that we are in will dictate whether or not that revolution is affirmed or vitiated, and I hope with all of my heart that the President, that the U.S. Senate and that this body will do everything that they can to make sure that we find people who will have fidelity to the Constitution and will read those words that our Founding Fathers so meticulously put down for what they say and not for what a liberal activist judge might wish them to say.

Mr. Speaker, the reason we write constitutional words down, the reason we write words down in agreements, in constitutions, or declarations is because we want to preserve their intent. We want to preserve the agreement between the parties. We also want to make sure that no one can distort them in the future. And I will say more about that later; but, Mr. Speaker, there is going to be a great battle in the body next to us, because the liberal activists in that body will do everything they can to stop the confirmation of John G. Roberts or anyone who is committed to the rule of law, anyone who is committed to the original intent of the Constitution.

I am convinced that no matter what the President does in the next nomination, no matter what he does, they will attack the next nominee with equal force. It occurs to me that it is just important for us to encourage the President, to encourage the Senate to appoint and confirm people that will read the Constitution regardless of the outrage that the liberal activists put forth.

There is an old rhyme that says: "No one gains when freedom fails. The best of men rot in filthy jails. And those who cried appease, appease, are shocked by those they tried to please." And that is really the scenario before us. No matter how the efforts are made to appease those that want to use the judiciary to impose liberal activist notions on the people as a whole, no matter how we try to appease them, they are going to attack. I just hope that we see people that will firmly read the Constitution for what it says and will

do what is right no matter what. And I pray the President can steel his heart and that the Senators that stand for the rule of law will steel their own and that we will make sure that we find people on that Court that will do what is right.

You know, popularity sometimes overrules principle; but in this case I do not think it is going to, because popularity has always been history's pocket change. It is courage that is history's true currency, and I pray that for the President and for the U.S. Senate.

I use one example to start out this evening to relate how an out-of-control liberal judiciary affects our Nation. Just last week, an activist Federal judge once again ignored the law and the great traditions of this Nation to declare that the Pledge of Allegiance of the United States of America is unconstitutional. Now, Mr. Speaker, this speaks to the desperate need that I have outlined here to confirm judges who will apply the law, judges like John G. Roberts. Mr. Speaker, Mr. Roberts is a man that will read the Constitution for what it says, and the Pledge of Allegiance should have no fear with him as Chief Justice.

Last week's ridiculous ruling and decision by Jimmy Carter appointee and Federal liberal judge Lawrence K. Karlton is an outrage and a breathtaking example of arrogance on the part of a bigoted tyranny of liberal extremists on the Federal bench. In this decision, this activist judge cited as binding the Ninth Circuit Court of Appeals ruling that said that the voluntary recitation of the Pledge violates "the children's right to be free from a coercive requirement to affirm God."

In 2003, the United States Supreme Court dismissed for lack of standing that preposterous 2002 ruling by the Ninth Circuit, and that is the one we all know that found the Pledge unconstitutional. Michael Newdow, a self-professed atheist, did not even have custody of his daughter when he sued on her behalf. What is more, Mr. Speaker, his daughter did not even object to reciting the pledge in the first place. So when the Supreme Court vacated this obscene ruling, the late Chief Justice William Rehnquist concurred, and he so eloquently put forth the very simple truth of this matter. He said that the phrase "under God" does not change the Pledge into a religious idiom and it "cannot possibly lead to the establishment of religion or anything like it."

□ 2015

The late Chief Justice listed many references to Presidents invoking God, going all the way back to the very first one, George Washington. He cited other events as well that, "strongly suggest that our Nation and our national culture allows public recognition of our Nation's religious history and character."

Sandra Day O'Connor in her concurrence even stated that to eliminate references to divinity would "sever ties to a history that sustains this Nation even today."

Mr. Speaker, for 50 years the Pledge of Allegiance has been voluntarily recited in schools throughout the United States of America and it has always been voluntary. Nobody in America has ever been required by government to say the Pledge of Allegiance. And if they say it voluntarily, they are not required to say the words "under God." However, it is an outrage that beggars my vocabulary for those who hold the office of Federal judge to rule that it is now unconstitutional for students who want to voluntarily say the words "under God" if they so choose.

In my opinion the Founding Fathers who wrote the Constitution would deem those who handed down such outrageous rulings to be pitiful excuses for Federal judges and to be traitors to the Constitution itself. This ruling is a prime example of the liberal, activist priesthood of the black robe seeking to force upon the people a state of irreligion, and it is a pathetic example of jurisprudence that has dictated that the people must ignore their own belief and faith and embrace only a nonreligious expression. Mr. Speaker, it is a violation, pure and simple, of the free exercise clause.

We must not allow the people of this Nation to be forced by judicial tyranny to follow such an empty creed. This ruling is disgraceful and it serves as exhibit A in the case against judges who are intent on ignoring the Constitution and imposing their own twisted ideology upon the people. When liberal activist judges discount laws enacted by the people's representatives to enact their own agenda, the Constitution itself provides a remedy; and it is time for the people's House to fulfill our duty to the people, to protect the Constitution from liberal activist Federal judges.

Mr. Speaker, in striking down our Pledge of Allegiance, this judge has once again ignited a resolve in the American people that will ultimately lead to Federal reforms limiting their power to legislate from the bench. This judicial obscenity will not stand.

With all of that said, I still stand on this floor with great hope in my heart for the future of this country, because even a cursory, a cursory glance back at America's history should impart hope to all of us.

By the time the 1860s had come to America, the world had marked 7,000 years of powerful societies enslaving their fellow human beings. And, sadly, this was also true of America. However, America was never truly at peace in her heart with this hellish institution of slavery, and so it was that American slaves began to earnestly pray to God to intervene, and it seems God sent them President Abraham Lincoln, a man who understood the true meaning of those magnificent words,

"We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain unalienable rights."

Mr. Speaker, our Founding Fathers wrote those words down for us because they did not want us to forget their true meaning or fall prey to those who would deliberately destroy it. That has always been the preeminent reason why we write down documents, agreements, or constitutions in the first place: to preserve their original meaning and intent.

When the smoke of a horrible Civil War finally drifted from the air, 7,000 years of the world accepting the unrequited toil of human slavery was over. The prayer of slaves had been answered, and the United States of America began to emerge as the flagship of human freedom in the world.

But only 100 years later we began to stray from that path. We began to think only of ourselves. And in 1973 *Roe v. Wade* was handed down by the U.S. Supreme Court, and it brought wholesale abortion on demand to the land of the free, and the veil of darkness fell upon America. In that darkness we heard, but we disregarded the mortal cry of one little baby in the womb, and then there was another, and even another was heard until that sound had become the soul-wrenching cry of tens of millions.

We found ourselves and our national conscience disoriented and awash in the blood of our own children. Millions of prayers called out for another leader to remind us of those words that speak the divine message of human dignity, "all men are created equal."

Mr. Speaker, from the time we were conceived, all human beings are created equal. We do not become equal when we each reach a certain age or status. This is America's creed, that is our foundation, and how grateful we should all be that our Founding Fathers wrote those words down, and how desperate our commitment should be to remember what they mean.

Now in this day, in these moments, that test is upon us. The President of the United States has nominated an individual in John G. Roberts as Chief Justice of the United States who understands that all men are created equal. Mr. Speaker, I believe that this President understands those words in his own heart; and, indeed, it is his commitment to their meaning and his commitment to human dignity itself that has given him the courage to stand resolutely against terrorists to protect innocent human life.

But this President and each one of us in this body and each person in the body across the way must never forget that this thing called *Roe v. Wade* has taken more than 15,000 times the number of innocent lives lost on that tragic day of September 11. We live in a time when there is truly a glimmer of light breaking on the road before us; but the curve just ahead is sharp, and to miss it may be to plunge into the darkness.

The voice of destiny calls to our President and all of us in these decisive days to once again steel our hearts and to ask anew, Is it true in America that all men are created equal?

Mr. Speaker, our legacy to future generations and the survival of human freedom in the world will depend upon our answer. May God bless America, may God bless President George W. Bush, and may God bless Judge John G. Roberts.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CARTER), whom we call Judge, who we all have the deepest respect for.

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding and for taking this time tonight to talk about this very important matter before our Nation right now.

The House of Representatives does not have a vote in this issue, but it does and should have a voice in the issue concerning the selection of the highest court of this land, and of all of the judicial appointments.

One of the duties of this House is to be a voice of the people of this country, because we of the elected officials in this House of Representatives, we are the ones that have the smallest districts and are closest to the people. Most of us are home every weekend talking to the folks back home. We have a good idea of the kind of capabilities that our people are looking for in their judges.

We have one of the great debates in history going on right now, with two potential justices to be appointed to the Supreme Court. We were here last week talking about this, and we told you that we would hope that everyone would watch the hearings that took place last week to see Judge Roberts. I predicted that Judge Roberts would be outstanding before the Senate, and I think my prediction was absolutely proven true. I think everyone acknowledges he showed great intelligence and great insight. He answered the questions appropriately. He asked to be excused from questions which were inappropriate for a judge to answer. He handled himself with charm and grace and intelligence, just exactly the way I predicted last week. I am not clairvoyant, I just know this man is the right man to be on the Supreme Court and to be the Chief Justice to lead that Supreme Court.

We know the Constitution gives them the vote. We hope that they will hear our voice. There is a lot of criticism that has been out there, and I want to ask the American people to think about just exactly what is the role of a judge in our society. I served for 21 years as a judge in Texas, a proud 21 years as part of the justice system of this Nation. I think what the lawyers that appear before a court and what the people who those lawyers represent want from a court is a judge that comes into the court with no preconceived notions, that will listen to the facts that pertain to the case, examine those facts carefully, apply the

law and the facts, and come up with a solution. That is what they want from the judge. That is what the Founding Fathers wanted for the justices of our Supreme Court. They wanted them to examine American law as it relates to each set of disputed facts that comes before that court, and, from the American jurisprudence and the common law, come up with an interpretation of whether or not our Constitution has been violated under certain circumstances, and to examine the laws of the United States and make them proper.

I do not think anybody argues with that. I think that it would be totally inappropriate to ask a judge to make a pretrial statement before a case is brought before the court as to where he would stand on an issue without hearing the full presentation in the court, reading the briefs, and making a decision based upon what has been presented in the court and the law as it stands in the United States at that time. That is what we want from our judges. Judge Roberts is that kind of judge and will give us those decisions.

I think it is almost laughable if you know how the court works. When a man is hired as a lawyer for somebody else, when a client comes into a lawyer's office and says I want to hire you to represent me in a case, now you would not want that lawyer that you hired to represent you in that case to go into court and argue the other side of the case against you, because that is not what he is getting paid to do. His job is to be an advocate for his client. And yet the criticisms that we hear against Judge Roberts are that he made arguments as a lawyer for a side before the Supreme Court or before other courts in favor of or against certain positions that some Members of the Senate do not agree with; therefore, he is inappropriate to be involved in any case that has to do with that.

We will start off with the pro-life issue. They argue that Roberts is pro-life because of two arguments that he made while he was representing the United States of America as a deputy solicitor general in *Rust v. Sullivan* and *Bray v. Alexandria Women's Health Clinic*. Roberts' opponents argue that Roberts unnecessarily called for the Supreme Court to overturn *Roe v. Wade* in *Rust*, a case challenging Federal regulations which prohibit certain recipients of Federal funds from counseling patients on abortion. Critics argue that the case could have been argued solely on the basis of statutory construction of the provisions at issue. Critics also point out that Roberts coauthored the government's amicus brief in *Bray*, a private suit brought against Operation Rescue, which argued that Operation Rescue was not engaged in a conspiracy to deprive women of equal protection rights.

Who was he arguing for? His side, his client, the people paying him to make an argument for them. And who is

someone sitting outside the courtroom, who are they to tell a lawyer how he should argue his case? Well, he should argue his case but not argue *Roe*. If he felt the interest of his clients were best protected and put forward by arguing against *Roe*, it is his job to argue against *Roe*.

□ 2030

If the next time he comes into court and someone has hired him to take the opposite position, that same lawyer would be arguing the other side of that case because that is what lawyers get paid to do. And an argument a lawyer makes in the courtroom and whom a lawyer represents in the courtroom, if that defines that lawyer, there is something wrong with how we think. That would be accusing every criminal lawyer in America of being a criminal because they talk in favor of criminals.

But if we do not have defense lawyers in criminal cases, we do not have a case because the State has the burden of proof in that case. The defense has no burden of proof whatsoever, but they have the right to representation under our Constitution.

Would we say that no lawyer would ever be fit for a court if he argued any position that might come before that court and we can tell what his position is going to be by his arguments in court? That, Mr. Speaker, is just one of the most ridiculous arguments that I think anyone could ever make. And anybody who would hire a lawyer to go into court to argue the other side of a case ought to fire his lawyer before the third word came out of his mouth and ask the judge to give him some more time to hire a decent lawyer to represent his position, and I think most lawyers would grant that.

And almost every argument that is made in this whole list of things that says Roberts is a right wing extremist, Roberts is anti-environment, Roberts is hostile to civil rights and affirmative action, Roberts is hostile to the rights of criminal defendants, Roberts is hostile to the first amendment of the establishment clause, all of these things are baloney because about 90 percent of their arguments are that he made this argument as an advocate for a client, which is his job. Lawyers argue every day in court as advocates for their clients when, in their heart of hearts, we cannot tell whether they are for what their client is for or against what their client is for. But, by golly, they make us think they are because that is their job to represent their client and convince the court that their position is valid. That is what they get paid for.

The other arguments they have in here are some arguments about dissents that were written by Judge Roberts on the court of appeals. Well, what do we want from a judge, a multijudge panel on the court? Do we want everybody up there that thinks exactly the same way on every issue? Then why do we need all of them? Why not just pick

one every day, and we know we can get the same verdict every time because they all just think alike? Or why do we even need judges? If we have a set of criteria that we absolutely feel that everybody ought to have to be a judge, why do we not just program it into the computer, feed the facts and the argument into the computer, and if it does not fit the computer program, we spit it out and they lose?

That is not what a court is all about. That is not what a multijudge court is all about. It is about intelligent students of the law with experiences in the courtroom, both as advocates and as fair and impartial judges, who are able to go together, take their combined intelligence, make arguments to themselves as they discuss the case, and come up with the combined intelligence of those people and the combined opinions of those people, which may be diverse, which comes up, we have discovered, over and over and over in our courts of justice, comes up with good decisions that fit the appropriate actions that are necessary for the court.

If we have everybody who thinks just alike and there is a litmus test for every member of the judiciary, we do not need all those Supreme Court Justices. Let us just give one guy superpower and dictatorial power over the judiciary and move on.

I think that both sides would feel passionately about issues concerning the Court. But the reality is there is a place in that Court for diverse opinion, and if we do not have diverse opinion, we do not have a Court that can effectively give a broad-based analysis of the law that comes before it. And then to go and try to come up with stuff that does not mean a thing by saying he represented somebody is just on the verge of laughable, and I think in all reality the arguments that are being made are spurious at best.

I would encourage our colleagues in the Senate that they pass this case on, bring it up on the floor as soon as possible. We now have a Court that has basically two vacancies, one being filled until another Justice is selected and one that is empty. We have a Court that is going to work in October. I think it is important that we pass Judge Roberts out to a vote on the floor of the Senate, that they have an up-or-down vote on the floor of the Senate; and if Judge Roberts does not get the vote, then let us find somebody else to fit the job with an up-or-down vote on the Senate side. If he does get it, let us get him in to start working on the job so he can be ready as this Court convenes in October. And then let us get to work on our next Justice that is coming down, and let us not try to establish litmus tests.

Let us not try to make people walk the line of somebody's political agenda. Let us say, Mr. President, give us a fair and impartial judge that knows the law, knows how to find the law, knows

how to interpret the American jurisprudence, not some foreign jurisprudence, but the American jurisprudence and the common law and come up with the solution to our problems in our Supreme Court, and we will have fair and impartial justices in the Supreme Court of the United States. But there should be no litmus test whatsoever that is required of these nominees.

And I hope the President will come up with a good nominee for this next vacancy; and if he comes up with one with the quality of Judge John Roberts and the ability of Judge John Roberts, we will have hit a home run in the two nominees that have been submitted to the Senate. And I hope for rapid confirmation of both so that we can put the Supreme Court back to work with a full house.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Texas (Mr. CARTER) for his comments. Mr. Speaker, we are all, again, so fortunate to have the gentleman from Texas (Mr. CARTER) in the House of Representatives because of the experience that he has. I could not help but see so clearly his commitment to the Constitution itself and his understanding of what the role of a judge is. I have to say that I think that the only time I have ever heard it put as succinctly was when Daniel Webster said: "Hold on, my friends, to the Constitution and to the Republic for which it stands. For miracles do not cluster, and what has happened once in 6,000 years may not happen again. Hold on to the Constitution, for if the American Constitution should fail, there will be anarchy throughout the world." And I know that the gentleman from Texas (Mr. CARTER) holds on to the Constitution.

I want to also yield to another man that holds on to the Constitution. The gentleman from Iowa (Mr. KING) is one who always has a copy of the Constitution in his pocket wherever he goes, and he is someone who has shown himself to be a true champion of this Constitution.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. FRANKS) for yielding to me. It is an honor for me to join him here on the floor again tonight. The last time, as I recall, the gentleman from Arizona (Mr. FRANKS), the gentleman from Texas (Mr. CARTER), and also the gentleman from Texas (Mr. GOHMERT) and I were here together to celebrate the life of Chief Justice William Rehnquist. That was a somber moment, a moment of reverence and respect and reminiscing; but also, we came away from that evening and we came away from that week with a sense of the legacy that was left by the years on the bench by Chief Justice Rehnquist.

And tonight we are actually looking ahead now, looking ahead to the future of this country, the future of this Constitution, this one that they have checked to see if I would have it in my

pocket. And, of course, it is there. That rumor has started around this Congress. Now I do not dare be without it. But I have carried it in my pocket for years, and it is not the freshest one. The old one that I had I autographed and handed over to the chief justice of the supreme court of the People's Republic of China as he visited here. I thought he should have a copy of the United States Constitution.

It is clear to me that already soon-to-be-Chief Justice Roberts is very familiar with this Constitution document and very reverent and very respectful.

A number of things in the conversation, particularly the gentleman from Texas's (Mr. CARTER) remarks reminding the press accounts and the critics of Judge Roberts, that he is hostile to *Roe v. Wade* or hostile to this or hostile to that. And as I look across that list that was presented, it occurs to me that he is hostile to one thing that I think we can agree on: he is hostile to enemies of the Constitution. I am grateful for that hostility. It might be the only sign in the gentleman's character that one can see that is of a hostility.

And I want to tell my colleagues that my background and history with him is not extensive, but I did have the privilege to have breakfast with Judge Roberts a couple months before he was nominated by the President. There was a group of about six or eight of us at the table, and certainly it was a larger room. I had a conversation with him that was not a continuous type of conversation where I could probe into his constitutional thoughts so much as it was to judge his reactions and judge by his remarks.

I would say that, of course, what I saw there was the man that we have seen day after day here before the Senate Judiciary confirmation hearings. The man that I think in the private life of John Roberts is the same person that we see in the public life of John Roberts. The people whom he surrounds himself with, the people who count themselves as his friends, the people who know him far better than I do I am impressed by, and I know them far better than I know John Roberts. But one can be judged by the company they keep, and the company that he has kept has been stellar company throughout.

I do not think that one could write for a blueprint for a life that would better describe a path to the Supreme Court and, in fact, to the Chief Justice of the Supreme Court than the life so far, the bio, resume of John Roberts. It is exemplary. I know that when they did the background check, or I am told this through the media, that there was not a single thing, it was the cleanest background check one could have asked for. Of course, I expected that, but I wanted to put that into the record as well.

There would not have been a nomination if there had been a problem; but it

was one of the more stellar background checks, I understand, that has been run. And that is through the grapevine. Nothing that has been public that I know of.

I want to tell the Members that Judge Roberts has this reverence for the Constitution, and I have put together some of the quotes that have come out of the confirmation hearings over in the Senate, and some of these quotes fall into different categories, but one is under strict construction of the Constitution. Judge Roberts confirmed my initial beliefs that he would uphold the true intent of our Founding Fathers by strictly construing our Constitution. And over and over in his testimony before the Senate Committee on the Judiciary, he verified that he is a strict constructionist and that he believes judicial activism is dangerous to our system of government.

He summed it up in one line, the duty of all of us in the Federal Government, when he stated: "My obligation is to the Constitution. That's the oath."

I would like those words to echo again: "My obligation is to the Constitution. That's the oath."

If that happened to be the conviction of everyone in a black robe, we would have a lot easier task on the Committee on the Judiciary in the House of Representatives and on the Committee on the Judiciary in the United States Senate, for that matter.

His qualifications for the position of Chief Justice are, I think, clear. And the President has been impressed with not just his clarity of thought, not just with his brilliance of his legal reasoning but also with his personality, his character, his leadership abilities.

He explained his support for strict construction of the Constitution, and this would also be part of the record, when he said in the hearings, "Judges are not to put in their own personal views about what the Constitution should say, but they are supposed to interpret it and apply the meaning that is in the Constitution . . . and the job of a good judge is to do as good a job as possible to get the right answer." And over and over again, this kind of philosophy comes through, not an activist philosophy but a strict constructionist philosophy.

The same day he further described a judge's proper role, and he explained: "We don't turn a matter over to a judge because we want his view about what the best idea is, what the best solution is. It's because we want him or her to apply the law."

"We turn a matter over to a judge because we want him or her to apply the law." Not to apply their judgment, not to apply their whim, not to apply what they think the policy should be. That is the job of the legislative branch. And that is consistent with the vision of our Founders, and it absolutely consistent with the language and the text of the Constitution, and it certainly is not something that we see within the

activist judges that sometimes come before our courts and make those kinds of decisions, particularly the ninth circuit out there. And I know the gentleman from Arizona (Mr. FRANKS) referenced that, and I appreciate his bringing that subject up before the Speaker and before this country.

□ 2045

And Judge Roberts went on when he said, "It is because we want him or her to apply the law." I will continue that quote: "They are constrained when they do that. They are constrained by the words that you choose to enact into law," meaning the Senate or the Congress, "in interpreting the law. They are constrained by the words of the Constitution. They are constrained by the precedents of other judges that become part of the rule of law that they must apply."

Constrained, constrained, constrained, constrained. Four times in that paragraph he used the word "constrained." I think that is indicative of the kind of judge we are going to see, a judge that exercises constraint, and a constraint that is bound up within the words of the Constitution, within the text of the Constitution, within the clear meaning and the defined boundaries of the Constitution, and the rule of law, and constraint within the boundaries of being a member of the judicial branch of government whose job it is to, as he said, call the balls and the strikes.

I want to express some gratitude to Phyllis Schlafly for bringing that idea before this country and, in her book "The Supremacist" when she said that a judge's job is to be the umpire, to interpret the rule book. And now this man in his hearings picked up one more notch on that philosophy and said, my job is to call the balls and the strikes. Who would want to play a game before an umpire that did anything else? Who would want to play a game before an umpire that called the balls and the strikes as he wished them to be rather than what they actually were? That is what the judge's job is, and it is a very, very clear way to describe that.

Mr. Speaker, John Roberts will not be a justice who seeks to usurp the roles of the other two branches. On the first day of his hearings he stated, "I prefer to be known as a modest judge. That means an appreciation that the role of the judge is limited, that judges are to decide the cases before them," and I continue to quote, "they are not to legislate, they are not to execute the laws."

They are not to legislate, they are not to execute the laws.

He also explained that, "Judges have to decide hard questions when they come up in the context of a particular case. That's their obligation. But they have to decide those questions according to the rule of law; not their own social preferences, not their policy reviews, not their personal references,

but according to the rule of law. According to the rule of law."

Now, I never dreamed as a young man, and I began in about eighth grade to study this Constitution and read this document and understand and really get some depth and appreciation for our history; I never thought I would be standing on the floor of the United States Congress celebrating an appointee to the Supreme Court because they want to rule according to the rule of law. I believed that every judge that ever put on a black robe would rule according to the rule of law. And here we have come to this point where activist judges cause me to come to celebrate because we have one before the Senate Committee on the Judiciary for a confirmation.

On the second day of the testimony, Judge Roberts said to his colleagues, "Judges need to appreciate that the legitimacy of their action is confined to interpreting the law and not making it, and if they exceed that function and start making the law, I do think that raises legitimate concerns about the legitimacy of their authority to do that." Another challenge, another constraint.

I could stand here and repeat Judge Roberts' testimony all night, Mr. Speaker; showcasing what a great candidate he is for this position would be something that I would continue on with. But when asked about his threats to the rule of law, he stated, "The one threat, I think, to the rule of law is a tendency on behalf of some judges to take that legitimacy and that authority and extend it into areas where they are going beyond the interpretation of the Constitution, where they're making the law. And because it's the Supreme Court, people are going to follow it, even though they're making the law."

That is chilling to those of us who revere this Constitution, but we do revere the Supreme Court. And because it is the Supreme Court, in his testimony, "people are going to follow it," even though they are making the law. Now, I will expand that and say, even though they are not following the law, even though they are not following the Constitution, people will respect and revere the decisions of the Supreme Court, because of the stature of the Court, without regard to the text and the intent of the Constitution or the law itself. That is my edit.

Then I will pick up that quote again. He follows that with, "The judges have to recognize that their role is a limited one. That is the basis of their legitimacy. Judges have to have the courage to make the unpopular decisions when they have to. That sometimes involves striking down acts of Congress. That sometimes involves ruling that acts of the executive are unconstitutional. That is a requirement of the judicial oath. You have to have that courage."

And I continue to quote: "But you also have to have the self-restraint to

recognize that your role is limited to interpreting the law and doesn't include making the law." And doesn't include making the law. I repeat that for effect because it has significant effect on me, Mr. Speaker.

This man, who is poised to step forward and don the robes of the Chief Justice of the Supreme Court, is a young man with a clear legal mind, a solid moral set of values, a clear understanding of his duty before the Court, a constitutional understanding, a rule of law understanding, and a duty to history. The years that I have left on this earth may not be as many as I pray he has, but every year that this unfolds and every year that these cases come before the Court, I pray that the President can appoint some justices to this court that will match the vision and the clarity and the legal understanding of this man, John Roberts, so that one day we can work ourselves back to this Constitution, this Constitution that he revere, that we revere.

Mr. Speaker, I yield back to the gentleman from Arizona, and I thank the gentleman.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman. I would just echo some of the comments of the gentleman from Iowa (Mr. KING) in that this man, Judge John G. Roberts, is perhaps the most qualified person for Chief Justice, certainly in my lifetime, that we have seen. And if he is somehow castigated by liberals in the Senate and attacked because of his fidelity to the Constitution, then it seems that our only road leads to a judicial oligarchy, and those of us in this body can lock the doors and go home and quit pretending to be lawmakers, because the courts will then prevail over all.

It is interesting, because some of the Founding Fathers, and one in particular, Thomas Jefferson, said it this way. He said, "The object of my great fear is the Federal judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding when it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

This is not a new concern. Our courts have ruled that the black man was property. Our courts have ruled that unborn children are not human beings. Our courts have ruled that marriage and the family itself may be unconstitutional. Our courts have ruled that it is unconstitutional to protect a 9-year-old girl from Internet pornography. Our courts have ruled that that same little girl cannot say a certain prayer in school. Our courts have now ruled that it is unconstitutional for her to say the Pledge of Allegiance. And I wonder, Mr. Speaker, if those of us standing in this place would look out across the fields of Arlington and ask ourselves, is that why they died, so that we could uphold those kinds of asinine, ridiculous interpretations of the greatest Constitution that was ever written by man?

I think that we are turning a corner, and I think John G. Roberts is going to be a significant part of that.

Mr. Speaker, I would like very much to yield to my very good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Arizona. In fact, I am humbled to follow my colleagues in this discussion about this great man, Justice Roberts, and of course my colleagues, the gentleman from Arizona and the gentleman from Iowa, are both members of the House Committee on the Judiciary, and my great friend and classmate, in fact all four of us are classmates, but our own judge, we have several in the House, but my judge, the gentleman from Texas Mr. CARTER. It is an opportunity, though, for this physician Member to stand up here before this body, Mr. Speaker, and say while sometimes physicians are probably pitted against attorneys, I have great respect for them. In fact, I have two members of my immediate family, my brother and my daughter who are attorneys, who I am very proud of.

But just to have watched this gentleman in the hearings in the Senate Committee on the Judiciary, Mr. Speaker, after a week of questioning by our counterparts in the other body, I believe that the Congress and our Nation has a good sense of what kind of a jurist John Roberts will be if confirmed as our Nation's 17th Chief Justice. In fact, on one of the television news shows this past Sunday, a member of the Senate Committee on the Judiciary, the gentleman from South Carolina, Senator GRAHAM, when asked how did Judge Roberts perform, he said, "Well, let me just put it this way: If it had been a prizefight, they would have called it in the second round as a technical knockout and the person on the ropes would not have been Judge Roberts."

Without question, it was a technical knockout heading for a knockout.

Judge Roberts will indeed, Mr. Speaker, bring a refreshing, fair, and balanced approach to the United States Supreme Court which has not had a vacancy in 11 years.

Our Nation is a different place than it was in 1994. We have more access to information, more technology, a stronger economy; we have our brave soldiers defending democracy in our global war against terrorism. The United States Supreme Court needs a perspective that understands accountability to both the American people and, as the gentleman from Iowa said, especially to the United States Constitution. Like one of his mentors, the late Justice William Rehnquist, Roberts has a strict constructionist view of the Constitution. He interprets laws considering the intentions of our Founders instead of the whims and desires of a political party or electorate. That is why we need Judge Roberts on the Supreme Court. He can restore a sense of restraint to some very creative

interpretations of late. The gentleman from Arizona just talked about a few.

Judge Roberts' qualifications are, Mr. Speaker, unquestioned. However, the Supreme Court nominee has to face a litmus test on ideology. Some Senators are asking whether or not this particular justice will protect their favorite judicially constructed rights. Others have questioned how he might use the position as Chief Justice to help the survivors of Hurricane Katrina. Roberts very politely responds that he will interpret our laws on a case-by-case basis, he will hear each side and will always heed restraint to the separation of powers and constitutional government.

I could go on and on, but my colleagues, Mr. Speaker, have said it so well. This is a man that is a brilliant jurist, and it showed through so clearly during the Committee on the Judiciary hearings. I hope that when they have the vote on Thursday, or whenever it comes to a vote in the Committee on the Judiciary, there should not be many, if any, "no" votes, and I look forward to a speedy confirmation by the United States Senate.

I thank the gentleman from Arizona and my colleagues, the gentleman from Texas and the gentleman from Iowa, for letting me participate in this special hour. It is so important, as the gentleman from Texas said, that while we do not have any official role in regard to advice-and-consent responsibilities, we do have a responsibility and we have a voice, and it is good that we have this opportunity tonight to express that voice and to commend to the American people the new Chief Justice, John Roberts.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Georgia. Mr. Speaker, in that the gentleman from Georgia (Mr. GINGREY) and I are such good friends and that I hold him in such high regard, I am going to forgive him here on the floor for suggesting that I might be a lawyer. I do not know if the gentleman from Iowa (Mr. KING) might want to extend such a forgiving hand as well. We are both on the Committee on the Judiciary and, of course, sometimes it is assumed that we are lawyers. But his points are so well taken, in that we do need judges that will simply read the law for what it is.

I know that we repeat this a lot, Mr. Speaker, but when courts forcefully interject false and unconstitutional notions that go against justice and natural law and common sense, without allowing the issue to go through the legislative process of debate and consensus, it abrogates the miracle of America and it abridges the freedom of the people to govern themselves. I just am hopeful that we can recognize that our courts, I say to the gentleman from Texas, were never intended to decide social policies, or any policies, for that matter. This is the job of the people's Congress. This is why people send us here. The legislative process creates a

dynamic for opposing voices on any issue to be heard in an open forum, and a strong consensus is necessary for any kind of decision, and where each decisionmaker can ultimately be held accountable by the people they govern.

□ 2100

And I know that the people of Texas are very proud that they have sent Judge Carter to the Congress.

Mr. CARTER. Mr. Speaker, first I want to say that I am happy to be privileged in that when Judge Roberts made his opening statement, and he started talking about balls and strikes, calling the balls and strikes, being the umpire, as far as I was concerned, it was over right there; he had won, because he understood the role of being a justice.

And he happened to use something that I had used on multiple occasions. You know, back in the small town where I started out as a judge, it grew to be a big town, we have a lot of baseball and girls' softball, and one time they said, hey, Judge, would you come out and call the balls and strikes; we lost our umpire.

And I said, friends, I call balls and strikes for a living. And I am not about to get up there and call balls and strikes at my daughter's softball game. But that is exactly right. That is understanding what a judge's job is. It is so very important that we have a judge that has the common sense of the American people to go along with a great intellect into the law.

It is just so very important that we have that kind of a judge that comes to the Court. This is exactly what we have in Justice Roberts. He is so impressive, I mean phenomenally impressive. So Judge Roberts stole that from me. But probably I would say stole it from lots of good judges. I kind of think that I was a good judge; but lots of good judges in the United States, because they understand the concept of what their job is.

Mr. FRANKS of Arizona. Mr. Speaker, Judge Carter can call the balls and strikes, in my judgment, any time.

With that, I would yield to my friend, the gentleman from Iowa (Mr. KING), for any further comments he might have.

Mr. KING of Iowa. Mr. Speaker, I want to express my gratitude for you setting up this hour and providing an opportunity for myself to speak. And as I stand here as a nonlawyer and reflect upon the future and upon this Constitution, I think there is something that young people lose sight of. And I gave a guest lecture at Central College in Pella a week ago last Friday, so that has been about, what, 9 days ago or so. And in that guest lecture, it was on the Constitution, and it lasted maybe an hour and 40 minutes or so. And it was interesting to me that one of the professors there came up afterwards and he said, you have made the Constitution interesting. I had not seen that before.



It never occurred to me that the Constitution was anything but interesting. It is a fascinating document. And if you know the history of it, there is a piece of it that we seldom talk about here, we often forget, and that is this guarantee, this guarantee of our freedoms and our liberties in this foundational document that is drawn upon the Declaration of Independence, and that our rights come from God, clearly in the Declaration, and we are endowed by our Creator with certain unalienable rights. Among them are life, liberty, the pursuit of happiness. But those rights are even more clearly defined in the Constitution, the rights that come from God. No man can take them away, because they come from God. And the Constitution defines that.

But as we watch this Constitution get amended with decision after decision by an activist Court, we see these rights be diminished by decisions of the Court.

And so I will take us to this question, which is: The Constitution either means what it says or it does not. If it means what it says, then we are constrained by the language, and we are further constrained by the language that was the intent of the original meeting, because the founders cannot be held responsible for an evolving language or evolving values system, or any idea that it should be read in light of contemporary values.

People try to do that with the Bible and they get off base. Truth, justice, sin, virtue have always been the same. They have been the same 1,000 years ago, 4,000 years ago, and they will be the same 4,000 years from now.

But the Constitution is our guarantee. And when we deviate from that language, that strict construction, that originalist, the understanding of the guarantee that the States have all opted into voluntarily, an irrevocable bond that was established at the end of the Civil War, and we understand that guarantee must be maintained through the constraint of the judicial branch, not the activism of the judicial branch, because an active judicial branch of government undermines our Constitution, erodes our rights.

If that is the case, then what value has that document whatsoever, if you are going to let the majority of nine justices determine the future of America? We have stepped back from that now with this appointment. We need at least two more to get there. It is a long evolutionary process to see this Constitution reestablished by the Court.

We did not get here overnight. We got here over 40 years or longer. It will take at least that long to get back again. But I look for that day.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank all of these men. You know, it is said in this place that the friends you find here, you can pick your pallbearers out of them. And I certainly feel that way about these three men.

I am grateful to have the opportunity to serve at this time in history with

men that love America, that love freedom, that love their fellow human beings as much as these men do.

We have talked a lot tonight about protecting the Constitution. But you know, really, sometimes it is good for us to step back and ask why we are really here. And ultimately we are here because we believe that the miracle of life in America is something that is unique.

Mr. CARTER. Mr. Speaker, let us point out that when our founders as States decided they wanted to write a document that they were going to submit to govern our Nation by, the Constitution of the United States, they chose to sit in Congress as a group of diverse opinions representing their various States to come up with this document.

They did not ask a battery of judges to come in here and do that. They asked people that represented their States to come in and represent the interests, and they debated, as we debate here in Congress, the laws we designed, and the intent is clear, that they wanted a Congress to make the laws of this United States.

They, in *Marbury v. Madison*, set the precedent that said the Courts may interpret the laws that are made, to see if they comply with the Constitution of the United States, which is the sovereignty of our Nation.

Of course, our true sovereignty is in God; and it is clear as the gentleman from Iowa (Mr. KING) points out, we stated the sovereignty that we look to in the Declaration of Independence, where we get our rights from. And they are not given to us by our government, they come from the divine authority of God. But they went forward on that and they established the Congress to make the laws.

And I agree 100 percent that is the intent of our founders, and that is the way it is supposed to be. That is the right and proper place. And the interpretation of Judge Roberts, so adequately and effectively and eloquently presented to the Senate to educate that bunch in the last week, proves that fact.

I want to say that I am honored to be here with these four gentlemen. These are some of my best friends. Let me point out that Judge Roberts is not from any of our States. We have no parochial interest in this whatsoever. We are just glad that we have got a great jurist coming forward.

Mr. FRANKS of Arizona. Mr. Speaker, I guess he says it so well, there is so little to add. But you know, the umpire kind of corollary has been used quite a lot here tonight, and what some of us have objected to is like in the book, *The Judicial Supremacist*, when the umpire says strike 2, you are out. And that is what has happened a lot in some of these decisions lately.

The courts and some of the activist judges have simply thrown the Constitution aside and said that they are not going to follow it. That is why we

are so grateful that John G. Roberts is going to be our next Chief Justice, because he, I believe, will have the erudition and the mentality and the heart to bring the rest of the Court to reaffirm what the rule of law is all about.

And, again, we talk about the rule of law. But, really, is it not about trying to uphold our fellow human beings? Because if we were willing to let judges drag us into that darkness where this concept of the survival of the fittest prevails, and whoever was strongest prevails, then it would not matter.

But, no, we believe that all people are created by God and have a divine spark in them and that they deserve to be protected and that is what the rule of law is all about.

And I just pray that God will continue to give the President of the United States the courage and the insight and the soundness of mind to protect America and the world and this United States Constitution that has given us the greatest Republic on earth.

#### FUND INTEROPERABILITY REQUIREMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I am pleased to appear here tonight on behalf of the Democratic leader to talk about a problem that we have faced for many, many decades in this country and little or nothing is being done about.

And actually we have a very huge problem on our hands, and it is a problem that this Republican-led Congress and the administration has tried to minimize and brush aside for way too long, and that is interoperability.

Our first responders, our police, our firefighters, our sheriffs, our National Guard members, emergency medical technicians, cannot talk to each other in time of emergency, or even out on routine patrol, they cannot talk to each other across agencies, across country or across city lines. And they cannot talk to each other, to the State, to the local and Federal Governments for which they serve. We have law enforcement and first responders out trying to do their job, but what they see and what happens before them, they cannot communicate with each other.

The issue is called interoperability. Can I talk to the agencies next to me? Can I talk to that firefighter? Can I talk as a police officer to the emergency medical technician who is coming to help me?

As a former city police officer, and as a Michigan State police trooper, I can tell you that this is something that the law enforcement community has known for decades. The issue gained national attention after the Oklahoma bombing in 1995 at the Murrah Building and again on September 11.

Unfortunately after the wake-up calls this country has received, especially after September 11, this administration has simply rolled over and went back to sleep, until it was once again awakened by the arrival of Hurricane Katrina.

Local first responders, government officials, military and National Guard leaders have all said that the inability of first responders to communicate made this national crisis, Hurricane Katrina, much worse than what it should have been.

With Hurricane Katrina, we witnessed a complete communications meltdown that stretched from the gulf coast all of the way here to the Beltway. We witnessed the unimaginable horror that resulted from this meltdown. We saw babies crying. We saw older women weeping. We saw police officers running towards gunfire, unable to describe what is going on and unable to call for backup, because they had no communications.

We saw buildings burning because there was no way to notify the fire department and the firefighters who were still in the area. The communications breakdown was so absolute that the director of FEMA said he did not know until Thursday, 3 days after the hurricane, that there were over 25,000 people stuck in the hell that was once known as the New Orleans Convention Center.

We know that the inability to communicate contributed to the deaths of 121 firefighters on September 11. We do not yet now how many people died in the aftermath of Hurricane Katrina, simply because public safety officials could not communicate with one another.

But we do know that people died. We have all seen the pictures of bodies covered in sheets at the convention center. That should not have happened. Those people should not have to have died. We could see the frustration on the faces of the first responders, the medical professionals, the police, who did not have the necessary communications to get the job done and to save lives.

Despite the difficult conditions and despite the lack of communication, those first responders should be commended for a job well done with the resources this Nation gave them to work with. But we owe it to our first responders. We owe them more than just thanks, more than just honors, and more than just promises.

For once cannot we just stop the rhetoric, and I for one am sick and tired of the rhetoric and the empty promises that they will soon have interoperability, they will be able to communicate with each other, they will be able to save lives, as is their sworn duty to do.

And that is why I am down here tonight and joined by some of my Democrat colleagues. That is why we have offered amendments, written letter after letter, and introduced legislation to increase funding for our first responders for interoperability.

□ 2115

I am not alone. Democrats have been calling for more resources and more funding for your first responders year after year. Unfortunately, our voices, these calls have fallen on deaf ears of the majority party and this administration.

In the years since September 11, in 2 years Congress did allocate \$260 million for interoperability. \$260 million may sound like a lot, but the communications challenges facing this country, as we have ignored it for so long, are such a daunting task that it is estimated it will take \$18 billion for this country to finally become interconnected with their communications for public safety and first responders. So you see, \$260 million is really only a drop in the bucket for interoperability.

What is more troubling is the last 2 years this administration has zeroed out any money in the budget for the only grant program specifically designed for public safety communications upgrade. In the last 2 years requests put in it get zeroed out by the administration. And the majority party is obligated to do what the administration has been telling them to do, and they failed to provide any money specifically for first responder communications.

Shockingly, the administration continues to request no funding. Even in their most current budget, no funding, even though everyone knows and realizes that there is a lack of communications. Interoperability is a problem that must be solved to save lives and to properly respond to the disasters or terrorist attacks here in the country.

The Department of Homeland Security has solicited proposals for a \$10 billion program to make 80,000 Federal law enforcement officers and agents interoperable. The Department of Justice and the Department of Homeland Security, they want to take most of the money and make sure the Federal Government can talk to each other. That is a good start. But there are about ten times as many State and local law enforcement officers, 800,000 in the United States. We should be making sure we are making the same commitment to our State and local governments, especially after what we saw this month, that State and local governments may be on their own for days following an attack or another hurricane like Hurricane Katrina.

Why is it the Federal Government has a plan to make itself fully interoperable, but the first responders who are always the first on the scene, the first at the disaster, the first at the terrorist attack will have to wait until the Federal Government is fully interoperable? It is the local first responders who must be made interoperable first.

The lack of commitment to our country's first responders became glaringly evident this past week. As The Washington Post reported on September 2, 2005: "Police officers and National

Guard members, along with law enforcement officers imported from around the State, rarely knew more than what they could see with their own eyes."

Dr. Lee Hamm, chairman of medicine at Tulane University said three days after the hurricane, "The physicians and nurses are doing an incredible job, but there are patients laying on stretchers on the floor, the halls were dark, the stairwells are dark. There's no communication with the outside world."

Major General Harold Cross of the Mississippi National Guard said, "We have got runners running from commander to commander. In other words, we're going to the sound of gunfire, as we used to say during the Revolutionary War."

Rescuers and helicopters could not talk to the crews in the boats down below patrolling to try to save and rescue people. Three days after the hurricane, the emergency radio system in New Orleans had the capacity to support 800 users while there were three times as many trying to use that system. It was just simply overloaded.

As Louisiana State Senator Robert Barham said regarding communication, "We are no better off now than we were before September 11."

The best way we can honor these public safety officials who bravely work through the devastation is to finally provide them with meaningful investment in public safety communications. No more excuses, Mr. Speaker.

This Congress is made up of Members who are dedicated to our first responders and many Members with firsthand expertise in public safety communications. This problem has been studied for years. In fact, it has been over-studied. We on this side of the aisle have been saying for years, enough hand-wringing, enough finger-pointing. Let us get a plan and get that plan funded so that all first responders, whether they be local, State or Federal, can talk and communicate with each other at all times during disasters or terrorist attacks or just during routine regular patrol, coordinate their efforts. We know what the solutions are. So why, after all these years, have we done nothing?

Why does this Congress and this administration continue to fail our first responders? Because governing is about priorities. And it was the priority of this Congress and this administration to cut taxes for the richest Americans over investing in radios to communicate with each other for our police officers. It was the priority of this Congress and this administration to cut taxes for the richest people in this country rather than investing in a stronger emergency 911 network.

In the Committee on Energy and Commerce, a committee which I sit on, we are now going to be ordered to cut \$10 billion in Medicaid instead of investing in our health care safety net.

This Congress and this administration have the wrong priorities. Tax

cuts not only take precedence over first responder funding, but they also take precedence over allocating spectrum first responders need to better communicate. Our first responders need more spectrum because the radio channels they have now are clogged with too much traffic. The lack of spectrum is impeding their ability to talk to one another.

Getting first responders the additional spectrum they need must be a priority; but instead of doing what needs to be done, the majority insists on waiting until the reconciliation bill so they can use the spectrum sales to pay for more tax cuts for the wealthiest Americans. First responders' communications should come before any more tax cuts.

After September 11, I introduced a bipartisan piece of legislation along with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. ENGEL) to create a dedicated funding source for public safety communications upgrades.

This sessions I again introduced the Public Safety Interoperability Implementation Act, or H.R. 1323, to create a public safety communications trust fund. Under my legislation, after an initial 3-year grant program, the funding for the trust fund would come from the future sales of the spectrum. Grants would be allocated to eligible entries to achieve interoperability, with multiyear grants available to ensure that agencies can develop a long-term plan without having to worry about funding from one year to the next or who is in charge of the budget.

Congress has been using the sale of spectrum as a budget gimmick for years. This year we are again considering the legislation to sell a block of spectrum by 2008 estimated to be worth 10 to \$20 billion. Where is this money going? The money is going to offset \$126 billion in tax cuts for the wealthiest Americans.

I think the proceeds should go to our police, our firefighters and not the millionaires. With all due respect to the people who are well off in this country, they are not clamoring for these tax cuts. It is just the philosophy of one party over the priority of needs of this great country.

Senator JOHN MCCAIN even agrees with me. He has introduced a bill to give first responders the spectrum they need and to direct the proceeds of the spectrum auctions to a public communications grant program. The companies who are going to buy the spectrum are going to use it for advanced wireless communications. But what are we going to do if we do not act now? We will continue to fail our first responders if some of the auction proceeds do not go to ensuring that public safety, first responders, and local governments can invest in the very wireless communications that will result from the sale.

It is an embarrassment that our 14-year-old students and kids in many cases have better wireless communica-

tions than our first responders. Again, I ask my colleagues in the majority, what is your priority going to be? Tax cuts for the richest of Americans or our firefighters? Tax cuts for the richest Americans or our police officers? Tax cuts for the richest Americans or emergency medical technicians?

How many more people will have to die and how many more natural disasters and terrorist attacks will this country have to endure before the excuses stop and actions begin?

What communication problems are we going to see with Hurricane Rita currently knocking on our door? We cannot continue to send our first responders out on the beat without the back-up, without the communication tools they need to do their jobs. We have the technology today to fully connect our first responders. Let us make the investment today to keep America safe.

Mr. Speaker, as I said, this is an issue some of us have been working on for a long time. We have been to this floor offering amendments. We have gone to the Committee on Rules offering amendments. We have spoken on the floor. We have asked for reports. We want to see where the money is being spent, because it certainly is not being spent on the communications our first responders need.

One of the champions, one of them who has been down here day-in and day-out working side by side on this issue is the gentlewoman from New York (Mrs. LOWEY). We also have the gentlewoman from Pennsylvania (Ms. SCHWARTZ) who is a new Member who has taken up this issue, and she will speak after the gentlewoman from New York (Mrs. LOWEY).

I yield to the gentlewoman to kindly share a few thoughts with us.

Mrs. LOWEY. Mr. Speaker, I want to thank the gentleman for organizing this Special Order and emphasizing over and over again how important this issue is.

Frankly, Mr. Speaker, it amazes me that 4 years after September 11 we are still talking about gaps in our Nation's strategy to prepare for the unthinkable, another terrorist attack. And one of these glaring gaps is the inability of first responders to effectively communicate in an emergency situation. We witnessed this 10 years ago in Oklahoma City. It resurfaced in Columbine in 1999. The problem proved to be deadly on September 11.

Of the 58 firefighters who escaped the north tower on the World Trade Center and gave oral histories to the Fire Department of New York, only three, three heard radio warnings that the north tower was in danger of collapse. People all over the city looked at it happening, but our firefighters who bravely responded did not get any kind of radio warning. We will never know how many of the firefighters who died that day while heroically rescuing thousands of workers would have been spared if they had effective interoper-

able communications equipment to receive the evacuation orders.

In the wake of Katrina, reports from the gulf indicate that communications failures plagued our first responders once again. The lack of communication with State and local officials in New Orleans compounded FEMA's poor response.

The New York Times reported that rescuers in helicopters could not talk to crews patrolling in boats, and National Guard commanders in Mississippi had to use runners to relay orders. In 2005? We are going back to the days of Paul Revere. They had to use runners. They could not communicate. Crews on the ground could not talk to one another to coordinate searches, slowing down the rescue effort.

For years, as my good colleague just said, several of us have demanded that the administration take the necessary steps to facilitate adequate communication between first responders in the event of an emergency. These demands have gone largely unanswered. I have once again introduced legislation to require the Department of Homeland Security to create a comprehensive interoperability strategy and to authorize funding for first responders and government agencies to plan and purchase equipment.

Despite consensus, I do not know anyone that disagrees that interoperability is a problem and that first responders do not have necessary resources. The bill has not even moved out of committee.

□ 2130

The record of this majority and this administration is troubling in other ways, too. First responders also lack adequate radio spectrum for their radios to work. The gentleman from Michigan (Mr. STUPAK), my good colleague, referenced that legislation. Legislation has been repeatedly introduced to solve this, but the majority will not let it advance.

The Intelligence Reform Act that we passed last year stated the DHS, the Department of Homeland Security, must come up with a timeline for achieving interoperability by April of this year. Five months later, I have not seen the report. Has the gentleman seen the report? There is no report.

Finally, in his fiscal year 2006 budget request, the President did propose to fund the Office of Interoperability and Compatibility within the Department of Homeland Security at \$20.5 million, a 35 percent decrease from fiscal year 2005 levels, and far below the billions needed to meet this challenge. The President did not get briefed adequately when Katrina hit. When he was preparing the budget, he clearly was not briefed adequately.

Eight years ago, let me repeat that again, 8 years ago, the final report of the Federal Public Safety Wireless Advisory Committee concluded that, "Unless immediate measures are taken to promote interoperability, public safety

agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost-effective manner.”

Last week, the 9/11 Public Discourse Project found that minimal progress has been made to provide adequate radio spectrum for first responders, and Commissioner Kean has called the failed communications that slowed Katrina rescue efforts a “national scandal.”

Now, forgive me if I sound impatient or even angry, but with nearly every major study and report on homeland security concluding that lack of interoperability remains one of the most serious issues facing first responders in this country, I simply cannot understand why this administration has done little more than pay lip service to this issue. Well, it is time to do more than talk the talk.

We must do something now to ensure that in the event of an emergency, be it a natural disaster or a terrorist attack, our local police, firefighters, EMS workers, 911 dispatch operators, State police, National Guard, Coast Guard, FEMA, FBI and all other public safety agencies have the ability to communicate with one another. Hurricane Katrina is not a wake-up call that something needs to be done, it is a fire alarm. And I urge my colleagues to immediately adopt legislation to address this critical problem.

Again, I want to thank the gentleman from Michigan (Mr. STUPAK) for organizing this Special Order. I do hope that the administration and some people in the leadership are listening. I am tired, and I know the gentleman is, I am impatient and I am angry.

We have hearings in the Committee on Homeland Security. Members of the administration testify; they agree with us. We ask them, when are you going to send out requests for proposals; when are you going to seriously address this problem? We are going to do it; we are going to do it.

Katrina came. Hundreds of people lost their lives, and we still do not have a definite plan in place to make sure that people can talk to each other and communicate with each other to save lives.

So I thank the gentleman again.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for her words and her passion, for the statement. She has been on this issue from day one. She has been a great advocate for New York and the devastation you saw on September 11. And the administration continued to say, the gentlewoman is right, threw a little bit of money the first year, second year; but 3 years later, the last 3 years, the budget proposal by the President and approved by the majority party, the Republican Party in this Congress has zeroed out the only program specifically set up to develop interoperability.

Through the objection of the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Pennsyl-

vania (Ms. SCHWARTZ) and myself, by the gentleman from New Jersey (Mr. PASCRELL), a number of us have come down here repeatedly, saying we have got to fund this program. They say, we will get to it, we will get to it, we will get to it. Even before Hurricane Katrina hit, some of us said, have you got your interconnectability ready? We know that technology exists. The military has it. Why can we not use it? Once again, it is, we will get to you. We are getting tired of that excuse. So I appreciate the gentlewoman's help and leadership on this issue.

Next, I would like to yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who is a new member of our caucus and has done a wonderful job. She has really been concerned about what happened in the terrorist attack of September 11; and of course, Pennsylvania was part of the September 11 tragedy. We all know too well the lack of communications, how it hindered our operations, even our communication, to know what is going on, whether it was in the air or on the ground in Pennsylvania.

So, with that, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), my friend.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I do appreciate the opportunity to speak with my colleague. Mr. Speaker, I thank the gentleman from Michigan for organizing this evening's conversation on first responder communications.

This past weekend, I joined with other Members of this body on a fact-finding mission to the gulf shore communities which have been ravaged by Hurricane Katrina. I was struck by several things, two particularly relevant to this evening.

First, I felt, as so many other witnesses have felt, that the images on television, on the Internet, in the printed press, do not do justice to the enormity of the devastation.

Second, I was moved by the sense of shared duty among the first responders who have arrived on the scene from all across this Nation.

These police officers, firefighters, medics and National Guardsmen and -women came to the distressed gulf coast region, and many of them came voluntarily because they saw their fellow Americans in need of help. They came because they felt duty bound to their brothers and their sisters, their fellow Americans, most of whom they had never met.

Mr. Speaker, we in this body are also duty bound. It is our duty to ensure that our first responders have the tools that they need to protect and serve any community in this Nation, under any circumstances.

We seemed to understand this responsibility after the tragedy of September 11. Our respect and admiration for the role of first responders in New York and here in Washington and in Pennsylvania was to be matched by a Federal commitment to address some of

the difficulties that they faced in the minutes and hours after the plane struck. However, what we found in the aftermath of Katrina was that our first responders still lack the tools that they need to be most effective.

Four years ago, almost to the day, evacuation orders were not heard in the towers of the World Trade Center because the police, the firefighters and other emergency personnel simply could not speak to each other. And just weeks ago, in the days following Hurricane Katrina, similar problems hampered initial search-and-rescue, security, and relief efforts.

Those of us who are participating in this evening's discussion, along with many of our colleagues who could not be with us this evening and Americans across the country, were alarmed by the lack of leadership coming from the Federal Government, particularly the administration, in preparation for and in response to Katrina.

The American public was rightfully disappointed, if not horrified, by the Nation's state of preparedness, which appeared to be so woefully inadequate, despite our past experiences and promises from this administration to do better.

Over the past 4 years, members of this body, like my colleague from Michigan, like my esteemed colleague from New York, have worked tirelessly to prod the Department of Homeland Security to provide our Nation's cities with standards for interoperable communications. As a State senator in Pennsylvania, I authored and passed a resolution calling on Congress to act; yet this guidance has not yet come.

So as we await leadership from the Department of Homeland Security, communities across the Nation are working to equip themselves with the technology necessary to enable various local and regional first responders to seamlessly communicate in the event of an emergency or mass incident, and they are doing so because they cannot afford to wait.

In my region, the Philadelphia Police Department, along with Southeastern Pennsylvania Transit Authority officials, are working to address the fact that their radio systems are not compatible, making it virtually impossible for them to communicate should a coordinated response be necessary in any of our subway tunnels, as might have happened, and did happen in London.

I have been working closely with city and transit officials to find interim remedies to this problem, but the Federal Government should be enabling them to implement a long-term solution. This is what is required nationally.

The President must propose, and Congress must act, to provide a dedicated radio spectrum for first responders.

The Department of Homeland Security must establish Federal standards for interoperability.

The President should request, and the Congress should provide, the funding necessary to implement these goals.

Mr. Speaker, I stand with the gentleman from Michigan (Mr. STUPAK) tonight to say that the time for these actions is now. Our communities and our citizens across the Nation cannot wait.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for coming out and joining us tonight on this Special Order. I was really interested in some of those recommendations she made here earlier tonight. Those are many of the recommendations we have heard for years and failed to act upon. Even the planning money that was to be for this national operability, so they will be coordinated together, has been zeroed out in the budget.

Then we have Hurricane Katrina, and it just emphasizes the devastation that occurred and the lack of knowledge and response. People are saying, well, why did we not know? We did not know because there are no communications. We cannot continue to say the excuse we did not know, because we had the opportunity to do this. This has been going on since I worked the road some 20 years ago, and trying to communicate with each other. Unfortunately, we had these tragedies, but maybe we can use this opportunity in a positive light to learn something from this and maybe get some interoperability. I certainly appreciate the gentlewoman's leadership and compassion for those who have suffered so much in Hurricane Katrina.

Mr. Speaker, last Thursday, ABC News, Ted Koppel, the headline, "Primetime Moment of Crisis: System Failure." I am not talking necessarily about the lack of communication and who should have done this or not. I just want to talk for a moment about what they saw in this Primetime program last Thursday on communications, just communications.

We start with Greg Meffert. I got the transcript of the show because it was so revealing of so many of the problems they had just through lack of communication.

Mr. Meffert says, "The only communication we had was a laptop that we brought, and it had a wireless broadband card that worked all the way up into the Hyatt." The Hyatt was where the mayor of New Orleans had his command center. "So the mayor and the chief and all of us were getting our information via this little laptop. Finally, the Internet feed goes out."

Ted Koppel says: "It was one in a series of communications breakdowns that would contribute to untold suffering and a still untallied number of deaths. At 8:14 central time, the National Weather Service issued a bulletin reading, 'flash flood warning, a levee breach occurred along the industrial canal at Tennessee Street.' The problem was that by the time the bulletin went out, the hurricane had been battering the city for hours. Elec-

tricity and phones were out. So most people neither saw nor heard the warning. Officials in Washington seemed totally oblivious to the bulletin."

Going on, on Ted Koppel, Live Primetime last Thursday, Michael Chertoff said, "We are extremely pleased with the response that every element of the Federal Government, all of our Federal partners have made to this terrible tragedy."

Ted Koppel: "If Secretary Chertoff was pleased, it could only have been because he had no notion of what was actually happening on the ground in New Orleans. Between 20 and 30,000 people were stuck inside the Superdome. There was no more food and water. The toilets overflowed long ago. While those inside were supposed to be bused to the Houston Astrodome, the streets were flooded and there weren't enough buses available anyway."

□ 2145

Let me go on. Here is what the President said: "I don't think anybody anticipated the breach of the levees. They did anticipate a serious storm, but these levees got breached. And as a result, much of New Orleans is flooded, and now we're having to deal with it and will."

Ted Koppel: "The President is correct. Nobody did anticipate the breach of the levees, but they did predict that the levees would be flooded. At Toru Hospital, 10 patients have died overnight. There was only one working telephone in the entire hospital and a small staff which was low on supplies. They were forced to make some very tough choices. Correspondent Bob Woodruff was there."

Female doctor: "What we're doing today is, the physicians are going around and evaluating every patient. If they can say their name, we're giving them an IV fluid to make their tank better, to kind of give them a boost."

Bob Woodruff: "What if they can't say their name?"

Doctor: "We're not giving them IV fluids. We consider them not viable."

Going on, underneath this report last Thursday, Lieutenant General Russell Honore, U.S. Army.

The reporter asked: "Will these people be out of New Orleans by sundown?"

Lieutenant General Honore says: "No, how do you move 20,000 people by sundown? No, hell no."

Ted Koppel: "Having heard reports of guns inside, SWAT teams and the military arrived with weapons locked and loaded. From the perspective of those stranded inside, the rescuers looked more like men prepared to put down a prison riot."

President George W. Bush: "I'm pleased to report that the convention center is secured. One of the objectives we had today was to move in and secure the convention center."

Ted Koppel: "It would be one more day before the buses finally came."

President George W. Bush: "I'm going to fly out of here in a minute,

but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than just one day's attention."

I would like to hold the President to his words because I came here tonight to talk about public safety communications and the failure of this Congress and the Bush administration to adequately respond to the communication needs of our first responders. Sadly, we in law enforcement and in Congress who work on these issues were not surprised by the lack of communication after Katrina. Much of that transcript which I read we were not surprised by.

We have seen many examples of crises where first responders could not communicate, going back to 1982, with the plane that left Washington National and crashed into the Potomac, or take the Oklahoma bombing at the Murrah Building in 1995, or the California forest fires in 2003, and September 11. We just experienced Hurricane Katrina, and now we have Hurricane Rita knocking at our door.

Mr. Speaker, that is why I have been working for years to make the needed investments so that firefighters and police can talk to each other, so that police can talk to EMTs, so that officials can talk to ambulances, so that the medical personnel that people need to get better or to be rescued can talk and communicate and save lives. We thought we finally made some progress when President Bush said, and this is what he said in January of 2002 in talking about 9/11, the President said and I quote: "It is important that we understand in the first minutes and hours after an attack that that is the most hopeful time to save lives, and that is why we're focusing on the heroic efforts of those first responders. That's why we want to spend money to make sure equipment is there, strategies are there, communications are there, to make sure that they have whatever it takes to respond."

I agree with the President 100 percent; but, unfortunately, I say they are empty words. What did the President say and what did he close with on the Ted Koppel show last Thursday? He said: "I'm going to fly out of here in a minute, but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than one day's attention." With all due respect, Mr. President, we are pushing 3 years, over 3 years since you gave us almost similar words after 9/11. There has been scant follow-through, very little planning, very little standards-making, and minuscule funding for interoperability.

Evidently, former FEMA Director Brown was surprised by the meltdown. Even he told CBS News that the agency failed to anticipate "the total lack of communication, the inability to hear and have good intelligence on the ground about what was occurring there."

Perhaps FEMA Director Brown should have read the report published

by the U.S. Conference of Mayors, which I have cited many times on this floor before. According to the U.S. Conference of Mayors report released in June of last year, more than 80 percent of our cities are not interoperable with Federal agencies. New Orleans is and was one of those cities. This means that in the event of a terrorist attack or another natural disaster, far more than three-fourths of the United States cities would be woefully unprepared to coordinate responses and communicate effectively to be safe, to be secure, and to do their job.

Here are some more troubling numbers from that U.S. Conference of Mayors report: 97 percent of cities are unprepared to communicate during a chemical plant disaster; 94 percent of the cities are unprepared to communicate during a rail disaster, much like we saw in Chicago this last week; 92 percent of the cities are unprepared to communicate during a seaport disaster.

Clearly, our local public safety agencies are no closer to being interoperable than they were 3 years ago, 5 years ago, 20 years ago, or in 1982 when the plane went down in the Potomac, or even 20 years ago when I worked the road as a Michigan State Trooper. It all points back to the fact that public safety communications have not been a priority for this Congress or this administration.

The estimates to make local, State, and Federal first responders interoperable are as high as \$18 billion, yet only \$260 million has been provided specifically for these upgrades; and the President continues to zero out funding for this program in his budget requests.

Mr. Speaker, my legislation would take communications funding away from the whims of the congressional appropriation process and away from the President. H.R. 1323 would set up a public safety communications trust fund, and revenue from that fund would come from the sales of the spectrum. My bill would dedicate 50 percent of the net revenue from future spectrum sales into a public safety trust fund. By dedicating these funds from the sale of the spectrum, we would ensure that funding would be set aside no matter what happens in the annual appropriations process.

Local agencies cannot afford to upgrade their communications equipment without Federal assistance. I believe that Federal assistance is more than justified when the Federal Government repeatedly calls upon local first responders to be even more vigilant and to be even more prepared for possible acts of terrorism and, now, from natural disasters.

In fact, the 9/11 Commission report outlines a similar recommendation. The report states: "The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very

different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remain an important problem. Federal funding of such interagency communication units should be given high priority."

Last week, the former Republican Governor of New Jersey and co-chair of the 9/11 Commission said their recommendations have not been heeded. Governor Thomas Kean said, "It's the same thing all over again. It's a lack of communication, first responders not being able to talk to each other. It's no command and control, nobody in charge; it's delayed responses. It's basically many of the things that, frankly, if some of our recommendations had been passed by the U.S. Congress, that could have been avoided."

Some may argue that local agencies can apply for grants under the Department of Homeland Security State formula block grants. They argue that money can be used for interoperable communication systems. Well, Mr. Speaker, I have been out on this floor and I have offered amendments on the House floor to find out how much money has gone to interoperability. I have received incomplete and delayed responses from the Department of Homeland Security. They have no idea how much money. They can tell you how much money has been spent, but they cannot tell you how much money from these grant programs has been spent on interoperability in 2002 or 2003.

They just recently figured out how much has been spent for 2004, but they are not sure if it went to interoperability or not. They sort of think some of it did. That does not say much about the oversight or the planning from the Department of Homeland Security about where the billions of dollars of State formula grant money has gone.

Finally, Mr. Speaker, this administration must develop a plan and standards to give State and local officials some guidance. There has to be minimum standards setting. We have been saying this for years. It does not cost that much to set them, but it has not been done. The folks at SAFECOM, which is one of the departments within the Department of Homeland Security that is in charge of developing these standards, SAFECOM, charged with developing these standards, told Congress last year that "at the rate we're going, it will be another 20 years before our public safety agencies are fully interoperable." Another 20 years.

I do not know about you, Mr. Speaker, but I am sure the American people would agree with me that we do not have another 20 years. Another terrorist attack on the U.S. is not a question of if, but when. Another hurricane is approaching the gulf as I speak here tonight. Public safety is not an issue where the administration and Congress should continue to drag their feet. Yet here we are, 4 years after 9/11, still at

square one. It is a disgrace, and it must be changed.

I hope that tonight we have helped to enlighten the American people and that interoperability becomes a reality and not a fiction or a dream that many of us in law enforcement have had for more than 20 years. Maybe the words of the President after 9/11 and after Hurricane Katrina, when he says he is going to jump on his plane and do something about it, we will actually get to work and do something now. We cannot take any more natural disasters like the one we saw in the last few weeks on TV because we are unprepared, because we cannot communicate, because we do not have intelligence on the ground, because those who are sent in to do the job cannot talk to each other.

How much longer does this have to go on? I hope and pray not much longer.

#### DISASTER BRINGS OUT THE BEST IN HUMAN NATURE

(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 wanted to take this opportunity briefly to just say that in the aftermath of this terrible natural disaster known as Katrina we certainly have heard a lot of name-calling and finger-pointing on both sides of the aisle in regard to who might be responsible, who did good, and who did bad. I think at the end of the day, after we have an opportunity in this House to thoroughly investigate that, we will have answers to those questions.

In the meantime, Mr. Speaker, I just wanted to let my colleagues know that when I had an opportunity to go down to Baton Rouge to one of the shelters over the Labor Day weekend, I did not see the worst in human nature, as depicted in some of the TV scenes with the looting and the crime in the immediate aftermath of the levee break. I saw the best of human nature. I saw people pulling together, working hard; the Red Cross folks and volunteers doing all they could, driving down to Baton Rouge or trying to get down into the gulf coast or into Mississippi or New Orleans; just dropping everything and taking days off work and bringing supplies. It was really an amazing show of the best in human nature.

□ 2200

It is something that I want to tell my colleagues that have not seen that side of the issue, a lot of good is coming out of this natural disaster. Hopefully we will continue to see that good as we help the people in the gulf coast, and particularly in the city of New Orleans, put their lives back together.

Mr. Speaker, I appreciate the time to touch on this. As we go through this week and the next several weeks, we will be talking more and more about this, hopefully during Special Orders,



and drawing from other experiences, and experiences I experienced myself a week or so ago in the gulf coast area.

#### WORST CASE SCENARIO

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to say a few words tonight, and I appreciate the gentleman from Georgia (Mr. GINGREY) for being here and his consistent approach to good government and good policy. I also understand that the gentleman from Georgia (Mr. GINGREY) has been down to the hurricane-ravaged region to see what is going on down there.

I wanted to take an opportunity to say some words about Hurricane Katrina, about the disaster itself, how it came to that point, what has happened to get us to this point, and what we need to do to get ahead in America and rebuild and reconstruct the ravaged region of the gulf coast.

As I speak, we have another hurricane that is swelling up to a category 4 hurricane. Who knows where it is going to make landfall, or if it will make landfall. If it takes a turn in the wrong direction, it could get the very location that is still underwater from Hurricane Katrina.

I take us back to those days prior to Hurricane Katrina striking that region. I know back as early as 2002 there were significant documents published in the local paper that illustrated the structure of the dikes, the levee system, the protection from hurricanes and flooding that existed around the New Orleans area.

For years they had been building miles and miles of levees and dikes. The original concept of the city, as the city got established and grew, like most cities, it was not the most scientifically identified location, but it was a location good for commerce. If you can pick a good location for commerce, then you will find out that the value of that commerce flowing into that city would be great enough to justify the construction of the infrastructure that was required to, at least within the vision of the people making the decisions and paying the taxes and appropriating the funds at that time, to protect the city with at least minimal advocacy.

As the years went by, New Orleans grew. It began to settle below sea level. And as the Mississippi River would rise and bring its periodic floods, as I have seen in Iowa, and I have worked in the floods of 1993, that water made its way down there and flooded that region too. They built protection, and each device was designed to protect the last flood, and seldom do we design to protect against the next flood.

I do not take issue with the design of the Corps of Engineers, but New Orleans

was a city that was growing. And as it grew, the land settled. As it settled, the levees were constructed and the protection was established; but it was more designed for something we had experienced in the past rather than something we might anticipate in the future.

But it was not without anticipation. In fact, the newspaper articles in the New Orleans Times Picayune had laid out, I believe, five different editions of that newspaper that all dealt with the structure of the levee system, the protection of the levee system, and what would happen in the event of certain weather circumstances, particularly hurricanes. Each of those editions had five or six articles that laid out certain segments.

As I sat through the night reading through those, it struck me this was a concise presentation of the circumstances. If one wants to go and visit and understand what happened around New Orleans, I highly recommend that they revisit those pages on the Web site of the New Orleans Time Picayune newspaper. I believe it was 2002, although the articles do not have a date I can find.

What I saw was a Mississippi River leveed off from the city of New Orleans. The levees are 25 feet above sea level. They protect the flooding of the Mississippi River. It gets over 25 feet over sea level, it would spill out over the levees. And as far as I know, it has not done that, at least not from the river itself.

There were also levees designed to protect the city from the surge from the gulf. It is unclear to me the elevations of those levees. Some of them were not as high as the 25 feet above sea level that is the level around the Mississippi River. There are also levees operated by the levee district and in conjunction with the Corps of Engineers. As I picked out of that article, there is cost sharing. First of all, the Corps of Engineers constructs, operates, and maintain the levees on the Mississippi River. The other levees, particularly the levees that are the boundaries of Lake Pontchartrain that keep Lake Pontchartrain from surging into New Orleans, those levees are managed and constructed in conjunction with the Corps of Engineers. And then there are lateral levees that run along some of the canals that are constructed and maintained by the levee district themselves, according to the published documents.

As I look at those elevations, the river elevations, Corps of Engineers, 25 feet above sea level. The hurricane levees around Lake Pontchartrain, approximately 17.5 feet above sea level. The elevations along the 17th Street Canal, there was one elevation that was 4.5 feet above sea level. That canal needed floodgates at the inlet of Lake Pontchartrain to protect the surge from spilling out and breaching the levee on the 17th Street Canal. The other two canals fell in the same category.

But as it laid out this system, the system of levees designed to protect a city that is settling and a city that had as much as 16 feet of water in the city, the idea was, of course, to plan for an expected or an historical event. But one article in there laid out the scenario that was called worst case scenario; and worst case scenario was if a category 4 or category 5 hurricane came into New Orleans from the south and sat with its center near the center of the city of New Orleans, or perhaps a little to the left or west where the counterclockwise winds of the hurricane would drive the ocean water up into Lake Pontchartrain, and there would be a surge of water that actually lifts water up out of the ocean above sea level, as that water comes up it raises an elevation. Water has a tendency to flow downhill. That is one thing I can say professionally: Water runs downhill. The south wind would push that water that was elevated up into Lake Pontchartrain and raise that lake up, a lake that might have a depth between 8 and 20 feet deep, approximately 16 to 17 feet average depth, but half again more water, 8 to 10 feet more water pushed into Lake Pontchartrain. And as the south wind drove that water to the north, and it is a huge lake, that lake had half again more water.

As the hurricane shifted further to the right or to the east, that moved the eye to the east of New Orleans and to the east of Lake Pontchartrain. When that happened, the wind turned around to the north. When it turned to the north, it began to drive that water that was stacked up in Lake Pontchartrain, drive it back to the south. And when it did that, there was a 10- or 12-foot or greater wall of water because there was that much water in the lake, it was 155-mile-an-hour winds driving that water, pushing that surge over the levees, over where the floodgates needed to be and the inlets to the canal levee system.

Mr. Speaker, that was the worst case scenario, and that was the scenario that was laid out in the newspaper in 2002. It was the scenario that hit with Hurricane Katrina when Lake Pontchartrain spilled over the levees. Once it breaches a levee and the water starts to flow, the velocity of the water erodes the soil out and creates wide gaps in the levees and lets more and more water come faster and faster, and New Orleans began to fill up. We saw the low parts of New Orleans on our television screens, and I saw them from the air a week ago last Sunday. That was the worst case scenario that hit.

I pose one more thing into this question. There were a couple of other things with regard to how people responded, and perhaps we will get to that, but the scenario was this. By my information and I have not checked the actual river flows, but by my information, the Mississippi River was running at one of its lowest levels. It was at least a seasonal low, if not an historical low. As I flew down from New Orleans to the gulf, south about 90 miles of

channel to get to the Gulf of Mexico, and looked at the devastated communities down there, the 25-foot levees down below were breached. I would say they were topped. The river levees were topped by water that surged over the top, which said that this low-flow Mississippi River saw such a surge from the ocean that it came up and went over the top of the 25-foot levees, 25 feet above sea level, surged over the top of those levees and flooded the bottom ground between the gulf levee and the Mississippi River levee and washed out anyone that lived in that half-mile stretch that lives in between the two levees, all of the way from New Orleans down to the Gulf of Mexico.

That surge in that river, that surged all of the way up into New Orleans and put pressure on the entire system, I wonder what it would have been like if the Mississippi River had been running at a high flow as opposed to a low flow. It would have been worse yet if that had been the case.

I looked at what caused that disaster and how it came about and how it was predictable, it was predicted, and what we might have done and what we might well do. That will be something that I will commit a lot of my energy to in the upcoming months, to have some oversight on the planning process, since it is my background and my life's work and my history of having been flooded. I had four large construction contracts going on in 1993 in Iowa, and had them all underwater intermittently throughout that spring and early summer, and, by the 9th of July, having them all underwater with some of my equipment as well. That helps me empathize with the victims of this flood. My house did not wash away, my business nearly washed away. That season was washed away, and it put all of us through a lot of work and stress and economic hardship that I think served me well to have been tested in that fashion. Hopefully I will be able to use and draw on that experience as we reach out a helping hand to the people on the gulf coast.

As far as that background and that history subsequent to the floods of 1993, we did flood mitigation work and worked in conjunction with the victim communities throughout the region in Iowa all through the balance of the decade. We were not able to do any flood mitigation in 1993 because we were one of the companies that was underwater; but by 1994 we had pulled ourselves up out of the water and we had gotten our contracts finished and we reached out and we did flood work.

We have done work on all of the reservoirs in Iowa on the Missouri River and Mississippi River. So we have extensive experience in that kind of work and elevations and drainage and hydrology and water flows and elevations and the impact of the velocity.

□ 2215

So these are things that I will pay close attention to as we move forward

with putting a plan together for a solution for New Orleans and the region in the gulf coast.

The gentleman that is here tonight that spoke briefly with a 1-minute speech is the gentleman from Georgia. And this gentleman is a doctor from Georgia, a colleague of mine, a classmate of mine, elected to come in for the 108th Congress together. A gentleman who has given a lot of his life for the betterment of this country, including who-knows-how-many babies delivered, how many passionate speeches on the floor based on that experience, and the times that he has taken his profession to support his work here in Congress but also the times he steps away from his work in Congress to lend a healing hand to people who need that.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Iowa for yielding to me in this Special Order tonight. Of course, he brings to us an expertise that few Members of Congress really have and an understanding of this rather complex system of levees. The city of New Orleans, how it is constructed and how it is protected, and the lower Mississippi, the gentleman from Iowa (Mr. KING), of course, understands that and had an opportunity within the last 10 days to actually go down to the area of devastation, as he points out; and I am very happy that he is going to be working to try to restore and get it right as we seek to rebuild.

I had, Mr. Speaker, an opportunity that I want to share with my colleagues. It was entirely different reality, not from the engineering technical perspective, which I have very little expertise on. But as a physician Member of the Congress, I found myself going into the Labor Day weekend enjoying a dove shoot. The opening day of dove season in my great State of Georgia was that Saturday of Labor Day, the long Labor Day weekend. And as I was sitting in a dove field waiting for these few birds to come over that I had very little chance of hitting, I began to feel a little bit compelled to do something, especially as a physician Member.

And I was fortunate enough, when I got back home, to call around and realize that there was an opportunity to go into Louisiana, into Mississippi, and to try to help out a little bit. A lot of folks have done that; and I am sure that they felt, coming back from that experience, just as I did, tremendously gratified to have made the effort.

But I basically, Mr. Speaker, hooked a ride with an angel flight. Angel flights are private pilots or corporate pilots who are willing in an emergency situation to donate their aircraft to fly either medical personnel or supplies and equipment into an area. And that is exactly what I ended up doing. On Sunday morning of the Labor Day weekend, a good friend, a compassionate citizen from Rome, Georgia,

Mr. Bob Ledbetter, Jr., allowed me to fly down on his plane, an angel flight, to Baton Rouge with medical supplies, three nurses, two from Emory, one from Cobb County.

We basically went to one of the largest shelters in Baton Rouge, 5,000 people there at the River Center, took those medical supplies. And then I spent some time seeing patients. No life-threatening emergencies, but stress patients that have been through a lot, fatigue, some who had swallowed the contaminated water and were suffering symptoms from that. But mainly I just had an opportunity to talk to evacuees to get a sense of what they went through and to also see volunteers who were just working day and night with very little sleep and doing it in a most compassionate way. Not perfect order, but organized to the best of their ability.

I want to give very high marks to the Red Cross, Mr. Speaker, at the River Center in Baton Rouge. If the gentleman from Iowa will allow me, I would like to mention some names of people that I felt need some pats on the back and some accolades.

First, I met the director of the Red Cross effort at the River Center, Mr. Jeff Schnoor. His name is a little difficult to pronounce, but Jeff is a retired military man, 21 years in the military, a single parent, I think from San Antonio, had been working with the Red Cross for 12 years, been through a lot of disasters, but told me that this was the toughest assignment that he had ever had. And he handled himself in that entire center with 5,000 evacuees with such calmness and patience. It was a very difficult time, but he handled it extremely well.

I also was able, Mr. Speaker, to meet with a group of physicians who had gone down from Atlanta, and I want to particularly mention Dr. Cecil Bennett. He had an organization that he put together through his Atlanta primary care practice, some of his partners, some of the nurses that work for him, and he called this Operation Brother's Keeper. And his focus was to not let these angel flights just come down with medical supplies and personnel and fly back empty, but he was determined to see that any evacuee, displaced person, that had family or friends in another State, particularly in Georgia, to be given an opportunity to fly back and to get into maybe a less crowded situation and join family or friends in another location.

And so when I came back from Baton Rouge, it was with another angel flight pilot, Mr. Steve Stemmer, in a very small plane carrying the pilot, myself, and four evacuees, one of whom had just had a baby a week before the hurricane hit. So it was really quite a thing to see.

There was a couple in Baton Rouge. We had worked all afternoon in the shelter seeing patients; and then, lo and behold, it got to the wee hours of the morning and we realized we had no

place to sleep except maybe on the concrete floor. And this couple, Eva and David Kelley, took in six of us, and their teenage boys had to sleep on the couch, and they gave us their beds.

I guess what I want to say, and I appreciate the gentleman from Iowa for giving me the opportunity, is that I had a chance to see the best of human nature. I know right after the levees broke and we were all so shocked to see all that water in the city of New Orleans and particularly shocked by the looting and the kind of mob behavior that we see in situations like that, maybe that did bring out the worst of human nature in a very limited few; but what I saw, Mr. Speaker, was the best of human nature in the majority, the vast majority of people.

And not just in the volunteers and the professionals, the Red Cross, who were doing their job, but really in the evacuees themselves. They are good people. They explained to me why they did not leave. I was very curious to know if they had been able to hear the warnings. In almost every instance, Mr. Speaker, they had clearly heard the warnings. Some of them had never been out of the city of New Orleans in their entire lives, and they had been through plenty of near misses without this big perfect storm flooding their city, and they knew that some of the neighbors in the past had actually left their property, only to come back and find New Orleans dry but their property totally ransacked and looted and destroyed.

Even if they did not own. If they were renting property, everything that was in there was theirs. It was their stuff. They had that pride, that sense of ownership. So it gave me a much better understanding as to why these people did not leave. They were not stupid. They had a good reason.

So we need to continue to be compassionate and realize that, while it is hard to look for any good out of such a tremendous disaster, natural disaster, I think we do have a chance, if we all pull together and do not get into too much partisan bickering over this and finger-pointing, to help New Orleans and the gulf coast and the State of Mississippi and Louisiana rebuild and maybe make the lives better for a lot of these people that did not have such a good existence prior to this storm.

So I thank the gentleman for allowing me to come and share just a few thoughts tonight with my colleagues.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his presentation tonight and also for his service and for getting in there as he did early and seeing the situation there and reaching out a helping hand. I know that his experience there and the perspective that he picked up down in that region will serve him well as this Congress makes decisions on the taxpayers' dollars and, when we appropriate those dollars, when we direct those dollars, that they go to the most good and to the greatest use that they possibly can.

I also want to point out that many of us in this Congress recognize that there needs to be a private sector solution to this, that we need to help those people that need and deserve the help, but at the same time the government cannot be the solution to everything, that the human spirit will win out with all. And as the gentleman from Georgia (Mr. GINGREY) said, the spirit of the people down there showed very much the positive sides of this.

I saw some things too that strike me in a way as a sense of humor that helps people adjust to the disaster. Having been through some disaster myself, I understand that psychology that one cannot just wallow in feeling sorry for oneself. The poor me's do not clean up anything. And after a couple of weeks of people coming up and saying, I am sorry, I am sorry, one gets to the point of saying all right, but now I want to go to work and it is time to start cleaning up the mess and putting this thing back together.

One of the things that I saw was in a sporting goods store that was boarded up with plywood in Slidell, Louisiana. It had a series of windows there with about a four by eight sheet of plywood over every one of them. And as I looked at that, the one on the left said in big red letters, "Looters will be shot." And the next window to the right said, "Survivors will be shot again," and there were three more windows with plywood on them painted on in big red letters, "And again and again and again."

And I walked in there to talk to that gentleman, and he had not had a problem with looters. His sporting goods store was full of inventory, and he was open for business that day, and he was selling product over the counter. I did not notice that there were any lights on in there. I suspect there was not any electricity, but he was doing business, and he had protected his place. I think the signs on the windows had to help, and it also helped him send a message to the people that were looting and shooting in the city off to their south and west, and that would have been the city of New Orleans. I believe Slidell was pretty close to the center of the worst of it. Although a fair amount of the town seemed to remain intact, once we got out into the countryside, there was not much left in a lot of those regions to the south and somewhat to the west of there.

As the gentleman from Georgia (Mr. GINGREY) has spoken about taking a ride back to Georgia with some of the evacuees and reaching out a hand to help, I wanted to point out, Mr. Speaker, the effort that we have done within the district that I represent, roughly the western third of Iowa. There are 32 counties there, and they range all the way from Minnesota down to Missouri. And we looked on television as we saw the tens of thousands of evacuees that were trapped temporarily in New Orleans that were being evacuated out. They were going to the Astrodome.

They were going to the River Center, as the gentleman from Georgia (Mr. GINGREY) mentioned, in Baton Rouge, and around that region in the country. There were cities that more than doubled in their population in a matter of a few days.

And we watched that unfold, and we saw that tens of thousands had been taken to the Astrodome in Houston and received their cot, and the cots were lined up side by side with barely enough room to walk in between them, where people's new home was a small bag of some possessions that sat underneath their own personal cot, which was laying out there in the middle of everywhere with hundreds and hundreds of people all in one room sleeping together and set up with food lines and passed drinks and receiving medical care and doing all we could do at the time.

□ 2230

But they needed to be relocated some place more permanent, some place that they could call home.

I know that there were some States that set up cots within their city centers and some of those were used and they needed them. But we looked at it from a different perspective, where I am from, and we looked around and asked the question, how could we best serve some people? How could we best reach out to people in need?

We came up with the idea that I call the "package deal." We sent a message out to each of the county seat mayors in the 32 counties, asked them to hold a meeting and ask to come to that meeting their emergency manager in the county, several of their top employers, their pastors, the school administrator, and any other volunteers and groups that would like to, especially the service clubs that are very effective in our region, such as the Rotary and Kiwanis and the Optimists and the Lions who all have a significant role to supplement the work of the churches.

We asked them to identify the package deal, as I referenced, and that is, with this vision in mind that we could invite people into our communities and save family units. So that when the plane landed or the bus pulled in, the mayor would be standing there to greet the family or families, and alongside them would be the pastor of their choice, if they had a choice, and next to the pastor would be the sponsoring family that would be sponsoring the newly-arriving family or the sponsors of the families, and perhaps a school administrator there.

But the essential core would be the mayor for the ceremonial duties, so to speak, and the formal welcome; the pastor for the spiritual support which we know that everyone needs; and the sponsoring family would help the new family get acquainted and be absorbed into the community, so that they would know when they set foot on the ground that they could lay their head

on a pillow that night that would be theirs and a home that they could call home, at least for a while, and a refrigerator that had food in it, and that the kids could go to school the next day.

As we put that package together and the inventory came together, we have since identified perhaps two dozen households and sponsoring families of the package deal, and I would think there are that many again in Iowa that are almost ready to say, yes, we will be happy to sponsor a family.

So we are moving forward with that process. We have some families who are placed in the region. Most of that comes from family connections or church connections, and we are reaching out to expand them. It is important for us to do all we can to donate money, commit our time, and it is also important for us to identify the resources in our communities and be able to offer a package deal where a family needs a new community and a new home to adopt them, either temporarily or, if they choose, permanently. All we ask from them is be a good citizen and you can stay here as long as you want or need to, and we are going to help you find a job. Part of the job prospects was part of the offer that we put together.

As one of my district people who will be heading this up had to say, whether or not we get a long line-up of people that are willing to come and accept this offer and take a trip to get relocated in our part of the State, as long as we offer them an option, it gives them at least some power. People that do not have options do not have hope, people who have been loaded onto planes and flown across this country and landed into cities in different States and when they got on the plane, they did not know where they were going, and I am told that sometimes they did not actually know where they were when they arrived. They found out soon enough. Mostly, though, I can confirm that in the heat of the evacuation attempt, which was a successful effort, it was not practical to be negotiating with people that were under stress on where they would go. It was just important to find a place for them to go, and the rest could be sorted out later.

So even though it sounds a little bit inhuman to load people on airplanes and fly them places, by the same token, when you go into a situation where you have that many tens of thousands of people in one place, and if you begin to negotiate and you say, here is the offer, I want to fly you off to Minneapolis, for example, somebody is going to hold out for Las Vegas or Des Moines, or wherever it might be, and then you end up with a chaotic situation when you have to act, act fast, load the plane, get going so that plane can get out of the way for another one to land and get turned around.

So I visited the area, and I left Ames, Iowa in a small plane at about 6:15 in the evening on Saturday, it was Sep-

tember 10, and flew down there and landed at Little Rock that night, pretty late, and left Little Rock early in the morning at 5:15, in keeping with the flight plan that we had filed. We flew on in to Louis Armstrong International Airport and landed there about 7:26 a.m., Sunday morning, September 11. Somehow, it seemed that we had not come all that far in 4 years when I got a look at New Orleans, but certainly that thought came to mind, that reverent day to commemorate September 11, it became September, 2005, and a great, great city was under water, and a huge, huge area of the gulf coast had been destroyed and blown away and washed away by the surge of the storm, an area roughly 90,000 square miles, perhaps the size of Kansas.

But as we landed there that morning, I got out of the plane and walked into the airport service center there, and there were three men that had spent most of their time working there, had not really been outside that area that I could tell. Some had lost their homes, or at least they were flooded, wind damaged, temporarily at least. They were living off of military meals, ready to eat, they seemed to be everywhere down there and there was not much of anything else, but there was plenty of water. So there was bottled water and food, the essentials of life; there was shelter there.

Their telephones, I believe their land lines were not functioning, but their cell phones were working, and my cell phone did work. So I called over to the joint operations center, which was across the other side of the air strip, and they sent a car to pick me up. I arrived at the air strip there sometime after 8 o'clock that morning, perhaps 8:15, 8:20. As I walked into that center, I met officer after officer that was there on duty in that center where they are controlling the communications for the rescue and recovery and the evacuation of New Orleans.

It took about an hour to discuss some of that through with the officers that were there, and they asked if I would stay for the 9 o'clock briefing, which began precisely at 9 o'clock, and I did stay for the briefing. It seemed as though they directed a lot of their briefing to me, and I say that because some of the details that they went into I suspect everyone in the room knew those answers except for myself. So as they directed that briefing on me and invited me to ask questions, I did ask a few; and in the end, they asked me if I would say a few words, and I did.

Good people there. They had pulled that together. I am going to guess that there were 40 to 45 people in the room, each representing their own government agency which would have been Federal and State and city, as well as the nongovernment agencies, the nongovernment organizations, the NGOs that were there. As I listened to them talk about what they had done, how they adapted and what they were plan-

ning to do, and I looked at the list, the checklist, the problems that had been raised and posted and the solutions that were proposed and how they arrived at that, it was a textbook study, I think, on how to put together a rescue and recovery operation.

The communications had been wiped out in New Orleans. In fact, Michael Chertoff stood here and gave us a presentation on the disaster of Katrina in a session of Congress in his briefing and, as he described this, he said that if the military were going to attack a city, the classical attack would be to go in and wipe out the power and the communications, which Hurricane Katrina did for the city of New Orleans, wiped out the power and communications; and then it would wipe out the transportation routes, destroy the ability, disturb the ability to get in or out of the city of New Orleans, and then attack. That is exactly what the storm did. It wiped out the electrical power, wiped out the communications, took out the cell phones even, and then wiped out the access to and from the city, even including the part of the causeway; flooded the approaches to the bridges, you could not get in or out of New Orleans, it was a stranded city, and then the attack was the water that flowed in and filled that city up, as much as sometimes 16 feet of water.

So that classical attack that came to New Orleans shut off all of the communications, made victims of hundreds of the rescue workers whom the rescue plan was designed to put to work to help save others, but they were victims of the storm and the attack, so to speak, themselves. I would describe what happened, and each of us, I think, in this country now could go down the path of criticizing a number of public figures in this event; but in lieu of that, I will take my colleagues back to the storm that I described earlier. This storm that was the worst-case scenario, that was the classic military-style attack on the city of New Orleans, the hurricane that positioned itself so that it was almost perfect.

If you were on the side of the hurricane, you would say it was a perfect storm. It was a perfect storm in that it came with the velocity and the power and the intensity and the speed and exactly in the location that it could do the most damage. It positioned itself so that it stacked all that water up in Lake Pontchartrain, then it positioned itself to surge the water back out of Lake Pontchartrain, flowed over the levee dikes, breached the dikes, and then began lowering the water level in Lake Pontchartrain while it filled the city of New Orleans.

That all took place, and it took place even though man had prepared for a bad disaster. But it was the perfect storm; Katrina was almost the perfect storm. It could have been a little more intense, it could have clearly been a Category 5, but it was nearly the perfect storm to destroy New Orleans and destroy the gulf coast and destroy the

whole flow of the channel in the bottom ground all along from New Orleans all the way down 90 miles to the Gulf of Mexico along the Mississippi.

That perfect storm, Mr. Speaker, and then I would add to that another perfect storm, another perfect storm, which was the chain reaction of disaster that came when the plans for the storm and the plans for the hurricane reaction, the evacuation of people and then the recovery and the response to the storm, broke down. And it can be argued that it broke down at nearly every level at one point or another.

Having been in business for 28 years, I have seen a number of times when I have called it in business a chain reaction of disaster. In my business, the earth-moving business, I talk about this scenario: somebody forgets to load the grease tubes onto the maintenance trailer, and then they show up at the job and there is no grease. Then the man who is doing the greasing does not grease. Then, because of that, then a bearing goes out. Because the bearing goes out, the machine breaks down. Because the machine breaks down, it is not there to support the other machines; and when that happens, the whole job and the whole operation breaks down, and all for want of a grease tube.

Sometimes, the disaster could have been worse for want of better communication. As the gentleman from Michigan (Mr. STUPAK) spoke here earlier in his Special Order perhaps 30 minutes ago or more, they did not have the ability, the interoperability to communicate across the different levels of law enforcement. I know that we had law enforcement sometimes standing on one side of the river or even opposite sides of the road with water in between and could not get to each other because their radios would not communicate because of frequency problems. We have the technology today to tie that all together and make that work. That was not the case down in New Orleans in many of those cases.

So because of that lack of ability to communicate between the law enforcement officers, because the power was out, the lights were out, because we had vandals and because we had looters and, in fact, on Monday, and the storm was still passing through on Monday, by Monday afternoon at 3:30, there were looters in the streets with guns, shooting, robbing, breaking in, and stashing that loot in places where they thought they could go back and get it, and many of them did. That was another piece that broke down, was the public order.

But, also, the worst-case scenario that was in the paper described that small boats would have to come in as volunteers and penetrate into the city and haul people out. Yet there were 1,000 people outside the city on Thursday morning I think, 1,000 people outside the city with boats preparing to go in, and the first boat that went in got shot at. So they were turned back and prevented from going into the city.

I happen to know that there was a fleet of air boats that came from Georgia, and they waited to get the orders to go in. They wanted to go in and save people. They could not get orders to go in, partly because of the security, and I think partly because the communication was breaking down; but, nonetheless, they decided to take matters into their own hands, went into the city, and that small group of air boats rescued 800 people. That was a point of light in this disaster of the storm, and it happened over and over again, people taking charge, people acting, reacting, responding, taking initiative the American way.

Sometimes when top-down management is destroyed because of communications or the plan just does not work, people have to take over and recover. We have done that in wars from the beginning of time, or the beginning of this country; and we have served ourselves well with that kind of initiative and that kind of inspiration that comes from that.

But the communications broke down, the plan that was there for evacuation filled up the civic center, filled up the Superdome. There did not seem to be adequate water or supplies or medicine or order in the Superdome, and it filled with people and put a lot of pressure on the people that were in there. We know that bad things happened inside that building, and they will unfold as time goes on.

The Superdome was surrounded with water, and yet I have reports that some people drove to the Superdome presumably before it was completely surrounded with water, parked their car, and walked in. If they could drive to the Superdome and park their car, they could drive out of New Orleans and evacuate themselves. Why did they not do that? So the questions remain, and many of them that are critical of government have been publicly aired, and I will not dig down into that.

But I will just say that from a weather standpoint, Mr. Speaker, we had a nearly perfect storm, from a chain reaction of disaster, from a break-down of communications and power and cut-off of the transportation routes, and then the inability of the local law enforcement people and the local security people, those who were not already victimized by the flood that were on duty, their inability to communicate with each other, and then their inability to communicate with the chain of command, going up from the city to the State to the Federal Government.

□ 2245

It had to have been extraordinarily difficult to get enough information to make an informed decision in a time of crisis like that, and it was immobilizing.

So the perfect storm of the weather, and almost the perfect storm of the chain reaction of disaster that flowed from lack of communications, inability to communicate with each other, and

then sometimes the inability to agree on what the next appropriate action was, not having had thought this out in advance, in my history I will look back and tell you that much of what I have seen in the form of people who appear to be quick thinking, were really people who had thought ahead and simply reacted to the scenario that had played out in their mind.

And I do not know that this scenario had been played out in the minds of the local leadership, but I did read this scenario in the newspaper. And again these questions will be asked. They will be answered. And I think that America will get a reasonable perspective when Congress gets finished with our hearings sometime in the future. Right now, we are in the recovery and planning the reconstruction mode.

A few other things that come across my mind. I stopped and talked to a shrimper down at Slidell, Louisiana. He had five boats. Two of them were west of New Orleans; they survived the storm. Three of them were east of New Orleans; all of them were blown up on high ground.

He had a friend who had been running a video tape on the day that the water surge came in. I think there they said the surge was perhaps 17 feet. As the water began to come in the house, he turned on the video player. And within 3 to 5 minutes the water had filled the house to the point where he was going up the stairs. His wife was trying to save the dogs and go up the stairs, and the last sounds in the film, I am told, and I hope to be able to see that film, is the sound of this individual that is chopping a hole in the roof so he can get out on top of the roof with his wife and the dogs, to save themselves from the flood.

That 17-foot surge of water there, which in some cases was as high as 27 feet, that filled the House up in just a few minutes, in 3 to 5 minutes the water came up. It is not quite like a tsunami that breaks like a surfer's wave, and it is not quite like a wall of water, but I understand, and wish I had seen film of this, it is more like a big surge of water, a big belly of water that just rolls up and goes over the top of anything in its path.

And the power, the power of that water, of the wind too, but of the water is awesome. I have spent my life in the construction business. I have worked with asphalt, base courses and overlays. And I saw hundreds of feet of asphalt surfacing, 4-inch overlay, that had been washed off of the highway down along the levee east and south of Slidell on the road going to New Orleans.

Any water that hits powerfully enough on the top of a levee to wash off 4 inches of asphalt in great slabs and wash it several hundred feet out onto the land, is a powerful, powerful wall of water.

And I want to take you down, in your mind's eye, Mr. Speaker, down south of New Orleans, down along the Mississippi channel, along that channel

where I flew that Sunday, September 11, with the Corps of Engineers as they went down to review the levies and the places where the levies had been breached going south. It is perhaps 90 miles of river from New Orleans south down to the Gulf of Mexico. There is a 25-foot-high levee along on each side of the Mississippi River that contains the river, and there is also a 25-foot-high, approximately 25-foot-high levee that keeps the gulf from washing out the back side of that levee.

Now, as you fly down there, the communities that used to exist in that stretch, and this stretch is perhaps, it varies in width, but perhaps a half a mile wide, on average, with the bottom ground in between the two levees, the gulf levee on the west side, and the Mississippi River, that is the west side of the Mississippi River, about a half mile of bottom ground in between. There are similarities on the east side of the Mississippi too, but just speaking of the west side.

When you fly down through there, on that bottom ground you will see the places where the communities used to be. And these communities used to be communities, because the wind came up and blew hard and blew a lot of these communities away. Shattered the buildings and tore the buildings down and blew them away. And anything that stayed was flooded. The water surge in the Mississippi River surged over the top of the Mississippi River levee, and filled that area up in between those two 25-foot-high dikes with water; then the surge came from the gulf side and did the same thing.

Heavy winds blowing almost everything out of its path, and destroying almost everything, and then the water in from the Mississippi River side, from the east side sloshed in, and then the surge from the gulf side sloshing in as well, and filled that area up twice. And there is no place for the water to get out, Mr. Speaker.

And the communities as we flew along there, I saw the water towers, and could read the water towers of most of them. As you go south from New Orleans, it goes Belle Chasse, is one community; next community is Port Sulphur; the next community is Empire; the next community is to my left, Mr. Speaker. This is what is left of the community of Buras, Louisiana.

This is the best side of the water tower. This water tower has been blown down, crushed. The other side is dented and caved in. The legs are wandering back across over here. This picture is the best side of the water tower, because that is the side that has the city's name. That is why we chose this picture to put here tonight. This is what used to be the City of Buras. These homes that are here, it is unlikely that they are sitting on their own foundations, but there were a few that were, but most of them were just gone, washed away, blown away, double flooded, and destroyed.

But I have never, in the tornados that I see, living in the part of the

country I do, I have never seen a tornado take out a water tower. I have never seen a wind take out a water tower. I have never seen a force take out a water tower. But this force took out this water tower. And I do not know whether it was the trash that was blown into it or washed into it, or the wind itself, or the combination of the trash, the wind, and the water. But it caved this water tower in.

By the way, there is your dish up here on top. Perhaps the cell phone tower was on top of the Buras water tower too, and they were out of communication. But that gives an example of how bad it was.

In these communities, as I mentioned earlier, Belle Chasse, Port Sulphur, Empire, Buras, and then from there further south, Buras is about 65 miles south of New Orleans, then Boothville, then Venice. Venice, by my math at least, is the last community before you hit the Gulf of Mexico, perhaps another 18 or 20 miles.

Here is another sign of the spirit of the people in Louisiana. And as you can see, as I could see from the air, still flooded, this water surge, this is the Mississippi River right here on top. And the surge has come over the top and dropped silt up here on top. This is all trash that has been pushed in from the flooding. This is in between the two levees. It goes half a mile width. This set of homes is essentially nothing left here. Shattered shards of what used to be buildings, and water standing perhaps 6 or 8 feet deep in this area. Yet after it has been up as high as here, you can see the trash has floated to here from the inside.

But one thing that did survive, Mr. Speaker, was the flagpole. And the first thing that had to happen was, the person that owns this land had to come in by boat and bring in Old Glory and run her up the flagpole as a sign of patriotism, as a sign of God and country, as a sign of defiance, that they were not going to let this storm get the best of them, Mr. Speaker.

And I am encouraged by the spirit of the people that I met, and awed by the power of the storm, and by the breadth and the magnitude of this disaster, Mr. Speaker. And I am also motivated by the challenge that lays before us all as we reach out to the people of Louisiana, Mississippi, and Alabama.

And I visited the shelters also the next day, and I slept on a Red Cross cot, and appreciated their hospitality. I was not aware until the next day that there were people sleeping without a cot, perhaps not too many miles from where I was. As I looked at that effort that was done by Red Cross people and volunteers of all kinds, some of them had been working 18, 20 hours a day for 13, 14, 15 days in a row, now more days than that. They have committed and sacrificed a lot to help others out. And we all need to do the same. I am going to continue in my efforts.

And I am going to look forward to the challenge of rebuilding. And I am

going to look forward to, in 10 years, 20 years, going back down to the gulf coast, Mr. Speaker, and seeing what has been brought about by the reconstruction effort that we will see.

And I want to be sure that the work that we do builds adequate levees, adequate protection, adequate hurricane walls and flood walls so that a category 5 hurricane can be withstood by the protection that will be reconstructed around New Orleans and around the other communities in that area.

I do not know if they will rebuild Buras. I do not know if they will rebuild these communities down there. I will say, I cannot imagine them not. But it is still highly vulnerable, and I do not know that there is very much more that we can do to protect the people of that area.

So as I add it all up, I would say, in summary, that we have to be prudent and responsible in the spending that we provide. We have to look to the private sector to contribute as much as it can. We have to get a handle on how many insurance dollars are there. A handle on how many people will not be going back to New Orleans, and I believe that number will be significant.

We need to reconstruct New Orleans in the areas where it is not likely to go underwater again first, and get a handle on how many people the population of New Orleans will be in the short term, say within the next 2 to 5 years; and the lower part of the bowl may be better used, instead, for some public purpose like a park, a golf course, rather than housing, which is going to be very, very vulnerable.

But we can do three things to protect New Orleans and protect them from an engineering prospective. One is to build a hurricane levee and hurricane walls at the outlet of Lake Pontchartrain, so when another hurricane comes, the low pressure center and the southern wind that pushes that water up into and surges into Lake Pontchartrain cannot get into Lake Pontchartrain. Keep the water out of Lake Pontchartrain is number one.

Number two is build hurricane gates at the inlet of the canals, like the 17th Street Canal and the other canals along that area, so that if the water does get into Lake Pontchartrain, or there happens to be a high wind that comes from the north, that we can protect the inlets of those canals as well as the rest of the area along Lake Pontchartrain was protecting.

And then the third thing is to raise the pump stations, the many pump stations that are there in New Orleans that found themselves underwater, out of commission, and we fit those pump stations with a backup redundant system so that if the power goes out they can still run, whether they be diesel engines or whether they be generator run, the city power that might run the pumps needs to be backed up with a generator on that location. They need to be well above the elevation where the highest likely water can be.



So those are the things that I will be taking a look at and weighing in on. These will be the things that I think Congress has the responsibility to consider. And as we encourage the people of New Orleans to keep the faith, keep the spirit, show this American spirit you have for the most part. And sometimes on television the best side of New Orleans was not shown.

But as this saga unfolds, Mr. Speaker, we will continue to see the best side of humanity, and a lot of it exists in the people in Louisiana, Mississippi, and Alabama.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House. And I want to thank the Democratic leader, Democratic leadership, Democratic whip, and also the chairman of our Democratic Caucus and also the vice chair.

Mr. Speaker, as we have been doing, week after week, and for now two Congresses, a Congress and a half, coming to the floor, sharing issues and concerns of the American people, need it be the 30-somethings that are out there, or young people in America, and those that are underrepresented in many cases as relates to their everyday lives, and so we take honor and privilege in coming here.

□ 2300

The 30-something Working Group consists of Members who are in their 30-somethings on the Democratic side of the aisle. We get together every week and talk about the issues that are facing America. Then we come to the floor to be able to share with our colleagues some of the good things that we are doing and also some of the things that we can improve on.

Mr. Speaker, I would just like to start out by saying now I have the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on the floor here with me and the gentleman from Ohio (Mr. RYAN) is on his way.

I must say from the outset that I am very proud of the work that so many individual Americans have done in volunteering their time and also contributing to the victims of Hurricane Katrina.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I close to our districts received some weather today from the ongoing system that we have in the gulf, but we pray and we hope that it weakens before it reaches the gulf coast area. And I would also add that there are so many unsung heroes and sheroes in this country that have done, some have done their job as it relates to first responders, others have volunteered their time because it was the right thing to do.

As I said last week, we are in the first couple of minutes in the first quarter as it relates to the recovery of Hurricane Katrina. We are going to talk this week about many of the issues that are facing the people in the Gulf State areas and Americans in general. Because we have appropriated the largest supplemental appropriations in the history of the United States of America outside of war with the \$62.3 billion just as a down payment to start helping the Gulf States recover, Mr. Speaker, a couple of weeks ago and last week, I am really concerned about the Federal commitment to the South, not only in what we say but mainly focusing on what we do. And I am disturbed in many areas of how we are starting out on the part of what we do.

Now, one may say, \$62 billion, that is a lot of money. It is. More money than has been appropriated to any disaster thus far, and it will continue to grow because of the needs and because of the work that needs to be done. But it is one thing to appropriate. It is another thing to make sure those dollars go to the right, not only areas, but also it will go down to the people that are involved in the recovery process.

We are going to talk a little bit about Davis-Bacon and the waiving of Davis-Bacon by the President. We will also talk about the issue as it relates to no-bid, no-requirement contracts that were given to companies that are participating in Iraq and that are under investigation on their Iraq contracts; but they were in the part of the group of big contractors that received contracts in the aftermath of Hurricane Katrina. And how does that play as it relates to sending a strong signal to the South and to the Gulf States that we mean business when we say that we are about them recovering.

I would also add, Mr. Speaker, last week we took some action here on this floor. I personally voted against it because I felt that it was important that we have an independent commission look at what happened. And we are joined by a super, and when I say "super," a supermajority of Americans that have said they want an independent commission to look at what happened and what did not happen and to make sure it never happens again.

Now, not on the natural disaster side. We cannot legislate, we cannot stop natural disasters from happening. That is an act of God. But one thing we do have within our power is making sure that we govern in a way that the people of the United States, no matter where you are, that you will be protected and the government will not fail you.

When I say "government," I want to make sure that we do not get confused. I am talking about Federal. I am talking about State. I am talking about local. And in the case of Louisiana, parishes, presidents, government facilities that were opened, plans that were available that were not executed on all levels. Some of this we already know.

Last week, I brought many of these publications to the floor. This is just a few of them. There are news reports and accounts of people just not doing what they are supposed to do. So we need to make sure that we do not fail the people that pay taxes, the people that woke up one Tuesday morning to vote for representation, that we do not fail them as it relates to being the stewards of the very government that they pay taxes to.

I am glad, Mr. Speaker, this week to share the floor with my good colleague and friend of many years, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). It is great being on the floor with the gentlewoman again.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is, once again. This is a regular weekly event for us, and it is an important thing we do. And I really enjoy spending the time with you on the floor and with our colleague from Ohio just trying to talk to folks in our generation. So often when I talk to friends of mine and neighbors and colleagues in the 30-something range, they sort of tell me, they scratch their heads and wonder, you know, most of the stuff you all talk about in Congress has no impact on my life.

They really think, because what they are doing is they wake up in the morning. They get their kids ready for school. They get themselves ready for work. They get in their car in their garage. They drive out of their garage. They go to work. They pick up their kids, they come home and park the car in the garage again and start it all over the next day. And when you are living that kind of life, trying to balance work and family, trying to in many cases live paycheck to paycheck, it is very difficult to listen to the debate on this floor and understand how the things we do affect their lives.

But if there is anything that we could do to show our generation how government impacts their lives and can significantly alter their lives or through inaction how it can alter their lives, it is the aftermath of Hurricane Katrina. Because we have so many glaring examples of what went wrong, of what should have happened and did not, and how hundreds of thousands of people's lives have now been turned upside down. And normally, I think people that are in our generation look at, and quite honestly, older and younger than our generation look at the victims of Hurricane Katrina or of any tragedy which is a natural human thing to do and say to themselves, you know, that is not me. That is them. That would never happen to me. I do not live in a community where that could happen.

But the gross underpreparation and disregard for the potential for a Katrina to happen, I mean, substitute any potential disaster in my region of the country and there but for the grace of God.

We have got to take the next step and help not just our generation but all

Americans understand what should happen for these Katrina victims now. They need housing. They do not need a lot of talk. Of course, they need sympathy and empathy. They need emotional assistance, but they need housing. They need roofs over their head. They need economic security. They need to know how it is they are going to get a job again, where are they going to get a job again. How are they going to get their home loans resolved?

I was reading an extensive article today how you have banks that were in those gulf coast States that the bank was blown out, the properties that they lent money on are gone, the people are gone. So what happens to the transaction? How do they get the money back? What is Congress going to do to try to help put all that back together and sew it all back together?

Then there is health care. We have to make sure that these people can go to the doctor and get well. Some of them were not well to start with. Some of them were the picture of health and no longer are.

Finally, we have got to make sure that these kids, these thousands and thousands of displaced kids, get back to school somewhere and that the communities that they are going to end up going to school in, we are from south Florida. An influx of children the size of which came out of the gulf coast States is not a depth that our community could absorb. We are already in an overcrowded situation in our public schools, and so are many communities.

So we need to make sure that the leadership in this Congress understands that those are the kinds of tangible things that we need to talk about and stop moving forward with an investigation that is basically turning inward on itself. We need the independent commission. Objective observers, experts, people who can be trusted because it is trust that we need to restore so that when this, God forbid, happens again, and, unfortunately, we know nature will cause yet another problem like this to occur, that we have the accountability in place to know it will not happen. And a partisan committee set up by the Congress with a majority of one party serving on it, whether it is our party or the Republican Party, is not the appropriate way to handle this.

□ 2310

Mr. RYAN of Ohio. Mr. Speaker, this is what has been going on in this chamber for years, I mean, since we got here, since the gentleman from Florida (Mr. MEEK) and I got here, and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) got here. Everything has been partisan. The committees have been partisan. Eleven-nine they want the oversight committee to be, which means basically the Democrats do not have any say.

If you have the majority in the committee, that majority party will dictate everything that goes by an eleven to nine vote. We saw it happen with the

prescription drug. We saw it happen with all these other ones.

The bottom line is the committees that are set up now in Congress do not have proper oversight, do not reflect, I think, the will of the American people and I think ultimately do not reflect the truth of what is going on.

Mr. MEEK of Florida. Mr. Speaker, I think it is important to just understand that we have the same thing happening. This is not a mystery.

After 9/11 we did a little work. I tell folks all the time that we do work within the 30-Something Working Group. We do not come to the floor with the Debbie Wasserman Schultz-Tim Ryan-Kendrick report.

Mr. RYAN of Ohio. These are facts.

Mr. MEEK of Florida. These are facts. We do not get in the back of the chamber and say this is what we are going to say today; this is the story today; let us look at who said what today in the paper today. We want third party validators, and I am going to tell you what is important here.

We did a little work. We have something in the Congress, and I know many of the Members know. We call it the Congressional Research Service. These are the individuals that are in the Library of Congress.

Mr. RYAN of Ohio. Nonpartisan.

Mr. MEEK of Florida. Nonpartisan, academics.

Mr. RYAN of Ohio. Smarter than us.

Mr. MEEK of Florida. Very smart, I must add, and I am just glad to rub elbows with them. We have been spending a lot of time together. They have been coming over to the office.

Today, we had a conversation, and one of the gentlemen from the Congressional Research Service said, Congressman, I actually had to wear a coat to work today to come over here. I thought that was quite interesting. I want to try to find a little humor within this tragedy, but at the same time it is important, and you have to look at history.

I just want to make sure that Members understand, after the 9/11 Commission, it is almost like the Congress protects or tried to protect itself as an institution. It is just natural. I mean, it is almost like if something happens that may be embarrassing to the Federal Government, we then circle the wagons and say we have to protect the institution, regardless of the fact that it may end up in that circling wagons and protecting the institution, when I say the institution, the Washington Beltway, the inside politics here, partisan politics here in Washington, D.C., we must protect ourselves; we need to protect ourselves.

What do we have to do first? We have to have control of the situation, and so by saying that we will pass a bill on a bipartisan panel, you let the majority side tell you that it is bipartisan. We already said that it is eleven-nine, eleven Republicans, nine Democrats, and under this kind of situation, you are going to need subpoenas to make sure the people can come and testify.

Mr. RYAN of Ohio. That is exactly right.

Mr. MEEK of Florida. Under oath, and let it be known they are telling the truth to the American people.

Mr. RYAN of Ohio. And so Republicans do not want certain people to testify. They have votes to prevent the Democratic group from saying, hey, we need to talk to this guy from FEMA or wherever, homeland security.

Ms. WASSERMAN SCHULTZ. It would be like if Enron executives or Tyco executives suggested that they would do the investigation on what went wrong with their two companies themselves, the corporate executives.

Mr. RYAN of Ohio. We do not need the government to come in here; we will investigate it. You are exactly right. That is what is going to happen. It is going to be the same kind of cover-up and whitewash, get out the Brillo pads because we are going to clean this up. We need accountability and I think the American people want it and demand it right now.

Mr. MEEK of Florida. There is no question. The latest Washington Post-ABC poll found that 76 percent of the public supports the creation of a 9/11-type independent panel. When we say independent panel, let me just go down the history of what happened after 9/11.

Basically what happened is that the Congress did what it is doing now. It said, oh, we will review this and we will get back to you in some months, do not worry, do not ask any questions. Even after 9/11, it was on the Permanent Select Committee on Intelligence level. I think the only reason why the Senate, the other body across the hall, and the House got together was that you had Congressman Porter Goss at that time and Senator GRAHAM from the same State, and they knew each other for a number of years. They got their committees together, and behind closed doors, they had meetings. They questioned the CIA, and they questioned a number of other folks as it relates to what happened and what went down.

There are a lot of honorable Members on the Permanent Select Committee on Intelligence here in the Congress, some that I know. Some are good friends of mine, but the bottom line is, it is not about relationships. This is about making sure the American people get what they need, not only the truth, but to make sure that we have the ability to correct ourselves. Let me just go down the line here.

Then the 9/11 families, God bless them, came to the Congress for months, talking to congressional leaders. Two times here on this floor an independent panel was introduced in the form of an amendment because that is the only way as Democrats we can get anything to this floor. I must add in case some Members forgot, the Republican party is in the majority. The Republican leadership runs what happens on that side of the aisle, and I believe there was some good-hearted Republican Members. Some of them

are friends of mine. We talk, we read some of the same newspapers. I come from some of the same area of the country, and they wanted an independent panel but could not vote for an independent panel those first two times here in this House. That is the truth.

So when it came down to the amendment in the Intelligence bill that created the independent panel, the pressure from the American people and the pressure from those 9/11 families helped. Once again, I am glad they came up here and forced this Congress to do what it was supposed to do because we never would have had the outcome measures that we had with the 9/11 bill passing on this floor that has made this country safer, that has made it where agencies can talk to one another. It sounds kind of familiar.

FEMA, that is a true, it is an acronym, but it is a four-letter acronym, and a lot of folks have problems with FEMA. I know the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I have a problem with FEMA as it relates to not letting our constituents being able to make claims. Their homes were damaged, too, and there are going to be problems in the Gulf States as it relates to that.

So I am saying this to make a point. It took an entire year for the 9/11 Commission families and Americans to get justice as it relates to getting a real independent review, and I am talking about the people from the White House, all the way down to the local government, and they came out and it was bipartisan and they worked with one another. These were past elected officials, some individuals that were professionals in the area of intelligence. We had governors on there.

This is the kind of review that the American people deserve and the individuals that have lost their lives and the injured. We still have children now that are still missing. This is not lightweight stuff. This is heavy, very heavy. So it is important that we do this.

I want to talk about Davis-Bacon when we get a chance, but I just want to make sure that we share with the Members that this is nothing new. This is what the Congress does. This is what they do. This is what we do. I am not a part of it because I voted against it, and I am glad that I did, not that I do not want to get down to the bottom of it. I know what the deal is. I know when I see the Potomac Two-Step, when I start hearing the music, I understand what is going on. I understand this is inside the Beltway. I understand there is a Republican President in the White House and there is some protection that needs to take place here. I understand there are individuals that will probably do things better under other circumstances.

So, as we continue to move on week after week on the 30-Something Working Group, this will be exposed. The way when I am talking about right now, where we have on this paper will continue to be exposed to not only

Members of Congress saying, listen, if you do not think that no one wants to say it out loud on the CONGRESSIONAL RECORD, we are going to say it out loud: Protect those families. They need the representation, to make sure we have the independent counsel. Fine, if they want to do the independent panel here. Whatever the majority wants, that is fine.

□ 2320

But we need an independent panel.

Mr. RYAN of Ohio. And I think the 30-something Working Group is encouraging and 100 percent behind Leader PELOSI on this. We do not want to appoint anyone to this.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. RYAN of Ohio. Why justify this? Why give some kind of credence or credibility to this nonsense that is going on? This is America, and so America should have 50-50. The Presidential election was about 50-50, and we should all be right down the line.

Ms. WASSERMAN SCHULTZ. And the gentleman is absolutely right, we are here to say it right out loud. I also voted against the partisan committee that was voted on last week.

And something else we should address out loud are the ludicrous comparisons that have been made to other so-called partisan or internal congressional investigations. They are comparing the Katrina committee that was formed in the Congress last week to the Iran-Contra investigation. Well, there is absolutely no comparison. The Iran-Contra investigation was by a Democratic Congress versus a Republican administration, where clearly there would not be the legislative branch and the executive branch walking in lockstep. Clearly there was the accountability there when you have two different party leaderships running those two different branches of government. So that is a ludicrous comparison and makes absolutely no sense to use it, and it is disingenuous to use it.

And to add insult to injury, and I also hope we spend some time talking about this, what the leadership in the Congress is talking about, as if it is not bad enough we are not going to really get to the bottom of why there was a serious lapse in emergency preparedness and disaster response in the gulf coast States, now, during the rebuilding effort, when we have all said and all Americans have locked elbows and said we will rebuild the gulf coast region and we will do everything we can to help them, and we absolutely should, what are they talking about here in the Congress? They are talking about massive spending cuts, including cutting the prescription drug benefit for our senior citizens in Medicare; eliminating it, repealing it, or delaying its implementation as an offset to paying for the reconstruction of the gulf coast States.

Mr. MEEK of Florida. I do not want to cut my colleague off.

Ms. WASSERMAN SCHULTZ. Go right ahead.

Mr. MEEK of Florida. It is about priorities. Priorities.

Mr. RYAN of Ohio. Bingo.

Mr. MEEK of Florida. I want to say that out loud. And I cannot say we, because we are not a part of that, but the majority, the majority leadership, I will put it that way, and the White House, would much rather protect billionaires in receiving taxes. For instance, let us say that they decide to repeal this tax cut for 2 years for billionaires. Let us make a sacrifice on behalf of the country.

Ms. WASSERMAN SCHULTZ. Let us roll back a piece of it.

Mr. MEEK of Florida. Roll back a piece of it. So maybe they cannot buy another yacht for 2 years, but just hold it off for a couple of years to give us the money to be able to respond to not only the natural disaster but also as it relates to what is going on in Iraq right now. That is coming in. That train is going to roll in here again to the tune of \$50 billion.

Priorities. We would much rather take prescription drugs away from seniors. And I am smiling because it just seems like a bad dream. We would much rather cut the transportation bill.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. MEEK of Florida. That is going to put people to work and allow local communities that have traffic congestion, to let that continue because we want to protect the few.

Ms. WASSERMAN SCHULTZ. I am sorry, we are all just champing at the bit tonight, but including in a region where the plight of over 100,000 people after the hurricane was the result of their poverty. So now we are going to go in, and the second proposal for spending cuts as opposed to rolling back the tax cuts is to repeal or eliminate or delay massive transportation funding, particularly in communities where mass transit is necessary and the only way poor people can get to work is using mass transit. So they are victims of a natural disaster; and now, a few months later, we will make them victims of a congressional disaster.

Mr. RYAN of Ohio. If I can say something here. We are taking from the poor to give to the poor. That is exactly what we are doing. My district is one of the poorest in the country, and they say they want to take the \$15 million, which is not really a whole lot of money, for projects that are going to increase economic development in a district like mine, and I know my colleagues have some areas in the same way, and shift it to poor people?

Well, what have the wealthiest people in the world or in the country been asked to sacrifice in the last 5 years? Nothing. Bill Clinton said he got four tax cuts. This guy makes millions of dollars a year. He gets four tax cuts in the last 3 or 4 years. This President needs to have the guts, and I choose

my words carefully, the guts to ask his wealthiest contributors to pony up and actually help the country.

This is not partisan. This is not about a particular insurance industry or pharmaceutical industry. This is about the country. Can we for once make a decision that is based on the whole country, blue States, red States, everyone included? We are all going to help them. We are even going to ask the wealthiest people.

Ms. WASSERMAN SCHULTZ. They have a name for it. They are calling it Operation Offset. This is their plan. They are going to come back here in a few days and propose Operation Offset, which is going to say that we are not touching the tax cuts. In fact, I will quote. I believe it is the chairman of the Republican study group, our colleague from Indiana. He said, we need to rebuild. We can find the cuts in Washington, D.C. to do that, I really believe that. And his proposal is to set aside all those additional highway projects and delay the drug benefit by a year. Those are just some of the proposals that are expected to come down the pike.

Now, before I yield to the gentleman from Florida, I represent a district that is not poverty stricken. There are poverty stricken sections, but there are communities in my district that are quite wealthy. And I have people in those communities stopping me in the supermarket and saying, Debbie, keep my tax cut. These are people that need help. We need to make sure they can have health care and that they have a roof over their head. So there are people out there that benefit from these tax cuts that get it, so why do they not get it here?

Mr. RYAN of Ohio. And if we just had the leadership, my friends, to ask those people. It is not like the American people are not generous at this point. They have given everything, if you just ask them.

And we are not even asking average Americans to give. We are just saying the top 1 percent of the people; \$70 billion in tax cuts over the year, primarily to the top 1 percent. Will somebody in Washington, D.C. who has the hand on the lever of government ask these people to contribute to what is going on here?

No, they want to come to Youngstown, Ohio, where 50 percent of the kids going to the school district in Youngstown live in poverty. They want to ask them to give up the millions of dollars in transportation money that will build a roadway to build an industrial park so that we can get jobs to help grow our economy so that people can actually pay property taxes and so that we can fund the schools so that maybe some of those kids do not live in poverty. They want to take it from us.

And honest to God, honest to God, I raise my hand right now, if the President was willing to ask the top 1 percent to give up their tax cut, I would be willing to give up some of my trans-

portation money. I really would. Honest to God, as much as it would hurt my community, I recognize the situation that the country is in right now and I would be willing to say, Mr. President, how much do you need? As long as everyone is sharing the burden here.

I just cannot accept the fact that they are going to ask us to give up our money for poor districts and not ask the wealthiest people in the country. That is insanity. It is criminal.

Mr. MEEK of Florida. Look at us. We are here on the floor of the U.S. House of Representatives saying that the President, the leader of the Free World, the last standing superpower on Earth, that he should ask the most wealthy, the individuals that are receiving unprecedented tax cuts, that we have to say, can we please ask for some of that money back, even though you did not ask for it?

What happened to the leadership? It goes to show you what kind of government we have right now, especially when it comes down to the majority. We have to ask billionaires. Please, we are the Congress. But it is quite interesting, my colleagues, that we do not have to ask the elderly that are going to be delayed in their prescription drug benefits. We just do it. Or the majority just does it.

Ms. WASSERMAN SCHULTZ. We do not ask them.

Mr. MEEK of Florida. We tell them what we are going to do. We do not have to go out and ask mayors, Governors, people in local communities, like my colleague mentioned in Youngstown, and I am pretty sure my colleague and I from Florida can give similar examples of where to help our communities. Does anyone think the President is going to ask, can we have some of that transportation money back, even though I signed the bill?

□ 2330

I am not justifying all of the projects in the transportation bill. We know there are some issues within that bill. But this is the kind of America that we are living in right now. We are living in an America where on the one hand we are saying we have to ask the individuals that have, and I am not talking about the folks that are making \$100,000 or \$200,000 a year, I am talking about the folks who are making millions and millions a year. We have to go to them, head down, and say is it possible, if you will, please, allow us to have some. So that means if you are walking into a drugstore, that you are not going to be asked about your options.

And I want to segue over to Davis-Bacon, and I want to give our Web site out so that we hear from some folks on this. We need some feedback here in Congress. We need some intervention on behalf of the American people.

Mr. RYAN of Ohio. We need some adult supervision.

Mr. MEEK of Florida. It cannot be the water because I am drinking the

water here in the Capitol, and I am not running around saying that we need to protect billionaires.

I also want to talk about, and I do not want folks to get confused there were no recommendations; there was a bill dropped today by the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. PELOSI) dealing with contractor fraud, making sure that the victims in the Gulf States do not become victims again, not by Hurricane Rita but Hurricane Washington, D.C. that is going to take away the opportunities that will come out of tragedy.

And that is a very substantial bill, something that I can say from the Democratic side of the aisle that we have been putting out proposal after proposal, day after day. If we were in charge, if we were the committee chairpersons, if we had a member of our caucus that was the majority leader, it would not be a letter, it would not be a proposal on an idea; the American people will see action carried out and will give another voice in this perspective.

Let me mention something about Davis-Bacon, and let me say the Congressional Research Service, I was reading in the newspaper, some Members of Congress on the majority side were saying they are concerned about Davis-Bacon because of the unions. Let us do "operation cleanup" here. We had the Congressional Research Service look at that. I did not think about Louisiana as being a union State, nor Mississippi nor Alabama nor Florida.

Mr. RYAN of Ohio. They are right-to-work States.

Mr. MEEK of Florida. That is what I am talking about.

Actually Mississippi, quite interesting, is number 45 in the Nation as it relates to being a unionized State. Mississippi, union members as a percentage of employment, 4.2 percent. Wow, if we do not do something about Davis-Bacon, that 4.2 percent, that is going to suck up all of the money.

Mr. RYAN of Ohio. Those union dues, and let us make that quite clear, the argument against having Davis-Bacon involved in FEMA is that the money will go to union dues in those States. And 4.2 percent of the workers in Mississippi are union workers, and this administration is trying to give us a bunch of bunk that the FEMA money is going to go to union dues when only 4 percent of the workers are involved in unions. It is bunk.

Mr. MEEK of Florida. Mr. Speaker, we get excited with third-party validators, and we come out with the truth, versus what individuals who may sit in the back of this Chamber asking what are we going to say today. Let me say this: Louisiana, the State where obviously a lot of this money is going to be spent, 6.8 percent organized labor. We have to watch out for that 6.8 percent.

Alabama, a lot of jobs with municipal workers, 8.8 percent, not even 10 percent of the workforce. So how in the

world can anyone be scared of Davis-Bacon and the prevailing wage?

Before I put this letter down, let me mention that Davis-Bacon, we talk about prevailing wages. These were two Republican Members of Congress who passed this legislation. Davis and Bacon were both Republicans. We all know that. They did it after World War II to make sure there was a prevailing wage and people would have an opportunity to support their families.

Ms. WASSERMAN SCHULTZ. Please explain prevailing wage.

Mr. MEEK of Florida. I am getting there.

Ms. WASSERMAN SCHULTZ. Sorry.

Mr. MEEK of Florida. This was during rough times in the United States. In Louisiana and most of the parishes, prevailing wage is \$9.60. It changes from county to county, but mainly \$9.60. Minimum wage is \$5 and change, and is not a wage that anyone can say I am going to rebuild my house making minimum wage. But when Federal dollars are being spent in contracting, the prevailing wage is supposed to be in place to make sure that the worker, the individual that is going to work. And I am talking about fact, not fiction.

On Sunday I flew with Members of Congress over Louisiana. I was speaking with the Governor of Louisiana, and she told us she wants her people to make prevailing wage. She wants to make sure that Louisianans who want to participate in the rebuilding of their State, that they are not cheated, that they are not left behind, that other individuals from other States or other countries, and I have to add that too, come in and take these jobs away from these people who are victims. Better yet, we are going to do wonderful things in the Gulf States, and this also is evident in my community, Miami-Dade County.

Mr. Speaker, I think it is important. And the only way the proclamation can be overturned that the President waives the Davis-Bacon requirement is through an act of Congress. That means both House and Senate would have to pass an act overriding the President or saying that Davis-Bacon should be reinstituted. Subsection 6 of Davis-Bacon allows the President in time of national emergency to be able to waive the prevailing wage.

We do not hear any discussion about waiving the prevailing wage in Iraq contracts or Afghanistan contracts. It really benefits the contractor. I can see if it was something there that said if we waive Davis-Bacon, then we can save money. That is what they are saying, but that is not actually what will happen. Contractors will make more money because they do not have to pay the people who are out there punching in and punching out every day.

□ 2340

Mr. RYAN of Ohio. And, Mr. Speaker, if the gentleman will continue to yield, it is important to understand that

there is not the oversight that he talked about earlier tonight and we talked about last week; there is not the oversight of the contractors. We have got Halliburton. The same people that have been the contractors in the war, the same process, the same procedure, is the same thing that is going on down in the Katrina States.

So we are taking the workers and we are saying they cannot make the prevailing wage here with 8.8 percent, even lower in some of the States, and then we are also not going to have the oversight of the contractors. So what are the contractors going to do? They are going to squeeze the worker. They are going to take the money without the oversight. They are going to get everything that they want. And I do not think that the American taxpayer is going to be happy with that. If people have got problems with this, give us a ring here on the Internet: 30somethingdems@mail.house.gov. Send us an e-mail.

We are going to continue this discussion in the weeks and months to come because we are not going to sit by and let this administration steamroll the workers that want to go back and help rebuild their own community.

Mr. MEEK of Florida. Do not leave the Congress out because we have a responsibility too, Mr. Speaker.

Mr. RYAN of Ohio. We have a constitutional responsibility to make sure that this institution has proper oversight. Article I, section 1, this House right here governs the country, the people. And 11 to nine in the committee is not going to be sufficient. So we are going to keep the pressure on, and we are going to make sure that this administration adheres to the standards that the American people want, not what the majority wants.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, to stay on Davis-Bacon for a second, there was also some irony in the President's waiver because last year when it was 2004 and we were in advance of a Presidential election, he took great pains at expressing his deep affection for Florida and Floridians, talked about how important a State we were and made many trips to our State. Interestingly enough, he waived the Davis-Bacon requirements for Broward, Miami-Dade, and Monroe County in this last go-round with Katrina.

Mr. MEEK of Florida. Make sure we clarify because I want to make sure that Members do not get confused. Under Katrina he did. But there were how many storms last year during the Presidential election that came through Florida?

Ms. WASSERMAN SCHULTZ. There were four storms last year that came through Florida. Not one of them did he do that. And after Katrina, in a year that is not an election year, he waives

the prevailing wage requirements in Davis-Bacon in three counties. Yet FEMA, his administration, has refused to reimburse and grant individual assistance reimbursement for people who had their homes damaged, looking through their roof at the sky that were victims in Florida of Hurricane Katrina.

If they are not going to reimburse people and they are going to have to rebuild themselves or be left out in the cold and not rebuild at all, then what is the burning need to waive Davis-Bacon and the prevailing wage requirements in those counties? I guess only to help contractors, only to ensure that whatever building is going on is going to put as much money in the pocket of a contractor and workers be dammed because they really do not matter anyway because it is not an election year.

I mean, the way that we can ensure that we prevent this fraud and abuse in contracting is stop the sweetheart deals, stop the monopoly contracts, make sure that we have some bidding and responsible bidding so that we know that the contractors that can actually do the work for a responsible amount of money are the ones that get the contract.

We have a funeral and cemetery company that got a contract, a no-bid contract, in Louisiana to bury and, I guess, deal with the bodies, and there are so many of them; and this is the same company that was prosecuted for throwing bodies into the forest of a cemetery in West Palm Beach, Florida. Prosecuted. Buried people in the same grave, moved bodies from one grave to another. This is the kind of track record this company has, and now they have been given a sole-source contract in Louisiana. I mean is it not time that we stop the madness in giveaways that this administration has been in lock-step involvement in trying to help corporations as opposed to real people since the day that they walked into the White House?

I mean, our legislation that was introduced by the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. PELOSI) today would do several extremely important things. One is it would establish an independent commission to prevent fraud and abuse. I mean, that is essential. We have to have some reviews of the process. We have to review contract awards to ensure that the Federal Government is complying with the competition requirements that there are. I mean, the implication of potential payoffs is just rampant without that type of review.

We have to review whether contract awards are based on merit as opposed to relationships between awardees and Federal Government officials. I do not know if it is any coincidence, but the Vice President is the former CEO of Halliburton; and I would love to see how many contracts Halliburton has

gotten. I am sure there is no coincidence there. Nothing granted to Halliburton based on relationship with the administration. Right? Could not possibly be.

Review in realtime the spending that is going on under ongoing Federal contracts to determine whether it is wasteful, whether they are actually doing the job that we contracted with them to do. In Florida there is a huge review going on over the private contracting that the government has been involved in because in almost every instance none of the private contractors are meeting their obligations. They are not meeting their accountability standards. Money is going out the door.

At the Federal level, we deal in the billions. Billions. People do not have any concept. It is hard to get our mind around that much money. If we do not adopt an independent commission and start injecting, insisting, on some accountability, then it is mindboggling how much waste we are going to let go out the door.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, as we look at our constitutional responsibility as Members of Congress, it gives me no pleasure to be a Member of the 109th Congress, the highest deficit in the history of the Republic. I think that there is a real reason to have not only debate but also action as it relates to the deficit. And when we give irresponsible tax cuts, we spend like we are in the black versus the red, and we continue to spend. We cannot control ourselves and we are spending.

Now, when it comes down to the reality of where we are now, that is the reason why people have insurance. That is the reason why folks save money. They save in a bank account for a rainy day. The majority has not allowed that to happen here in this Congress.

On the Democratic side of the aisle, every time it comes down to the budget, it is a partisan vote. On our side of the aisle, the amendment comes down to pay-as-you-go. Pay-as-you-go. For every dollar we spend, we have to represent how would we pay for that dollar that we are spending, how would we reduce the budget at the same time we are passing legislation to spend Federal dollars. That is not anything new. I mean, this is what happens.

So the Congress when the Democrats were in control, we balanced the budget. Balanced the budget. Surplus. The surplus is getting so small now in the rear-view mirror, we can barely see it. Not because of our doing, but because of the majority side.

So it gives me no pleasure to be a part of this Congress, the highest deficit in the history of the Republic, because someday I am going to be walking around somewhere with a big hat on, fishing on a peer somewhere, and someone is going to say, you were part of the Congress in the 108th and 109th Congress when they just ran the deficit through the roof. What did you do? So

I think it is important that we point this out.

□ 2350

Now, there is a good, healthy discussion; and we know that we have individuals that are living in large homes that are making very little sacrifice as it relates to the Federal commitment to education, to health care, to making sure our men and women have the equipment that they need over in Iraq and Afghanistan and other foreign lands, and now we have a natural disaster here in the country. Better yet, we have people that are saying here in the Congress, not only are we repeating what the Majority side is saying, oh, well, maybe we should ask, or maybe they should ask the wealthy Americans' top half percent, what have you, to give back some of what we have given them. Better yet, it is not carried out the same way as it relates to asking a senior citizen who cannot afford prescription drugs or asking a mayor or a State: the transportation dollars that we gave you, we want to take them back, or asking a child that is in an overcrowded classroom who every year, under the threat of losing Title I, reduced lunch, asking them to make a sacrifice; no, it just happens to them. That is the difference. That is the difference.

I think the Members need to understand, when we start talking about the differences and say, are there any great ideas, there are a number of great ideas, and there will be action carried out with those great ideas, if we were in the majority, to bring about the philosophy of this Congress, of the majority of the Congress to go to the White House. And the real issue, when you start looking at responsibility and start talking about responsibility of this Congress, I think it is important for us to understand, and I keep saying the majority runs this House, and the minority, we try to make sure that the American people get what they need. We offer amendments on the Floor many times which are voted down in a procedural vote.

But it is important as we close here tonight to let the American people know that there are amendments and there have been amendments here in the House and on the other side of the Rotunda, and this Congress that has been offered to create an independent commission to make sure that we never, ever have to go through what we are going through again, not only the natural disaster issue, but on a governance issue. Now, because of a lack of governance, a lack of follow-through, a lack of oversight, \$200 billion is on the horizon of the Federal tax dollar going to the Gulf States, rightfully so; guess what? If we were on our j-o-b on the oversight, if the State government was on their j-o-b as it relates to the oversight, if the levee board down in New Orleans and the parishes in the area were on their j-o-b, then maybe, just maybe, we would not be spending \$200

billion. And the \$200 billion, the way the majority would have it, will affect every man, woman, and child, individuals that are not billionaires. But, better yet, the majority is proposing with a straight face, with a straight face that we should bring about cuts for every-day Americans, but protect, protect those individuals that go and put their card in the ATM and do not even worry about how much money they get out, because they do not have to worry about it.

So I think it is important. I am not here to say, well, you know, we need to do X, Y, and Z and every American needs to, we need to take the tax cut, no. Some of the tax cuts are good for working families. But when you have billionaires that we cannot even man up and woman up and leader up, and we are not even willing to go see the wizard to get some courage, we are saying, we are going to ask them to give back some of the money that we have given them that they did not even ask for.

So I think this debate may very well be healthy, and I hope that the American people see exactly what is going on here in Washington, D.C., and I hope that some individuals that look at this entire situation say to themselves, hey, I am a Democrat and I disagree with that, or hey, I am a Republican and I disagree with that; or I am an independent and I disagree with that; or I am not even registered to vote, but I disagree with that, but I am going to get involved. Because we need the kind of representation here in Washington, D.C. that is going to protect the country, not just a few individuals, that is going to make sure that we do not waive Davis-Bacon and prevailing wage, to make sure that victims that swam and were clinging on to their roof, in the attic, had to leave some of their family members in the attic who died, behind, for the sake of making sure that contractors, of all people, get their just due out of the contract.

So I think it is important that this is very real and we need to make sure that every American understands what is going on, and is not just the minority side saying, well, they are not doing this and they are not doing that. We have ideas. We have proposed those ideas, you can go on the website and find those ideas. But, guess what? They will never surface to legislation unless we move in a bipartisan way and look at this. We do not have the ability, and when I say we, the majority of the Congress, the way it is operated, we do not have the ability to do it in a bipartisan way on this issue. It is evident. And we are going to continue to provide that evidence to the American people.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as we have the last few minutes here, let us just recap what is not happening that should be happening.

The American people clearly have indicated that they want an independent commission. They want a commission that is going to truly investigate what happened so that it never happens



again. Instead, they get a partisan committee created in Congress with an imbalance of Republicans to Democrats and Congress investigating itself. What are they getting? Instead of a bipartisan effort to truly rebuild the Gulf States, they are getting proposals to cut prescription drugs for senior citizens, transportation projects for people that are in dire need of being able to use that transportation and unclog the arteries of America, billions of dollars in proposed cuts in higher education, in college aid in the budget; only a couple of weeks delay in the reconciliation process, our budget reconciliation process which is also a round of cuts; a response from the Republican leadership here that the answer to their ballooning the deficit is to cut into the hearts of the people that need it the most.

Mr. Speaker, at the end of the day, what we are proposing is an independent commission. We are proposing a review, a thorough review of the contracting process to make sure that there is some accountability in the way we spend these dollars. We are proposing housing and economic security and education assistance for the Katrina victims that need it the most. And I have to conclude by saying that we also have proposed passing legislation to ensure that all victims of Hurricane Katrina, including those in our home State of Florida, get reimbursement for the damage that they received, because they certainly are not getting that help right now.

Mr. MEEK of Florida. Mr. Speaker, I agree with the gentlewoman. I want to thank not only the gentlewoman from Florida, but the gentleman from Ohio (Mr. RYAN) and the rest of the 30 Something Working Group for doing what they do. We would also like to thank the democratic leadership for allowing us to come to the Floor again, Mr. Speaker, to not only share with the Members, but the American people, about what is happening here in the Congress. We passed out our e-mail address; again, it is 30somethingdems@mail.house.gov.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today on account of an airplane mechanical problem.

Mr. FORD (at the request of Ms. PELOSI) for today.

Mr. MENENDEZ (at the request of Ms. PELOSI) for today.

Mr. MANZULLO (at the request of Mr. DELAY) for today on account of inspecting hurricane damage.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and

extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, September 23 and 27.

Mr. OSBORNE, for 5 minutes, today and September 21.

Mr. BURTON of Indiana, for 5 minutes, September 21, 22, and 23.

Mr. RAMSTAD, for 5 minutes, September 21.

Mr. BRADLEY of New Hampshire, for 5 minutes, September 21.

Mr. GINGREY, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, September 22.

Mr. STEARNS, for 5 minutes, September 21.

#### ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

#### ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 21, 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:

4007. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Re-

visions in Requirement of Certificates of Privilege [Docket No. FV05-966-1 FR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4008. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modification of Pack Requirements [Docket No. FV05-946-3 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4009. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Suspension of Provision Regarding Eligibility of Walnut Marketing Board Members [Docket No. FV05-984-1 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyhexatin; Tolerance Actions [OPP-2005-0160; FRL-7732-8] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4011. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary of Their Production in Corn; Exemption from the Requirement of a Tolerance [OPP-2005-0211-FRL-7735-4] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyridine; Ammonia, Chloropicrin, Diazinon, Dihydro-5-heptyl-2(3H)-furanone, Dihydro-5-pentyl-2(3H)-furanone, and Viclozolin; Tolerance Actions [OPP-2005-0209; FRL-7732-5] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7968-3] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4014. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan; Minnesota [R05-OAR-2005-MN-0002; FRL-7969-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Revised Motor Vehicle Emissions Budgets for 1990 and 2007 using MOBILE6 [Region II Docket No. NY69-280, FRL-7968-1] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4016. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Correction [R07-OAR-2005-MO-0003; FRL-7969-

6] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4017. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions [R08-OAR-2005-UT-0003; FRL-7961-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4018. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2005-IA-0005; FRL-7967-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4019. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488a; FRL-7966-4] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4020. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Commercial and Industrial Solid Waste Incineration (CISWI) Units [R03-OAR-2005-MD-0008; FRL-7966-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4021. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan and Revision to the Definition of Volatile Organic Compounds (VOC) — Removal of VOC Exemptions for California's Aerosol Coating Products Reactivity-based Regulation [OAR-2003-0200; FRL-7966-2] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4022. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Onondaga County Carbon Monoxide Maintenance Plan Revision; State of New York [Region II Docket No. R02-OAR-2005-NY-0002; FRL-7959-1] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [OPP-2005-0205; FRL-7725-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488c; FRL-7966-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4025. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the Territory of American Samoa State Implementation Plan, Update to Materials Incorporated by Reference [AS123-NBK; FRL-7955-6] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; LA-3 Ocean Dredged Material Disposal Site Designation [FRL-7967-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4027. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4028. A letter from the Interim Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, [WT Docket No. 03-264] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4029. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Hawley and Munday, Texas) [MB Docket No. 04-408; RM-11107] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4030. A letter from the Special Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Charlotte and Grand Ledge, Michigan) [MB Docket No. 03-222; RM-10812] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4031. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123; CG Docket No. 98-67] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4032. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4033. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4034. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. PA-34 Series Airplanes [Docket No. FAA-2004-19960; Directorate Identifier 2004-CE-47-AD; Amendment 39-14153; AD 2005-13-16] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-602, AT-802, and AT-802A Airplanes [Docket No. FAA-2004-19837; Directorate Identifier 2004-CE-43-AD; Amendment 39-14149; AD 2005-13-12] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 650 Airplanes [Docket No. 2002-NM-332-AD; Amendment 39-14158; AD 2005-13-21] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, -400F; 767-200, -300, -300F; and 777-200 and -300 Series Airplanes [Docket No. FAA-2004-18784; Directorate Identifier 2004-NM-59-AD; Amendment 39-14157; AD 2005-13-20] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2005-20166; Directorate Identifier 2004-NM-175-AD; Amendment 39-14135; AD 2005-12-19] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2004-19867; Directorate Identifier 2004-NM-58-AD; Amendment 39-14151; AD 2005-13-14] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-19567; Directorate Identifier 2004-NM-118-AD; Amendment 39-14152; AD 2005-13-15] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328-100 Airplanes [Docket No. FAA-2005-21053; Directorate Identifier 2005-NM-053-AD; Amendment 39-14161; AD 2005-13-24] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller, Inc. McCauley Propeller Systems, and

Sensenich Propeller Manufacturing Company, Inc. Propellers [Docket No. 2003-NE-53-AD; Amendment 39-14188; AD 2005-14-11] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; and Model DC-10-40 and DC-10-40F Airplanes [Docket No. FAA-2004-18670; Directorate Identifier 2002-NM-83-AD; Amendment 39-14187; AD 2005-14-10] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707-300B, -300C, and -400 Series Airplanes [Docket No. FAA-2005-20725; Directorate Identifier 2003-NM-250-AD; Amendment 39-14183; AD 2005-14-06] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2004-19795; Directorate Identifier 2004-NM-196-AD; Amendment 39-14181; AD 2005-14-04] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20733; Directorate Identifier 2005-NM-004-AD; Amendment 39-14179; AD 2005-14-02] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-20243; Directorate Identifier 2004-NM-153-AD; Amendment 39-14185; AD 2005-14-08] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell International (Aircraft Specification No. A-2-575 Previously Held by North American and Recently Purchased by Boeing) Models AT-6 (SNJ-2), AT-6A (SNJ-3), AT-6B, AT-6C (SNJ-4), AT-6D (SNJ-5), AT-6F (SNJ-6), BC-1A, SNJ-7, and T-6G Airplanes; and Autair Ltd. (Aircraft Specification No. AR-11 Previously Held by Noorduy Aviation Ltd.) Model Harvard (Army AT-16) Airplanes [Docket No. FAA-2005-21463; Directorate Identifier 2005-CE-30-AD; Amendment 39-14144; AD 2005-12-51] (RIN: 2120-AA64) Received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and

Trent 772B-60 Turbofan Engines [Docket No. FAA-2005-21730; Directorate Identifier 2005-NE-18-AD; Amendment 39-14186; AD 2005-14-09] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-203 and B4-203 Airplanes; Model A310-200 and -300 Series Airplanes; and Model A300-B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2005-20474; Directorate Identifier 2004-NM-221-AD; Amendment 39-14178; AD 2005-14-01] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 and EMB-135 Series Airplanes [Docket No. 2004-NM-37-AD; Amendment 39-14180; AD 2005-14-03] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Packaging, Handling, and Transportation (RIN: 2700-AD16) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4053. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Head of Contracting Activity (HCA) Change for NASA Shared Services Center (NSSC) — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4054. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Intellectual Property Required Reports and Publications (RIN: 2700-AD14) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 109-226). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 109-227). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MELANCON (for himself and Mr. GORDON):

H.R. 3826. A bill to provide for the establishment of a Katrina Assistance Program through the Manufacturing Extension Partnership program, and for other purposes; to the Committee on Science.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, and Mr. HOSTETTLER):

H.R. 3827. A bill to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 3828. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least \$500 to offset the cost of high 2005 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 3829. A bill to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. FOLEY (for himself, Mr.

HASTINGS of Florida, Mr. MACK, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Florida, Mr. BILIRAKIS, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. HARRIS, Mr. WELDON of Florida, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Mr. PUTNAM, Mr. WEXLER, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FEENEY, Mr. SHAW, Mr. MICA, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. KELLER, and Mr. STEARNS):

H.R. 3830. A bill to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building"; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 3831. A bill to amend the Internal Revenue Code of 1986 to include certain safe harbor deferred compensation plans for domestic and similar workers in the waiver of the tax on nondeductible contributions; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs.

CHRISTENSEN, Mr. CROWLEY, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. NADLER, Mr. SERRANO, Mr. CLEAVER, Mr. DELAHUNT, Mr. GRIJALVA, Mr. JEFFERSON, Mr. MENENDEZ, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 3833. A bill to amend title 18, United States Code, to provide penalties for violent crimes against members of the National Guard during Presidentially declared emergencies; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 3834. A bill to repeal the authority of the President to suspend the prevailing wage requirements of the Davis-Bacon Act during times of national emergency and to reinstate the application of such requirements to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. MCINTYRE, Mr. FARR, Mr. ABERCROMBIE, Mr. SIMMONS, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. FOLEY):

H.R. 3835. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CHABOT, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Ms. HART, Mr. HENSARLING, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PITTS, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. WAMP, Mr. WESTMORELAND, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 3836. A bill to expedite the construction of new refining capacity in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, 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 Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mrs. CAPITO, Mrs. CAPPS, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Ms. HART, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MCDERMOTT, Mr. OWENS, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. WEXLER):

H.R. 3837. A bill to ensure that the confidential communications of a member of the Armed Forces with a victim service organization or a health care professional are not disclosed, and for other purposes; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. HOYER, Mr. OBAYE, Mr. THOMPSON of Mississippi, Mr. DINGELL, Mr. CONYERS, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. LANTOS, Ms. SLAUGHTER, Ms. DELAURO, Mr. EMANUEL, Mrs. MALONEY, Mr. OWENS, Mr. CUMMINGS, Ms. NORTON, Ms. WATSON, and Mr. LYNCH):

H.R. 3838. A bill to establish the Independent Commission to Prevent Fraud and Abuse in the Response to Hurricane Katrina, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Armed 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:

H.R. 3839. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. FORD:

H.J. Res. 64. A joint resolution disapproving the recommendations of the De-

fense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. LAHOOD:

H.J. Res. 65. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. DAVIS of Illinois (for himself, Mr. MEEK of Florida, Ms. NORTON, Mr. BUTTERFIELD, Ms. CARSON, Mr. CUMMINGS, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, and Mrs. CHRISTENSEN):

H. Con. Res. 246. Concurrent resolution paying tribute to John Harold Johnson in recognition of his many achievements and contributions; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. DOGETT, Mr. NEAL of Massachusetts, Mr. GRIJALVA, Mr. FILNER, Mr. SERRANO, Mr. KUCINICH, Mr. HOYER, Mr. MCDERMOTT, Mr. EMANUEL, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. STARK, Mr. FATTAH, Mr. PAYNE, Mr. HINCHEY, Mr. HONDA, and Ms. SCHAKOWSKY):

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress that a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of citizens; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. CARDIN, Mr. CROWLEY, Mr. VAN HOLLEN, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. REYES, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. JEFFERSON, Mr. MEEK of Florida, Ms. MATSUI, Ms. HARMAN, Mr. KILDEE, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Mr. SAXTON, Mr. KING of New York, Mr. HOEKSTRA, Mr. DAVIS of Illinois, Ms. BEAN, Mrs. MCCARTHY, Mr. UPTON, Mr. STARK, Mr. ORTIZ, Mr. WALSH, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. YOUNG of Florida, Ms. DEGETTE, and Mr. OBAYE):

H. Res. 452. A resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself, Mr. NORWOOD, Mr. DAVIS of Tennessee, Mr. FORD, Mrs. CAPITO, Mrs. SCHMIDT, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PEARCE, Mr. FERGUSON, and Mr. SHUSTER):

H. Res. 453. A resolution expressing the sense of the House of Representatives with respect to a court decision relating to the Pledge of Allegiance; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 3840) for the relief of David Adekoya;

which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. TAUSCHER, Mr. MARCHANT, and Mr. BOEHLERT.  
H.R. 220: Mr. WAMP.  
H.R. 303: Mr. RAHALL.  
H.R. 503: Mr. CHABOT and Ms. MATSUI.  
H.R. 583: Mrs. JONES of Ohio and Mrs. TAUSCHER.

H.R. 657: Mr. UPTON, Mr. GERLACH, Mr. FRELINGHUYSEN, Mr. BASS, Mr. SCHWARZ of Michigan, Mr. PLATTS, Mr. PETRI, Mr. KUHLMAN of New York, Mr. EHLERS, Mr. LEACH, Mr. DENT, Mr. SHAYS, Mr. KIRK, Mr. BOEHLERT, Mrs. KELLY, Mrs. JOHNSON of Connecticut, Mr. BRADLEY of New Hampshire, Mr. HINOJOSA, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. GILLMOR, Mr. GUTIERREZ, and Ms. MATSUI.

H.R. 689: Mr. MARCHANT.  
H.R. 745: Mr. GARRETT of New Jersey.  
H.R. 764: Mr. HAYWORTH.  
H.R. 783: Mr. TERRY.  
H.R. 788: Mr. MARSHALL.  
H.R. 813: Mr. JEFFERSON.  
H.R. 818: Mr. PAUL and Mr. BARTLETT of Maryland.

H.R. 839: Mrs. DAVIS of California.  
H.R. 859: Mr. DENT.  
H.R. 896: Mr. HINCHEY and Mr. MELANCON.  
H.R. 910: Mr. FORD, Mr. PETERSON of Minnesota, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. MORAN of Kansas, and Mr. GUTIERREZ.

H.R. 920: Mr. MCCAUL of Texas, Mr. MENENDEZ, and Mr. MICHAUD.

H.R. 923: Mr. WILSON of South Carolina and Mr. MCCOTTER.

H.R. 939: Ms. BERKLEY.  
H.R. 947: Mr. ADERHOLT.  
H.R. 968: Ms. BEAN.  
H.R. 986: Mr. CALVERT.  
H.R. 995: Mr. ANDREWS.  
H.R. 997: Mr. SHIMKUS and Mr. CHOCOLA.

H.R. 998: Mr. FORD and Mrs. MILLER of Michigan.

H.R. 1000: Mr. ALLEN.  
H.R. 1002: Mr. ISRAEL, Mr. RAHALL, and Mr. CROWLEY.

H.R. 1020: Mr. NEAL of Massachusetts and Mr. CARDIN.

H.R. 1043: Mr. HINCHEY, Mr. GENE GREEN of Texas, and Mr. SHIMKUS.

H.R. 1157: Mr. LEWIS of Georgia.  
H.R. 1183: Mr. BURGESS.

H.R. 1258: Mr. STUPAK.  
H.R. 1262: Mr. BARTLETT of Maryland.

H.R. 1297: Mr. SCOTT of Virginia.  
H.R. 1313: Mrs. CAPITO.

H.R. 1356: Mr. FORD.  
H.R. 1366: Mr. GOODE.

H.R. 1371: Mr. PAUL.  
H.R. 1382: Mr. WESTMORELAND and Mr. GUTKNECHT.

H.R. 1402: Ms. DEGETTE, Mr. ROSS, and Ms. BORDALLO.

H.R. 1417: Mr. REYNOLDS.  
H.R. 1431: Mr. PASCRELL.

H.R. 1491: Ms. MILLENDER-MCDONALD.  
H.R. 1561: Mr. SIMPSON, Mr. GILLMOR, Mr. KING of Iowa, Mr. ALLEN, and Mr. PRICE of North Carolina.

H.R. 1574: Mr. LIPINSKI.  
H.R. 1578: Mrs. JONES of Ohio and Ms. MATSUI.

H.R. 1607: Mr. HULSHOF.  
H.R. 1615: Mrs. MALONEY, Mr. BERMAN, Mr. WEINER, Mr. MICHAUD, and Mrs. CAPPS.

H.R. 1651: Mr. GILLMOR.  
H.R. 1668: Mr. CLAY and Mr. WEINER.



H.R. 1709: Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. ROTHMAN, Mr. EVANS, Mr. BAIRD, and Ms. VELÁZQUEZ.

H.R. 1736: Mr. MCCOTTER.  
H.R. 1738: Ms. VELÁZQUEZ.  
H.R. 1792: Mr. WALDEN of Oregon.  
H.R. 1849: Mr. WU and Mr. GORDON.  
H.R. 1951: Mr. SHAW.  
H.R. 1953: Mrs. KELLY and Mr. SESSIONS.  
H.R. 1973: Mr. PRICE of North Carolina and Mr. BERMAN.

H.R. 2037: Mr. BACA and Mr. FILNER.  
H.R. 2048: Mrs. MYRICK, Mr. FITZPATRICK of Pennsylvania, Ms. ESHOO, Mr. DEFazio, Mr. PETERSON of Pennsylvania, Mr. BILIRAKIS, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. STRICKLAND.

H.R. 2061: Mr. CRENSHAW, Mr. WELDON of Florida, and Mr. BARTLETT of Maryland.

H.R. 2070: Mr. TIERNEY.  
H.R. 2106: Mr. CROWLEY.  
H.R. 2229: Ms. HARRIS.  
H.R. 2234: Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, and Mr. DELAHUNT.  
H.R. 2238: Mr. FITZPATRICK of Pennsylvania.

H.R. 2317: Mr. CLAY and Mr. DICKS.

H.R. 2328: Mr. OWENS.  
H.R. 2369: Mr. JENKINS.  
H.R. 2389: Mr. KING of New York.  
H.R. 2412: Ms. BERKLEY.  
H.R. 2511: Mr. UDALL of New Mexico.  
H.R. 2526: Ms. BEAN.  
H.R. 2533: Ms. MATSUI, Mr. LEVIN, and Ms. ROYBAL-ALLARD.

H.R. 2642: Ms. DEGETTE.  
H.R. 2668: Mrs. SCHMIDT.  
H.R. 2694: Mr. HINCHEY.  
H.R. 2716: Mr. OBERSTAR.  
H.R. 2719: Mr. PLATTS.  
H.R. 2799: Mr. JEFFERSON and Mr. SANDERS.  
H.R. 2804: Mr. MCCAUL of Texas.  
H.R. 2822: Mr. GARRETT of New Jersey.  
H.R. 2823: Mr. ALEXANDER.  
H.R. 2895: Mr. UDALL of Colorado.  
H.R. 2943: Mr. CAPUANO.  
H.R. 2963: Mr. KUCINICH and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3011: Mr. HUNTER, Mr. ROGERS of Alabama, Mr. KING of Iowa, and Mr. MCINTYRE.

H.R. 3042: Mr. KILDEE.  
H.R. 3111: Mr. MELANCON.  
H.R. 3128: Ms. BERKLEY, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, Mr. CAPUANO, and Mr. McDERMOTT.

H.R. 3134: Mr. SESSIONS.  
H.R. 3137: Mr. GUTKNECHT, Mrs. CAPITO, Mr. MARCHANT, Mr. SHADEGG, and Mr. ALEXANDER.

H.R. 3160: Mr. SERRANO, Ms. DEGETTE, and Mr. OWENS.

H.R. 3162: Mr. MICHAUD.  
H.R. 3180: Mr. GARRETT of New Jersey and Mr. ENGLISH of Pennsylvania.

H.R. 3191: Mr. EVANS, Mr. BLUMENAUER, Mr. TANCREDO, Ms. MILLENDER-MCDONALD, Mr. LEACH, Mr. WEXLER, Ms. WATSON, Mr. LANTOS, Mr. HONDA, Mr. CROWLEY, and Mr. MEEKS of New York.

H.R. 3197: Mr. MCCAUL of Texas.  
H.R. 3248: Mr. SHIMKUS, Ms. BALDWIN, Mr. SNYDER, and Mr. ABERCROMBIE.

H.R. 3255: Mr. COOPER.  
H.R. 3300: Mr. CONAWAY.  
H.R. 3313: Mr. WAXMAN, Mr. OWENS, Mr. MORAN of Virginia, Mr. McNULTY, Mr. PAYNE, Mr. HINCHEY, Mr. FARR, Ms. ESHOO, Ms. SOLIS, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. CUMMINGS, Mr. McDERMOTT, Mr. HASTINGS of Florida, Ms. LINDA T. SANCHEZ of California, Mrs. MCCARTHY, Mr. SERRANO, Mr. DOGGETT, Mr. KUCINICH, Mr. KIND, Ms. MCKINNEY, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. MILLER of North Carolina, and Mr. STARK.

H.R. 3326: Mr. BAIRD, Mr. DAVIS of Illinois, Mr. UDALL of Colorado, Mr. JEFFERSON, Mr.

LEWIS of Georgia, Mrs. JONES of Ohio, and Mrs. MCCARTHY.

H.R. 3352: Mr. WHITFIELD.  
H.R. 3360: Mr. HULSHOF.  
H.R. 3361: Mr. LEVIN.

H.R. 3373: Mr. VAN HOLLEN, Mrs. KELLY, Mr. SOUDER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. LATHAM, Mr. ADERHOLT, Mr. OLVER, Mr. DOYLE, Ms. MILLENDER-MCDONALD, and Mrs. MALONEY.

H.R. 3379: Ms. JACKSON-LEE of Texas and Ms. DELAURO.

H.R. 3380: Ms. DELAURO, Mr. KENNEDY of Rhode Island, and Ms. ZOE LOFGREN of California.

H.R. 3402: Ms. WATERS.  
H.R. 3405: Mr. CLAY, Mr. EDWARDS, Mrs. MYRICK, Mr. EVERETT, Mr. LEWIS of California, and Mr. PUTNAM.

H.R. 3420: Mr. CLEAVER and Mr. STARK.  
H.R. 3436: Mr. KING of Iowa.  
H.R. 3438: Mr. WYNN.

H.R. 3478: Mr. MCGOVERN, Mr. GARRETT of New Jersey, and Mr. HUNTER.

H.R. 3492: Mr. BLUMENAUER, Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Mr. CUMMINGS.

H.R. 3502: Mr. JEFFERSON.  
H.R. 3505: Mr. HINOJOSA, Mr. ROSS, Mr. ROTHMAN, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. FEENEY, Mr. BACHUS, Mr. MARCHANT, Mr. GILLMOR, Mr. NEUGEBAUER, Mr. LEWIS of California, Mr. MEEKS of New York, Mr. PEARCE, Mr. RYUN of Kansas, Mr. ISRAEL, Mr. PAUL, Mr. SESSIONS, Mr. JONES of North Carolina, Ms. ROYBAL-ALLARD, Mr. GARRETT of New Jersey, Ms. HOOLEY, Mr. RENZI, and Mr. CANTOR.

H.R. 3546: Mr. BERRY.  
H.R. 3561: Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, and Mr. McDERMOTT.

H.R. 3584: Mr. McDERMOTT.  
H.R. 3588: Mr. McNULTY, Mr. SMITH of Washington, and Ms. ESHOO.

H.R. 3616: Mr. PLATTS and Mr. WAXMAN.  
H.R. 3628: Mr. McDERMOTT, Mr. MORAN of Virginia, Mr. MICHAUD, Mr. BONNER, and Mr. LEWIS of Georgia.

H.R. 3659: Mr. CARNAHAN.  
H.R. 3665: Mr. ABERCROMBIE, Mr. CASE, Mr. GRIJALVA, and Mr. MICHAUD.

H.R. 3666: Mrs. MALONEY and Mr. McDERMOTT.  
H.R. 3667: Mr. HERGER and Mr. THOMAS.

H.R. 3670: Mrs. MALONEY and Mr. McDERMOTT.  
H.R. 3685: Mr. PASTOR.

H.R. 3690: Ms. ESHOO and Mr. FRANK of Massachusetts.  
H.R. 3699: Mrs. DRAKE.

H.R. 3701: Mr. ROTHMAN.  
H.R. 3702: Mrs. EMERSON, Mr. ROSS, Mr. SNYDER, Mr. BOOZMAN, Mr. EVANS, Mr. SKELTON, and Mr. FILNER.

H.R. 3708: Mr. ORTIZ.  
H.R. 3709: Mr. HENSARLING, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. SODREL, Mr. TIAHRT, Mr. AKIN, Mr. GARRETT of New Jersey, and Mr. MARCHANT.

H.R. 3711: Mr. INSLEE, Mr. AL GREEN of Texas, and Ms. HERSETH.

H.R. 3727: Mrs. MALONEY and Mr. McDERMOTT.

H.R. 3748: Mr. DAVIS of Alabama, Mr. MCCAUL of Texas, Mr. KUCINICH, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 3754: Mr. SALAZAR.  
H.R. 3757: Mr. DUNCAN and Mr. PAUL.

H.R. 3760: Mr. WYNN.  
H.R. 3761: Mrs. BIGGERT and Mr. TIBERI.

H.R. 3764: Mr. BARROW, Ms. MILLENDER-MCDONALD, and Ms. MOORE of Wisconsin.

H.R. 3774: Ms. KAPTUR, Mr. GRIJALVA, Mr. CONYERS, and Mr. BRADY of Pennsylvania.

H.R. 3781: Mr. KING of New York.  
H.R. 3782: Mrs. CUBIN, Mr. EVERETT, Mr. WALDEN of Oregon, Mr. SULLIVAN, Mrs. JOHNSON of Connecticut, and Ms. BERKLEY.

H.R. 3787: Mr. FRANK of Massachusetts.  
H.R. 3792: Mr. FORD and Mr. OWENS.  
H.R. 3796: Mr. PRICE of North Carolina, Mr. SHAYS, Mrs. DAVIS of California, Mr. OSBORNE, and Mr. HIGGINS.

H.R. 3800: Ms. WASSERMAN SCHULTZ, Mr. CONYERS, and Mr. GRIJALVA.

H.R. 3809: Mr. EVANS and Mr. SKELTON.  
H.R. 3824: Mr. CANNON.  
H.J. Res. 12: Mr. SHERMAN.

H.J. Res. 38: Mr. ABERCROMBIE, Mr. FILNER, Mr. MCGOVERN, and Mr. MARKEY.

H.J. Res. 61: Mrs. CHRISTENSEN, Mr. LOBIONDO, Mr. HONDA, Mr. KUCINICH, Mr. PALLONE, Mrs. NAPOLITANO, Ms. DELAURO, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. ROTHMAN, Mr. SMITH of New Jersey, Mr. UDALL of New Mexico, Mr. GARRETT of New Jersey, Mr. COOPER, Mr. PRICE of North Carolina, Mr. JOHNSON of Illinois, Mrs. JONES of Ohio, Mr. CANNON, Mr. FORTUÑO, Mr. McHUGH, Mr. GIBBONS, Mr. FRANKS of Arizona, Mr. SHAW, Mr. BILIRAKIS, Mr. GUTIERREZ, Miss McMORRIS, Mr. MURPHY, Mr. SHUSTER, Mrs. DRAKE, Mr. POMEROY, Mr. SCHIFF, Mr. McKEON, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. SNYDER, Mr. BOEHLERT, Mr. FRANK of Massachusetts, Ms. MATSUI, Mr. UDALL of Colorado, Mr. RYAN of Ohio, Mr. LARSEN of Washington, Mr. MEEHAN, Ms. BALDWIN, Mrs. LOWEY, Mr. MARKEY, Mr. DICKS, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. SKELTON, Mrs. DAVIS of California, Mr. KILDEE, Mr. MEEKS of New York, and Mr. RENZI.

H. Con. Res. 130: Mrs. BLACKBURN, Mr. TANCREDO, Mr. CONAWAY, Mr. BACHUS, Mrs. BONO, Mr. ROGERS of Michigan, Mr. TERRY, and Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 173: Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. FILNER, Ms. SOLIS, Mr. PETERSON of Minnesota, Mrs. CHRISTENSEN, Mr. MANZULLO, Mr. CASTLE, Mr. REYNOLDS, and Mr. FOLEY.

H. Con. Res. 177: Mr. BISHOP of Georgia, Mr. CROWLEY, Mr. MORAN of Virginia, and Mr. FRANK of Massachusetts.

H. Con. Res. 178: Mr. ABERCROMBIE, Mr. McHUGH, Mr. VAN HOLLEN, Mr. JEFFERSON, and Mr. McNULTY.

H. Con. Res. 190: Mr. TOWNS.  
H. Con. Res. 210: Mr. CALVERT, Mr. DAVIS of Florida, Ms. MATSUI, Mr. ALLEN, Mr. BERMAN, Mr. HOEKSTRA, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. RUSH, Mr. CASTLE, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Miss McMORRIS, Mr. WHITFIELD, Mr. FOLEY, Mr. HINOJOSA, Mr. KIND, Mr. STRICKLAND, Ms. BALDWIN, Mr. RANGEL, Mr. TIBERI, Mr. McDERMOTT, Mr. THOMAS, Mr. LANGEVIN, Mr. CLYBURN, Mr. HINCHEY, Mr. ORTIZ, Mr. WAXMAN, Mrs. MCCARTHY, and Mr. BOUSTANY.

H. Con. Res. 222: Mr. BRADLEY of New Hampshire, Mr. LYNCH, and Mr. KILDEE.

H. Con. Res. 231: Mr. MURTHA, Mr. WALSH, Mr. MOORE of Kansas, Mr. SIMMONS, and Ms. ESHOO.

H. Con. Res. 245: Mr. CHABOT, Mr. PENCE, Mr. CANNON, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, and Mr. FORTUÑO.

H. Res. 15: Mr. ANDREWS, Mr. SHERWOOD, Mr. MORAN of Virginia, Mr. SHAW, and Mr. WAXMAN.

H. Res. 84: Mr. PAYNE.  
H. Res. 172: Mr. DICKS.  
H. Res. 215: Mr. AKIN.  
H. Res. 222: Mr. BOEHLERT.

H. Res. 316: Mr. KUHLMAN of New York.  
H. Res. 335: Mr. FRANK of Massachusetts, Mr. BUTTERFIELD, Mr. MARSHALL, Mr. McCOTTER, and Mr. TIBERI.

H. Res. 367: Mr. FRANK of Massachusetts.  
H. Res. 389: Mr. KELLER and Mr. MATHESON.  
H. Res. 415: Mr. SMITH of New Jersey.  
H. Res. 438: Mr. HOLDEN, Mr. BURTON of Indiana, Mr. NADLER, Mr. PALLONE, Mr. CROWLEY, Mr. VISCLOSKEY, Mr. McNULTY, Mr.

BISHOP of Georgia, Mrs. MCCARTHY, Mr. MARSHALL, and Mr. WEINER.

H. Res. 441: Ms. BERKLEY, Mr. GOODE, and Mr. AL GREEN of Texas.

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PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

68. The SPEAKER presented a petition of the City of Pembroke Pines, Florida, relative to Resolution No. 3033, requesting af-

firmative action to maintain the Community Development Block Grant (CDBG) program funding, and seeking restoration of lost funding via the proposed fiscal year 2005 budget; which was referred to the Committee on Financial Services.

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AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2123

OFFERED BY: MR. FILNER

AMENDMENT NO. 1: At the end of the bill, add the following new section:

**SEC. \_\_\_\_ . TEACHER RETENTION REPORT.**

Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels.





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, SEPTEMBER 20, 2005

No. 118

## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who gives sunshine to the just and the unjust, thank You for not treating us as we deserve. We hear Your voice, wooing us through the whispers of conscience and the promptings of Your spirit. You beckon to us through lofty ideals and through Your unfolding providence in the events of history. We see Your stately footprints in the courses of our lives.

Today, use our lawmakers as Your hands and feet on Earth. Through their work, transform discord into harmony, conflict into peace, despair into hope, and sadness into joy. Grant that their lives will teach us the lessons You desire our world to learn: Love, forgiveness, and peace. Remind each of us daily that there is always a road back to You.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, the first half of the time under the control of

the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we have set aside a period of 60 minutes for morning business, which is equally divided to allow Senators to make statements. Following that time, Senators BENNETT and KOHL will be here to manage consideration of the Agriculture appropriations bill.

Before adjourning last night, the Democratic leader on behalf of Senator NELSON called up an amendment regarding rulemaking on Japanese beef. The managers have had time to review that amendment, and we may be able to set a vote on that issue for this morning. We will be recessing from 12:30 to 2:15 for our weekly policy luncheons, and we expect to vote prior to that recess.

I urge my colleagues, once again, to come to the floor and debate their amendments on this bill. If Senators have not contacted the managers about their amendments and no one comes to the floor to propose them, then the managers will be asking for third reading and passage of the bill.

We have a lot of work to do this fall. We need to use every day wisely, so Members should not delay with their amendments. I do thank everyone for their help and patience as we go through these appropriations bills.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

### AMERICA'S AGENDA

Mr. DORGAN. Mr. President, this country is reminded virtually every morning that we are at war. This morning we learned that additional Americans—these, I believe, civilian contractors—have been killed in the country of Iraq.

I have been listening in recent days to the discussions in the Senate and discussions from President Bush about where we find ourselves and what our obligations are. We not only are at war, we have just experienced the most significant natural disaster in the history of this country along the gulf coast, with a million people displaced from their homes. Yet the discussion in recent days from the President and others is that nothing has changed. Nothing has changed. Our agenda is the same.

I went back and pulled out a speech of Franklin Delano Roosevelt, a fire-side chat on April 28, 1942. I want to read what the discussion was by someone who provided, I thought, great leadership to this country at a time of war. He said:

As we here at home contemplate our own duties, our own responsibilities . . . our soldiers and sailors are members of well disciplined units. But they are still and forever individuals—free individuals. They are farmers, and workers, businessmen, professional men, artists, clerks. They are the United States of America. That is why they fight. We too are the United States of America. That is why we must work and sacrifice. It is for them. It is for us. It is for victory.

That is from Franklin Delano Roosevelt.

The thing is, leadership is not about accounting or numbers. Leadership is calling this country together to say we are all in this together; yes, in a war, and in a response to a devastating hurricane. Yet we continue to hear around this Chamber and at the White House: No, things haven't changed. The agenda is the same. More tax cuts. Repeal the death tax—which, incidentally, doesn't exist. There is no death tax.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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But it is still a priority. We must repeal the death tax; tax work, exempt investment. Nothing really has changed.

The thing is, perhaps the President's agenda hasn't changed, but everything else has changed. Some years ago, 4½ years ago, we had a robust economy. It was morning in America, as it would have been portrayed in 1984 in the Reagan commercials: "Morning in America." We had budget surpluses, we were told, and things were growing and we had budget surpluses that would last 10 years. So the President, the new President, said let's provide very large tax cuts for a long period, the bulk of which went to the highest income earners in America.

Some of us, and I, on this Senate floor, said maybe we should be a little bit conservative. What if something happens? After all, these budget surpluses don't yet exist. They are projections. What if they do not exist? What if they do not materialize? What if something happens in the interim?

"Oh, be happy, don't worry," the President and others said. So the Congress passed very large tax cuts, and it was not long before some things happened. We found ourselves in a recession. Then, very shortly we found ourselves victims of a devastating attack by terrorists on 9/11/2001. Following that, we found ourselves in a war in Afghanistan, a war in Iraq, and then we saw, instead of budget surpluses, the largest deficits in history begin to grow in this country. Even as that happened, we saw the dependency of this country on foreign oil continue to increase to now over 60 percent and headed toward 69 percent. Following that, of course, a natural disaster unlike any we have seen in this country, with a million people displaced, called Hurricane Katrina.

The response from the President? Nothing has really changed with respect to his fiscal policy or his plans. We have spent over \$200 billion in Iraq and Afghanistan, all of it borrowed, none of it paid for. It is anticipated we will spend somewhere close to \$200 billion with respect to Katrina and the natural disaster, the devastating disaster. The question is, What do we do to pay for that? The President says we can manage that. We can manage that.

We send soldiers abroad and ask for their sacrifice, but we ask nothing of the American people at the same time: Be happy.

There are legitimate questions being asked about the response to Hurricane Katrina. But in my judgment we face a time when the question is not, Are we doing things right? The question is, Are we doing the right things? Are we on the right track? As I said, it is not about accounting; it is about leadership. It is about asking a country to join in common purpose and asking a country to sacrifice. Sometimes leadership asks people to do things that are not popular at the moment.

Franklin Delano Roosevelt lifted a country out of a depression and lifted

the spirits of the country in the middle of the Second World War. He did that by being brutally honest with straight talk. He said to the American people: Here is what you must sacrifice. And he said: Sacrifice is a privilege, when in this country, together, we go to war with a need to be victorious over the oppression of the Nazis.

So he asked the American people for sacrifice. That is what leadership is about. It is about being honest. It is about straight talk, which we have too little of today.

The truth is, this country is off course and we need to put it on course. The truth is, we have made some mistakes, all of us. We started a war in Iraq because we said there were weapons of mass destruction in Iraq. It appears there were not. The intelligence community provided this information to us with great certainty, but now it turns out it was wrong. The person who led the Central Intelligence Agency during that period was given the Medal of Freedom after he retired, for reasons I will never understand.

But we are where we are. We now must ask more of the American people. In my judgment, we should not just ask of our soldiers for their sacrifice. We are where we are and we must ask the American people for their sacrifice as well.

We had the largest tax cuts in the history of this country because we were expected to have 10 years of budget surplus that was unprecedented. It turns out that was not accurate. It turns out things happened that were not anticipated by this President and others, and the result is we now have the highest deficits in history, not the highest surplus in history. But now we are told that the tax cuts were not for the purpose of giving back the surplus. That is what they were designed to do, and that is what we were told they were in 2001, but now we are told the tax cuts are really about stimulating the economy. So nothing ever really changes and now we have a hurricane, a devastating hurricane that hits the gulf coast of this country displacing 1 million people, perhaps costing up to \$200 billion.

We need to create kind of a Marshall Plan to rebuild and to tell those folks we want to help you. Surely, if this country can reconstruct the country of Iraq, it can decide it is important to reconstruct this country. Any country that commits the billions of dollars we have to reconstruct the country of Iraq can reconstruct the gulf region of the United States of America. But we can't do that saying nothing has changed and our priority remains tax cuts for America's wealthy.

Cut spending; we should tighten our belt. I will support spending cuts. I believe all of us ought to tighten our belts. But if belt tightening, as it usually does, means withdrawing health care from poor people and the kind of things that hurt most those who are poorest in this country, that, in my

judgment, is not advancing America's cause.

Warren Buffett, the second richest man in America and perhaps the world, as far as I know, wrote an op-ed piece and said: By the way, when all these tax cuts proposed by the President are phased in—that is exempting income from investments and taxing work—I will pay a tax rate of one-tenth the tax rate that is paid by the receptionist in my office.

So the question is, Are we willing as a country to sacrifice? Have some things changed? Are we willing to change course? Are we willing to take some risks? Is there some leadership, perhaps in the White House, maybe in this Congress? After all, we are in this together. All of us want the same thing for our country.

I take no pleasure in criticizing the President's program, nor the President and his actions. But I understand that our future is dependent on making right choices now. It is dependent on our deciding to look truth in the eye and to insist the President do the same and understand things have changed. That requires us to adjust course. It requires us to ask of the American people that we have a common purpose together and work together and join together—yes, to support our soldiers, to support those in the gulf region who are rebuilding, to support those in this country who have no health insurance, to support those in this country who are jobless so we lift America up and make America better. That is our responsibility.

That will not happen by a message coming from the White House or from this Congress that nothing has changed, that our responsibility is to continue to press to see if we cannot give higher tax cuts, more tax cuts. At a time when we are borrowing money to fund a war and we are going to borrow money for reconstruction for Iraq, to give more tax cuts for the upper income people in America—why? Because those who do believe that America works when you dump something on top and it filters down—that is called trickle down economics.

I had a guy in North Dakota write me some while ago who said: I have been listening to all this trickle down nonsense for a long time and I ain't even damp.

The fact is, trickle down does not work. What works in this country is percolate up economics. You give the American people something to work with: A job and opportunity and hope.

When America goes to work, America does just fine. But, as I said, you have to look truth in the eye. And when this President says nothing has changed, he is wrong. My hope is that Republicans and Democrats will understand two things: Yes, we need to tighten our belts. Yes, we need to cut some spending. Yes, we need to decide when we are going to have to start paying taxes once again, and that we have a common purpose, and our common purpose

ought to be to work together and march together toward a common goal. I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask to be given 10 minutes from the Democratic morning business and that I be notified when I have consumed 9 minutes of the 10.

The PRESIDENT pro tempore. The Senator will be notified.

### HURRICANE KATRINA

Mr. DURBIN. Mr. President, last Friday, I joined 13 of my colleagues and went to view the devastation of Hurricane Katrina in New Orleans, LA, and Mississippi. It was a sight which I will never forget. This great bustling city of New Orleans is now a ghost town with hardly any activity other than a few people returning to their homes trying to retrieve lost treasures left behind from the flood—trying to put their lives back together by gathering all of this water-laden debris and tossing it outside in the hopes they might save their structures.

We then went over to Mississippi where it was a stunning scene in village and community and town after town—to see subdivisions that have been wiped away, to look down at what appeared to be 50 concrete slabs and to see no evidence of debris but evidence of destruction, all gone, scoured from the Earth by these horrible hurricane winds and waves which consumed some of these communities.

A man in Pass Christian in Mississippi told us of the panic that set in when the remaining villagers went to the library with hurricane-proof windows, believing they might be safe, and then, as a 28-foot wave hit this library, thinking they all might drown right there in that building at that moment. I can't imagine what that was like. I can't imagine what it was like for so many who went through this devastating experience. Some are trying to come to grips with their future and there lives.

The President came to the American people last week at Jackson Square in New Orleans and made a speech which I think will be important for generations to come. I was asked to react to it, and I said I think the President has given us an agenda that we have to follow—to rebuild the gulf coast, to rebuild the lives and the communities. But I believed then, and I believe now, that the President's call for this unity as a nation and this community of caring also has to be called for fiscal responsibility and accountability. We have to rebuild the gulf coast and help Katrina victims rebuild their lives. It is in our national interest. It is part of our national character. We rally as Americans to help our fellow Americans.

But I have a real concern. Instead of the "Big Easy," people are getting a big uneasy feeling about where Katrina

reconstruction effort is headed and who is in charge. Several published reports say the person heading up the administration's Katrina rebuilding project is none other than Karl Rove, the President's long-time political director. That is an incredible suggestion—that Karl Rove will have responsibility for the Katrina reconstruction effort, the No. 1 politician, the No. 1 political operative in the White House. Have we learned nothing?

Consider what happened when Katrina struck. FEMA was not there. Michael Brown is now gone. But how did he get in a position to be in charge of FEMA? It was because of political connections. He didn't have the experience. He didn't have the resume. He didn't have the skills needed when he faced the greatest natural disaster in our history. What was his claim to this job to head FEMA? His claim was he was a college roommate of Joe Allbaugh, who happened to be the President's Chief of Staff and campaign director in Texas who, when he left the FEMA agency to become a consultant, turned it over to Michael Brown, his college roommate, to take over—this little daisy chain of politicians who played out with disastrous incompetence when Katrina struck.

Now this administration, instead of moving away from the politicians to the professionals when it comes to rebuilding, has decided that Karl Rove is going to be in charge—the same Karl Rove who, just a few weeks ago in a political speech, said the Democrats didn't share the Republicans' zeal for stopping the war on terrorism; the same Karl Rove who won't give us straight answers when it comes to his role in revealing the identity of Valerie Plame, an undercover CIA operative, which disclosure of her identity not only endangered her life but the lives of many other career employees; the same Karl Rove who incidentally will take his mind off of the Katrina reconstruction effort long enough to go to North Dakota on this Saturday night for a big political rally.

Is this the person we want in charge of \$60 billion or \$100 billion in reconstruction funds? I hope not. I hope the President reconsiders.

This is a troubling admission—that this administration doesn't have leadership to turn to in time of crisis, if the best the President can find is his political adviser, Karl Rove, to deal with the disaster of Katrina.

What have we seen so far? The Wall Street Journal said last week:

The Bush administration is importing many of the contract practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

We know what happened in Iraq—no-bid contracts to Halliburton and the buddies of this administration, contracts that have never been investigated by this Congress. And here they go again with Katrina and with Karl Rove keeping his watchful eye on what is being done.

The Wall Street Journal article went on to say:

The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded without competitive bidding, using so-called "cost-plus" provisions that guarantee contractors certain profits regardless of how much they spend.

It turns out that not only are there no-bid contracts, but coincidentally they happen to be going to the clients of Joe Allbaugh. Remember that name? I mentioned him earlier. He was the President's political campaign director in Texas who became the head of FEMA and who left to be a consultant, and is now making certain that his clients get \$100 million no-bid contracts.

When is this going to end? When are we going to have true accountability? Once again, we see the same names coming out of Hurricane Katrina—Halliburton, Kellogg, Brown & Root—the names of Joe Allbaugh's clients who are, once again, coming up with these contracts.

If it wasn't bad enough, this morning's Washington Post, on the front page, tells the story of a Bush official arrested in a corruption probe. It says:

The Bush administration's top Federal procurement official resigned Friday and was arrested yesterday, accused of lying and obstructing a criminal investigation into Republican lobbyist Jack Abramoff's dealings with the Federal Government. It was the first criminal complaint filed against a government official in the ongoing corruption probe related to Abramoff's activities in Washington.

The complaint, filed by the FBI, alleges that David H. Safavian, 38, a White House procurement official involved until last week in Hurricane Katrina relief efforts, made repeated false statements to government officials and investigators about a golf trip with Abramoff to Scotland in 2002.

The top official in the White House that was in charge of procurement involved in the Katrina effort not only resigned but was arrested for misleading the Federal Government in terms of his involvement with the Republican lobbyists.

Now the administration comes out and says they found just the person to look into the mistakes of Hurricane Katrina. It is a woman by the name of Frances Townsend. I do not know her. She may be a very competent individual. But how in the world can we get to the truth of the question as to what went wrong with Hurricane Katrina? How can we really hope to discover the incompetence that led to all of this human suffering and devastation if the administration is going to investigate itself?

We know from 9/11 that the only way we got to the heart of the matter, the critical questions about what went wrong on 9/11, was with an independent, nonpartisan commission. Yet this administration resisted the efforts of that 9/11 commission being created and today resists the efforts of an independent, nonpartisan commission to look into what went wrong with Hurricane Katrina.

The PRESIDING OFFICER (Mr. VITTER.) The Senator has 1 minute remaining.

Mr. DURBIN. Thank you, Mr. President.

I will conclude by saying this: We owe it to the victims and their families and to the American people and the American taxpayers to get honest answers about what went wrong with Katrina, and to put people in charge to make certain that we don't waste the billions of dollars that are going to be spent in this reconstruction effort. Putting Karl Rove in charge makes no sense whatsoever. He has no resume and no skills other than running political campaigns. If he is being put in place to protect the President politically, that decision does not serve the best interests of the American people nor the victims of Hurricane Katrina.

It is time to get to the bottom of this. If Congress will not have an honest investigation of what happened with Hurricane Katrina, we need to have this nonpartisan, independent commission like the 9/11 Commission to answer the questions about what went wrong and to make certain that we don't replicate those mistakes in the expenditure of these funds in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, he has mentioned the 9/11 Commission. When he and I were first elected in the Congress in 1982—to the House—we arrived at a time when Social Security was not just rumored to be in dire straits but was in very dire straits. And an earlier commission was created similar to the 9/11 Commission but different as well. The Republican Members were appointed by President Reagan. As I recall, the Democratic Members were appointed by Democratic Speaker, Tip O'Neill, and I think by Senator ROBERT BYRD. The Blue Ribbon Commission was chaired by Alan Greenspan, with Members Daniel Patrick Moynihan, Robert Dole, and Claude Pepper, with whom we served in the House. They worked for a whole year trying to couple a combination of benefit cuts and revenue increases to enable us to put Social Security on a sound footing for another quarter of a century. I think that serves as a good role model as well as the 9/11 Commission, which Senator DURBIN mentioned.

While he was on the floor, I wanted to remind him and us of that. But I think our first response to the catastrophe is to make sure that people who need help get help.

First of all, get help in getting out of dangerous places to safe places, get help in reuniting families, get help in making certain their medical needs are met, having something to eat and drink, making sure the kids from K-12th grade are getting to the schools they need to get into, making sure students who have been displaced in col-

lege have a chance to get back in a college or a university to continue their studies without losing a quarter or a semester or a year, helping to create jobs and getting the economy moving in places that have been destroyed or badly damaged. Those are the kinds of things that need to be done and are being done.

While our startup was slow and disappointing, I believe, as time goes by, we are doing better. I commend all—not just in government, not just the first responders, not just the Guard, not just FEMA, which is doing a better job today, but also a lot of folks who are giving of themselves—volunteers from my State, and all other States, who have gone to the region, giving blood, and raising money in our home States, receiving folks who have been displaced, to give them a home, a place to live, and a job for a while. Those efforts are to be commended. Those are the first responders. Maybe I should say second responders because the first responders were not even responding.

Second, last week, Senator COBURN, Senator OBAMA, and I spoke about the introduction of legislation which is supported by Senator FRIST, by Senator REID, our respective leaders, to create a CFO—chief financial officer—to serve as a watchdog so we don't find ourselves 6 months or 12 months from now looking back to see that we spent X billions so foolishly in response to Katrina, to make sure we get out ahead of this expenditure as best we can rather than looking at it after the money has already been spent, in some cases inappropriately.

The amount of money that is going to be spent in Katrina relief over the next couple of months will dwarf the annual appropriations that go to most of our Federal departments. Every one of our Federal departments has a chief financial officer. We need to make sure, when we are spending this much money this quickly to try to help a lot of people in a hurry, that we spend it wisely.

It is a bipartisan issue. We believe one of the ways to make sure we do that is to have a chief financial officer who is well qualified and can get on the job and do the work quickly.

The third thing I mention is oversight. I serve on the Committee on Homeland Security and Governmental Affairs. We have obvious oversight of a good deal of what is going on, including the Homeland Security Department, FEMA, the Coast Guard, and any number of responder agencies. We have a responsibility to do our oversight. We have begun that oversight with hearings last week and informal hearings the week before that. We will continue this week and next week and on and on.

Our interest is in finding out what we did well, what we did collectively—State, local, Federal, volunteer organizations, military, National Guard, Armed Forces—and what we did not do well. Then, if this happens again—and

we have another hurricane that is trying to round the corner in Key West today—to make sure if this comes north and revisits again, whether New Orleans, God forbid, or Mississippi—that we are better prepared to do more of the right things.

The last thing is the point Senator DURBIN raised, the notion of an independent commission. I was skeptical as to whether or not the 9/11 Commission would enable Congress to do much good with respect to restructuring of our intelligence operations in this country. The intelligence operation in place had not been changed much for 50 years. I don't know if there was any reason to believe five Republicans and five Democrats could somehow find common ground and entice the rest of Congress to do the same thing, to work with the President to change in substantial, far-reaching ways the way our intelligence community works in this country. They did, and the 9/11 Commission provides an excellent template, role model, if you will, for how we should, once the first surge of oversight activity and the successive waves of help and aid are out the door, proceed to make sure a couple months from now we are in a position, whether it is five Republicans and five Democrats—it could be a chairman appointed by the committee, a vice chairman appointed by our leadership, but to put in place a commission that might have the kind of success not for us, and not just for them, but for our country.

Success would be measured by better ensuring that a lot of the good things that happened this time in response to Katrina happen the next time—and we know there will be a next time—and we reduce the likelihood that some of the same mistakes and foolish choices will be made.

The American people would approve of that. It is great the President has asked the Cabinet Secretaries to look at what they did within their departments to make sure what they did was right, it made sense, and was appropriate. It is all well and good to have oversight here, but it would be helpful to have an independent commission that could stand back, not distracted by other issues we are distracted with each day, and impartially—led by people such as Governor Tom Kean and former Congressman Lee Hamilton—with good staff and only with this issue to focus on, and figure out what went well, what went badly, and how we can do better next time.

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. ALEXANDER. 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. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 12 minutes.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

Mr. ALEXANDER. Please indicate when 2 minutes are remaining.

The PRESIDING OFFICER. The Chair is happy to do so.

#### KATRINA'S DISPLACED SCHOOLCHILDREN

Mr. ALEXANDER. Mr. President, I will talk this morning about helping all of Katrina's displaced schoolchildren. Each weekend when I go home to Tennessee, the people who elected me teach me about how we should be doing our jobs in Washington, DC. This is not a lesson they shout from the rooftops. It is a lesson they live by their own example, and we would be wise to follow.

Two weeks ago in Maryville, my hometown, it was Al Gore flying a planeload of evacuees from New Orleans into one of Tennessee's most Republican counties. Nobody asked about anybody's politics. Everybody just pitched in to help.

Last weekend, members of the church where I am an elder, Westminster Presbyterian Church in Nashville, sent \$80,000 and a truckload of clothes and Clorox to southern Mississippi. "The Presbyterians are here," one grateful Mississippi man relayed to his friends on his cell phone to say, "and they have Clorox." When the Clorox was passed out, nobody asked if anybody was a Presbyterian.

And now this Sunday, the headline in the Tennessean, the Nashville newspaper, was:

Private schools Welcome Those Displaced by Katrina.

According to the newspaper:

A growing number of private schools in Middle Tennessee [in the Nashville area] . . . have volunteered to help students displaced by Katrina. Many of them are also waiving or drastically discounting tuition and fees for these students and some also accept evacuees from public schools.

Continuing the quote, "These children are in crisis. They have been displaced, but they have found a home," said the principal of Father Ryan High School who has accepted 20 students and is trying to accommodate every student who shows up.

Father Ryan High School is waiving the \$6,880 tuition, the \$350 activity fee, and the \$500 in books for displaced students it simply calls "transfers." "It's not all about money," said the principal. "There is no amount of money that equals being family," he said.

Public schools, by law, have to accept all children. And Tennessee's public schools have made room for more than 3,000 of Katrina's displaced school children.

Our public schools have been greatly helped by these private schools, who do not have to accept anybody. In Tennessee, private schools have accepted at least 400 students, and probably many more.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said the headmaster of Webb school in Bell Buckle, which is waiving the \$29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with, what can we do to help?" said the headmaster at Webb school in Bell Buckle.

Especially in Memphis and Shelby County, where so many displaced students have gone up the Mississippi River from New Orleans, the willingness of private schools to accept these students is a huge help to overcrowded public schools.

In Baton Rouge, according to a report this morning on National Public Radio, there are 5,000 to 10,000 of these displaced private school students who have no school to attend. To accommodate them, the Catholic Diocese in Baton Rouge is struggling to establish satellite schools, some located great distances away, which these students will have to attend at night.

These private schools that reach out are filling a huge need because the four Louisiana parishes hit the hardest had nearly one-third, or 61,000, of their 187,000 students in private schools, according to the U.S. Department of Education.

That is the story and the lesson from Tennessee.

The story in Washington last weekend, unfortunately, was different. According to Saturday's Washington Post, when the President proposed temporary emergency disaster legislation that would help all of Katrina's 372,000 displaced school children during the rest of this school year, the Senator from Massachusetts and some teachers' unions objected. Senator KENNEDY said:

I am extremely disappointed that [the President] has proposed this relief using such a politically charged approach. This is not [the] time for a partisan political debate on vouchers.

I absolutely agree with that last sentence. This is not the time for a partisan political debate on vouchers.

This is the time for those of us in the Senate to do what Tennesseans and Americans all across our country are doing: opening our arms and asking what we can do to help all displaced children not just some school children.

As the Presiding Officer knows so well, Katrina displaced 20 times more families than any natural disaster in the history of the Federal Emergency Management Agency. Mr. President, 372,000 of those displaced persons are children who were just beginning the K-12 school year, and 73,000 more are college students.

The President has proposed \$2.6 billion in funding for students in elementary and secondary schools and colleges. Under the President's proposal, colleges and universities would receive \$1,000 for each displaced student enrolled; no person in an affected area in Louisiana, Mississippi, or Alabama would have to pay interest on their

student loans for the next 6 months; public school districts would receive up to 90 percent of the State's per-pupil expenditure, up to \$7,500 per student; and \$488 million would go to help displaced students who attend private schools.

The President is not throwing out a lifeline to just some displaced students. He is trying to help them all. The private schools in Tennessee are not turning their backs. They are opening their arms. Katrina did not discriminate among children and neither should we. The only politically charged approaches around here are coming from those who oppose helping every child.

For Heaven's sake, this is not the beginning of some big, new voucher program. It is the beginning, hopefully, of a big, new 1-year effort to help children who are in desperate trouble. The best way to do it, in most cases, is simply to let the money follow the child or the person who needs help.

We have already approved vouchers that follow displaced persons for housing in this exceptional case. Food stamps are vouchers, and they are helping in this exceptional case. No one is suggesting a displaced mother cannot take her Federal daycare voucher to a Catholic daycare center in these exceptional cases. No one is suggesting we cannot pay Boston College or Harvard University \$1,000 for enrolling a displaced student who was set to attend Loyola or Xavier in New Orleans.

Scholars agree there is no constitutional issue here. So are we going to stand here and argue about old ideologies and leave these displaced children standing on the levee because the only doors that are open to them for this 1 year happen to be to a private school?

At the end of World War II, a grateful Nation enacted the GI bill, giving veterans scholarships for college. A lot of veterans had these vouchers for college but no high school degree. So thousands of veterans took their GI vouchers to Catholic high schools to earn their high school diploma. That did not create a big, new voucher program for high schools, this will not either. This is a one year exceptional disaster relief program for kids from the gulf coast who desperately need help.

The public schools are brimming over. They need help from private schools. I hope those who are objecting to helping all displaced school children will think again. We can have our debates about vouchers next year when the floodwaters subside and the schools are open again. Right now we need to be throwing out every lifeline we can for all of Katrina's displaced schoolchildren, not just some.

Mr. President, in Time magazine this week, there is a story on this subject. It quotes Andrew Rotherman, a co-director of a think tank here and a former Clinton education adviser. Mr. Rotherman, who is not a fan of public school vouchers, says:

As a temporary initiative to help families in exceptional circumstances, it's reasonable.

He is talking about the President's proposal. He says:

But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf region, it would be wildly inappropriate.

I would agree. This is a temporary initiative to help families in exceptional instances.

Time goes on to say:

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be-drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normality. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article from Time, and also the story from Sunday's Nashville Tennessean about the generosity of private schools all across Tennessee. I hope the example they are setting will be a good lesson for all of us in this Chamber.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Sept. 19, 2005]

PUBLIC BAILOUT. PRIVATE AGENDA?

(By David Van Biema)

Houston Independent School District superintendent Abelardo Saavedra's week started poorly, got worse and then, thanks to the healing powers of federal dollars, took a turn toward the jubilant. Saavedra's 305 schools are educating more of the Gulf Coast's evacuee students than any other district in Texas, which in turn is housing more evacuees than any other state. On Tuesday, all that generosity seemed to backfire when a group of Katrina kids billeted in the Astrodome rumbled with local Texans at one of Saavedra's schools, sending five students to jail and three to a hospital. The scene did not recur, but by Thursday, Saavedra had an even greater problem: math. The long-term cost of serving 4,700 evacuee students, times an average estimated annual student cost of \$7,500, equals a total of \$35.2 million—and the pre-hurricane Bush Administration commitment was only 9% of pupil cost.

On Friday, however, Saavedra was ecstatic. At a press conference in one of the Houston district's middle schools, Education Secretary Margaret Spellings announced that the Federal Government would request \$2.6 billion from Congress to pay 90% of the average cost of educating each Katrina student, whether publicly or privately, up to a ceiling of \$7,500 apiece. "From 9% to 90%," Saavedra said afterward, with the dazed elation of a lottery winner.

Spellings' announcement had a lot of school administrators smiling—although a

key component angered some of the legislators who will eventually have to vote on it. A proposed set-aside of \$488 million for private schools (which, if private-leaning evacuees seek out the kind of education they left behind, would be mostly Catholic) represents a historic federal bankrolling of those institutions and their overtly religious subset, and it drew quick fire from Democrats like Massachusetts Senator Edward Kennedy. He pronounced himself "disappointed" that "[Bush] has proposed. . . relief using such a politically charged approach," while California Representative George Miller complained that "to launch a new private-school voucher program in the midst of a disaster response creates a quagmire that could hinder rather than expedite the return to school for tens of thousands of students."

The ramifications of Spellings' bombshell will take months, if not years, to sort out, but most agree that a major federal foray into emergency school funding was desperately needed. The fate of 372,000 displaced children is at least as important to the nation as the rebuilding of the Gulf Coast, and unlike the payment of rebuilding costs, education isn't a choice—it's a government guarantee. Yet for days it appeared the feds might foist much of the obligation on state school systems, 47 of which are hosting Katrina students. Most evaluated the problem and decided to teach first and ask questions later. "If that 6-year-old kid coming off that transport plane was yours, how would you want him taken care of?" Arkansas Governor Mike Huckabee asked TIME. Huckabee hopes for federal reimbursement, "but if not, we will have done the right thing, and I believe we will have no regrets about how we handled matters."

But Huckabee was tutoring only 1,755 Katrina kids. Texas has 41,000, with 19,000 more expected to arrive. Those numbers left some state officials skeptical that the feds would really come through. Comptroller Carole Strayhorn, who will run against incumbent Rick Perry in the state's Republican gubernatorial primary, challenged him to ask the legislature for \$1.2 billion in hurricane-related funds. (He declined.) Texas educators are worried that they will be punished in the form of even less federal cash if Katrina's influx keeps them from meeting the conditions of Bush's No Child Left Behind Act and an earlier law that benefits the children of the homeless.

Spellings' proposal eased those tensions while creating others, most sharply over the possible erosion of the church-and-state barrier. Her department noted that in Louisiana's flood-impacted communities, 25% of the students had been enrolled in private schools—should government simply ignore them? "We are not provoking a voucher debate," Spellings contended, "as much as trying to provide aid for these displaced families, whether they have been in private schools or public schools." Her proposal seems carefully crafted to avoid substantive constitutional objections. Although it calls for the distribution of the public-school funds primarily through districts, the private-school money is directed not to schools but to families, in keeping with the concerns of the 2002 Supreme Court decision allowing private-school vouchers so long as the parents retain a "true private choice" as to where their children learn.

Nonetheless, the proposal represents a major, if legal, shift toward government activism. According to Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, which promotes school reforms, the number of children receiving government money for private school is roughly 30,000, with a "handful" involving federal funds. The Spellings plan assumes roughly 60,000

federally funded private-school placements. Finn, an Assistant Education Secretary under Ronald Reagan, approves of it as "compassionate and constitutional." Andrew Rotherman, a co-director of a think tank called the Education Sector and a former Clinton education adviser, says the proposal's eventual legitimacy may depend on details Spellings has not yet made available. "As a temporary initiative to help families in exceptional circumstances, it's reasonable," he says. "But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf [Coast] region, it would be wildly inappropriate."

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normalcy. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

[From the Tennessean, Sept. 18, 2005]

PRIVATE SCHOOLS WELCOME THOSE DISPLACED  
BY KATRINA

(By Claudette Riley)

Teresa Castellon is more than 500 miles from her parents, her friends, her flooded New Orleans home and the now-closed private school she was attending just three weeks ago.

The sophomore was eager to go back to class. But, after years of going to private schools—and with so much of the rest of her life up in the air—she just couldn't handle making the switch to public schools right now.

Luckily, she didn't have to.

A growing number of private schools in Middle Tennessee, including the prestigious Webb School that Teresa now attends, have volunteered to accept students displaced by Hurricane Katrina. Many of them also are either waiving or drastically discounting tuition and fees for these students, and some also accept evacuees from public schools.

"It just happened immediately. They're just really welcoming and accepting," said Teresa, 15, one of four evacuees now attending the private boarding school for grades 6-12. "The students and teachers are very nice and always want to help us with whatever we need."

At least 50 private schools in Tennessee—including the 22 Catholic elementary, middle and high schools in the Midstate—have expressed a willingness to help. No one is required to track displaced students who enroll in private schools statewide, but 390 have enrolled in the dozen or so schools that reported their numbers to the state Department of Education.

Some schools have room only for a few. Others, including Father Ryan High School in Nashville, are trying to accommodate all who show up.

"Our school's mission is to be an example of the living gospel, and these children are in crisis. They have been displaced, but they have found a home," said Jim McIntyre, principal of the 995-student Father Ryan



High, which has 20 displaced students. "Even though we don't know these people, we know these people. We are these people."

The high school is waiving the \$6,880 tuition, the \$350 activity fee and the \$400 to \$600 in books for displaced students it simply calls "transfers."

"It's not all about money. There's no amount of money that equals being family," he said, noting that the school has accepted Catholic and non-Catholic students. "I've told these families that they're a blessing to us because they're giving us a chance to live our mission."

Private schools don't fall under the federal law that requires public schools to immediately enroll displaced students and give them busing, free meals and any required services. However, many private schools are opening their doors and going the extra mile anyway.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said Albert Cauz, headmaster of Webb School, which is waiving the \$29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with 'What can we do to help?'"

The boarding school south of Nashville even allowed Teresa Castellon's little sister, Madeline, to stay in her private dorm room even though she's too young to attend the school. The fourth-grader attends nearby Cascade Elementary and has found a surrogate family in the Webb faculty members, who regularly invite her to dinner and take her on outings.

"I like it here," said Madeline, 9, who misses her parents, involved in salvaging and rebuilding their home in New Orleans.

The private schools that do reach out are filling a huge need because the four Louisiana parishes hardest hit by the storm had an above-average number of students enrolled in private school. They had 61,000 of the 187,000 students there, or roughly 32% of students in kindergarten through grade 12, according to the U.S. Department of Education.

Shane Persich, 17, said his New Orleans school, Brother Martin High, is underwater and he appreciated being able to go to Father Ryan. He started his senior year at the all-boys school shortly before his family evacuated and ended up in Nashville, where they're staying with family.

"I like it a lot but sometimes after class you get a little lonely. I do. And you want to go home but then you don't want to be home," he said, adding that his home has severe wind damage. "Your senior year you're supposed to rule the school. Now it's like starting all over again."

Many displaced students who enroll in private and public schools don't have access to their medical or academic records so counselors have to help them reconstruct their transcripts and find classes they need to graduate.

"We want to get their schedule identical to the one they had. We don't know if they're going to be here on week, two weeks or a year," said Connie Hansom, Father Ryan's director of admission, who assigns two students ambassadors to help each displaced student. "We do whatever we can do to make them feel a part. We don't want them to stand out."

Olivia Milton, a sophomore at Father Ryan, will soon return to Covington, La, because her all-girls Catholic high school is reopening and taking in students from surrounding high schools. She said her time at Father Ryan and the way she was welcomed will help her reach out to the displaced students who transfer into her high school back home.

"I'll get to return the favor," said Olivia, 15, who will be back in Louisiana in the com-

ing weeks. "I like it a lot here. I don't want to go back."

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

Mr. President, on Thursday, at 3 o'clock, the Education Subcommittee of the Health, Education, Labor, and Pensions Committee will be holding a hearing on helping all of Katrina's displaced schoolchildren, with the hopes that we can come up with a temporary exceptional way to do this, not as a way of establishing a long-term change in Federal policy, but as a way of helping all schoolchildren today who were displaced by Katrina who need help—whether they are going to public schools or private schools.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, we have all been saddened to see the images of Hurricane Katrina's devastation. I know the Presiding Officer has seen more of these images than perhaps anyone in the Senate. We have seen images of children who have lost their parents and families who have lost their homes. These images break the heart of every American.

Hurricane Katrina created an area of destruction that is 90,000 square miles, roughly the size of Great Britain. Homes have been leveled, roads are unusable, bridges have crumbled, and hundreds of thousands of lives will be forever changed.

As the chairman of the Commerce Committee's Disaster Prediction and Prevention Subcommittee, I traveled with the Coast Guard to the gulf coast earlier this month. We viewed the coasts of Mississippi, Alabama, and Louisiana.

What became immediately clear to me was that television cannot accurately convey what happened. The devastation is massive and comprehensive. Seeing a home demolished on television begins to communicate the tragedy, but seeing 60 to 70 miles of that repeated over and over again is heart-breaking and almost impossible to comprehend.

As we can see from these slides, beginning in New Orleans, during the helicopter trip, from a distance, we could see the waters covering everywhere. From a few feet above the water, you could also smell the contamination from oil and sewage. It is unbelievable what the folks there are having to deal with.

To continue, at the time, the water was still up to the rooftops. The Coast Guard captain who was with me told me when they first arrived the day after the hurricane, about 70 percent of these roofs had people on them who needed to be rescued.

We became very aware that we had two disasters: in New Orleans, continued flooding; and along the entire coast of Mississippi, it was as though a hand had wiped everything off a table. Everything was completely destroyed.

Not a house along the beaches was either there or inhabitable. And we continued to see the same thing all along the coast.

Again, television can capture one or two homes, but the concretelike "gravestones" showed where homes used to be, and trees are already dying from the saltwater, which will damage the whole coastal area for many years to come.

These are completely different disasters and different challenges for our first responders.

In Mississippi, the houses themselves have been demolished by the wind and storm, as we can see. In New Orleans, the flooding has severely damaged the homes.

One thing both locations have in common is that the homes will never again be inhabitable. The wind-damaged homes, those that still stand, will likely be declared a complete loss.

In New Orleans, the homes that were flooded are permanently damaged and are beyond repair.

One of the positive stories that is often lost in this tragedy is the amazing work performed by first responders, especially those from the U.S. Coast Guard.

Working hours on end in awful conditions, they rescued thousands of people and are, without question, true heroes. I visited the Coast Guard aviation training center in Mobile, AL, which was transformed from a few hundred personnel before the storm to nearly 1,200 personnel after the storm. The Coast Guard sent people from all around the Nation to run rescue operations 24 hours a day. Coast Guardsmen from all over the Nation, as far away as Alaska, answered the call and came to the rescue of their fellow citizens. To date, first responders have been responsible for saving approximately 49,000 lives, 33,000 by the Coast Guard alone. That is more than six times the number they saved in all of 2004.

The impact to the coast is going to be a long-term issue. The storm has had a significant impact on the trees in the region. You can see significant portions of the area along the coastline where trees are dead. These trees were a natural obstacle to erosion, and now that protection will be missing for a number of years. Boats can be seen among the trees far inland. The gulf coast is our Nation's largest provider of shrimp and oysters. Their way of life has been destroyed. It was clear from the boats I saw stranded inland, sometimes on rooftops, that the gulf's fishing industry will need years to recover. But while Hurricane Katrina was certainly one of the worst disasters to ever hit our Nation, it has also brought out the greatest outpouring of compassion from American citizens.

In my State of South Carolina, families have opened their wallets and homes to affected people. Our State knows all too well the tragic effects hurricanes can bring, and we have often been the recipient of help from

other States. We remember the show of support from the gulf when we were struck by Hurricane Hugo, and South Carolinians have not been hesitant to come to the gulf's rescue. Well over 2,000 South Carolina families have contacted our Red Cross to offer whatever assistance is needed. It is now estimated that up to 5,000 evacuees are being hosted in South Carolina, either by individual families or in shelters such as the Palmetto Expo Center in Greenville.

The South Carolina National Guard has also joined in the relief effort. Nearly 350 of them have been to the gulf to help. Countless churches and civic organizations have taken their own initiatives to organize relief efforts. From fundraising drives to collections and delivery of supplies, to driving to the region to volunteer in any capacity needed, the people of South Carolina have risen to the occasion. This show of support is so encouraging to me about our State and the state of our Nation. Americans are caring and compassionate, and we will work side by side with our fellow citizens to rebuild and bring hope back to the gulf coast.

This afternoon my Subcommittee on Disaster Prevention and Prediction will be hearing from the Director of the National Hurricane Center and witnesses from the gulf coast region on what the Government got right in advance of the storm and how we can replicate that in the future to protect our Nation's coastal communities. Our most powerful defense against hurricanes is accurate prediction and effective evacuation. I look forward to their testimony and am confident it will provide important lessons for America's emergency planners.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Bennett-Kohl amendment No. 1726, to amend the Rural Electrification Act of 1936.

Reid (for Nelson of Nebraska) amendment No. 1732, to prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1732

Mr. NELSON of Nebraska. Mr. President, I rise to speak about efforts to resume normal beef trading relationships with Japan. I thank my colleagues from my neighboring beef States for their leadership and support and so many others for their efforts in seeking a bipartisan resolution to this matter.

As I travel through Nebraska, attending events and participating in summer parades throughout the largely rural landscape, I am constantly reminded of the importance of our beef industry. Prominently displayed on many vintage cars and pickup trucks are generic black and yellow license plates that boast a clear message—"Nebraska, the Beef State." While it is unlikely any modern day automobile in Nebraska now or in the future will sport that yellow and black plate of old, our billboard slogan, "the Beef State," is still the message people equate with Nebraska.

I am here to address an important amendment that will suspend the rule-making process the United States Department of Agriculture has proposed and published in the August 18, 2005 printing of the Federal Register in a rule entitled "Importation of Whole Cuts of Boneless Beef from Japan." The formal public comment period was closed yesterday so prompt Senate action is imperative. At the time the rule was published, the Nebraska Cattlemen, a grassroots organization whose individual producer members determine issues of importance to the Nebraska beef industry, wrote to me to request a stepped-up effort to convince Japan to resume imports of United States beef. In their letter they stated:

[N]ormalization of beef trade must be progressively pursued because it impacts the state's economy and because responsible trading partners treat each other fairly and justly.

The letter continues:

[T]rade should not be based on politics and protectionism.

I couldn't agree more. Trade must be based on fair play. Free trade must include a vision of fair trade. I am going to step back a moment to state why this is so important to me and the hard-working cattle producers and beef processors in my State. In the beef State, cattle outnumber people four to one and more than one of every five steaks and hamburgers in the Nation comes from my State. According to USDA, Nebraska ranks first in commercial cattle slaughter, processing over 4 million metric tons of beef and

beef products in 2004. Nationally, the numbers are even more compelling. The U.S. beef industry is worth an estimated \$175 billion, with cattle producers conducting business in all 50 States and operating 800,000 individual farms and ranches. The economic impact of the beef industry contributes to nearly every county in the Nation, and they are a significant economic driver in rural communities.

Demand for beef continues to increase, up nearly 20 percent since 1998. With 94.9 million cattle reported to be in the United States as of January 2004, there are 1.4 million jobs directly attributed to the beef industry. It is not a surprise that both the National Cattlemen's Beef Association and R-Calf United Stockgrowers of America have weighed in on the significance of their industry and the importance of having access to valuable markets throughout the world. With beef and beef variety meat exports accounting for approximately \$3.8 billion in 2003 alone, it is important to recognize NCBA's and R-CALF USA's statements on the USDA proposed rule that is the subject of my amendment.

On August 22, R-CALF USA stated that this is an example of "USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access."

I ask unanimous consent that the R-CALF USA statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

R-CALF UNITED STOCKGROWERS OF AMERICA  
APHIS' PLAN TO LIFT JAPAN BEEF BAN  
PREMATURE

R-CALF USA expressed disappointment with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) proposed rule titled "Importation of Whole Cuts of Boneless Beef from Japan," published in Thursday's Federal Register (70 Fed. Reg. 48,494) to amend the agency's regulation for the importation of meat and other edible animal products that would allow Japan to export boneless cuts of beef to the United States.

"This is another example of the USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access," said R-CALF USA President and Co-Founder Leo McDonnell.

"In addition, USDA has yet to implement the scientifically recommended measures to prevent the potential for BSE amplification if it is introduced through imports," said Missouri veterinarian and R-CALF USA Region VI Director Max Thornsberry. "USDA's own scientists have strongly and consistently advised the agency to strengthen the U.S. feed ban by prohibiting plate waste from cattle feed before the U.S. lifts its ban on imported beef from any country where BSE exists."

Thornsberry, who also chairs the R-CALF USA Animal Health Committee, explained that the plate waste loophole would allow the uneaten portions of imported beef from BSE affected countries served at domestic restaurants to potentially enter the food chain for U.S. cattle. Although Japan currently performs a BSE test on all cattle

slaughtered for human consumption, nothing in this rule indicates importation of beef from Japan would be required to cease if Japan decides to stop testing for BSE.

"Ironically, while the USDA ignores this potential pathway for BSE infectivity, Japan has prohibited the feeding of plate waste to cattle since 2002. Japan has gone much further in developing systems to prevent exposure of cattle to BSE by prohibiting the feeding of blood meal and poultry meal."

Thornsberry explained that while Japan did not have a feed ban in place prior to 2001, it has since adopted the most stringent BSE risk-mitigation measures recommended by science, and will likely eradicate the disease from its cattle herds long before countries like Canada, which has chosen not to adopt stringent risk-mitigation procedures. Canada has chosen to implement only the minimal BSE-protection measures, despite recognition of multiple cases of the disease in Alberta.

"It is a real irony that while USDA supports its proposed rule based on the fact that Japan conducts BSE tests on all cattle slaughtered in Japan, thereby ensuring that BSE-infected cattle are removed from the food chain, the agency continues to prohibit U.S. packers from voluntarily testing for BSE to meet Japan's testing requirements, and as a means of restoring other U.S. export markets," said Thornsberry.

"The U.S. cattle industry deserves consistent and science-based standards from USDA, but this proposed rule is inconsistent with what the agency has stated are necessary standards for reopening U.S. export markets with countries the agency considers to be minimal risk for BSE," said McDonnell.

McDonnell explained that in January 2005, USDA published a major rule that set criteria for determining whether imports from a country would present a minimal risk of introducing BSE into the United States. While R-CALF USA has shown those criteria are insufficient, USDA now proposes to ignore its own rule and allow imports from countries that do not meet the minimal-risk criteria."

Thornsberry also expressed concern about USDA's action.

"It is obvious from this rule that the USDA intends to open the U.S. market to countries that have identified cases of BSE within their domestic herds," he explained. "It was thought that BSE affected countries would have to meet the same requirements placed upon Canada, and thus be classified as minimal risk countries prior to being cleared to export into the U.S. marketplace. That does not appear to be the case.

"If the United States does not take a leadership role in upwardly harmonizing global import and export standards for beef from countries affected by BSE, the U.S. will become the dumping ground for beef from countries that have BSE endemic within their cattle herds," Thornsberry said.

Also disappointing about USDA's proposed rule is that it clearly shows how the agency is subjecting U.S. cattle producers to a double standard. The proposed rule requires Japan to certify that exported beef was born, raised, and slaughtered in Japan.

"This is the very definition of origin that USDA found so objectionable in the Mandatory Country-of-Origin Labeling (M-COOL) law passed by Congress in the 2002 Farm Bill and intended to benefit U.S. cattle producers," said McDonnell. "USDA has repeatedly claimed there is no food-safety basis for COOL and that the 'born, raised and slaughtered' standard is both unnecessary and unworkable. Yet, in its proposed rule, USDA is using the 'born, raised, and slaughtered' standard in COOL to assure the safety of

Japanese beef, for the benefit of the Japanese cattle industry. This is the type of inconsistent treatment of the U.S. cattle industry that continues to erode industry confidence in the USDA."

"USDA cannot—with complete disregard for established science—keep moving the bar to suit its political agenda," Thornsberry emphasized. "It is a disservice to our trading partners, a disservice to U.S. cattle producers, and a disservice to global trade relations."

USDA will consider public comments on its Proposed Rule that are submitted before or on Sept. 19. For more information on making comments, or to view the Proposed Rule, please visit [www.r-calfusa.com](http://www.r-calfusa.com) and click on "BSE-Litigation."

Mr. NELSON of Nebraska. I also have a statement from NCBA in reaction to the rule that states it "will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States."

I ask unanimous consent to have the NCBA statement, dated August 19, 2005, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NCBA STATEMENT ON USDA PROPOSED RULE  
TO ALLOW BONELESS BEEF FROM JAPAN  
(By Jim McAdams)

Yesterday, the U.S. Department of Agriculture published a proposed rule in the Federal Register titled: Importation of Whole Cuts of Boneless Beef from Japan.

NCBA will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States. Until both countries can agree to World Organization for Animal Health (OIE) guidelines, any beef product coming into the United States should meet the same requirements Japan has set for us.

This proposed rule would allow imports of boneless beef from Japan into the United States if the product meets all U.S. safety standards, including removal of specified risk material. Historically, annual beef imports from Japan have been very small, averaging 19,000 pounds in recent years, an amount equal to approximately one-half of one semi-trailer load. The highest level was 33,510 pounds in 1999, which is less than what one semi-trailer can haul. This Japanese product has averaged \$45 per pound.

The publication of this proposed rule begins the U.S. rule-making process to fulfill our part of the framework agreement announced October 23, 2004 by U.S. and Japanese officials.

There is no scientific basis for continued restrictions on boneless beef when safeguards are in place. BSE infectivity has never been found in muscle tissue. For these reasons, the United States has repeatedly called on Japan to open the border to U.S. beef, and NCBA calls for this action simultaneous to allowing imports of Japanese beef into the United States.

NCBA will continue our aggressive push for the complete re-opening of all export markets for U.S. beef. At NCBA's continued urging, re-establishing beef exports is at the top of the trade agenda at the White House, USDA and Congress. The President, Secretary of State, Secretary of Agriculture, U.S. Trade Representative and several senators and congressmen are actively pursuing this goal. NCBA also has traveled to Japan to meet with government officials to give them the assurances they need that U.S. beef is safe from BSE.

NCBA will not rest on this issue until there is harmonization of beef trade based on

science. The framework agreement states, the "two countries will resume two-way trade in beef and beef products, subject to their respective domestic approval processes, based upon science."

NCBA members believe our beef has every right to compete for its share of the 96 percent of the world's population that lives outside the United States. Not only do U.S. cattle and beef producers produce the best beef in the world, scientists agree beef is safe from BSE.

Mr. NELSON of Nebraska. Over the past few days, much has been done to elevate the discussion on the need to resume a normal trade relationship with the Government of Japan. Last week I joined Congressman TOM OSBORNE of Nebraska in a letter to USDA Secretary Mike Johanns, urging the Secretary to delay the proposed rule until such time as Japan completes its process and accepts beef from the United States. Another letter was sent to Secretary Johanns at approximately the same time by a number of my Senate colleagues—Senators ROBERTS, CORNYN, CRAIG, BURNS, CRAPO, ALLARD, HUTCHISON, THOMAS, THUNE, and fellow Nebraskan Senator HAGEL. Their letter emphasizes that Japan must lift this unnecessary embargo, stating that U.S. ranchers and rural communities cannot continue to bear the economic uncertainty resulting from bad international policy. They added that it would be difficult for Congress to accept any admission of Japanese beef into the United States. I am thankful for their leadership and recognition that USDA's rulemaking effort should cease.

Additional letters that I signed, again with bipartisan support, were forwarded to President Bush and Secretary of State Condoleezza Rice. The letters complimented the administration's work in impressing upon Japanese officials the importance of the resumption of trade and urged their continuing efforts in making restoration of United States beef trade the highest economic priority with Japan.

This amendment is simple and straightforward. If passed, the amendment would restrict funds made available in the Agriculture appropriations bill from being used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan," to allow the importation of beef from Japan unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

While some have said this amendment is too restrictive, limiting the ability of the Agriculture Secretary to negotiate with Japan, I see it another way. I see it as simply applying the same policy Japan has in place against United States beef.

I think it strengthens the Secretary's hand by sending Japan the clear message that the Senators from beef-producing States and from our neighboring States are not going to drop

this matter. Our beef is the safest and highest quality in the world. There is no science-based reason for the embargo to continue, and if they want to sell beef here, then they need to let us sell beef there.

Finally, I cannot back down from a personal commitment to the folks back home to aggressively pursue a Japanese market that in 2003 accounted for \$1.4 billion of the \$1.7 billion beef export market.

Like Secretary Johanns, when he served as Governor of Nebraska, I have traveled to Japan on numerous occasions touting the exceptional quality and value of Nebraska beef and U.S. beef. Beef producers throughout the Nation produce a superior quality product and have been very supportive of Secretary Johanns' continuing efforts on behalf of the U.S. beef industry as Secretary of Agriculture.

Unfortunately, bipartisan letters of support have not been able to resolve this issue. A congressional response is warranted. That includes a strong statement that prematurely allowing Japan any access to our markets is simply unacceptable.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am interested in the subject which is raised by the Senator from Nebraska in his amendment. There are some aspects with relationship to it about which I would like to get a little more information. I would like to set the vote for 11:25 a.m. If I may, before we lock that in, there are a few items I would like to settle.

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. KOHL. 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. KOHL. Mr. President, I ask unanimous consent that the Democratic leader be recognized to speak at 2:15 p.m. today.

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

Mr. KOHL. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Colorado.

AMENDMENT NO. 1738

Mr. ALLARD. Mr. President, I ask that the pending amendment be laid aside, and I ask that the clerk report amendment No. 1738.

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. ALLARD], for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL, proposes an amendment numbered 1738.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call 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 importation into the United States of beef from Japan)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

Mr. BENNETT. Mr. President, I ask unanimous consent that the vote in relation to the Allard amendment No. 1738, to be followed by a vote in relation to the Nelson amendment No. 1732, occur at 11:20 a.m. today, with no amendment in order to either amendment prior to that time, and that the two votes occur in that order. I further ask that there be 2 minutes between the two votes for explanation.

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

Mr. ALLARD. Mr. President, if the Senator from Utah will yield, I would like to have an opportunity, with the presentation of my amendment, to speak for 10 minutes, if I might.

Mr. BENNETT. The Senator from Colorado should certainly take the time to explain his amendment. The Senator from Nebraska has expressed a desire to respond to the Senator from Colorado. I suggest that the time between now and the vote be equally divided between the Senator from Colorado and the Senator from Nebraska, or should we say the Senator from Colorado have a little extra time because it is his amendment. However we work this out, I think we should make sure both sides get an opportunity to speak.

Mr. ALLARD. Mr. President, how much time is remaining until the next vote?

Mr. BENNETT. There is approximately 10 minutes remaining until the vote.

The PRESIDING OFFICER. There is approximately 10 minutes remaining.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time until the vote be equally divided, with 5 minutes per speaker.

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

Mr. ALLARD. Mr. President, I thank the Senator from Utah, and I appreciate his leadership.

The Government of Japan has maintained an embargo on U.S. beef for more than 20 months. The beef industry is an integral part of the U.S. economy. It is an integral part of the State which I represent, the State of Colo-

rado, and is an integral part of Nebraska's economy, as we just heard from Senator NELSON about concerns that apply to his State. This issue is particularly important for the southern and western parts of the United States.

Before the embargo, exports to Japan were approximately \$100 million a month. Today, the border closure has cost us over \$2 billion. Since the border closure, 10,000 U.S. meat packers have lost their jobs. To address this we came to an agreement with the Japanese on what it would take to open our borders to each other. The United States has worked diligently to meet our end of the agreement and to assure that we can resume trade with the Japanese. Yet even with all of our efforts, Japan's border remains closed. The Japanese Government has made some progress. Yet the process is becoming muddled underneath unnecessary bureaucracy on the part of the Japanese Government.

The United States has a long commitment to producing the world's safest food, and they still continue to have that strong commitment. The safety of U.S. beef is assured by sound science based on policy. I emphasize that U.S. beef is both safe and delicious. The time has come for us to express our frustration as a collective body.

I, along with a number of my colleagues, met with the Ambassador from Japan to the United States a number of months ago and was assured they were giving serious consideration to the embargo they placed against American beef because of, at that point, one case of mad cow disease in the United States. They were relatively assured that the process was going to move along. We told them at the time that we believed the process was being delayed. They assured us they would move it along.

They did move it along. Last week or so, we did get our decision back from this commission in Japan, and it was unfavorable as far as allowing U.S. beef to be imported into the country of Japan.

Japan has had a number of mad cow disease cases. We have had only two cases. Both of those have not resulted in any other outbreaks. They have had upwards into the teens of cases of mad cow disease, and yet they are using, in my view, the mad cow disease as a reason to impose an embargo against American beef.

We cannot stand aside and lose thousands upon thousands of jobs in the beef industry as a result of this action. It is not based on good science. We have extremely good meat processing procedures that protect human health in the United States, the best in the world as far as I am concerned. I don't think we have anything to be apologetic for. Just because you recognize one or two cases of mad cow disease does not mean you have a problem. It may mean you are doing a good job. I can think of countries that have not

had any cases of mad cow disease and may very well have it. It may be they are not doing a good job, that they are not checking for the disease, and if you don't check for it, you are not going to find it.

We have a very strict system of surveillance in this country. When we process beef, we hold suspected animals if they show any clinical signs at all, whether it is a temperature or that they show any signs of being uncoordinated that might suggest mad cow disease—if this is the case we take them out of the processing lines until we have a confirmation as to whether they are afflicted or not afflicted.

As a result of these frustrations, I offer this sense-of-the-Senate resolution asking that the U.S. borders not be open to Japanese beef imports until the Japanese borders are open to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank the Chair.

Mr. President, I respect my colleague from Colorado and I certainly appreciate his support in working to reopen the borders with the country of Japan. I feel like somebody on a trip asking the question: Are we there yet? For 20 months we have been asking this question: Are we there yet?

The sense-of-the-Senate resolution is perhaps a softer way of saying to Japan, finish this project as quickly as you can so this process does not go on another 20 months. The truth is I think it is time to move beyond our soft talk to harder talk. Perhaps this will help the Japanese Government understand that we are very serious about this continuing nontariff trade barrier against United States beef. It is extremely important to the economy of the State of Nebraska. It is important to the economy of our country. What it boils down to is it is unfair. There is no sound science that justifies the action that has been taken. With two cases of mad cow detected in the United States, one coming from Canada, statistically it is nonexistent in terms of the millions of head of cattle that are sent to slaughter every year.

When you look at the situation, you have to ask yourself the question of why has it taken so long, 20 months, for this process.

Now, I am at times frustrated by our own bureaucracy, but I think on its worst day, our bureaucracy can't compete with this process that has continued to delay and delay and delay this whole effort to try to reopen the trade between the United States and Japan for cattle.

I suggest we can do both. We can pass a sense-of-the-Senate resolution which perhaps says in its own way that we need to reopen the trade borders and knock down these trade barriers. But I think we also need to say that we cannot move forward through the USDA until—not suggest but say we cannot

move forward until and unless the Japanese reopen their borders to our exports. I think you can do both. I think one is a soft way, but the other sends a strong message. It is time for that strong message. Everywhere I go across Nebraska, I hear people say: How can this be? How can we continue to allow our trading partner to treat us this way? I think the answer is we cannot, and this is the way in which we stop it and we bring it to a head.

I thank the Chair. I yield the floor.

Mr. BENNETT. Mr. President, I would ask the Senators if they would allow us to do the Allard amendment by a voice vote, given the fact that the Senator from Nebraska has suggested he would be in support of this, and would allow us to do both. Perhaps we could adopt the Allard amendment by a voice vote and then move to the yeas and nays on the Nelson amendment.

I would ask each Senator if they would respond to the Chair how they might feel about that. I am happy to call for the yeas and nays on both amendments if that is what they would like, but I have a sense that the Allard amendment is probably going to pass since the Senator from Nebraska has indicated his position on it, and it may be we can save the Senate some time by having only one recorded vote rather than two.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I have no objection to that procedure. I think it would perhaps save time for the Senate. I believe the sense-of-the-Senate resolution should be passed nearly unanimously by this body and it gives the opportunity for those who want to take a stronger position to be able to do it and be recorded as a yea or nay.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. The Senator from Nebraska and myself are on the same page. We are both greatly disappointed that the negotiations from Japan have not been progressing well at this particular point. I think we need to recognize that the State Department has been working hard on this issue as well as the Department of Agriculture. In fact, I have been told as recently as yesterday that the Secretary of State has had discussions with the Ambassador from Japan. I do think we need to do something on this floor to send a strong message to Japan about our concerns about their continuing to apply an embargo against United States beef. It is blatantly unfair and scientifically doesn't stand up.

As far as I am concerned, we can go ahead and adopt the Allard amendment by a voice vote or unanimous consent, however the chairman wishes to proceed. Then these things perhaps can get refined better in conference committee when we work through this process in conference committee.

The PRESIDING OFFICER. Under the previous order, the hour of 11:20

having arrived, the vote is scheduled to occur in relation to the Allard amendment.

Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I thank the Chair.

In fairness to both efforts, if we are going to adopt the Allard amendment by a voice vote, is it possible then to adopt the Nelson amendment by a voice vote as well?

Mr. ALLARD. I have no objection on this side, Mr. President.

Mr. BENNETT. Mr. President, I think there will be some who might want to vote against the Nelson amendment since the administration is opposed to it. Secretary Johanns has made the statement to that effect. So for those who are not here who might want to be on the record, I think we perhaps should have the yeas and nays with respect to the Nelson amendment.

Mr. NELSON of Nebraska. Mr. President, it is hard to believe people might be inclined to vote against this amendment, but if that is the choice, I would withdraw my suggestion.

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment.

The amendment (No. 1738) was agreed to.

Mr. BENNETT. Mr. President, with respect to the Nelson amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question now is on agreeing to the Nelson amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 236 Leg.]

#### YEAS—72

Akaka	Dodd	Murray
Allen	Domenici	Nelson (FL)
Baucus	Dorgan	Nelson (NE)
Bayh	Durbin	Obama
Biden	Ensign	Pryor
Bingaman	Enzi	Reed
Bond	Feingold	Reid
Boxer	Feinstein	Roberts
Brownback	Graham	Santorum
Burns	Harkin	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeWine	Mikulski	Wyden

## NAYS—26

Alexander	Frist	Lugar
Allard	Grassley	Martinez
Bennett	Gregg	McCain
Bunning	Hagel	McConnell
Burr	Hatch	Murkowski
Chafee	Inouye	Salazar
Cochran	Isakson	Stevens
DeMint	Kyl	Sununu
Dole	Lott	

## NOT VOTING—2

Corzine	Rockefeller
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The amendment (No. 1732) was agreed to.

Mr. NELSON of Nebraska. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, on Thursday of last week, when Senator KOHL and I laid down the bill, I made the point that while there are no direct emergency aid funds in the bill, there are funds for many of the programs that would aid the victims of Hurricane Katrina and, frankly, programs they badly need.

To point out some of the increases over the fiscal year 2005 level that have impact on Katrina that are in this bill: \$16.6 million for food defense activities at FDA; \$36.2 million for food safety activities at USDA; nearly \$250 million in loan authorizations for rural housing, including housing repair; \$1.1 billion in rural utility loan authorizations for rural water and electric loans; \$22 million for the Women, Infants and Children feeding program; and \$5.6 billion in food stamps. These are all issues that affect the victims of Hurricane Katrina, and every State and every citizen will benefit from the programs in this bill. So I hope we can move forward with it in an expeditious fashion.

The USDA and FDA, the principal agencies funded in this bill, are working under very difficult conditions to address the needs in the hurricane-affected areas. FDA has had to transfer 50 employees from their regional office in New Orleans to Nashville, and USDA has had to relocate several hundred employees to keep its programs going.

So I hope we can do our best to effectively and quickly get this bill moving. I urge those who have amendments to the bill to come to the floor and help us with this bill.

We have one amendment which I understand has been cleared, and the Senator from Colorado has that amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

## AMENDMENT NO. 1737, AS MODIFIED

Mr. ALLARD. Mr. President, I send to the desk amendment No. 1737, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1737, as modified.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 93, line 9, before the period at the end insert the following: "Provided further, That the Secretary, through the Agricultural Research Service, or successor, may lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest".

Mr. ALLARD. Mr. President, very briefly, what this amendment does is it just allows Colorado State University to lease land from the Agricultural Research Service. It is not a controversial provision.

I ask unanimous consent it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there objection to the unanimous consent request?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 1737), as modified, was agreed to.

Mr. BENNETT. I move to reconsider the vote with respect to the Allard amendment.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## RECESS

Mr. BENNETT. Mr. President, I know of no other amendments available to us. Unless someone wishes to speak in morning business between now and the time we routinely break for the policy lunches, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS  
TO BE CHIEF JUSTICE

Mr. REID. Mr. President, one of the Senate's most important constitu-

tional responsibilities is to provide advice and consent with respect to a President's nominations. The task is especially important when the nomination is an individual to be Chief Justice of the United States. No one doubts John Roberts is an excellent lawyer and a very affable person. But at the end of this process, frankly, I have too many unanswered questions about the nominee to justify a vote confirming him to this enormously important lifetime position.

The stakes for the American people could not be higher. The retirement of Justice O'Connor and the death of Chief Justice Rehnquist have left the Supreme Court in a period of transition. On key issues affecting the rights and freedoms of Americans, the Court is closely divided. If confirmed, Judge Roberts, who is only 50 years old, will likely serve as Chief Justice and leader of the third branch of the Federal Government for many decades.

The legal authority we will hand to Judge Roberts by this confirmation vote is awesome. We should only vote to confirm this nominee if we are absolutely positive that he is the right person to hold that authority. For me, this is a very close question, but I must resolve my doubts in favor of the American people whose rights would be in jeopardy if John Roberts turns out to be the wrong person for this job.

Some say the President is entitled to deference from the Senate in nominating individuals to high office. I agree that deference is appropriate in the case of executive branch nominees such as Cabinet officers. With some important exceptions, the President may generally choose his own advisers. In contrast, the President is not entitled to much deference in staffing the third branch of Government, the judiciary. The Constitution envisions that the President and the Senate will work together to appoint and confirm Federal judges. This is a shared constitutional duty. The Senate's role in screening judicial candidates is especially important in the case of Supreme Court nominees because the Supreme Court has assumed such a large role in resolving fundamental disputes in our civic life. Any nominee for the Supreme Court bears the burden of persuading the Senate and the American people that he or she deserves a confirmation to a lifetime seat on that Court.

First, I start by observing that John Roberts has been a thoughtful, mainstream judge on the DC Circuit Court of Appeals, but he has only been a member of that court for 2 years and has not confronted many cutting-edge constitutional issues, if any. As a result, we cannot rely on his current judicial service to determine what kind of a Supreme Court Justice he would be.

I was very impressed with Judge Roberts when I first met him in my office soon after he was nominated, but several factors caused me to reassess my initial view. Most notably, I was disturbed by the memos that surfaced



from Judge Roberts' years of service in the Reagan administration. These memos raise serious questions about the nominee's approach to civil rights. It is now clear that as a young lawyer, John Roberts played a significant role in shaping and advancing the Republican agenda to roll back civil rights protections. He wrote memos opposing legislative and judicial efforts to remedy race and gender discrimination. He urged his superiors to oppose Senator KENNEDY's 1982 bill to strengthen the Voting Rights Act and worked against affirmative action programs. He derided the concept of comparable worth and questioned whether women actually suffered discrimination in the workplace.

No one is suggesting John Roberts was motivated by bigotry or animosity toward minorities or women, but these memos lead one to question whether he truly appreciated the history of the civil rights struggle. He wrote about discrimination as an abstract concept, not as a flesh-and-blood reality for countless of his fellow citizens. The memos raised a real question for me whether their author would breathe life into the equal protection clause and the landmark civil rights statutes that come before the Supreme Court repeatedly. Nonetheless, I was prepared to look past these memos and chalk them up to the folly of youth. I looked forward to the confirmation hearings in the expectation that Judge Roberts would repudiate those views in some fashion. However, the nominee adopted what I considered a disingenuous strategy of suggesting that the views expressed in those memos were not his, even at the time the memos were written. That is what he said. He claimed he was merely a staff lawyer reflecting the positions of his client, the Reagan administration.

Anyone who has read the memos can see that Roberts was expressing his own personal views on these important policy matters. In memo after memo, the text is very clear. It is simply not plausible for the nominee to claim he did not share the views he personally expressed. For example, there is a memo in which he refers to the Equal Employment Opportunity Commission as "un-American." If Judge Roberts had testified that this was a 20-year-old bad joke, I would have given the memo no weight. Instead, he provided a tortured reading of the memo that simply doesn't stand up under any scrutiny.

In another memo, Judge Roberts spoke about a Hispanic group President Reagan would soon address and he suggested that the audience would be pleased to know the administration favored legal status for the "illegal amigos" in the audience—illegal amigos. After 23 years, couldn't he acknowledge that was insensitive, that it was wrong? The use of the Spanish word "amigos" in this memo is patronizing and offensive to a contemporary reader. I don't condemn Judge Roberts for using the word "amigos" 20 years ago

in a nonpublic memo, but I was stunned when at his confirmation hearing he could not bring himself to express regret for using that term or recognize that it might cause offense.

My concerns about these Reagan-era memos were heightened by the fact that the White House rejected a reasonable request by committee Democrats for documents written by Judge Roberts when he served in the first Bush administration. After all, if memos written 23 years ago are to be dismissed as not reflecting the nominee's mature thinking, it would be highly relevant to see memos he had written as an older man in an even more important policymaking job. The White House claim of attorney-client privilege to shield these documents is utterly unpersuasive. Senator LEAHY, ranking member of the Judiciary Committee, asked Attorney General Gonzales for the courtesy of a meeting to discuss the matter and was turned down. This was simply a matter of stonewalling.

The failure of the White House to produce relevant documents is reason enough for any Senator to oppose this nomination. The administration cannot treat the Senate with such disrespect without some consequence. In the absence of these documents, it was especially important for the nominee to fully and forthrightly answer questions from committee members at his hearing. He failed to do so adequately. I acknowledge the right—indeed, the duty—of a judicial nominee to decline to answer questions regarding specific cases that will come before the Court to which the witness had been nominated. But Judge Roberts declined to answer many questions more remote than that, including questions seeking his views of long-settled legal precedent.

Finally, I was very swayed by the testimony of civil rights and women's rights leaders against the confirmation. When a civil rights icon such as John Lewis, one of my American heroes, appears before the committee and says John Roberts was on the wrong side of history, I take note. Senators should take notice.

I personally like Judge Roberts. I respect much of the work he has done in his career. For example, his advocacy for environmentalists in a Lake Tahoe takings case several years ago was good work. In the fullness of time, he may well prove to be a fine Supreme Court Justice. But I have reluctantly concluded that this nominee has not satisfied the high burden of justifying my voting for his confirmation based on the current record.

Based on all these factors, the balance shifts against Judge Roberts. The question is close, and the arguments against him do not warrant extraordinary procedural tactics to block his nomination. Nevertheless, I intend to cast my vote against this nomination when the Senate debates the matter next week.

I thank the Chair and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

# AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1747

Mr. DURBIN. Mr. President, I believe this has been cleared on the other side.

Mr. President, I send an amendment to the desk on behalf of Senator REID and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. REID, proposes an amendment numbered 1747.

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 provide for minimum prices for milk handlers)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_.(a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(M) MINIMUM MILK PRICES FOR HANDLERS.—

“(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

“(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

“(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

“(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

“(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

“(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

“(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

“(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

“(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

“(III) a handler (otherwise described in clause (ii)) for any month during which—

“(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

“(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

“(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.”.

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

“(D) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.”.

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distrib-

uting plant provisions of each Federal milk marketing order issued under section 8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1747.

The amendment (No. 1747) was agreed to.

#### AMENDMENT NO. 1748

Mr. DURBIN. Mr. President, on behalf of Senator INOUE, Senator FEINSTEIN, and others, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. INOUE, for himself, Mr. AKAKA, and Mrs. FEINSTEIN, proposes an amendment numbered 1748.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment dispensed with.

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

The amendment is as follows:

(Purpose: To limit the use of funds made available to the Animal and Plant Health Inspection Service)

On page 101, line 10, before the period at the end insert the following: “: *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii”.

Mr. INOUE. Mr. President, today, I offer an amendment that would prohibit the Animal and Plant Health Inspection Services, APHIS, from using appropriated funds to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI.

This amendment, which is cosponsored by my dear friends, Senator AKAKA and Senator FEINSTEIN, is in response to a recent decision made by APHIS to dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI and would preclude the agency from carrying out this decision until other alternatives have been articulated and analyzed. In addition, this amendment would provide the agency and the many stakeholders with additional time to examine the issue, to seek a more creative solution, and to have the Secretary recommend a plan that is acceptable to the agricultural represent-

atives of the State of Hawaii, California, and other impacted States.

Releases of sterile insects have played a prominent role in the success of most pest control or eradication programs. It is in this context that I have two main concerns with the agency's decision. First, relying solely on Guatemala as a source of sterile Mediterranean fruit flies places the United States at risk if the supply from Guatemala were curtailed for any reason. In these times of terrorist activities and civil unrest, disruption is much more than an academic debate. I have been assured by other states impacted by the APHIS decision that they share my concern.

Second, from a Hawaii perspective the permanent closure of the facility in Waimanalo does not bode well for the future of diversified agriculture in Hawaii. Unfortunately, Hawaii is infested with four fruit fly pest species—not just the Mediterranean fruit fly. Any hope of area wide control or eradication of these pests requires efficient rearing of all four species for sterile release programs. It is my intent to seek support for a multiple species rearing facility in Waimanalo to address this problem that is unique to Hawaii. While suppression of all four of the fruit fly species in Hawaii is of great benefit to our State, such activities may be among the best mechanisms for avoiding inadvertent fruit fly infestations in other states where these alien pests can survive.

Given these concerns, I urge my colleagues to support my amendment that would prohibit APHIS from implementing its demolition decision and to provide additional time for the agency to work with all stakeholders in exploring and implementing a sound public policy on this issue of great importance to the State of Hawaii.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1748.

The amendment (No. 1748) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1749

Mr. DURBIN. I send an amendment to the desk on behalf of myself, Senator ENZI, and Senator KENNEDY.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 1749.

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 insert provisions related to conflicts of interest among members of advisory panels of the Food and Drug Administration)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_.(a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

Mr. DURBIN. Mr. President, the Scientific Advisory Committee system at the Food and Drug Administration is meant to provide the Agency with unbiased, independent, professional advice on the safety and efficacy of drugs, devices, biologics, food, and veterinary medicine.

To protect the objectivity and the integrity of advisory committees, members have long been subject to a number of conflict of interest laws and regulations. Unfortunately, the Food and Drug Administration has routinely granted waivers to scientists with financial ties to the manufacture of the products under consideration or their competitors. These waivers can compromise the integrity of this important advisory process. Let me give one example.

The February 2005 advisory panel considering whether painkillers, Celebrex, Bextra, and Vioxx, could safely be marketed to the public included 10 scientists who were granted conflict of interest waivers. Ten of the thirty-two members—that is 31 percent—consulted for or received research support from Pfizer, which makes Celebrex and Bextra; and Merck, which makes Vioxx; or Novartis, which

is seeking approval for a similar painkiller.

Had the votes of those 10 scientists been excluded, the panel would have favored withdrawing Bextra from the market and blocking the return of Vioxx.

As the New York Times pointed out in a March editorial:

Unless the FDA makes a more aggressive effort to find unbiased experts or medical researchers start severing their ties with the industry, a whiff of bias may taint the verdicts of many advisory panels.

I, along with two of my colleagues, Senators ENZI and KENNEDY, have offered this amendment to the Agriculture appropriations bill, a bill which funds the Food and Drug Administration. It will increase the transparency of the process. It will ensure the FDA has searched for experts without conflicts of interest.

Specifically, our amendment requires the FDA to disclose any conflict of interest waivers on their Web site 15 days prior to the meeting of the advisory committee. They must detail the nature of the conflict of interest and the rationale for the waiver.

The amendment also requires the FDA to send a report to the Health and Human Services inspector general after each new advisory committee is convened. The report must detail the steps the FDA took to find scientists who were free from conflicts.

Finally, Senators ENZI, KENNEDY, and I will request that the Government Accountability Office conduct an in-depth study of the waiver process and provide recommendations on how it can be improved.

My amendment will increase the transparency of the waiver process and require the FDA to report to a third party about their efforts to identify scientists without conflicts. I think this will create a powerful incentive for the FDA to find more scientists without the potential for bias.

Let me close by saying that, over the years, it has been my good fortune to work with this important agency, the Food and Drug Administration. The American people don't know how much we rely on this tiny agency to decide that what is sold to us in drug stores and other places in our daily lives must be safe and they must be effective as advertised. It is an arduous and important process, and they get it right so often, but occasionally they do not. We have to make certain that we try to take out of this decision process any question that would be raised about the integrity of the Agency or the means they are using to reach their conclusions. I hope this amendment moves us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Illinois for his initiative on this issue and congratulate him for the final product that has been crafted. This could have been a

very controversial and contentious issue, but by compromise, conversation, and consultation among him and the other Senators he mentioned, we now have an amendment that is virtually noncontroversial.

It is important that we do not enforce the conflict-of-interest issue with such difficulty that ultimately the pharmaceutical companies are cut off from any opportunity of ever consulting with the best experts in the field because those experts want to also remain available to the FDA.

I think the compromise that has been reached is a sound one. I endorse the amendment and urge all Senators to vote for it.

I call for a voice vote.

The PRESIDING OFFICER. Without objection, the question is on agreeing to amendment No. 1749.

The amendment (No. 1749) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 1750, 1751, AND 1752, EN BLOC

Mr. BENNETT. Mr. President, I have three amendments which I send to the desk and ask for their consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1750, 1751, and 1752.

Mr. BENNETT. I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1750

On page 93, line 9 at the end of the sentence insert the following:

"Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service.

## AMENDMENT NO. 1751

At the appropriate place in the bill (page 173 after line 24), insert the following new paragraphs:

"SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States."

## AMENDMENT NO. 1752

On page 173, after line 24 insert the following:

"SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients."

The PRESIDING OFFICER. The Senator is recognized.

Mr. BENNETT. Mr. President, the first amendment is in regard to a study on the sheep industry in the United States by the National Academy of Sciences. The second authorizes a demonstration tribal housing program. And the third authorizes a land transfer in Mississippi from the Agricultural Research Service to Mississippi State University.

All three of these amendments have been considered carefully on both sides. They have been cleared on both sides. I ask that they be approved en bloc by a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1750, 1751, and 1752) were agreed to en bloc.

Mr. BENNETT. Mr. President, I ask that the vote be reconsidered and that reconsideration be laid upon the table.

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

Mr. BENNETT. 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. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. ENSIGN. Mr. President, I ask unanimous consent that I may offer an amendment dealing with horse inspection and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENSIGN. 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. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ENSIGN. Mr. President, I withdraw my previous unanimous consent request and I call for the regular order with respect to amendment No. 1726.

The PRESIDING OFFICER. The amendment is now pending.

## AMENDMENT NO. 1753 TO AMENDMENT NO. 1726

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. BYRD, Ms. LANDRIEU, Mr. LOTT, Mr. GRAHAM, Ms. STABENOW, Mr. DEMINT, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1753 to amendment numbered 1726.

Mr. ENSIGN. 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 prohibit the use of appropriated funds to pay the salaries or expenses of personnel to inspect horses under certain authority or guidelines)

At the appropriate place, add the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

Mr. ENSIGN. Mr. President, I rise, along with my colleagues, Senators BYRD, LANDRIEU, GRAHAM, LOTT, STABENOW, DEMINT, FEINSTEIN, and LAUTENBERG, to submit an amendment to the 2006 Senate Agriculture appropriations bill.

The goal of our amendment is simple: to end the slaughter of America's horses for human consumption overseas.

I graduated from Colorado State with a degree in veterinary medicine. I have been concerned with animal welfare since my earlier days as a youth and pursued those interests as a practicing veterinarian.

Our Nation's history and cultural heritage is strongly associated with horses. George Washington is pictured many places with horses. We are reminded of the legend of Paul Revere's ride and the Pony Express in the West. The Depression era race between Seabiscuit and War Admiral raised the morale of our country during desperate times.

The owners who sell their horses at auction are often unaware that those horses may be on their way to one of the three remaining horse slaughterhouses in America. These slaughterhouses—two in Texas and one in Illinois—are owned by French and Belgium companies. They slaughter American horses almost exclusively for one purpose—exporting the meat overseas for human consumption.

Workhorses, racehorses, and even pet horses—many young and healthy—are slaughtered for human consumption in Europe and Asia, where their meat is considered a delicacy. The profits, along with the product, are shipped overseas. These horses are slaughtered in America and shipped to Japan, France, Belgium, Italy, Germany for human consumption.

Last year, nearly 100,000 American horses were slaughtered for human consumption overseas. Sixty-five thousand of these were sent to three slaughterhouses in the United States, and more than 30,000 were shipped across our borders to Canada and Mexico for slaughter.

Our amendment effectively stops this practice. It restricts the use of Federal funds for the inspection of horses being sent to slaughterhouses for human consumption. Without these inspections, required under the Federal Meat Inspection Act, horses cannot be slaughtered, or exported for slaughter, for human consumption overseas.

Strong support for our amendment is reflected in the House of Representatives, where an identical measure was passed by a vote of 269 to 158 this past June.

We have several articles and editorials from around the country that have been written in support of our amendment. Articles have appeared in the Washington Times, the St. Petersburg Times, the Charleston Gazette, and the Louisville Courier-Journal, just to name a few. I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 15, 2005]

## SAVE THE HORSES

Most Americans would sooner starve than eat fillet of horse with cranberry chutney, or however they do it in Europe. It might then come as a surprise that 66,000 horses were slaughtered for consumption in the United States last year, and 20,000 more were exported abroad for the same purposes. Even more so when one considers that nearly none of this horse flesh ends up on American platters—and for that we are thankful.

While cattle and poultry are bred specifically for food, horses are not. Many of those sold to slaughterhouses are privately owned or caught in the wild by the federal Bureau of Land Management, which then tries to find adoptive homes. When it cannot, the horses go to the highest bidder, in this case either to one of the three Belgian- or French-owned plants.

Fortunately, there is growing opposition in Congress to this kind of thing. In June, the House passed by a bipartisan majority an

amendment to the agriculture appropriations bill banning the use of federal funds in the slaughtering of horses. The Senate is scheduled to vote on the amendment, sponsored by veterinarian Sen. John Ensign, next week. We encourage senators to support this ban.

Certain veterinary groups, rather ironically, oppose the amendment. They claim that it is humane to put aging or neglected horses out of their misery. But if anyone actually saw how these noble beasts are slaughtered—strung up by their hind legs and bled—they might think twice before supporting such conduct. The only problem with attaching the amendment to an appropriations bill is that it will expire next year.

So, Mr. Ensign has also introduced independent legislation that would ban the slaughter of horses entirely. Some critics contend an outright ban is an abuse of congressional power. But Cass Sunstein, the distinguished University of Chicago law professor, conclusively addressed those concerns a few years ago: "A ban on commercial slaughter of horses would be plainly within congressional authority, if accompanied by reasonable findings that such slaughter is often or generally a way of yielding products for interstate or international sale, and therefore has a substantial effect on interstate or international commerce." Few would argue that it doesn't.

We admit to a certain sentimentality in our appeal to ban horse slaughter. The horse has always held a hallowed place in our national identity, much like the bald eagle. And just as no American would consider ordering up a bald eagle, if only out of respect, so would none ask for a horse steak.

[From the Louisville Courier-Journal, Sept. 13, 2005]

#### HORSE SENSE IN SENATE

This week, the U.S. Senate may vote on an amendment to the agriculture appropriations bill that would outlaw the slaughter of horses for food. For most Kentuckians—in fact, for most Americans—it's shocking that such a vote would need to be taken. In this country, horses are raised to be companion animals. Most folks don't know that in three foreign-owned slaughterhouses within our borders, about 45,000 horses are killed each year.

The meat is then shipped to Japan and several European countries, where horse is served for dinner. In the international market, the meat of American horses is especially coveted, since most of them have been well fed and have received superior care.

This should be an easy vote for Sens. Mitch McConnell and Jim Bunning. Horses are central to Kentucky's culture. Our famous Bluegrass farms breed and raise them for higher purposes than ending up on some dinner table overseas.

And no horse is currently safe from that fate. Ferdinand, the 1986 Kentucky Derby winner, was killed in a Japanese slaughterhouse when his stud services were no longer needed. This past spring, 41 wild mustangs were slaughtered for food in a Texas plant after being purchased through a program meant to give them new homes.

That's why, in June, the U.S. House of Representatives overwhelmingly passed legislation identical to what the Senate is considering. Kentucky's own Rep. Ed Whitfield, R-1st District, led the effort.

Now the Senate should do the same, with Kentuckians again playing a leadership role.

[From the St. Petersburg Times, Sept. 13, 2005]

#### BRING AN END TO HORSE SLAUGHTER

Horse slaughter has no place in the United States. The House of Representatives con-

firmed that earlier this year by passing an amendment to the agriculture spending bill that would, in essence, stop the practice. Now it is the Senate's turn.

Currently, horses that are no longer wanted are sold to buyers who presumably seek them for recreation or as pets too often end up in slaughterhouses or in the hands of exporters who send them outside the country for slaughter. Sometimes the buyers hide their true intentions and make a profit by selling the horses for slaughter. Each year, nearly 100,000 horses are subjected to a cruel end to their lives.

Horse meat for human consumption hasn't been sold in the United States for decades and isn't even used in pet food here. If a horse is near the end of its useful life, there are more humane ways for an owner to get rid of it. Adoption groups offer horses a peaceful retirement, and if the horses need to be euthanized, it can be done painlessly and humanely for a couple hundred dollars.

The Senate vote could come up in the next few days, so those opposed to horse slaughter should contact their senators and tell them to support the amendment, which would deny the Agriculture Department taxpayer dollars for the inspection of horse meat. Without such inspections, legalized horse slaughter in this country will end. And good riddance.

[From the Charleston Gazette, Sept. 13, 2005]

#### SAVE HORSES—BILL WOULD STOP SLAUGHTER

Around 90,000 American horses are slaughtered each year for human consumption. Foreign-owned slaughterhouses on American soil kill about 50,000 of them; the other 20,000 are sent live to Mexico or Canada. Some are wild horses that still wander ranges of the West; others are unwanted, disposed of by their owners or unscrupulous dealers who promise they will go to good homes.

Many of these creatures undergo extreme suffering en route to their final destination. Transport law allows them to go for 24 hours without food, water or rest, even if they are badly injured or heavily pregnant.

West Virginia Sen. Robert Byrd plans an amendment to the Agriculture appropriations bill banning horse slaughter in the United States. All three of the state's representatives voted for a similar amendment in the House that passed, 269-158.

There are alternatives to the slaughter of unwanted horses. The recent auction of wild mustangs in Roncerverte resulted in new homes for horses trucked in and sold for a nominal amount. Many horse rescue operations work with retired racehorses, many of whom have tragically ended at slaughterhouses—even big-time steeds, including Kentucky Derby winner Ferdinand. The rescue organizations retrain them and find them new homes and careers. Horses that have truly come to the end of their useful or comfortable lives can be humanely euthanized, rather than having to endure the pain, panic and trauma of a trip to the slaughterhouse.

The bond between horses and humans is as close as the connection between dogs or cats and their owners. The horsemeat industry is not a vital part of the American economy. We hope the Senate will pass this humane amendment.

CITY OF KAUFMAN,  
Kaufman, TX, September 6, 2005.

Re Support Congressional efforts to end horse slaughter.

DEAR SENATOR: As the Mayor of Kaufman, Texas, I am all too well acquainted with an issue that has been getting plenty of attention on Capitol Hill recently: horse slaughter.

Kaufman is "home" to Dallas-Crown, one of only three slaughterhouses that continue

to operate in this country (the other plants are in Ft. Worth, TX and DeKalb, IL). Together, the plants killed more than 65,000 of our horses last year for human consumption abroad. All three plants, are foreign owned, and all three are out of step with American public opinion. Seventy-eight percent of Texans oppose horse slaughter and polls from other parts of the country reflect this sentiment. Both of the Texas plants operating in violation of state law which prohibits the sale of horsemeat for human consumption. And Dallas-Crown is operating in violation of a multitude of local laws pertaining to waste management, air quality and other environmental concerns.

When the District Attorneys in the two Texas jurisdictions moved to prosecute under the state law, the plants filed suit and the District Attorneys were prevented from proceeding. Horses continued to be slaughtered while the case languished in federal court. Recently, the judge ruled in the plants' favor. The District Attorneys are considering an appeal.

When the city took action against the plant for releasing pollutants into the sewer system far in excess of legally acceptable limits, we ended up in court and are now forced to mediate on an issue that can't be mediated. Meanwhile, our municipal sewer system is overburdened, but we simply cannot afford to refurbish the system so that it can tolerate overload from Dallas-Crown. Nor should we have to.

Residents are also fed up with the situation. Long-established neighbors living adjacent to the plant cannot open their windows or run their air conditioners without enduring the most horrific stench. Children playing in their yards do so with the noise of horses being sent to their deaths in the background. Landowners have difficulty securing loans to develop their property. The residents have petitioned the city council to take corrective action against the plant. On August 15 the Kaufman City Council voted unanimously to implement termination proceedings against the plant.

But the ultimate remedy rests with the federal government, which has the authority—and opportunity—to close this shameful industry down. I urge you to cosponsor the American Horse Slaughter Prevention Act when it is introduced by Senator John Ensign, and to support the Ensign amendment to the Senate Agriculture Appropriations Bill for Fiscal Year '06 that will prohibit the use of federal funds to facilitate horses slaughter.

As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is negative. The foreign-owned companies profit at our expense—it is time for them to go. If I can provide you with further information, please don't hesitate to contact me at 972-932-2856.

Sincerely,

PAULA BACON,  
Mayor of Kaufman, Texas.

Mr. ENSIGN. Mr. President, the Ensign-Byrd amendment also has strong support from some of the people most familiar with the slaughterhouses. Paula Bacon, the mayor of Kaufman, TX, which is home to the Dallas Crown Slaughterhouse, recognized the importance of ending this slaughter.

She stated:

My city is little more than a doormat for a foreign-owned business that drains our resources, thwarts economic development and stigmatizes our community. There is no justification for spending American tax dollars to support this industry.

That is Paula Bacon, mayor of Kaufman, TX, home to the Dallas Crown horse slaughterhouse facility.

Members of the local community would like to see this slaughterhouse closed, as well.

Concerns have been raised about what will happen if this slaughter is ended. Many of these horses will be sold to a new owner. Some horses will be kept longer by their original owner, others will be euthanized humanely by a licensed veterinarian, and still others will be cared for by the horse rescue community. Efforts are underway to standardize practices for horse rescue organizations. Guidelines for this ever-growing sector have been developed by the animal protection community and embraced by sanctuaries.

Statistics do not support claims that this legislation will result in more abuse and neglect of unwanted horses. In Illinois, the number of abuse cases actually dropped from 2002 to 2004, when the State's only slaughterhouse was closed due to fire. In California, there has been no rise in neglect cases since the State passed a ban on slaughter for human consumption in 1998.

Furthermore, it is illegal to "turn out," neglect, or starve a horse, so this amendment will not lead to more orphaned horses. If a person attempts to turn his or her horses out, animal control agents can enforce humane laws. These animals still can be euthanized and disposed of by a veterinarian for about \$225, a fraction of the cost to keep a horse. That cost is not too big of a burden to bear when no other options are available.

Our amendment is good for horses. That is why it is supported by many animal protection groups. The Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the Doris Day Animal League, the American Humane Association, and Society for Animal Protective Legislation—all support our legislation. We have also received support from much of the horse industry and veterinarians nationwide. In fact, congressional measures to end horse slaughter are supported by Veterinarians for Equine Welfare, the National Thoroughbred Racing Association, Churchill Downs, Incorporated, and dozens of owners and trainers of champion racehorses, including Kentucky Derby winners.

The time to end this slaughter is now. Please join my colleagues and me in supporting this important amendment.

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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator be recognized to speak as in morning business. We are under the Agriculture bill, and no one seems to be coming forward under the Agriculture bill, so I obviously have no objection, but I think, to be clear, it should be as in morning business; therefore, I ask unanimous consent that the Senator be given the opportunity to do that.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. CONRAD. Mr. President, I thank my colleague from Utah for his graciousness, and my colleague from Wisconsin as well. I appreciate this opportunity to speak.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1730 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, Winston Churchill said, "when you are on a great horse, you have the best seat you will ever have." Indeed, throughout the ages, the horse has carried mankind across continents, helped forge civilizations, and has been that beloved beast of burden that has borne the human race on its back.

In America, the horse was the primary source of transportation of our founding fathers, the vehicle of our Revolutionary soldiers, and a symbol of the majestic strength and character that this great country was based upon. Our fledgling urban centers rose with the help of the horse's brawn. Our American frontier expanded farther and farther west, with families traveling by horse-drawn wagons across mountains and valleys, the plains and prairies. The American cowboy, an indelible image of the fierce and undying determination of the American spirit, was never without his trusty four-legged companion.

But each year, 65,000 horses are slaughtered in this country for human consumption in Europe and Asia, where horsemeat is considered a delicacy. Another 30,000 horses are shipped every year to Canada and Mexico to be slaughtered.

These horses often suffer unnecessarily while in transit to slaughterhouses. Horses can be shipped for more than 24 hours without food, water, or rest. They can be transported with broken legs, missing eyes, or while heavily pregnant. The horses are kept in cramped conditions, in trucks with ceilings so low that they prevent the horses from holding their heads in a normal, upright position. The cramped nature of their transport often results in trampling, with some horses arriving at the slaughterhouses seriously injured or dead.

Even more cruel than the suffering these animals endure while in transit is their often injurious end. Improper use of stunning equipment at the slaughterhouse can result in the animal having to endure repeated blows to

head, meaning that horses sometime remain conscious throughout the slaughter process.

The market for horsemeat is not an American market. Horsemeat is shipped abroad. The three slaughterhouses in the U.S. are foreign-owned. Thus, American horses are sold to a foreign company, killed for consumption in a foreign market, and foreign-owned companies profit from the export of horse meat. Many Americans would be shocked to learn that our animals suffer such a fate, all in order to satisfy the tastes of those living in Europe and Asia. Indeed, many individuals who sell horses to slaughterhouses do so unwittingly. Slaughterhouses often send third parties, called "killer buyers," to auction to buy horses.

Senator ENSIGN and I have offered an amendment to stop the slaughter of horses for human consumption by preventing taxpayer dollars from being used to inspect the horses intended for slaughter. Without these inspections, which are paid for by the American taxpayer, it would be impossible for these companies to slaughter horses in the U.S., or to transport horses abroad for slaughter.

I ask my colleagues to support the Ensign-Byrd amendment to end the slaughter of one of the most precious American symbols.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand the Senator from Hawaii has some amendments to the Agriculture appropriations bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The Bennett amendment is now pending.

Mr. AKAKA. I ask unanimous consent to set the pending amendment aside.

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

AMENDMENT NO. 1729

Mr. AKAKA. Mr. President, I have two amendments to offer. I call up amendment No. 1729 to H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1729.

Mr. AKAKA. 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 prohibit Federal funding of research facilities that purchase animals from Class-B dealers)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).



## AMENDMENT NO. 1730

Mr. AKAKA. Mr. President, I call up amendment No. 1730 to H.R. 2744.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1730.

Mr. AKAKA. 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 ensure the humane slaughter of nonambulatory livestock)

On page 173, after line 24, insert the following:

SEC. 7. None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

Mr. AKAKA. Mr. President, I rise to offer two amendments to H.R. 2744, the Agriculture appropriations bill for FY 2006, that will help protect the health of the American public. Amendment 1730, the downed animal amendment, would prohibit the U.S. Department of Agriculture, USDA, from utilizing funds under this act to approve downed animals for human consumption.

Downed animals are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

While I commend USDA and livestock organizations for their efforts to address the issue of downed animals, I am still very concerned about diseases such as BSE, more commonly known as mad cow disease, that pose a serious risk to the United States cattle industry and human health. A food inspection study conducted in Germany in 2001 found that BSE is present in a higher percentage of downed livestock than in the general cattle population. USDA stated that downed animals are one of the most significant potential pathways that have not been addressed in previous efforts to reduce risks from BSE. Stronger legislation is needed to ensure that these animals do not enter our food chain. My amendment is very simple. It would prevent downed animals from being approved for consumption at our dinner tables. This will allow USDA and other stakeholders to continue working on reducing and potentially eliminating the risk of BSE or any other prions from entering our food chain.

Currently, before slaughter, USDA's Food Safety Inspection Service, FSIS, diverts downer livestock that exhibit clinical signs associated with BSE or other types of diseases until further

tests may be taken. However, this does not mean that downed livestock cannot be processed for human consumption. If downer cattle presented for slaughter pass both the pre- and post-inspection process, meat and meat by-products from such cattle can be used for human consumption. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. This was demonstrated by the surveillance of a similar inspection process in Europe, showing that the process is inadequate for detecting BSE. Consequently, BSE-infected cattle can be approved for human and animal consumption.

Today, USDA has increased its efforts to test approximately 10 percent of downed cattle per year for BSE. However, it is my understanding that USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. While I am not asking the industry and Federal Government to test every slaughtered cow, I am asking the Federal Government to address and reduce the real risks associated with BSE and similar diseases in the U.S.

Some individuals fear that my amendment would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE this year shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than \$1 billion as a result of the discovery of BSE and more than 30 countries banned Canadian cattle and beef. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

We must protect our livestock industry and human health from diseases such as BSE. My amendment reduces the threat of passing diseases from downed livestock to our food supply. It also requires higher standards for food safety and protects human health from diseases and the livestock industry from economic distress.

## AMENDMENT NO. 1729

Amendment No. 1729 is based on my bill, the Pet Safety and Protection Act, S. 451. It will protect family pets while allowing research on dogs and cats to continue in an environment free from scientific fraud and animal abuse.

This amendment prohibits Federal funds from being provided to a research facility that purchases animals from Class B dealers. Class B animal dealers collect dogs and cats from "random sources" and routinely violate the Animal Welfare Act. The Animal Welfare Act sets the minimum standards of care for animals and requires accurate record keeping on their acquisition and disposition. Dogs and cats are subjected to abusive handling and exposure to the elements while kept on the premises of Class B dealers. They are

routinely denied sufficient food, water, and veterinary care before they are sold off to laboratories.

Less than a month ago, one of the more notorious Class B dealers, C.C. Baird, pleaded guilty in a case before a U.S. District Judge. He had violated the Animal Welfare Act because he transferred the dogs and cats to research facilities with false acquisition records. During the search, approximately 125 dogs were seized by Federal agents as evidence of various violations of the Animal Welfare Act.

I recently sent a letter to all my colleagues in the Senate requesting support in passing the Pet Safety and Protection Act. On the front were pictures of a hound dog, Buck, who was in terrible shape—skinny, his ribs sticking out, pieces of his ear torn off—after being held by a Class B dealer.

There are only 17 Class B dealers selling random source dogs and cats for research. However, there are hundreds of suppliers to these dealers. Random source animals are dogs and cats that may be obtained by fraudulent means, through "free to good homes" ads, false animal origin records, and stealing of pet dogs and cats from their owners. The Department of Agriculture lacks the necessary resources to track the interstate activities of Class B dealers to ensure that they comply with Federal law. USDA cannot provide an assurance that illegal acquired pets are not being sold by Class B dealers. This is a problem that is certain to grow in the aftermath of hurricane Katrina with the thousands of animals placed in shelters.

From a scientific research point of view, Class B-acquired animals have not had standardized care nor is there any certainty of the history of the animals. These circumstances make them unsuitable as research subjects in any case, since they cannot be used as control cases or experimental animals. Valid scientific research relies on controlled experimental design and replicable results—two things highly questionable when using animals with unknown history and background.

This simple amendment prohibits funding in this FY 2006 appropriations bill from going to research facilities that purchase animals from a dealer that holds a Class B license under the Animal Welfare Act.

I urge my colleagues to support these two amendments.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Utah.

Mr. BENNETT. Mr. President, as near as I can tell, there is support for these amendments on both sides of the aisle. I ask they be considered en bloc by a voice vote.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to amendments Nos. 1729 and 1730, en bloc.

The amendments (Nos. 1729 and 1730) were agreed to, en bloc.

Mr. AKAKA. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, unless the Senator has an additional amendment—

Mr. AKAKA. Mr. President, I thank the Senator from Utah and the ranking member, Senator KOHL, for accepting these amendments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

#### STORAGE OF NUCLEAR WASTE

Mr. BENNETT. Mr. President, one of the issues that has occupied this Chamber for some time and had a particular impact on those of us in the Western States is the issue of the storage of nuclear waste. The question of where nuclear waste should be stored has been before various administrations and various Congresses literally for decades.

The original policy decision made by administrations past and Congresses past was that there should be a single repository for nuclear waste. After a study by the National Academy of Sciences and others, the decision was made to put that repository in Nevada, in Yucca Mountain. Ever since that time, construction has gone forward at the Yucca Mountain facility.

All of that happened before I came to Congress. When I got here, the debate was going on, and we had a particular point where we had to vote, once again, on whether to put nuclear waste in Yucca Mountain.

At that time, as I looked at the various alternatives, I decided that the best scientific answer to the question of what to do with nuclear waste was to leave it where it was. I was assured by the scientists that it was safe in the dry cask storage that had been prepared for its transportation, and that it could be safely transported across the country to Yucca Mountain.

My reaction to that was, if it is safe where it is and if it is safe to transport, why transport it at all? Why not leave it where it is?

It was very clear that the Congress was not going to accept that position, that the President was not going to accept that position, and that we were going to go ahead as a matter of public policy and have a single repository for nuclear waste.

So I said: If we are going to have a single repository for nuclear waste, the most logical place for that is Yucca Mountain. And I voted in favor of Yucca Mountain.

Looking back on it, the keyword in that sentence is the word "if." If we are going to have a single repository for nuclear waste, it appeared that the logical place to put it was Yucca Mountain.

It is now clear that we are not going to have a single repository for nuclear waste. Yucca Mountain has been challenged on scientific grounds. Yucca

Mountain has been challenged in the court on legal grounds. And as we look at the present state of our need for energy, Yucca Mountain will be challenged on practical grounds because it is very clear that we are going to need more, not less, nuclear power.

Nuclear power is here to stay. The nuclear plants that we have are going to be recommissioned and relicensed, and Yucca Mountain will be full if we go ahead with the existing plans to send nuclear waste there. We will still need storage in place even if Yucca Mountain opens. It doesn't make sense from a practical point of view to move the material all across the country, store it in Yucca Mountain for the purpose of ending storage in place, and then have storage in place come back.

Those who saw this in advance—Senator REID and Senator ENSIGN—have the right to tell the rest of us, "I told you so," as it now becomes clear that scientifically, legally, and practically, Yucca Mountain is not going to become the single repository for nuclear waste. And we need to start thinking about new strategies and new places to deal with this issue.

I want to make it very clear that I am not opposed to nuclear power. Indeed, I am a strong supporter of nuclear power. I have supported Senator DOMENICI in his efforts in crafting the Energy bill to craft the bill in such a way as to encourage America to build new nuclear powerplants. We are behind the rest of the world on this issue. Go to Europe and you will find the French have something like 80 percent of their power generated by nuclear power. The British have large amounts of nuclear power.

With the price of natural gas going as high as it is, it becomes increasingly economically unwise for us to continue to build gas-powered electric plants. Nuclear power is something in which we should get involved in a big way in the future, and the Energy bill we passed prior to the August recess laid the groundwork for that.

The question is, of course, if we go in that direction, what do we do with the nuclear waste? If Yucca Mountain is not going to be available—and I am now convinced that it will not be—where should it be put? There is a proposal that it should be put in the State of Utah at an interim storage site that has just recently been licensed by the Nuclear Regulatory Commission.

I put stress on the word "interim" because the whole idea behind the proposed facility in Utah, in a place called Skull Valley, was that it would simply be a stopover for the waste on its way to Yucca Mountain, and so it has been designed and it has been licensed as an interim storage facility.

If it does not make sense for us to take this nuclear waste and put it in a permanent repository, which is what Yucca Mountain is, why does it make sense to put it in an interim repository that does not have the safeguards that are built into Yucca Mountain?

Yucca Mountain would put the waste below ground. It would put the waste in vaults that have been prepared for it. The interim facility in Skull Valley would leave the waste above ground. It would leave the waste in the dry cask receptacles that were built for transportation. Why ship it from its present site aboveground to another site aboveground to say, well, this is an interim storage site until we put it in permanent storage?

The reality is, if you do that, you are creating a permanent storage site because there will be no place to put it after it has been transported to the interim storage site.

There are those who say: You just don't want it in Utah. And that is true, I don't want it in Utah. But there is another factor that drives the reason I don't want it in Utah. This particular interim storage site is at the portal to the Utah Test and Training Range. Even most people in Utah have never heard of the Utah Test and Training Range, and they have no idea what it is. It is the largest land range for bombing practice in the United States. It goes all the way back to the Second World War. The crew that flew the mission over Hiroshima in the Enola Gay trained at the Utah Test and Training Range.

Today, it is still in use. F-16s from Hill Air Force Base fly over the Utah Test and Training Range and practice their bombing runs with live ordinance. I have flown over the Utah Test and Training Range in a helicopter and have been told: We have to get out of here because the F-16s are coming, and they are going to start bombing.

It clearly does not make sense to have an interim storage facility for nuclear waste in an area where F-16s with live ordinance are going to be flying.

There are those who say: The F-16s can change their flight pattern; they can go around this area; they don't need to pay attention to it.

One of the things we have learned from spending time with the BRAC process in determining which military facilities will be retained and which will not is that more military facilities have been closed by encroachment than have been closed by BRAC—encroachment being development or other activities that come close to the gate of the military base that make it impossible for the people on the base to do their job, and they ultimately say: When we built this base, it was surrounded by open spaces. Now activity has come in, development has come in, encroachment has happened, and we are going to have to close this base.

I do not want to see encroachment take away the last remaining large, land-based test and training range in the United States. We need to rethink this whole thing.

So, Mr. President, I am now making it clear that my support for Yucca Mountain, however well intended it was at the time, in my opinion does no longer hold in the situation in which we find ourselves.

I also believe the proposal that was made at the time we approved Yucca Mountain the last time, that of leaving the material in place until we can work out the economics and the technology of reprocessing it, is the right approach. That is what the future holds.

Right now people say: Reprocessing it is too expensive. But we know from past experience that technology will find a way around that. It will become cheaper and cheaper the more we do it. We are already involved in reprocessing warheads from the former Soviet Union as we go through the process of reducing nuclear weapons and nuclear stockpiles around the world. As that reprocessing activity goes forward, we will learn how to do it faster, we will learn how to do it cheaper, and reprocessing will be available for the nuclear waste that is currently being developed by our nuclear power facilities.

At that time, it would make sense for the nuclear waste that is stored onsite to be shipped to a reprocessing center, not to an interim storage facility.

There is one other factor that needs to be stressed. At the present time, the contract to take the nuclear waste and ship it to the interim storage facility in Utah—which, by the way, has not been built; there is still \$1 billion worth of investment that will have to go into that—the process by which that will go forward will be under the ownership of the utilities that run the nuclear plants.

The main difference between an interim storage facility and a permanent storage facility in the law has to do with titles. In the interim storage facility, the utility that created the waste and ran the nuclear plant retains title to the waste. While it is being packaged, while it is being shipped, and while it is in interim storage, it is owned by the utility. Under the Yucca Mountain proposal, the Federal Government would take title to the waste the minute Yucca Mountain would open so the Federal Government would be responsible for packaging it, the Federal Government would be responsible for protecting it while transporting it, and the Federal Government would be responsible for the security on the site where it would be located. If we leave it where it is while we work on the issue of reprocessing, title remains with the utility that produced it, but the security that the utility has already built into its plant is already there. It is not exposed to any terrorist attack while it is moving so that utility does not have to bear the expense of extra security in moving waste to which they retain title.

Then when we get to the point where we can move it to a reprocessing plant, once again the Federal Government may take title to it.

The Federal Government can provide the security during transportation. The Federal Government can see that it is kept safe from terrorist attack and bring it to the reprocessing facility.

One last point. One of the reasons we want to be sure the Federal Government is in charge of all of the reprocessing is that the end product after reprocessing is not only additional energy created by the process, but the residue that is left is weapons-grade plutonium. We do not want to run the risk of having weapons-grade plutonium in the hands of private entities. We want to be sure that the Government controls it.

What I think we need to do—“we” being the collective word for the administration and the Congress, generally—is to adopt some fundamental principles and then rethink the whole issue to come up with the appropriate details. The fundamental principles that I would recommend and that I embrace are, No. 1, we are in favor of nuclear power. We want more nuclear power in this country for all of the environmental reasons dealing with greenhouse gases, for all of the demand reasons dealing with the increased necessity for electric power, and for all of the legal reasons having to do with the control of the ownership of these facilities. So the No. 1 principle, I am in favor of nuclear power. No. 2, I am in favor of reprocessing. I think we should work toward that technical solution for the question of waste. And No. 3, while we are in the process of building new nuclear plants and working toward reprocessing of the waste, we should leave the waste where it is. If, indeed, as I say, it is safe to transport and it is safe to store in an interim facility someplace else, by definition, it is equally safe to store it where it is. That is cheaper, that is equally as safe, and that sets us up for the solution of our problem. I believe that if we rethink the whole issue as to how we are going to handle it and what we are going to do, there may very well be a useful purpose for Yucca Mountain. We have spent, as a nation, billions of dollars preparing that facility. We should review the facility and what it offers and see how it might be used at some particular point in the future and see how we might retain some of the investment we have made there.

I am not one who thinks we ought to fill Yucca Mountain up with dirt and walk away and leave it. There can be a win-win situation for all. Nevada can get some value out of the investment that has been made in Yucca Mountain if we think it through carefully. The Nation can get additional power without the greenhouse gas effect that comes from fossil fuels, and we can ultimately solve the problem of nuclear waste with reprocessing.

I have discussed this in general terms with Senator DOMENICI, who is the chairman of the Energy Committee as well as the chairman of the energy and water subcommittee of the Appropriations Committee, and I commend him for his original thinking of moving in directions that will make sense for the future. However, much as the idea of a single repository may have made sense

decades ago, it is now clear, as I say, that it does not make sense, and we need to move in some future direction. To the degree that Senator DOMENICI will allow me to participate in trying to find logical solutions under the three principles I have described, I will be more than happy to cooperate with him. To those who had the vision long ago who, as I say, have earned the right to say to the rest of us, “I told you so,” I say I will be happy to join with you, too, in seeing how we can think this thing through and get the best solution for our Nation and all of those who live in it.

With that, 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. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that the Ensign amendment No. 1753 be modified to be drafted as a first-degree amendment, provided further that the vote in relation to the Ensign amendment No. 1753 occur at 4:45 today with no amendment in order to the amendment prior to the vote. I also ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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. 1726

Mr. BENNETT. Mr. President, I believe that amendment No. 1726 is now the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. This is the managers' amendment that Senator KOHL and I introduced last Thursday. It makes some technical corrections in the bill regarding conservation technical assistance for DuPage County, IL. It also makes some technical corrections in the Rural Electrification Act of 1936. It has the approval of the authorizing committee, as well as the support of USDA, and there is no additional cost to the bill. Senator KOHL and I have taken the position that we will not offer any authorizing legislation on this bill that does not have the approval of the authorizing committee. And this one falls within that scope. So it has been cleared on both sides of the

aisle, and I believe we are now prepared to pass it on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1726) was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and ask that that be laid upon the table.

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

Mr. BENNETT. 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. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1763

Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself and Mr. PRYOR, proposes an amendment No. 1763.

Mr. TALENT. 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 prohibit the use of funds to close or relocate certain local offices of the Farm Service Agency)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

Mr. TALENT. Mr. President, this amendment, which I am offering on behalf of myself and Mr. PRYOR, the Senator from Arkansas, is an attempt to address a development within the Department of Agriculture. The Department is proposing closing about a quarter to a third of the Farm Service Agency's local offices around the country, including, as far as we can tell, around 30 out of the 90 offices in Missouri, the object, according to the Department, being to modernize and consolidate functions and to provide better service.

Certainly nobody is opposed to better service. But I want to emphasize something here. The key with regard to how we handle FSA offices has to be service to the agricultural community and to our producers. The idea is accessibility. The idea is responsiveness. The idea is not necessarily somebody's planning in Washington about how they would organize everything in the United States if they could do it exactly the way they wanted.

I am a little concerned about changing our FSA offices when, from what I am told back in Missouri, there has been little or no consultation either with local FSA people or with producer organizations, more particularly farmers or the affected communities. I don't know how we can do this in a way that emphasizes service, acceptability, and accountability without having to talk to the people whom we are trying to serve.

The amendment basically says hold up on this until we have an opportunity for that kind of accessibility and that kind of accountability.

Again, I am not saying—and I don't think Mr. PRYOR is saying either—that no consolidation is possible. I imagine it is possible in Missouri. We certainly want to look at how we can modernize these offices so we can perform better service. But we have to remember that these are the offices our producers have to go to any time they want to deal with any of the Government's various programs that affect them. Some of them in Missouri are already driving 30, 40 minutes, or more than that, and if they drive and they don't have all the forms they need, or they left something at home, they have to go all the way home, get it, and turn around and come back.

When you are proposing eliminating some of those offices when they are already difficult to access, in many cases, I think that is something we need to look at. I certainly believe we need more consolidation, at least in Missouri, than we have had now.

That is all this amendment says. I appreciate very much the bill managers working with us. I understand they are going to be willing to accept the amendment. I appreciate that. I pledge to work with them in conference.

This language isn't necessarily the be-all and end-all with regard to this issue. I think they see what Senator PRYOR and I are driving at, and I think everybody would agree this is something we want to do with consultation and discussions with the affected communities—in particular the affected producer and producer groups. They are not opposed to making the Farm Service Agency work better. We all know the problems that have sometimes occurred. But we have potentially disaster relief coming down the pike, and I certainly hope so for producers who have been affected negatively by the hurricane, or by drought. We have another farm bill that is not that far away. We need to do this right, if we are going to do it. That is what the amendment says.

I appreciate the support of the Senator from Utah, and certainly pledge to work with him and his ranking member in conference on this amendment.

I yield the floor.

Mr. BENNETT. Mr. President, I share the concern and frustration of the Senator from Missouri with the proposal. We have had some of that same con-

cern and frustration in Utah. Charitably, I will say that the efforts to close these offices have been handled a little less wisely than might otherwise have been the case.

I hope that between now and the conference we can learn more about this proposal. I think the Senator's comments about getting information and input from those directly affected is very wise.

I pledge to work with all the Senators concerned on this issue between now and the time we get to conference. So knowing that this will be the vehicle whereby we can get to conference, I am willing to proceed now to a voice vote and urge Senators to support it. I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1763) was agreed to.

AMENDMENT NO. 1753

Mr. BENNETT. Mr. President, as we are approaching the hour of 4:45, which has been set as the time for the vote on the Ensign amendment, I say to my colleagues that Senator ENSIGN outlined the reasons for his amendment. I have heard others who for one reason or another have already been opposed to it. But so far, none of them have come to the floor to express that opposition.

I make it clear to anyone who is following the proceedings that one of the reasons we have delayed the vote as we have and kept the afternoon as open as we have has been to allow those who may be opposed to the Ensign amendment the opportunity to present their proposals.

We now are at 4:45. I expect the time is far gone and the vote will proceed. I didn't want anyone thinking we had made any effort to prevent anybody from presenting a different point of view than what Senator ENSIGN laid out when he proposed his amendment this afternoon.

The PRESIDING OFFICER. The hour of 4:45 having arrived, the question is on agreeing to the amendment of the Senator from Nevada.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. AL-EXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—68

Akaka	Bayh	Boxer
Alexander	Bennett	Bunning
Allen	Biden	Burr

Byrd	Hagel	Mikulski
Cantwell	Harkin	Murkowski
Carper	Hatch	Murray
Chafee	Hutchison	Nelson (FL)
Chambliss	Inouye	Nelson (NE)
Clinton	Isakson	Obama
Coleman	Jeffords	Reed
Collins	Kennedy	Reid
Dayton	Kerry	Santorum
DeMint	Kohl	Sarbanes
DeWine	Kyl	Schumer
Dodd	Lautenberg	Smith
Dole	Leahy	Snowe
Durbin	Levin	Specter
Ensign	Lieberman	Stabenow
Feingold	Lott	Sununu
Feinstein	Lugar	Vitter
Frist	Martinez	Warner
Graham	McCain	Wyden
Gregg	McConnell	

## NAYS—29

Allard	Craig	Roberts
Baucus	Crapo	Salazar
Bingaman	Domenici	Sessions
Bond	Dorgan	Shelby
Brownback	Enzi	Stevens
Burns	Grassley	Talent
Coburn	Inhofe	Thomas
Cochran	Johnson	Thune
Conrad	Lincoln	Voinovich
Cornyn	Pryor	

## NOT VOTING—3

Corzine	Landrieu	Rockefeller
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The amendment (No. 1753), as modified, was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

Mr. SUNUNU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I have been asked throughout the vote whether that is the last vote of the evening. That obviously is not my call. It is the responsibility of the leader to make that decision. At the moment, I don't know of any amendment that would require a vote. I would hope that our colleagues who have amendments would be aggressive in coming to the floor now and offering them. We could offer an amendment now, lay it down for a vote in the morning.

Mr. ROBERTS. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. ROBERTS. I have an amendment. I would like to offer it.

Mr. BENNETT. The Senator from Kansas satisfies our request instantly. I am happy to yield the floor.

## AMENDMENT NO. 1742

Mr. ROBERTS. Mr. President, I have an amendment pending at the desk numbered 1742. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 1742.

Mr. ROBERTS. 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 modify the conditions under which the Federal Crop Insurance Corporation may offer crop insurance to single producers)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

Mr. ROBERTS. Mr. President, this amendment is very straightforward. It has been cleared by both the chairman and ranking member of the Agriculture Committee, and I have also received word that the Risk Management Agency is supportive of this change.

Very simply, the amendment amends the section of the Federal Crop Insurance Act regarding the use of written agreements for commodities in counties where the crop has not yet been approved for crop insurance purposes.

The problem is that 3 years of cropping history is needed in order to issue a written agreement for coverage. However, producers cannot get a history of planting because the banker won't lend the money if they can't get insurance coverage. Thus, it is an endless cycle.

We have many counties where coverage exists for sunflowers, and we would like to use that data to expand coverage to canola. The Risk Management Agency has indicated that this would be an acceptable practice. However, the current law says that data must be used from the same commodity for which the policy is being issued. This amendment simply changes that language to allow data from agronomically similar crops to be used in providing written agreements.

The amendment has been given a score of zero by the CBO, and I urge my colleagues to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have no objection to this amendment and believe we should move forward on a voice vote.

The PRESIDING OFFICER. Is there further debate on the current amendment?

Mr. BENNETT. Mr. President, I ask that we withhold from the vote, and 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. BENNETT. 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. BENNETT. Mr. President, we are now prepared to proceed to a voice vote on the Roberts amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1742.

The amendment (No. 1742) was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

## AMENDMENT NO. 1765

Mr. KOHL. Mr. President, on behalf of Senator HARKIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. HARKIN, proposes an amendment numbered 1765.

Mr. KOHL. 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 require the Secretary of Agriculture to provide notice to Congress before initiating any structural change in a mission area of the Department)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1765) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1766

Mr. KOHL. Mr. President, on behalf of Senator PRYOR, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. PRYOR, proposes an amendment numbered 1766.

Mr. KOHL. 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 provide a technical correction for the community eligibility for rural utilities programs in Arkansas)

On page 154, line 10, insert "Clebourn County, Arkansas," after "Montana".

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1766) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. 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. DAYTON. I thank the Chair. I ask unanimous consent that I speak in morning business for up to 10 minutes.

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

Mr. DAYTON. I thank the Chair. I also thank the distinguished Senator from Utah, in charge of the proceedings right now, for this opportunity.

#### RESPONSE FROM THE ADMINISTRATION

Mr. President, it has been 3 weeks now since the levees failed in New Orleans, and the Committee on Homeland Security and Governmental Affairs, on which I am a member, is tomorrow holding its second public hearing since those levees failed. The title of the hearing is, "After the London Attacks, What Lessons Have Been Learned To Secure U.S. Transit Systems?"

That is a worthy topic. I don't question that. But in the context of what is occurring in the United States, it is not, and should not, be the most pressing priority of that committee.

On this coming Friday, we are having the second hearing of that committee related to Hurricane Katrina. The witnesses, very distinguished individuals to be sure, are a county judge from Harris County, Texas; mayor of Baton Rouge, LA; mayor of Brookhaven, MS; and the mayor of Fayetteville, AR—no one from the administration with responsibility for the rescue-recovery efforts in Louisiana, Mississippi, and Alabama. No administration official is appearing, as last week when the hearing was held no one with any direct responsibility for Hurricane Katrina and the response to it by the Federal Government or any other level of Government was present.

Some would say we should not disrupt the relief efforts in that region, and I totally agree. I do not want any of us to be involved in any way that is disruptive. Lord knows, those relief efforts have been disruptive enough and continue to be by all the goings on down there. But last Sunday, Coast Guard Vice Admiral Allen, now in charge of the relief effort, found time to appear on four of the five major TV talk shows. Two weeks before, Homeland Security Secretary Chertoff found time to appear on all five of the major TV Sunday talk shows. If they are actually in Louisiana or its vicinity around the clock leading the recovery efforts, let's hook up a closed television system, communications system, and let them appear before our committee in a public session via that communication, but to appear before the committee which has, under the Senate authorizing resolution, the authority, not subject to some subsequent decision by the majority leadership with concurrence by a sufficient number of Members of the Senate to establish a select committee, but right now, here and now the authority and the responsibility to this body and more importantly to the American people to be conducting oversight and what is going on there, how the now over \$63 billion this body has appro-

priated, and necessarily so, with more requests to come soon, how that money is being expended, or not. These are vital questions that are relevant to decisions that are being made every day in expending those billions of dollars and affecting the lives of those people in that region of the country.

We have the right, the responsibility to be asking questions in public hearings and getting answers from those who are directly responsible in the administration. That is long overdue, and I urge again the leadership of the committee and the leadership of the Senate, majority leadership, to make the insistence and to assure that we get the proper witnesses at the highest levels of the administration who are responsible, and that we get answers in public settings.

Similarly, tomorrow we are informed that the Secretary of Defense, Donald Rumsfeld, and Chairman of the Joint Chiefs of Staff, Richard Myers, will be appearing before Members of the Senate to discuss the situation in Iraq and Afghanistan. Once again, that gathering is going to be in a closed setting, private, nonpublic, no press, and not the American people. This is a pattern that has been continued repeatedly over the last 3 months by the administration in not being willing to have its top people responsible for the war effort in Iraq and Afghanistan appear in a public setting before the Committee on Armed Services, of which I am also a Member.

The last hearing that the Senate Armed Services Committee held regarding oversight in Iraq was almost 3 months ago. It was June 30 of this year. Since then we have had, again, private top secret classified briefings but nothing in a public setting where we can ask questions and where we and the American people can hear the answers.

I call upon this administration and its responsible authorities, Cabinet Secretaries, those to whom the President has delegated responsibility to make these life-and-death decisions affecting our constituents, affecting the brave men and women who are serving in Iraq and Afghanistan, affecting the brave men and women who are involved in the rescue efforts down in Southern United States, who are making decisions affecting the lives of those of our constituents and our citizens, make those leaders available to us in public hearings starting now. We deserve the answers. The American people deserve the answers.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THUNE. Mr. President, I ask unanimous consent I be permitted to

speak as in morning business for up to 10 minutes.

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

Mr. THUNE. I send the following bill to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. THUNE pertaining to the introduction of S. 1733 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### PET IDENTIFICATION TAGS

Mr. HARKIN. I understand that the House report on this appropriations measure includes language that directs the APHIS to adopt a particular standard with respect to microchip identification tags for pets, but that the present measure does not include this language.

As the ranking member of the authorizing committee that has jurisdiction over this issue, I strongly disagree with this language being inserted in an appropriations report, and with a process that would dictate a standard for these microchips without fully considering alternatives. It is my understanding that pet animals with chips that conform to the standard included in the House report are a small fraction of all the pet animals in the U.S. that presently have a microchip identification tag implanted under their skin. These ID tags play a vital role in reuniting pet animals that have gone astray with their families.

Further, I understand that adopting this standard as directed would interfere with ongoing intellectual property litigation over patented technology incorporated in the most widely adopted microchip standard in the U.S. I think it would be improper for Congress to take this action at this time.

I do not advocate any action in the current legislation, other than to ensure that the language unfortunately included by the House is not included in the conference report. I would ask the subcommittee chair and the ranking member whether, since the Senate report is silent on this issue, this issue is preserved for our consideration as part of the conference, and whether they agree with me that this provision should be dropped from the conference report?

Mr. BENNETT. I would tell the Senator that I share his concern regarding this provision in the House Report. The report on the Senate version of this legislation is silent on this matter, but this matter will certainly be preserved for consideration in conference.

Mr. KOHL. I share the concerns of the Senator from Iowa and the observations of Chairman BENNETT and look forward to working with both of them on this in conference.

OCEANIC INSTITUTE (HAWAII) FINFISH HATCHERY TECHNOLOGY DEVELOPMENT AND TRANSFER

Mr. INOUE. Mr. President, will the distinguished Senators from Utah and Wisconsin yield? I would like to discuss



with them the tremendous potential of open ocean cage culture as a sustainable source of high protein seafood for the United States and the world, and the issues associated with advancing open ocean cage culture.

Mr. BENNETT. I am pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUE. I thank my distinguished colleagues for yielding. Along with the increased demand for seafood, we have also witnessed the decline in natural fisheries. While we have, as a Nation, made great advances with land-based aquaculture to address the widening gap between seafood demand and supply, we are beginning to see the emerging potential of open ocean cage culture as a way to bolster supply without detrimental impacts on the marine environment. With the development of a viable open ocean cage aquaculture industry, we will have a valuable tool to assist our efforts to manage wild fisheries and ensure that United States consumers will have access to a range of high quality, environmentally responsible seafood products. I am proud to say that producers and the marine aquaculture research community in my State of Hawaii are among the leaders in the development of this new industry. To date, growers in Hawaii have demonstrated the commercial viability of open ocean cage culture for Hawaiian finfish and have small scale ventures that supply Hawaii as well as some mainland markets.

To move open ocean cage culture to the next level requires the refinement and transfer of finfish hatchery technology to the industry. The Oceanic Institute in Hawaii has been the leader in developing this technology but recently has encountered problems in scaling hatchery technology to a commercial level. To overcome these problems, this research organization has recently expressed a need to remove the nutritional and other constraints in the raising of finfish fingerlings destined for open ocean cages. This will involve some redirection of funds provided by this committee for the Oceanic Institute of Hawaii for a comprehensive aquaculture development research program. Specifically, there is a need to shift funds from more general feed issues to the myriad problems associated with raising fingerlings on a commercial scale for open ocean cages. I support such changes in the use of funds appropriated for the Oceanic Institute of Hawaii and seek your concurrence.

Mr. BENNETT. In developing a new industry, I fully understand the need to be flexible and recognize that all issues cannot be anticipated during the initial phases of a project. I fully concur with the request for flexibility in the use of the funds provided by this committee.

Mr. KOHL. I concur with my colleagues from Hawaii and Utah and en-

courage the Agricultural Research Service to work closely with the Oceanic Institute in utilizing funds appropriated for aquaculture development to specifically address finfish hatchery technology refinement and transfer to the industry.

Mr. INOUE. I thank my colleagues.

Mr. SPECTER. Mr. President, I wish to describe my amendment to the fiscal year 2006 Agriculture appropriations legislation. My amendment would extend the Milk Income Loss Contract, MILC, program for 2 years. It is imperative that we extend this crucial program for our dairy farmers that expires at the end of this month.

The MILC program provides a safety-net for farmers when the price of milk falls below a set price per hundredweight, or 100 pounds of milk, roughly 11 gallons. Dairy farmers in Pennsylvania, and across the country, are an integral component of our rural economy. In Pennsylvania alone, agriculture is our No. 1 industry with dairy being the largest sector composing over 40 percent of the industry. We need to ensure that dairy farmers, like most farmers in America, have the protection needed when the price they receive for their milk falls.

During the consideration of the 2002 farm bill, I coauthored this program to provide payments to dairy farmers when the price of Class I fluid milk falls below \$16.94 per hundredweight. This program applies to all dairy farmers in the United States, from my former home State of Kansas to Oregon to Georgia and all the way up to Maine.

When the milk prices are low, as they were in 2002 and part of 2003, the MILC program partially supplements dairy farm income to bridge the gap until prices recover. When the milk prices are strong, the program is dormant. This was the case for most of 2004 and 2005. However, one payment of 3 cents per hundredweight was made in June.

However, dairy economists forecast that the price of milk will fall in 2006 below the set price established in the MILC program. Thus, there is an urgency to extend this program to ensure that our dairy farmers continue to have the safety-net of the MILC program. If prices fall and the MILC program is not in place, our farmers will suffer tremendous losses.

I urge my fellow Senators to support this amendment and America's dairy farmers.

#### NOTICE OF INTENT

Mrs. BOXER. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2744, the Agriculture appropriations bill, the following amendment:

#### AMENDMENT NO. 1756

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Notwithstanding the proclamation by the President dated September 8,

2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

Mr. BENNETT. Mr. President, in consultation with the Democratic manager of the bill, I now ask unanimous consent that all first-degree amendments to the pending Agriculture appropriations bill be filed at the desk no later than 4 o'clock tomorrow, Wednesday, with the exception of those managers' amendments that have been cleared by both managers.

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

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### LORI CARPENTER AND CLAY COOPER—ANGELS IN ADOPTION

Mr. REID. Mr. President, I rise today to honor Lori Carpenter and Clay Cooper of Reno, NV, who were recently honored as Angels in Adoption by the Congressional Coalition on Adoption.

Lori and her husband, Clay Cooper, have adopted three daughters and one son from foreign countries. All four children have come from countries with high levels of poverty and a great deal of political turmoil.

Lori and Clay have made it a priority to keep the children's heritage and culture an integral part of their lives. They share stories and nursery rhymes from the children's countries of origin, cook native foods, and put the children in touch with people from their country in an effort to keep their native languages alive. And all four children are thriving both academically and socially.

The Angels in Adoption program provides an opportunity for all Members of Congress to honor the good work of their constituents who have enriched the lives of foster children and orphans. And I am pleased to highlight

the extraordinary work of Lori Carpenter and Clay Cooper.

I salute the Carpenter-Cooper family and their richly deserved recognition as Angels in Adoption.

#### NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today to celebrate the 12th annual National Public Lands Day that is set to take place on Saturday, September 24, 2005. Across the Nation, nearly 100,000 people will come together on this day to get their hands dirty while protecting and improving our Nation's public lands. And today I would like to offer my heartfelt appreciation to every man, woman, and child that contributes to this vital campaign.

In Nevada, where nearly 87 percent of our lands are managed by Federal agencies, the relationship between the people and our public lands is tangible and real. For ranchers, hunters, farmers, hikers, miners, and every Nevadan that has driven a lonely dirt road in search of solitude, our public lands represent an irreplaceable resource. That is why programs like National Public Lands Day—that remind us that we all reap the rewards of good stewardship, and that we suffer together when our lands are mismanaged or abused—are so important.

Those individuals that will rise early in the morning on the 24th of this month to help with one of the more than 650 National Public Lands Day projects will be giving a gift of service to the local landscapes, to the local communities, and to people of the United States at large. I thank these volunteers, and the staff of the land management agencies who are tasked with the responsibility of protecting, managing, and maintaining these lands each and every day. Our public lands are one of the most important national legacies that we leave behind for future generations. Working together—at places like Lake Mead, Mount Charleston, Red Rock Canyon, Lake Tahoe, the Ruby Mountains, and the Black Rock Desert—we can make sure that this legacy is a strong one.

#### BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget

scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 14, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by \$1.922 billion in budget authority and over the budget resolution by \$101 million in outlays in 2005. Current level for revenues is \$447 million above the budget resolution in 2005.

Since my last report dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: the Surface Transportation Extension Act of 2005, Part V (P.L. 109-40); the Interior Appropriations Act, 2006 (P.L. 109-54); the Energy Policy Act of 2005 (P.L. 109-58); the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59); the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61); and the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-62).

I ask unanimous consent to print the following in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 15, 2005.

Hon. JUDD GREGG,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 14, 2005. This report is submitted under section 308(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 for fiscal year 2005 that underlie 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 these amounts (see footnote 2 of the report).

Since my last letter, dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Surface Transportation Extension Act of 2005, Part V (Public Law 109-40);

Interior Appropriations Act, 2006 (Public Law 109-54);

Energy Policy Act of 2005 (Public Law 109-58);

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59);

Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61); and

Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

The effects of the actions listed above are detailed in the enclosed reports.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

[In billions of dollars]

	Budget resolution <sup>1</sup>	Current Level <sup>2</sup>	Current level over/under (—) resolution
<b>ON-BUDGET</b>			
Budget Authority .....	1,996.6	1,994.7	– 1.9
Outlays .....	2,023.9	2,024.0	0.1
Revenues .....	1,483.7	1,484.1	0.4
<b>OFF-BUDGET</b>			
Social Security Outlays .....	398.1	398.1	0
Social Security Revenues .....	573.5	573.5	0

<sup>1</sup> H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81.811 million in budget authority and \$32.121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109-13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

<sup>2</sup> Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

Note: \* = less than \$50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
<b>Enacted in Previous Sessions:<sup>1</sup></b>			
Revenues .....	n.a.	n.a.	1,484,024
Permanents and other spending legislation .....	1,109,476	1,070,500	n.a.
Appropriation legislation .....	1,298,963	1,369,221	n.a.
Offsetting receipts .....	– 415,912	– 415,912	n.a.
Total, enacted in previous sessions .....	1,992,527	2,023,809	1,484,024
<b>Enacted This Session:</b>			
<b>Authorizing Legislation:</b>			
Surface Transportation Extension Act of 2005 (P.L. 109-14) .....	16	0	0
TANF Extension Act of 2005 (P.L. 109-19) .....	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109-20) .....	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109-35) .....	13	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109-37) .....	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109-40) .....	2	0	0
Energy Policy Act of 2005 (P.L. 109-58) .....	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59) .....	1,562	8	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005—  
Continued  
[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) <sup>2</sup>	–1,058	4	41
Interior Appropriations Act, 2006 (P.L. 106–54)	1,500	120	0
Total, enacted this session	2,126	177	81
Total Current Level <sup>2,3</sup>	1,994,653	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements <sup>4</sup>	–81,881	–32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	101	447
Current Level Under Adjusted Budget Resolution	1,922	n.a.	n.a.

<sup>1</sup> 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.

<sup>2</sup> 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 excludes: \$83,140 million in budget authority and \$33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); \$10,500 million in budget authority and \$1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); and \$51,800 million in budget authority and \$125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62).

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

<sup>4</sup> H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81,811 million in budget authority and \$32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NATIONAL ADDICTION  
COUNSELOR'S DAY

Mr. BIDEN. Mr. President, over the course of this entire month we are celebrating National Drug and Alcohol Addiction Recovery Month, a time when we focus on the benefits of substance abuse treatment and highlight the hope of recovery for those in the grasp of drug and alcohol addiction. And today, September 20, we are focusing on the men and women who help guide people to recovery as we recognize National Addiction Counselor's Day. These professionals are unsung heroes who deserve our recognition, respect, and gratitude.

It is an unfortunate reality that substance abuse and addiction are pervasive in our country. Last year, over 19 million Americans used illicit drugs, 55 million had engaged in binge drinking, and over 16 million were considered heavy drinkers. These are staggering statistics. We have all known someone a family member, friend, or coworker who has or has had a drug or alcohol problem. Many of us have even spent time trying to convince a loved one to seek treatment, confident that a good treatment center and a qualified health professional would be able to restore hope to our loved one and help them into recovery.

Left untreated, addiction is a devastating disease which has far-reaching consequences. It exacerbates social ills including crime, disease, child abuse and neglect, domestic violence, and a wide range of family problems. It costs society billions each year in health care costs, lost productivity, and property damage. It also costs lives and causes immeasurable amounts of grief and pain. But there is hope: drug and alcohol abuse are treatable problems. Addiction is a chronic relapsing disease and, as with other chronic relapsing diseases such as diabetes, hypertension and asthma, there may not be a cure but there are a number of treatments to control the disease. That means that addicts are not sentenced to living

their lives out of control; they can seek treatment with an addiction counselor or other health professional and take charge of their futures.

The people who treat this destructive disease are a dedicated, knowledgeable group of professionals who have committed themselves to a noble cause. They are a critical part of our Nation's health care system. Today there are countless sober individuals living happy, productive lives only because, in a moment-of-truth, a counselor was there and made the difference. Not only do these counselors assist in recovery but in prevention and intervention as well. Through training and experience, addiction professionals can help turn a life around and often even save it. And for the friends and family of a person struggling with addiction, counselors are an answer to a prayer, guiding their loved one to a life in recovery.

I ask all of my colleagues to join me today in recognizing the priceless contributions of addiction counselors, and giving them our gratitude. Their work to restore hope to shattered lives and broken families is invaluable. I applaud their work and hope that on National Addiction Counselor's Day they know how much they are respected and appreciated.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO STEPHEN E.  
SHEPHARD

Mr. INHOFE. Mr. President, today I would like to stand in honor of a great Oklahoman. CWO2 Stephen Shephard gave his life in the battle for freedom in Iraq. Steven is a true American hero who joined the war against terrorism after he witnessed the September 11 attacks on our own country. He was truly an admirable soldier and a great man.

Chief Warrant Officer Shephard was born in Stillwater, OK, in 1974. His family then moved to Purcell, OK, where Stephen attended Purcell schools until he graduated in 1993. Ste-

phen played baseball and the saxophone in high school. His baseball coach remembers him as "hardworking and dedicated." His friends remember him as having a great sense of humor. In high school, Stephen was voted "most witty."

Ever since he was a child, Chief Warrant Officer Two Shephard had a love for aviation. He got his pilot's license before he even graduated from high school. His sister says that "being a pilot was his lifelong dream." After graduating from high school, Stephen earned a bachelor's degree in aviation from Oklahoma State University and then served as a flight instructor at the Air Force Academy in Colorado Springs and at Kansas State University. Stephen was a wonderful teacher with patience and a sense of humor in the classroom. His students loved him and looked up to him.

In 1998, Stephen married Meleah, who is also from Purcell. Like many other Americans, Stephen felt a call to duty following the September 11 attacks, and he joined the Army in 2002 in response to that call. Stephen and Meleah were expecting their first child in September of this year.

Stephen was assigned to B Company, 3rd Battalion, 3rd Aviation Regiment of the 3rd Infantry Division out of Fort Bragg, NC. He was killed on June 27, 2005, in Tija, Iraq, when enemy forces shot down the Apache helicopter he was flying. Stephen died doing what he loved—flying—and fighting for our freedom.

For this soldier from Purcell, OK, there is no deeper honor than the memory he leaves behind. He gave of himself in life as well as in death, and stands out as an example to all of us. Today I honor a true hero, CWO2 Stephen Shephard.

MARINE SERGEANT JAMES R. GRAHAM, III

Mr. President, it is a great but solemn honor to rise today in memory of a courageous young man who recently gave his life in defense of his Nation and his fellow soldiers, Marine Sgt James R. Graham, III.

Sergeant Graham, 25, leaves behind a wife and two small children. He was known for his kindness and willingness to help others, often playing soccer with neighborhood children.

Sergeant Graham was assigned to 4th Tank Battalion, 4th Marine Division, Marine Forces Reserve, an antitank unit based in Broken Arrow, OK. He was deployed to Iraq with the 2nd Marine Division, II Marine Expeditionary Force to provide support in the ongoing reconstruction and security efforts. While serving there he was awarded the Good Conduct Medal, the Armed Forces Reserve Medal and the Selective Marine Corps Reserve medal. On Monday, August 1, he was killed as a result of a suicide bombing while conducting combat operations near Hit, a city about 85 miles northwest of Baghdad.

The soldiers, friends, and family who are left behind remember a true example of professionalism and patriotism. Sergeant Graham died a true hero, worthy of the respect and gratitude of every American. None among us can dispute the tragedy of plans unrealized and ambitions unfulfilled, and our thoughts and prayers are with Sergeant Graham's wife and family. Though we are all grieved by the loss of this soldier, we will never cease to be proud of him. His sacrifice echoes across the world and in our hearts. He was a true Oklahoman, and a true American—Sgt James Graham, III.

#### OPERATION HOME DELIVERY

Mrs. BOXER. Mr. President, Hurricane Katrina has caused unprecedented destruction and suffering for so many people in this country. The rest of the Nation has been extremely generous to help people who are suffering from the devastation caused by Katrina.

One area where people need help is rebuilding housing. To help Katrina victims, Habitat for Humanity International is launching "Operation Home Delivery," to provide assistance and rebuilding opportunities in New Orleans and elsewhere along the gulf coast. A major component of this operation is the "home in a box project."

The plan is to "pre-build" the frame of a home. The house will be assembled to ensure the construction, and, then, the frame will be taken apart and the components placed, along with other necessary construction materials, in a container and shipped to an area along the gulf coast or New Orleans where families, volunteers, and builders will rebuild the home.

"Operation Home Delivery" homes will mirror traditional Habitat homes by being simple and affordable, providing approximately 1,100 to 1,300 square feet of living space. The estimated cost of a house for the gulf region is only \$85,000. This includes all components to completely build the home and costs associated with transportation, delivery, utilities and site preparation. The first project in "Operation Home Delivery" will be this month in Jackson, MS.

I am asking each Senator to go back to your respective States and seek assistance for Habitat for this outstanding project. Designated dollars for "Operation Home Delivery" will purchase specific pieces of the house. For example, \$35 will buy roof shingles or \$100 will buy a front door. These gifts will allow people not only to have a home but to begin to rebuild their lives.

Habitat for Humanity is working to provide hope for the future to the victims of Katrina with this worthy project.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September 22, 2004, a 36-year-old man was stabbed several times outside his home by two men in New Orleans, LA. The apparent motivation for the attack was the man's sexual orientation.

I would note that recently in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

#### "SHOW-ME" LEADERSHIP THAT SAVED LIVES

Mr. BOND. Mr. President, the tragedy that has befallen the gulf coast region, its impact on families and communities, has been truly staggering. Our thoughts and prayers are with each individual who has been affected by this hurricane. Yet even in our darkest hours and our most difficult days once again we have seen the emergence of an American spirit that takes pride in triumphing in the face of great adversity. The examples of this American spirit are too numerous to document. We have seen examples in every neighborhood, every city, and every state in the nation as Americans all over the country have rallied around those who are most in need. In Missouri, we have opened our doors and welcomed displaced families to our homes, our communities, our churches, our schools, our health centers, and our hospitals.

Today, I would especially like to highlight the efforts to bring some of New Orleans' littlest victims to safety in Kansas City. Confronted with no electricity, shortage of supplies and the growing security concerns in the

face of looters, the New Orleans Children's Hospital was forced to evacuate and seek safer locations for all of their young patients. In the great spirit of the Show-Me State, the dedicated leadership and staff of Kansas City Children's Mercy Hospital didn't sit back and wait to be asked to help. Instead, Children's Mercy President and CEO Rand O'Donnell picked up the phone and called the CEO of the New Orleans Children's and asked how he could help. Children's Mercy threw open their doors to make room for 24 of these children ranging in age from 3 months to 23 years, from New Orleans Children's Hospital. These patients are being treated for a variety of conditions including asthma, cystic fibrosis, leukemia, kidney failure, and broken bones.

With the help of the Missouri National Guard, two C-130 military transport planes transported the patients and family members from New Orleans. The C-130 planes, part of the 139th Airlift Wing in St. Joseph, MO, were already in the region as part of national hurricane relief efforts. Children's Mercy also sent a smaller, fixed-wing aircraft capable of transporting two patients at a time. That plane and the Children's Mercy crew were used to transport a critically ill child to another children's hospital. Children's Mercy and MAST ambulances helped transport the children from the airport to Children's Mercy and Children's Mercy South. About 30 parents and other family members traveled with the patients. I am pleased to report that these children are doing well; in fact some of these children have already been discharged from the hospital.

Missouri, no stranger to disaster, wasted no time in showing folks that in difficult times we pull together, sending doctors, transport teams, supplies, and the National Guard to rescue these children and their families. Children's Mercy even arranged for lodging, food and transportation to be provided for the parents and families during their time in Kansas City. Thanks to the generosity and hospitality shown to these families by both the hospital and the community some of these families are considering a permanent relocation to the Kansas City area.

I rise today to salute the remarkable work of the staff at Kansas City Children's Mercy and the Missouri Air Guard on behalf of some of the hurricane's littlest victims and their families. In times of trouble, people look for leadership. During a week of great uncertainty, you pulled together as a team and led people from chaos to safety. Together you provided leadership and hope to those who desperately needed it. You were an inspirational example to others seeking to provide help. I have never been prouder to represent you and the State of Missouri.

S. 1711

Mr. FEINGOLD. Mr. President, while I do not make it a practice to comment on every bill that has been introduced, I am moved to remark on what I consider to be a particularly misguided recent legislative initiative—a bill allowing the Environmental Protection Agency, EPA, the very agency charged with protecting the public's health, to waive all laws under its jurisdiction—public health and environmental laws—during the cleanup of hurricane Katrina. The bill, S. 1711, would even allow these waivers over local and State opposition.

People returning to areas devastated by the hurricane deserve to know, among other things, that their water is safe to drink and that new construction won't put them or their families in harm's way by polluting their air or by destroying wetlands that can provide valuable ecological services. Although the legislation calls for up to 18 months of waivers, given the long-term nature of the types of activities involved, the effects of these waivers could be long lasting.

The broad approach being pushed is completely unnecessary and puts people and the environmental resources they depend upon at risk. While all of us want to help those affected by hurricane Katrina, there is simply no valid reason to think that we need to erode established environmental and public health protections in order to do so. We should be focused not on efforts that could harm the very people who have already faced the unthinkable but on efforts that will safeguard the health of the public and the health of the environment. Anything short of this should be off the table.

#### DEFEATING TERRORIST NETWORKS

Mr. FEINGOLD. Mr. President, throughout the 4 years since the September 11, 2001, terrorist attacks on this country, it has been clear to me that our first national security priority must be combating and defeating the terrorist networks that seek to do us harm. Former U.S. Ambassador to the United Nations Richard Holbrooke wrote a thought-provoking piece about the ideological battleground that is a vitally important part of our challenge, and about the importance of public diplomacy efforts in our overall campaign. It was published in the Washington Post on September 9, and I ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 9, 2005]

OUR ENEMY'S FACE  
(By Richard Holbrooke)

Let us take a hard look at some extremely important words: "the global war on terrorism." Since Sept. 11, this phrase—often reduced in Washingtonese to "GWOT"—has entered the English language, popularized by

journalists and administration officials. It is the way our highest national priority is described by almost everyone.

But "GWOT" is not an accurate description of America's enemy or of what we are engaged in. Unless people know whom we are fighting, it will be virtually impossible to win the war of ideas that is such a key part of this struggle. The new undersecretary of state for public diplomacy, Karen Hughes, who is charged with primary responsibility for this part of the war, has a chance to fix the problem, but only if she is willing to change some deeply ingrained rhetoric and the political reasons behind it.

Stopping terrorists, using all necessary means, is vital in protecting the Nation. We cannot win without the use of force and first-rate intelligence. But suicide bombers are merely the expendable, deluded cannon fodder of ruthless ideologues. This has been true with terrorists throughout history. The long-term battle is against the underlying ideas and leaders behind these specific groups of terrorists.

Despite factionalism and fierce doctrinal disputes, our enemies, broadly speaking, constitute a movement, with goals, gurus, ideologues, myths and martyrs. They share a core set of virulently anti-Western beliefs and have common goals: to destroy the moderate (and still majority) wing of Islam, to establish Islamist theocracies that look backward toward a mythic "golden age," to seek the destruction of Israel, and to inflict maximum damage and human suffering through acts of terrorism.

Among its leaders, there is one whose face is as internationally recognized today as Adolf Hitler's was in 1941. He was responsible for Sept. 11. Yet the United States has not made it a primary goal to expose Osama bin Laden as the monster he is, something Roosevelt and Winston Churchill did to Hitler, and American leadership did to communism during the Cold War by demonstrating its moral and intellectual bankruptcy. Bin Laden (unlike Saddam Hussein) has been virtually ignored in public by official Washington.

Terrorism is not an end in itself; it is a tactic, just as it has been for countless other movements throughout history that sought to destroy or paralyze the established order, or attract attention to their cause. Over 2 years ago, Zbigniew Brzezinski, among others, pointed out that a "war on terror" was like a "war on blitzkrieg" or a "war on war." For this important insight, the former national security adviser was both attacked and ignored. During the 2004 campaign, I stumbled into a public dispute with senior administration officials, including Vice President Cheney, when, as a John Kerry surrogate, I told a New York Times Magazine writer that the phrase could be considered a metaphor and compared it to phrases such as the "war on poverty." For this both Kerry and I were assailed as naive, and I was asked, in the sneering tones of certain cable television interviewers, if I really thought we were at war with a "metaphor."

Of course not. But despite the grand rhetoric, does anyone think the United States is actually fighting "terror" or "terrorism" globally? We may detest terrorism in Sri Lanka, but we are not engaged in that civil war. Nor in Nepal, northern Uganda, Aceh or countless places around the world.

By calling both Iraq and Sept. 11 part of the war on terrorism, the administration has been partially successful in linking public support for the less popular war in Iraq to the universally supported fight against al Qaeda, even though no convincing evidence has been produced connecting the two. No other explanation has proved as valuable in keeping Americans, albeit in declining num-

bers, behind our increasingly controversial involvement in Iraq. "GWOT," as Dan Froomkin wrote on The Post's Web site last month, is "the metaphor that has consistently been [President Bush's] most potent weapon in the battle for public opinion."

The struggle against violent extremism will continue, of course, long after bin Laden is eliminated by death or capture. It will be a long conflict, with casualties and high costs, just like the efforts against fascism and communism. But fundamentally this is a war of ideas, and a more aggressive, direct attack on those ideas, and the men behind them, is necessary.

For starters, Osama bin Laden must be discredited, even if he remains at large. He is not, as some argue, irrelevant simply because his war will continue after he is gone (although, of course, it will). He remains a folk hero to millions of Muslims; youths wear T-shirts of him and children are named after him throughout the Muslim world. The United States should stop ignoring him and his henchmen; exposing them must become a top priority. He is a false prophet who incites mass murder, but he is clearly eloquent and charismatic. His ideas, no matter how insane they seem to us, appeal to many people. (Hitler had those qualities, too.)

Which brings us back to Karen Hughes. With her enormous bureaucratic clout, derived from her closeness with President Bush, the new undersecretary of state has a chance to make history. To do so, however, she must change some fundamental parts of our public message, and then devise better delivery systems for it—precisely what she did so effectively for Bush during so many campaigns.

Hughes should begin by revisiting what her own boss said on Aug. 6, 2004, speaking without a text. "We actually misnamed the war on terror," the president said that day. "It ought to be the struggle against ideological extremists who do not believe in free societies, who happen to use terror as a weapon." He was, inexplicably, laughed at for this remark, and rapidly retreated to safer rhetorical terrain. More recently, when Defense Secretary Donald Rumsfeld tried to replace "GWOT" with the "global struggle against violent extremism"—a somewhat more accurate phrase—the president immediately overruled him and again linked GWOT closely to Iraq during a series of public appearances.

But the president got it right last year. Words matter, and we need better ones to explain to the world, and to ourselves, who the enemy is. How about making it simple and specific: something like "the war against Osama bin Laden and his followers"? And then create an all-out, no-holds-barred campaign to expose, ridicule and destroy everything he and his ilk stand for—murder, horror, intolerance, disrespect for human life and a false view of Islam.

#### ADDITIONAL STATEMENTS

##### IN RECOGNITION OF REVEREND DR. VAHAN H. TOOTIKIAN

● Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to a distinguished religious leader in Michigan, Reverend Dr. Vahan H. Tootikian. Dr. Tootikian will be honored at a special testimonial banquet on Sunday, September 25, 2005, in Troy, MI. The tribute will mark his retirement from active parish ministry and will recognize his 30 years as pastor of

the Armenian Congregational Church of Greater Detroit and his 46 years of Christian ministry. Since accepting his call to the ministry in 1959, Dr. Tootikian has used his talents and unique skills to encourage and enlighten people around the world. He has earned the respect and admiration of the Armenian and the greater religious community in Michigan, throughout North America, and around the world for his pastoral leadership and his commitment and devotion to service.

Born in Kessab, Syria in 1935, Dr. Tootikian received his primary education at the Armenian Evangelical schools in Syria and his secondary education in Beirut, Lebanon. He simultaneously earned a bachelor of art degree with honors and a bachelor of theology degree with honors from the American University of Beirut and the Near East School of Theology, respectively. He then served as pastor of Armenian Evangelical Churches in Syria and Egypt before coming to the United States in 1965 to pursue religious studies at Hartford Seminary, Harvard Divinity School, and Andover Newton Theological Seminary. While serving as minister of the Armenian Memorial Church in Watertown, MA, Dr. Tootikian earned a master of sacred theological degree in 1970, and a doctor of ministry degree cum laude in 1973.

In 1975, Dr. Tootikian was welcomed into the pastorate of the Armenian Congregational Church of Greater Detroit. Under his spiritual guidance, the Church has flourished and undergone expansion, which has included a new Christian Education Building, the founding of an Armenian library, and the organizing of the Armenian Heritage Committee to preserve and perpetuate the Armenian Christian Heritage.

Over the years, Dr. Tootikian has also provided leadership to numerous organizations, including the Armenian Evangelical Union of America, Armenian Missionary Association of America, and the Armenian Evangelical World Council—AEWC. During his tenure with AEWC, the 1700th Anniversary of Armenian Christendom was celebrated by all Armenian Evangelical Unions in Yerevan, Armenia, and the first Armenian Evangelical Pastors' Conference was held in May 2003 in Evian, France. As a scholar and lecturer, Dr. Tootikian has provided instruction at the University of Michigan and at the Lawrence Technological University. Dr. Tootikian has authored 27 books, with 6 of them currently in use as college textbooks. In addition, he has been a frequent contributor to many magazines and papers, and currently writes bilingual articles for 12 Armenian papers and periodicals. His efforts in support of various educational, philanthropic, religious and cultural organizations have been recognized through many awards and the establishment of endowment funds in his honor.

I know my colleagues join me in congratulating Dr. Tootikian on his serv-

ice to the community, and on his many achievements in the pastoral ministry. I am pleased to offer my best wishes to him on his retirement, and for many more years of good health, happiness, and contribution to the spiritual well being of many people around the world.●

#### MESSAGE FROM THE HOUSE

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

#### 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-3798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (241)" ((RIN2120-AA65)(2005-0023)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Los Angeles Class B Airspace Area; CA" ((RIN2120-AA66)(2005-0195)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Surface Area, South Lake Tahoe, CA" ((RIN2120-AA66)(2005-0193)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class D Airspace; and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120-

AA66)(2005-0194)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3802. 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 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes; Equipped with Pratt and Whitney Model JT9D-3 and -7 Series Engines" ((RIN2120-AA64)(2005-0398)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-IV, GIV-X, GV, and GV-SP Series Airplanes" ((RIN2120-AA64)(2005-0396)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64)(2005-0397)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R-22 Series Helicopters" ((RIN2120-AA64)(2005-0401)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3806. 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, 757-200CB, and 757-200PF Series Airplanes Equipped with Rolls Royce Model RB211 Engines" ((RIN2120-AA64)(2005-0399)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Deutschland Ltd and Co KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64)(2005-0400)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64)(2005-0395)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation General Amendments" ((RIN2126-AA61)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.



EC-3810. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service of Process on Foreign Manufacturers and Importers" (RIN2127-AJ69) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reorganize and Harmonize Controls and Displays" (RIN2127-AI09) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 209, Emergency-Locking Retractors" (RIN2127-AI38) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Securities of Nonmember Insured Banks" (RIN3064-AC88) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3814. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (12 CFR Part 345)" (RIN3064-AC89) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3815. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (20 subjects on 1 disc beginning with "Environmental Restoration for Military Munitions Response Program") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3816. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (13 subjects on 1 disc beginning with "COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3817. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "Miscellaneous Medical Questions") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3818. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (14 subjects on 1 disc beginning with "Comments on Cannon AFB") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3819. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (7 subjects on 1 disc beginning with "DUSD(I&E) Letter on Environmental Hearing QFRs from August 11, 2005") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3820. A communication from the Under Secretary of Defense for Acquisition, Tech-

nology, and Logistics, transmitting, pursuant to law, a report (11 subjects on 1 disc beginning with "Center for Fixed Wing Air Platform RDAT&E") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3821. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "DFAS Data Back-Up") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3822. 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 "Selfridge ARS-ARB MI MILCON") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3823. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA Position Paper IFF (Rev)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3824. 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 "DoD Technical Changes to Commission Recommendations") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3825. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3826. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Naval Support Activity New Orleans, LA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3827. 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 "Issue Papers Provided to the Commission") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3828. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Inquiry Response Regarding COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 1726. A bill to designate the facility of the United States Postal Service located at

324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1727. A bill to provide grants for prosecutions of cases cleared through use of DNA backlog clearance fund; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1728. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending November 30, 2005; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

By Mr. COBURN (for himself and Mr. INHOFE):

S. 1731. A bill to designate the Department of Veteran Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1732. A bill to require the Federal Trade Commission to conduct an inquiry into the retail prices of natural gas and gasoline; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. AKAKA, and Mr. VITTER):

S. 1736. A bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:

S. 1737. A bill to prohibit entities that provide nuclear fuel assemblies to Iran from providing such assemblies to the United

States, and for other purposes; to the Committee on Foreign Relations.

# SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR):

S. Con. Res. 53. A concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected; to the Committee on Rules and Administration.

## ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reservists and their families, and for other purposes.

S. 419

At the request of Mr. KYL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 695

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Maryland

(Mr. SARBANES) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) 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 terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1190

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1190, a bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs.

S. 1260

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1260, a bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1373

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ne-

vada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1373, a bill to amend title 18, United States Code, to prohibit human chimeras.

S. 1405

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by Medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1581

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1581, a bill to facilitate the development of science parks, and for other purposes.

S. 1633

At the request of Mr. TALENT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1633, a bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators.

S. 1637

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities

to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1689

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1689, a bill to state the policy of the United States on international taxation.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

#### AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### AMENDMENT NO. 1548

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1548 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### AMENDMENT NO. 1730

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1730 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending No-

vember 30, 2005; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I want to discuss one of the many potential problems that will face this Nation in the aftermath of Hurricane Katrina. We have all heard the stories of the displacement of thousands of citizens from Louisiana, Mississippi, and Alabama. Many of these people have lost everything—their homes and belongings destroyed.

Undoubtedly, some of these people are veterans with claims they wish to appeal from the Board of Veterans' Appeals to the Court of Appeals for Veterans Claims. Under current law, a veteran has 120 days to file a notice of appeal to the Court of Appeals for Veterans Claims. If a notice of appeal is not filed within the 120-day window, the veteran essentially loses the right to appeal and might not receive benefits to which the veteran is entitled.

Given the current conditions in the gulf coast region, Congress must conclude that 120 days is not enough time for a veteran to file a notice of appeal. The sheer stress of the situation and the possibility that veterans and their advocates may not have access to the appropriate files makes 120 days for appeals unreasonable.

I have submitted legislation that extends the window for a notice of appeal from 120 days to 240 days for a veteran affected by Hurricane Katrina. This extension will provide appropriate relief to those attempting to rebuild their lives. Veterans should not be additionally burdened during these turbulent times.

I urge my colleagues to support this commonsense legislation and it is my hope that this legislation will pass the Senate in the near future. 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. 1729

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

#### SECTION 1. EXTENSION OF TIME FOR APPEAL OF CERTAIN DECISIONS RENDERED BY BOARD OF VETERANS' APPEALS.

(a) APPEAL PERIOD.—Notwithstanding section 7266(a) of title 38, United States Code, a Hurricane Katrina-affected person adversely affected by a final decision of the Board of Veterans' Appeals, which is rendered during the period beginning on June 1, 2005, and ending on November 30, 2005, may file a notice of appeal with the Court of Appeals for Veterans Claims at any time before the expiration of 240 days after the date on which notice of such decision is mailed pursuant to section 7104(e) of such title.

(b) DEFINITION.—In this Act, the term "Hurricane Katrina-affected person" means a person—

(1) who, as of August 28, 2005, resided in a county identified as being adversely affected by Hurricane Katrina in Florida, Louisiana, Mississippi, or Alabama by Federal Disaster Declaration notice 1602, 1603, 1604, or 1605, respectively (as amended), issued by the Federal Emergency Management Agency; or

(2) whose claim is under the jurisdiction of the Department of Veterans Affairs regional

office in New Orleans, Louisiana or Jackson, Mississippi.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to join Senator VOINOVICH of Ohio in introducing a new Social Security lockbox proposal, the Truth in Budgeting Act of 2005. For years, I have urged my colleagues to stop what I believe is the reckless practice of raiding Social Security trust fund surpluses to pay for other things. By failing to save these surpluses, we are putting future generations in the position of having to borrow trillions of dollars to make good on our Social Security, Medicaid, Medicare, and other commitments.

The legislation Senator VOINOVICH and I are introducing today would not only take Washington's hand out of the Social Security cookie jar, it would literally take the cookie jar away. If our bill is adopted, Social Security surpluses and other trust fund surpluses would no longer be used to fund other functions of Government and to mask the size of the Federal deficit. Instead, Social Security payroll taxes would be used to provide future Social Security benefits, as they were always intended.

Our bill would end the practice of spending trust fund surpluses. Instead, it would require those surpluses to be set aside and invested in a broadbased bond index fund that will be drawn on to finance our future obligations. In many ways, this legislation is a truth-in-budgeting bill because it will force us to recognize the true size of our fiscal deficit. It is our hope this will force Congress and the President to work together to address not only our current budget imbalances but our long-term entitlement challenges.

Let me take a few minutes, if I could, to explain why I think this legislation is so important.

Our budget situation has taken a dramatic turn for the worse. Over the last 5 years, we have gone from record surpluses to record deficits. The 2005 deficit is now projected to be \$331 billion, the third worst in U.S. history. That is before Katrina. The increase in debt this year will be far higher.

This is something that I find confuses the American people, confuses my constituents, confuses the media, and perhaps even confuses our colleagues: The advertised deficit—\$331 billion before Katrina—is not the amount the debt will increase by this year. The amount the debt will increase by is much larger, approaching \$589 billion,

and that is before Katrina. Why the difference? Because in the deficit calculation, borrowing from trust funds is ignored. It is not ignored when you consider how much the debt is increasing. It is ignored in the deficit calculation.

But, for example, the \$173 billion this year that will be borrowed from the Social Security trust fund and used to pay for other things, is not included in the deficit calculation. It is added to our debt. It has to be paid back. It is not included in the deficit calculation.

There are \$85 billion of other transactions, such as that one, that will add up to a total of a \$589 billion increase in the debt. Again, that is before Katrina.

Looking forward, our current budget takes every penny of Social Security surplus over the next 10 years to pay for tax cuts and other spending priorities. Over the next 10 years, under the budget that has been passed here, every penny of Social Security surplus is being taken to pay for other things—\$2.5 trillion.

The reported shortfall in Social Security over the next 75 years is \$4 trillion on a net present value basis. I, frankly, do not believe that. I think that shortfall is significantly overstated. But if it were real, if it were \$4 trillion, look at the comparison here on this chart: We are taking \$2.5 trillion in Social Security money over the next 10 years, using it to pay for other things, when we say Social Security has a \$4 trillion shortfall on a net present value basis. What sense does this make? We are digging the hole deeper before starting to fill it in.

I said something I want to go back to because I indicated I do not believe the projected \$4 trillion shortfall in Social Security is correct. That is the estimate of the actuaries. I think they are wrong. Why do I think they are wrong? Because their whole scenario is based on economic growth for the next 75 years averaging 1.9 percent a year. Over the previous 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did. We have a huge problem. The problem we have, I believe, is a budget problem. The problem we have is, first, we are running very large deficits now before the baby boomers retire. No.2, the shortfall in Medicare is 7 times the shortfall in Social Security, approaching \$30 trillion. There is the real 800-pound gorilla.

In Social Security, the problem is not so much the shortfall, at least from my perspective. I think the problem is that the assets in the Social Security trust fund—and there are assets there. Anybody who tells you there are no assets there is wrong. There are assets there. They are special-interest Government bonds, backed by the full faith and credit of the United States, that are in the trust fund. The problem is,

those bonds have to be redeemed out of current income. That is the problem. Those bonds sitting in the Social Security trust fund have to be redeemed out of current income.

We already have a circumstance in which we are running massive deficits. We have this looming shortfall in Medicare. Oh, yes, we have a problem. We have a big problem, and the sooner we get at it, the better. The first thing to do is stop diverting Social Security money to use for other purposes. As I have indicated, this increase in debt is happening at the worst possible time, right on the brink of the retirement of the baby boom generation. The number of Social Security beneficiaries is projected to climb to 81 million people by 2050. This is not a projection. It is not a projection. The baby boomers have been born. They are alive today. They are going to retire, and they are eligible for Social Security and Medicare. That has enormous implications for the future.

As stunning as it may seem, we are only 3 years away from the beginning of the retirement of the baby boom generation. Social Security trust funds are running surpluses now. But starting in 2017, payroll tax revenue will no longer be sufficient to pay for benefits. Those bonds we are issuing to the Social Security trust fund will have to be redeemed out of current revenues at the time. At this point, as shown on the chart, the Social Security surpluses will turn into Social Security deficits—out here in 2017. When that happens, a serious budget crunch will ensue, unless we find a way now to save those surpluses.

Another way of looking at this is by looking at the total balances in the Social Security trust funds, which are expected to peak at over \$6 trillion in 2026. As shown on this chart, this is the pattern of the Social Security trust fund assets. You can see, right now we are at about 2005, about right here, and we are still in the buildup phase. There are massive surpluses being run in the Social Security accounts. But instead of the money being used to prepay the liability or to pay down debt, the money is being used to pay for other things.

So here we have it. We have this massive buildup. In 2026, roughly, the trust fund assets peak at \$6 trillion, and then they begin being drawn down precipitously. We have a problem. It is a serious problem. It is a problem that is inexorable. Unfortunately, our current budget policy is contributing to the problem because it is taking the amount that is in surplus every year and using it to pay other bills. That is comfortable. That is easy. But it does not help us deal with the problem.

In 2001, I urged my colleagues to set aside \$900 billion of what was then projected to be surplus to either prepay the liability or pay down debt. For those who are advocates of personal accounts, the money could have been used to establish personal accounts,

not borrowing it but putting real assets behind it. For those who do not like personal accounts, the money could have been used to pay down debt to better prepare ourselves for the time when the baby boomers retire.

The chart I was showing before perfectly illustrates why this is no time to permanently or continually divert Social Security and other trust fund surpluses to other purposes. Failing to return to a fiscal path of saving trust fund surpluses will severely limit Congress' ability to address the looming pension and health care needs of the baby boomers and will shift a larger debt and tax burden on to future generations.

Any private-sector corporation that behaved like the Federal Government is behaving would find its chief officers on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House. Anybody who was running a private-sector entity that took trust fund assets, retirement fund assets of its employees, would be guilty of a Federal crime. They would be on their way to a Federal institution. It would not be Congress; it would not be the White House; they would be on their way to a Federal penitentiary.

What is happening here is a shell game, and it is a shell game with enormous consequences, not like a shell game where somebody bets on some corner deal and loses \$10 or \$20. This is a shell game being played by society. I believe it is time to put a stop to this practice of borrowing against future commitments.

That is why I am proud to join Senator VOINOVICH to introduce a newly designed bipartisan lockbox bill to stop the raid on Social Security and other trust funds. This legislation says enough is enough. The raid on Social Security and other trust funds has to stop. It is time to start saving Social Security surpluses for Social Security and to stop raiding the Social Security piggy bank to pay for other priorities.

With this bipartisan legislation, Senator VOINOVICH and I intend to finally put Social Security in a lockbox that works. Our bill takes a new tack on the lockbox concept by fundamentally changing the way in which Social Security and other trust fund surpluses are invested. The legislation would create a new Office of Trust Fund Administration at the Treasury Department that would be charged with investing Social Security and other trust fund surpluses in safe, non-Federal debt instruments, including State municipal bonds, corporate bonds, mortgage-backed securities, and bond index funds. These interest-bearing investments could only be used to meet the obligations of Social Security and other Federal trust funds.

Under our proposal, trust fund surpluses would no longer be used to fund the general operations of Government, and the true size of the Federal deficit would be revealed, forcing us to tackle

these deficits head on. This bill, if passed, would force Congress, the President, and the public to recognize the true cost of Federal borrowing, and it would force the Federal Government to invest in real assets that could be used to finance future financial obligations.

I believe our Nation is in a precarious financial position. Unfortunately, our current budget policies have worsened our outlook by driving the Nation further into deficits and debt. We need to begin by returning to budget discipline and paying down debt.

It is time for us to take a new direction. I believe this legislation is an important first step.

I thank my colleague, Senator VOINOVICH, for his work on this matter. He has spent months pursuing the issue. I am honored to join him. I believe this is an important policy change for the country and for the Congress. I hope that my colleagues will support it.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

Mr. THUNE. Mr. President, as I traveled across my State of South Dakota this August, I heard from many constituents about the high cost of health care. Concerns about the cost of health care are not limited, however, to the people of South Dakota. These concerns span across state lines and across the minds of people of all ages.

There is no one-size-fits-all solution to the issues of access and cost of health care.

My State of South Dakota is rural. In South Dakota, 46 out of our 66 counties are classified as medically underserved areas—areas that have insufficient health resources, manpower or facilities to meet the medical needs of the population. This poses a significant challenge in providing health care to the 750,000 residents of South Dakota.

Providing high quality affordable health care will take the cooperation of both the public and the private sector. The use of technology in the delivery of health care has been a proven method in providing quality care while reducing cost.

Telehealth uses telecommunications and information technologies to provide health care services at a distance. It provides individuals in remote underserved areas access to specialists and other health care providers through the use of technology. This means that when my constituent in Gregory, SD, needs his skin examined by a dermatologist, he does not need to travel the 185 miles to Sioux Falls.

The practice of telemedicine, however, has been underutilized and underfunded despite numerous studies praising the ability of telehealth to deliver care to individuals in remote areas.

The adoption of telehealth has been hampered by legal, financial, and regulatory barriers.

My legislation, the Fostering Independence Through Technology Act of 2005, takes a step in the right direction of breaking down the barriers that prevent the adoption of telehealth. It provides incentives for home health agencies to purchase and utilize home monitoring and communications technologies. My legislation is pro technology, pro quality, and pro savings.

Specifically, my bill requires the Secretary of the Department of Health and Human Services to create demonstration projects that would encourage home health agencies to utilize remote monitoring technology. Utilizing technology in the home health setting would reduce the number of visits by home health aides while still providing quality care.

Each demonstration project is required to include a performance target for the home health agency. This target will be used to determine whether the projects are enhancing health outcomes for Medicare beneficiaries as well as saving the program money.

Each year, the home health agency participating in the pilot will receive an incentive payment based on a percentage of the Medicare savings realized as a result of the pilot project.

The demonstration projects would be conducted in both rural and urban settings because medically underserved areas exist across the country. One project, however, is required to be conducted in a state with a population of less than one million.

Technology is improving each and every day. I ask then, why one of the biggest industries in our Nation—health care—is not utilizing this technology to reduce costs and improve the quality of care delivered. Breaking down the barriers that prevent wider adoption of telehealth will improve our system of care and lower the cost of health care for individuals across the country.

The practice of telehealth brings medicine to people, people who live in medically underserved areas and people who are too frail or too ill to leave the comfort of their homes.

My legislation answers the call for wider adoption of telehealth and provides Medicare beneficiaries independence without sacrificing quality of care.

It is time for Congress to tackle the legal, financial, and regulatory barriers that are preventing the implementation of technology into the health care field. The legislation that I am introducing today takes a giant step in this direction and I urge my colleagues to support this legislation.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to pre-

serve a special place in my home state of New Mexico, the Valle Vidal.

New Mexico is a State filled with natural wonders, so when you hear people referring to the Valle Vidal as "New Mexico's Yellowstone" you have to stop and take notice. Any visitor to the place won't find it hard to see what inspires such a grand comparison. The scenic and wildlife features of the Valle Vidal stand out, even in the spectacular country of northern New Mexico.

For decades the area was admired from afar by the public as a famous private hunting and fishing ranch, until it was finally taken into public ownership in 1982. Since then, the Valle Vidal has become a premier destination for all manner of lovers of the outdoors. Whether you are drawn to its beautiful aspen stands, its wide meadows and the spectacular views they afford, its abundant wildlife, or the outstanding camping opportunities that the Boy Scouts take advantage of every year, there is much to cherish in the Valle Vidal.

As the home and crucial wintering ground of the State's largest elk herd the area is of iconic value to New Mexican hunters. The elk herd is so prized that the State only allows for a once-in-a-lifetime permit to hunt there. I am told those that do get a permit rarely return unhappy.

The Valle Vidal is also home to native Rio Grande cutthroat trout and will play an important role in the State's plans to recover that species from its depressed numbers today.

The Forest Service has recognized the unique values of the Valle Vidal and manages the area with a special emphasis on wildlife but they are required under current law to consider developing the eastern half for coalbed methane production. They have completed their estimates of the available gas resources under the Valle Vidal and any further analysis would be the responsibility of the lessee. Based on the estimates the Forest Service has done it is clear that, although there is certainly money to be made drilling for gas in the Valle Vidal, the amounts that could be produced are of no national significance. The Forest Service has begun the process of amending their management plan for the area and would later begin analyzing the potential conflicts that drilling would encompass sometime late next year. This bill would remove the need for the second part of that process.

New Mexico has significant coalbed methane resources in both the Raton Basin, where the eastern half of the Valle Vidal is, and the San Juan Basin. In fact, the San Juan basin is one of the Nation's foremost natural gas production areas, generating about 1 trillion cubic feet of gas each year. New Mexico is one of this country's foremost producers of oil and natural gas and we are proud of what we do for our Nation's energy picture. But New Mexicans are also proud of our wild country. The places we love define our character as much as the work we do.

The undefinable characteristic of being a New Mexican is shown the most clearly in the places we cherish—the places that we recognize as so special that we want to set them aside for our children and our grandchildren. This is particularly true when it is not an easy choice to set them aside. It would be easy to simply pursue resources wherever we find them. We certainly need the energy and have shown remarkable ingenuity in extracting oil and gas from places previously thought unreachable and with gradually lessening effects on the surrounding landscape. But our essential character is revealed in making the harder choice to slow down and recognize that some places are special and warrant special treatment. The Valle Vidal is such a special place.

Even if there were significant gas resources under the Valle Vidal it would be very difficult to risk turning it into an industrial zone. But we don't really face that choice here. The eastern half of the Valle Vidal comprises less than 1 percent of the gas-producing Raton Basin. According to the Forest Service, even with the most optimistic projections the gas resources are less than one-half of 1 percent of the Raton Basin resources. Using those same projections and even with intensive development we could only expect enough gas to come out of the Valle Vidal over its 20 year development to meet our Nation's gas needs for less than 3 days. In short, drilling the Valle Vidal wouldn't make a dime's worth of difference in our national energy picture.

The Raton Basin will continue to be developed and I'm sure we will continue to find additional areas in New Mexico to meet this nation's growing energy needs but I hope we can set aside this place to meet some of our other needs. Our need to get outside and experience the best the natural world has to offer. By creating the Valle Vidal National Preserve with this bill we can take the opportunity to preserve an essential piece of New Mexican character and demonstrate once again that value is more than a question of dollars and cents.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Energy Emergency Consumer Protection Act of 2005. I want to thank the original co-

sponsors of this legislation, which include Senate Minority Leader REID, and Senators DURBIN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, KOHL, SCHUMER, STABENOW, DORGAN, and CORZINE.

This legislation would put in place a Federal law to prohibit gasoline price-gouging during national emergencies, and would institute new protections for American consumers from manipulation of oil and gasoline markets.

Even before the devastation caused by Hurricane Katrina and its tragic aftermath, skyrocketing oil and gasoline prices were burdening American families and our Nation's economy—with the notable exception of the oil industry, which continued to rack up record profits. Already in my home State of Washington, prices had reached 74 cents a gallon more than last year before the storm hit. After the storm—though our supplies were not directly affected—prices topped \$3 per gallon in some areas of my State, including some of the most rural and economically challenged. And following that tragic storm, gas prices in some areas of this Nation reached almost \$6 per gallon.

The volatility in oil and gasoline prices shows few signs of abating. Just yesterday, we saw oil set the new record for a one-day spike in prices. At the New York Mercantile Exchange, those prices rose more than \$4 per barrel just yesterday, to close at \$67.39. That's the largest single-day price spike since oil started trading on the exchange, in 1983.

It's clear to me that we have a lot of work to do, if we're going to get serious about addressing one of the most important challenges facing our generation of Americans: improving our Nation's energy security. We need a long-term plan and national commitment to free us from our over-dependence on oil in general. We need to make the American economy more fuel efficient, and position this Nation to compete in the 21st Century economy. It is in our Nation's long-term economic and national security interests to improve the fuel efficiency of American vehicles, provide consumers with the tools to make smart choices, provide those same consumers with a broader array of fuel-flexible vehicles and transportation options, and expand our production of home-grown biofuels, in more diverse regions of this country. Especially when it comes to fuel efficiency, this body has to date lacked the political will necessary to take the steps we must to bolster this Nation's energy and economic security. Along with my colleagues who have been tireless champions on this issue for so long, Senators FEINSTEIN and DURBIN, I will continue to fight to put our Nation on the right path when it comes to fuel efficiency.

But in the short-term, we also need to take a close look at the lack of transparency and increased concentration in the oil and gasoline markets,

which has left us in a situation where the very few can set the prices that impact the lives of so many. And we need to make sure we have a national plan—triggered in cases of national emergencies—that makes it clear profiteering at the gas pump will not be tolerated.

Right now, the oil companies know we don't have a plan to protect American consumers. That's why we need a Federal law that's going to prohibit price gouging, and assess Federal penalties from those who exploit national tragedies to maximize their profits. That is why my colleagues and I have come together today to introduce this legislation.

In the wake of Hurricane Katrina, we have already heard gas station owners complaining that the big oil companies ordered them to raise prices. Investigating those claims should be the top job of federal regulators—and there should be harsh penalties for that kind of behavior, profiteering in the midst of a national disaster.

Today, 28 States have anti-gouging laws on the books. Unfortunately, my own State is not among them. But in crafting this legislation, I have looked to those other state laws—focusing specifically on the law of the State of New York, where price gouging cases have been successfully prosecuted in the past, related to natural disasters.

But I also want to remind my colleagues again that, while Hurricane Katrina exposed the underlying vulnerability of the American economy to supply disruptions, average U.S. gasoline prices were already 75 cents more than they were a year earlier—and many consumers had begun to ask why. While the oil companies have filled their coffers with record profits over the past few years, our Nation's airlines, truckers, farmers and small businesses across the board are struggling to make ends meet because of skyrocketing fuel costs. Worker pensions are in jeopardy, and families are already feeling the squeeze.

That's why this legislation also contains provisions to ban manipulation in oil and gasoline markets, and institutes new market transparency, investigation and enforcement mechanisms. These measures are based on provisions in the recently enacted bipartisan energy bill that prohibited these practices in other sectors of the energy industry. It provides for the same kind of anti-manipulation and transparency rules as those with which electricity and natural gas industries must comply. This legislation would apply the same sort of anti-manipulation and transparency standards to the oil industry that we already apply to companies that sell other essential energy commodities.

Already, these prices are impacting a diverse swath of the U.S. economy and hurting hard-working Americans. According to the Department of Energy, Americans will spend over \$200 billion more on energy this year than they did



last year, totaling over one trillion dollars.

These energy prices are also costing us jobs. On average, every time oil prices go up 10 percent, 150,000 Americans lose their jobs—based on the calculations of the Bureau of Labor Statistics and Federal Reserve Board.

What's more, according to the non-partisan Congressional Budget Office, a 40 percent increase in gas prices this month will decrease total domestic consumption by 0.4 percent. And unless prices come down in the fourth quarter, our Gross Domestic Product (GDP) will fall by 0.9 percent. These energy price spikes are strangling economic growth. According to the Congressional Research Service, every time oil prices go up by 10 percent for a sustained period of time, we lose somewhere between \$80 billion and \$160 billion in economic growth.

But while these prices are hurting the economy as a whole, they are having a particularly profound impact on our Nation's energy-intensive industries. For example, they are hampering the American airline industry. The airline industry estimates it will pay \$9.2 billion more for fuel in 2005 than in 2004, a 103 percent increase from 2001. As Southwest CEO Steve Kelly told the *Seattle Times* just last week, "We are now facing energy prices that no airline can make money at, at least with today's [ticket prices]."

These prices are also making it impossible for our farmers to break even. Even during a good year, farmers operate on profit margins of only about 5 percent, so fertilizer, fuel, and pesticide price increases of 20 percent or more have made it very difficult to get by.

Other sectors of the transportation industry are also being dramatically impacted. Take, for example, the trucking industry. Diesel fuel accounts for a quarter of the trucking industry's operating expense, or \$85 billion in 2005. Each penny increase in diesel costs the trucking industry \$350 million over a full year.

And these prices are impacting essential services in this country. School districts and local governments are feeling the pain, as are federal agencies themselves. Higher fuel prices are expected to add \$300 million to the Postal Service's transportation costs nationwide this year.

What about the pain these prices are causing, in other ways? Energy costs are putting pensions at risk and requiring taxpayer bailouts. That's particularly true when it comes to the hundreds of thousands of airline workers in this country. United Airlines has already transferred \$6.6 billion of its pension obligations to the government pension agency. If Delta and Northwest terminate their pension plans following their bankruptcy declarations, taxpayers would have to cover another \$12 billion.

And these prices are especially harmful to low-income Americans. House-

holds with incomes under \$15,000—about one-fifth of all households in this country—this year will spend around 10 percent of their total income on gasoline alone.

And what's going to happen this winter? Heating costs for the average family using heating oil are projected to hit \$1,666 during the upcoming winter months. This represents an increase of over \$400 over last winter's prices and \$700 more than the winter heating season of 2003 and 2004. For families using natural gas, prices are projected to hit \$1,568, representing an increase of over \$600 over last year's prices and \$640 more than 2003 and 2004.

These alarming statistics lead me to question where is all this money going? The Congressional Budget Office wrote recently that increased gasoline prices are "basically a temporary redistribution of income from consumers of gasoline to the stockholders of refiners."

This is a situation that is causing gross inequities between different industries themselves. Oil industry profits have nearly tripled over the last three years to roughly \$87 billion last year—likely to be even more this year—while the airline industry has lost over \$32 billion over the last four years.

How is this happening? While we watch all of these economic impacts transpire, our federal regulators have allowed the oil industry to strengthen its choke-hold on American consumers and businesses. According to the independent Government Accountability Office, mergers and increased market concentration with the U.S. petroleum industry has led to higher wholesale gasoline prices in this country.

That's why it's time for this body to do something about it. The Energy Emergency Consumer Protection Act is a common-sense approach to protect American consumers from gasoline price gouging during national emergencies. And it begins to shine the spotlight on the marketing practices of the oil industry in general.

I thank my cosponsors for their support, and I ask my colleagues to support this legislation.

Mr. KOHL. Mr. President, I rise today to join Senator CANTWELL in cosponsoring the Energy Emergency Consumer Protection Act of 2005. This bill will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products. With the tremendous suffering caused by Hurricane Katrina resulting in gas supply disruptions, and with gas prices at record levels well in excess of \$3.00 per gallon in many places throughout the Nation, the time is now for passage of this essential legislation.

In the wake of the Hurricane Katrina disaster and the associated disruptions to supply and distribution networks, the national average price of gas is now

at record levels. Allegations of price gouging and drastic price spikes were unfortunately commonplace in the immediate days following the disaster—including, for example, gas being sold at \$6.00 per gallon in the Atlanta area. Many believe that the human suffering caused by loss of life, housing, and employment, has been compounded by some unscrupulous individuals and businesses who have taken advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government has virtually no ability to prosecute such price gouging. Our bill will correct this critical deficiency.

This legislation contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the bill, for the first time, declares illegal under federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to \$3,000,000 per day and criminal penalties, including jail terms of up to five years for individuals, as well. The bill also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constituting market manipulation. Additionally, our bill gives states Attorneys General the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those who would seek to profit from this enormous tragedy by price gouging consumers in the price of gasoline. It will protect consumers—both those who were the victims of the immediate effects of Hurricane Katrina and those around the country—who suffer every day at the gas pumps from the real and growing economic pain caused by record high gas prices. As Ranking Member on the Senate Antitrust Subcommittee, I believe that this legislation is necessary to prevent unscrupulous companies using the disaster on the Gulf Coast to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Energy Emergency Consumer Protection Act.

## SUBMITTED RESOLUTIONS

## SENATE CONCURRENT RESOLUTION 53—EXPRESSING THE SENSE OF CONGRESS THAT ANY EFFORT TO IMPOSE PHOTO IDENTIFICATION REQUIREMENTS FOR VOTING SHOULD BE REJECTED

Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 53

Whereas the most fundamental right accorded to United States citizens by the Constitution is the right to vote, and the unimpeded exercise of this right is essential to the functioning of our democracy;

Whereas historically, certain citizens, especially racial minorities, have been prevented from voting because of significant barriers such as literacy tests, poll taxes, and property requirements;

Whereas the long and difficult struggle to remove these and other barriers to voting resulted in the loss of life but also led to the passage of the 15th, 19th, and 24th Amendments to the Constitution;

Whereas in the face of persistently low voter turnout relative to other industrialized democracies, exaggerated fears of voter impersonation have led to calls for more stringent voter identification requirements, including the requirement of government-issued photo identification cards as the only approved form of voter identification;

Whereas there has been no substantiated evidence of any significant incidence of fraud due to voter impersonation, and the more serious attack on ballot integrity has been the discounting of millions of ballots, including an estimated 6,000,000 ballots lost in the 2000 Presidential election;

Whereas there is no evidence that photo identification requirements address the few isolated instances of such fraud;

Whereas 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new United States citizens, the indigent, the elderly, or the disabled;

Whereas government-issued identification cards can cost as much as \$85 and are often unnecessary for the daily needs of, or inaccessible to, many urban, rural, elderly, and indigent voters who do not own cars;

Whereas the National Commission on Federal Election Reform reported in 2001 that a photo identification requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban";

Whereas an alarming number of States, including most recently the State of Georgia, have passed proposals requiring voters to produce government-issued photo identification at the polls;

Whereas the State of Georgia no longer allows affidavits affirming one's identity to meet the identification requirement for voting, a change that will likely disproportionately affect minorities, new United States citizens, the indigent, the elderly, and the disabled;

Whereas 150,000 senior citizens in the State of Georgia do not have a form of government-issued photo identification;

Whereas residents in the State of Georgia can obtain the newly required voter identification card in only 56 places in all 159 counties in Georgia with no such places currently located in Atlanta, Georgia;

Whereas the State of Georgia permits the use of various forms of proof of identity to obtain government-issued identification that it does not accept in a similar manner when its citizens attempt to exercise their constitutionally protected right to vote;

Whereas the State of Georgia will charge United States citizens at least \$20 for voters to purchase 1 of the government-issued photo identification cards required under the new State law unless such citizens wish to endure the potential humiliation of swearing to their indigency;

Whereas poll taxes are prohibited in Federal elections by the 24th Amendment to the Constitution and in State elections by a 1966 Supreme Court case;

Whereas the Secretary of State of Georgia has stated that photo identification would not have resolved any instances of voter fraud;

Whereas the Voting Rights Act of 1965 requires that Georgia and other States with histories of discrimination in elections prove that election laws and practices do not hinder minorities' ability to exercise the franchise, including access to the polls, and that such States have such laws and practices approved by the Department of Justice before implementation;

Whereas the Department of Justice's approval of the Georgia statute in August of 2005 was a troubling example of a recent trend towards weakening voter protections and countenancing voter suppression;

Whereas Hurricane Katrina and its aftermath have destroyed or rendered unusable the official records of many State and local government agencies in Louisiana, Mississippi, and Alabama, as well as the documents of thousands of residents in those states, which will significantly complicate the ability of those residents to obtain photo identification cards;

Whereas the residents of the Gulf Coast region, in particular, those residents displaced by Hurricane Katrina, have already suffered immeasurably in recent weeks and should not be further burdened by losing their right to vote because they cannot obtain photo identification cards;

Whereas the Carter/Baker Election Reform Commission recommended that States implement mandatory State-issued photo identification requirements for voting at the polls, despite the lack of evidence that such identification will address documented instances of voter fraud; and

Whereas an electoral system with integrity is one that allows all eligible voters the opportunity to cast their votes, and thus election reform must further democratic empowerment, not disenfranchisement: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of such citizens;

(2) the Department of Justice should—

(A) vigorously enforce the Voting Rights Act of 1965; and

(B) challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements; and

(3) any effort to impose national photo identification requirements for voting should be rejected.

Mr. OBAMA. Mr. President, today I am submitting a resolution to express the Senate's strong disapproval of recent efforts to disenfranchise Americans.

In the weeks since Hurricane Katrina ravaged the Gulf Coast, our country has been awakened to the plight of the most vulnerable Americans—the poor, the elderly, the sick, and the disabled. And if we have learned anything from this tragedy, it is that the Government has too often ignored the needs of these citizens in crafting national policy. Whether it is homeland security or education or health care, these Americans have consistently been left behind.

Now, we are in danger of proceeding down another path that disregards the needs of our Nation's neediest—the right to vote. This is the most fundamental right protected by the Constitution and the right for which many Americans have fought and died.

The last two Presidential elections were tainted by allegations of fraud and abuse. The complaints ranged from long polling lines to faulty machines to confusing ballots. The rampant complaints have shaken people's confidence in our election system. And so it is all of our duty to work to restore and protect the integrity of the electoral process.

Unfortunately, in this new millennium, too many electoral reform efforts seem intent on limiting access to the ballot as opposed to expanding it. In the mid-20th century, the poll tax was the preferred means of disenfranchising large minority populations, specifically African Americans. Today, the poll tax is taking on a new form—a photo identification requirement for voters.

According to the National Commission on Federal Election Reform, such a requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban." Nevertheless, a number of States, including Georgia, have recently passed laws mandating government-issued photo identification for voters at the polls.

In Georgia alone, at least 150,000 senior citizens do not have government-issued photo identification, which can cost up to \$85. Nationwide, at least 12 percent of eligible drivers do not have a driver's license. And Georgia has made it difficult for rural and urban folks to obtain their voter photo identification. There are currently only 56 places in all 159 counties where such identification is available, with no places available in Atlanta. For people who already lack transportation, which may be why they do not have driver's licenses, it is far-fetched to think that these same people could easily get to another county to obtain a voter identification card.

Earlier today, the Carter-Baker Commission on Federal Election Reform released its recommendations for improving the electoral process. While many of the Commission's recommendations are worthy of consideration, its report recommends the implementation of a national voter identification requirement, despite acknowledging that there is "no evidence of extensive fraud in U.S. elections or of multiple voting."

This past weekend, Afghanistan held its second successful national election, and we have seen successes in Iraq's elections as well. If these nascent democracies can commit themselves to bringing any and all citizens to the polls, surely we can do the same.

Many of us both here in Washington and around the country have been asking questions over the past three weeks about our Nation's priorities and our commitment to helping our country's most vulnerable citizens. But a major priority should be ensuring that these citizens can exercise the most fundamental right in a democracy—the right to vote.

The resolution I am submitting today, along with Senator DODD and joined by Senators REID, CORZINE, CLINTON, HARKIN, FEINGOLD, AKAKA, DORGAN, KENNEDY, KERRY, MIKULSKI, LAUTENBERG and others, expresses the Senate's strong disapproval of photo identification requirements for voting. The resolution also urges the Department of Justice to challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements and urges the rejection of any national photo identification requirements for voting.

I am honored that Representative JOHN LEWIS, a civil rights icon who put his life on the line to fight for the right to vote, will be introducing the same resolution in the House later this week.

I urge my colleagues to support this important resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1736. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1737. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1738. Mr. ALLARD (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL) proposed an amendment to the bill H.R. 2744, supra.

SA 1739. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1741. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1742. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1743. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1745. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1746. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1747. Mr. DURBIN (for Mr. REID) proposed an amendment to the bill H.R. 2744, supra.

SA 1748. Mr. DURBIN (for Mr. INOUE (for himself, Mr. AKAKA, and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2744, supra.

SA 1749. Mr. DURBIN (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2744, supra.

SA 1750. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1751. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1752. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1753. Mr. ENSIGN (for himself, Mr. BYRD, Mr. GRAHAM, Mr. LOTT, Mr. DEMINT, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2744, supra.

SA 1754. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1755. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1756. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1757. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1758. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1759. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1760. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1761. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, Mr. BAYH, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1762. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1763. Mr. TALENT (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 2744, supra.

SA 1764. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment in-

tended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1765. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2744, supra.

SA 1766. Mr. KOHL (for Mr. PRYOR) proposed an amendment to the bill H.R. 2744, supra.

SA 1767. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1768. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1769. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1736.** Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 19, strike "\$12,400,000" and insert "\$17,400,000".

On page 128, line 24, strike "\$1,000,000" and insert "\$6,000,000".

On page 129, line 2, insert before the period at the end the following: "": *Provided further*, That \$3,000,000 shall be provided to each third round empowerment zone".

On page 173, after line 24, insert the following:

SEC. 7. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$5,000,000.

**SA 1737.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9, before the period at the end insert the following: "": *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the

option of the Secretary on such terms and conditions as the Secretary deems in the public interest”.

**SA 1738.** Mr. ALLARD (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

**SA 1739.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SECTION \_\_\_\_\_. HUMANE METHODS.

Section 2 of Public Law 85-765 (commonly known as the “Humane Methods of Slaughter Act of 1958”) (7 U.S.C. 1902) is amended—

(1) by redesignating subsections (a) and (b) as paragraphs (1) and (3) respectively, and indenting accordingly;

(2) in the first sentence, by striking “No method” and inserting the following:

“(a) IN GENERAL.—No method”;

(3) in the second sentence, by striking “Either of the following two” and inserting the following:

“(b) PARTICULAR METHODS.—The following methods”;

(4) in paragraph (1) (as redesignated by paragraph (1))—

(A) by striking “in the case” and inserting “In the case”;

(B) by inserting “or ratites” after “other livestock”;

(C) by striking “animals” and inserting “livestock or ratites”;

(D) by striking “; or” at the end and inserting a period;

(5) by inserting after paragraph (1) (as redesignated by paragraph (1)) the following:

“(2) In the case of poultry and rabbits, shackling prior to being rendered insensible to pain is permissible if the handling and shackling is performed in a humane manner.”; and

(6) in paragraph (3) (as redesignated by paragraph (1)), by striking “anemia” and inserting “ischemia”.

**SA 1740.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, \$15,000,000, shall be transferred from the Office of the

Commissioner to the Office of Over-the-Counter Drug Evaluation.”.

**SA 1741.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. It is the sense of the Senate that—

(1) the Senate—

(A) encourages expanded efforts to alleviate hunger throughout developing countries; and

(B) pledges to continue to support international hunger relief efforts;

(2) the United States Government should use financial and diplomatic resources to work with other donors to ensure that food aid programs receive all necessary funding and supplies; and

(3) food aid should be provided in conjunction with measures to alleviate hunger, malnutrition, and poverty.

**SA 1742.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting “or similar commodities” after “the commodity”.

**SA 1743.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: “, of which not less than \$1,500,000 shall be used for special grants for agricultural research related to hardwood scanning”.

**SA 1744.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, \$10,000,000, shall be transferred from the Office of the Commissioner to the Office of Drug Safety for purposes of postmarket surveillance activities.”.

**SA 1745.** Mrs. MURRAY submitted an amendment intended to be proposed by

her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that the amounts appropriated under this heading for salaries and expenses of the Office of the Commissioner shall be reduced by \$5,000,000.”.

**SA 1746.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 19, insert the following:

In addition, notwithstanding any other provision of this Act, none of the amounts appropriated under this title shall be expended to initiate or conduct a rulemaking process relating to the over-the-counter application for the drug Plan B. The preceding sentence shall not apply to the 60-day public comment period initiated on August 26, 2005, relating to such drug.

**SA 1747.** Mr. DURBIN (for Mr. REID) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. (a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(M) MINIMUM MILK PRICES FOR HANDLERS.—

“(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

“(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

“(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

“(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

“(III) is not otherwise obligated by a Federal milk marketing order, or a regulated

milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

“(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

“(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

“(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

“(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

“(III) a handler (otherwise described in clause (ii)) for any month during which—

“(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

“(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

“(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.”.

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

“(D) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.”.

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distributing plant provisions of each Federal milk marketing order issued under section

8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

**SA 1748.** Mr. DURBIN (for Mr. INOUE (for himself, Mr. AKAKA, and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 101, line 10, before the period at the end insert the following: “: *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii”.

**SA 1749.** Mr. DURBIN (for himself, Mr. ENZI, and Mr. KENNEDY and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General

of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

**SA 1750.** Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9 at the end of the sentence insert the following:

“*Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their “as is” condition, when vacated by the Agricultural Research Service.”

**SA 1751.** Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24, insert the following new paragraphs:

“SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States.”

**SA 1752.** Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24 insert the following:

“SEC. . The Secretary of Agriculture may establish a demonstration intermediate re-lending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.”

**SA 1753.** Mr. ENSIGN (for himself, Mr. BYRD, Mr. GRAHAM, Mr. LOTT, Mr. DEMINT, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

**SA 1754.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities.

**SA 1755.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. The Secretary of Agriculture (referred to in this section as the "Secretary") shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

**SA 1756.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Notwithstanding the proclamation by the President dated September 8, 2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

**SA 1757.** Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "\$128,072,000" and insert "\$126,072,000".

On page 167, line 20, strike "\$12,000,000" and insert "\$14,000,000".

**SA 1758.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, line 20, strike "\$12,000,000" and insert "\$14,000,000".

**SA 1759.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: "; of which not less than \$1,500,000 shall be used for special grants for agricultural research related to hardwood scanning".

On page 85, line 15, strike "\$128,072,000" and insert "\$126,572,000".

**SA 1760.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. (a)(1) Section 101 of division B of Public Law 108-324 (118 Stat. 1232) is amended—

(A) in subsection (a)(2)—

(i) by striking "the 2003, 2004, or 2005 crop (as elected by a producer), but limited to only one of the crop years listed" and inserting "the 2003 or 2004 crop (as elected by a producer) and the 2005 crop"; and

(ii) by striking "qualifying crop losses" and all that follows through "in this paragraph."; and

(B) in subsection (c)(1), by striking "2004" and inserting "2005".

(2) The amounts made available by the transfer of funds in or pursuant to the amendments made by paragraph (1) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(b)(1) Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) for 2005 losses.

(2) In carrying out the Program, the Secretary shall—

(A) provide assistance to any applicant that—

(i) conducts a livestock operation that is physically located in a disaster county, including any applicant conducting a livestock operation with eligible livestock, as that term is used in carrying out the livestock assistance program under section 101(b) of division B of Public Law 108-324 (118 Stat. 1232); and

(ii) meets all other eligibility requirements established by the Secretary for the Program; and

(B) provide assistance to any applicant that—

(i) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(ii) meets all other eligibility requirements established by the Secretary for the Program.

**SA 1761.** Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, Mr. BAYH, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 9, before the colon insert the following: "; of which \$10,440,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana".

**SA 1762.** Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by inserting "per year" after "\$75,000".

**SA 1763.** Mr. TALENT (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:



On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

**SA 1764.** Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "\$128,072,000" and insert "\$116,072,000".

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. In addition to other amounts made available by this Act, \$12,000,000 shall be made available to the Secretary of Agriculture for the provision of specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note), of which not more than 5 percent shall be available for administrative expenses.

**SA 1765.** Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

**SA 1766.** Mr. KOHL (for Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 10, insert ", Cleburne County, Arkansas," after "Montana".

**SA 1767.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. (a) Not later than 14 days after the date of the enactment of this Act, the Federal Trade Commission shall initiate an inquiry into the retail prices of natural gas and gasoline to determine if the prices of natural gas and gasoline (both before and after Hurricane Katrina), including the price of gasoline containing ethanol, is being arti-

ficially manipulated by reducing refinery capacity, by speculation in oil market, or by any other form of manipulation.

(b) Not later than 14 days after the initiation of the inquiry required under subsection (a), the Federal Trade Commission shall report to Congress the results of the inquiry.

(c) Not later than 14 days after issuing the report required under subsection (b), the Federal Trade Commission shall hold a public hearing for the purpose of presenting the results of the inquiry.

(d)(1) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the attorney general of any affected State, take appropriate action.

(2) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy. The Secretary shall, not later than 14 days after receiving such notification, decide if expanded use of the Strategic Petroleum Reserve should be implemented to assure adequate supplies of gasoline.

(e) This section shall cease to apply on—

(1) the date the Federal Trade Commission makes its determination described in subsection (d); or

(2) if applicable, the date of the decision of the Secretary of Energy under paragraph (2) of such subsection.

**SA 1768.** Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended in subsections (f) and (g)(1) by striking "2005" each place it appears and inserting "2007".

**SA 1769.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. Notwithstanding any other provision of law (including regulations), none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that applies the term "crop year" in a manner that fails to take into account the varying climates of different regions of the United States.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE, Mr. President, the Chair wishes to inform Members that the

Committee on Small Business & Entrepreneurship will hold a public hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, at 10 a.m., in room 428A of the Russell Senate Office Building.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a business meeting during the session of the Senate on Tuesday, September 20, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this meeting will be to markup S. 1582, a bill to reauthorize the U.S. Grain Standards Act.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BENNETT, 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 September 20, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Emil Henry Jr., of New York, to be Assistant Secretary for Financial Institutions, Department of the Treasury; Ms. Scottie Theresa Neese, of Oklahoma, to be Director of the United States Mint; and Mr. Patrick O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 20 at 10 a.m. The purpose of this 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, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Tuesday, September 20, 2005, at 2:30 p.m. to hold a hearing on China's Role in Latin America.

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

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to meet to conduct a hearing on "The Kelo Decision: Investigating Takings of Homes and other Private Property" on Tuesday, September 20, 2005 at 10 a.m. in the Dirksen Senate Office Building Room 226. The tentative witness list is attached.

Panel I: The Honorable John Cornyn, United States Senator [R-TX].

Panel II: Ms. Susette Kelo, New London, CT; Fred Jenkins, Pastor, St. Luke's Pentecostal Church, North Hempstead, NY; The Honorable Eddie A. Perez, Mayor, Representing the National League of Cities, Hartford, CT; Hilary O. Shelton, Director, NAACP Washington Bureau, Washington, DC; Thomas Merrill, Charles Keller Beekman Professor of Law, Columbia University, New York City, NY; Steven J. Eagle, Professor of Law, George Mason University, Arlington, VA.

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

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Tuesday, September 20, 2005, at 3 p.m., on Review of the Prediction of Hurricane Katrina.

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

MEASURE PLACED ON THE CALENDAR—S. 1718

Mr. BENNETT. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1718) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

Mr. BENNETT. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, SEPTEMBER 21, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 21. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60

minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

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

PROGRAM

Mr. BENNETT. Mr. President, tomorrow, the Senate will return to the consideration of the Agriculture appropriations bill. Under a previous order, there is a filing deadline of 4 p.m. for first-degree amendments. I urge Senators to come forward early with their amendments so we can finish the bill tomorrow night. Rollcall votes will occur throughout the day tomorrow, and I announce on behalf of the majority leader that a late night may be necessary in order to finish the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. 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 6:36 p.m., adjourned until Wednesday, September 21, 2005, at 9:30 a.m.

## EXTENSIONS OF REMARKS

### A PROCLAMATION HONORING BETHLEHEM APOSTOLIC TEMPLE

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Bethlehem Apostolic Temple is celebrating their 73rd Church Anniversary; and Whereas, Dr. D.W. Cummings, Senior Pastor, is celebrating his 25th Anniversary with Bethlehem Apostolic Temple; and

Whereas, Bethlehem Apostolic Temple and Dr. D.W. Cummings have served and worshipped with their community with devotion and care; and

Whereas, I wish Bethlehem Apostolic Temple and Dr. D.W. Cummings the best of luck in all of their future endeavors.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Bethlehem Apostolic Temple and Dr. D.W. Cummings as they celebrate these momentous occasions.

### HONORING MARY RUTHSDOTTER FOR INFLUENCING THE IMPORTANCE OF WOMEN'S HISTORY

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend, Mary Ruthsdotter, of Sebastopol, California. Mary will be 61 years old on October 14, an appropriate occasion to reflect on her profound influence on the recognition of the historical importance of women in this country.

In 1980, with Molly Murphy MacGregor, Maria Cuevas, Paula Hammett and Bette Morgan, Mary founded the National Women's History Project (NWHF) in Santa Rosa, California. It was both the fulfillment of a dream to organize a national clearinghouse and curriculum development center and the beginning of a sustained effort to celebrate the diverse and historic accomplishments of women.

Mary's passion for women's issues began shortly after she moved to Sonoma County from southern California with her husband David Crawford and her daughter Alice. Although not previously involved in the burgeoning women's movement, she became interested after receiving a letter from the Sonoma County Commission on the Status of Woman and volunteered to work for the group (she later became Chair). She soon realized the Commission could not provide all the needed services for women and was instrumental in organizing the nonprofit Women's Support Network to fill these gaps and operate as an umbrella agency for other groups.

The NWHF, with the assistance of other supporters, spearheaded the movement for

National Women's History Week leading to the designation of March as National Women's History Month in 1987. This designation raised the group's national profile; however, Mary's work with them involved much more.

In the days when the Internet was not available for widespread communication, Mary established a nation-wide network and newsletter and was instrumental in providing resource materials and lists to schools. She co-produced a video series, *Women in American Life*, as well as the first video documenting the role of Latino women, *Adelante, Mujeres*. Publishers all over the country sent thousands of books as Mary coordinated book reviews on the subject of women in history. She later indexed all the selections and donated them to Sonoma State University. In fact, she still reads women's biographies for fun.

Mary's can-do attitude, high energy, organization, and up-beat optimism are hallmarks of all aspects of her life. Several years ago she and her husband were leaders in organizing an "intentional community," a co-housing project in Sebastopol, CA, where people of different ages and backgrounds could share in and enrich each other's lives. They have recently returned from visiting their daughter, son-in-law, and grandson in Australia.

Recently, Mary worked as a field representative for State Assemblymember Patricia Wiggins who described how creatively "Mary never gave up when she was providing service and refused to let the bureaucracy interfere in her progress." When a local hospital encountered long delays from the State in securing certification for a newly hired physician, Mary got busy on the phone. When she asked where his application was in the stack, her contact replied, "On the bottom." So, Mary said, "Well, why don't you just put it on the top?" The worker did, and the hospital received certification immediately. She was the heroine in many, many similar situations.

Mr. Speaker, as Mary wrote in her article *Women and Equal Rights*, "Today, America is living the legacy of the great progress women have made, while their earnest quest for full and true equality continues." Mary Ruthsdotter exemplifies the passion and spirit behind this quest. She is a role model for young women and an inspiration for all of us. Thank you, Mary, for all you are and what you mean to so many.

### TRIBUTE TO THE SAN MATEO COUNTY MEDICAL ASSOCIATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. ESHOO. Mr. Speaker, I rise today to honor the San Mateo County Medical Association as it celebrates a century of service to the people of San Mateo County, California.

In response to an invitation from the California Medical Association, a handful of Penin-

sula physicians met in the front parlor of the Union Hotel in the City of San Mateo, California, on December 22, 1904, to discuss the creation of a local society. The doctors reconvened on January 16th of the next year and elected the distinguished Dr. Harry Garrison Plymire of South San Francisco as their temporary President. The first official meeting of the San Mateo County Medical Society was called to order on September 12, 1905, and 16 physicians were listed as charter members. The constitution of the new organization stated that its purpose was to "promote the science, and art of medicine while conserving and advancing public health."

The Society incorporated as the San Mateo County Medical Association in 1992 and it continues its constitutional mission of promoting the art and science of medicine and advancing public health. It publishes a pictorial directory of physicians as well as 10 editions of a bulletin each year. Various Association committees examine medical issues to interpret current practices and foster new professional insights. Together with the California Medical Association, the San Mateo County Medical Association shares the primary goals of organized medicine for the State of California: To educate and serve physicians, promote quality health care for the people of the State and create a strong voice on health care issues.

Mr. Speaker, I ask my colleagues to join me in honoring the San Mateo County Medical Association and all of its members, both past and present, for their extraordinary service to our community and our country.

### ON THE 150TH ANNIVERSARY OF THE FOUNDING OF FIRST CHRISTIAN CHURCH

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding church in my district, First Christian Church, located in the great city of Fort Worth, Texas. On Sunday, October 2, 2005, First Christian Church celebrates the 150th anniversary of its organization which began in 1855 in the home of Dr. and Carroll Peak.

The First Christian Church holds the distinction of being Fort Worth's oldest continuously operating church, forming just 6 years after Major Ripley Arnold brought a unit of the U.S. Army to a cliff overlooking the Trinity River to establish a military outpost in 1849 that he named in honor of his commanding general. Today, First Christian Church continues as a vibrant, engaged church located in the heart of downtown Fort Worth, one of the great downtowns in America. Appropriately, the church's theme for its 150th anniversary celebration is "From the Frontier to the Future."

The First Christian Church and its members have served the Fort Worth community well

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

over the last 150 years. In 1865, Rev. J.A. Clark founded Add-Ran Male and Female College in the First Christian Church, but moved the institution for a time to a more sedate location south of Fort Worth known as Thorp Springs. Add-Ran College today is one of Fort Worth's most prestigious universities, Texas Christian University (TCU). TCU has been in Fort Worth since 1911. In 1878, First Christian built a "rock church" on a site at 612 Throckmorton Street. The property was purchased for \$1,500. First Christian Church continues at that site today in a sanctuary that was erected in 1914 to replace the rock church. The Renaissance Revival style church, designed by architects E.W. Van Slyke and Clyde Woodruff, was designated an official Texas Historical Landmark in 1970 and was placed on the National Register of Historic Sites in 1983.

First Christian Church has been blessed.

One of First Christian's early members and president of its board for 53 years, K. M. Van Zandt also was instrumental in transforming Fort Worth from a small, former military outpost into one of the major cities of Texas and the United States. Van Zandt, while serving his church, helped other Christian churches form in Fort Worth and provided leadership for construction of the present sanctuary. At the same time, he formed with other Fort Worth business leaders a construction company that brought the railroad to the city, co-created and led a bank that was the town's leading financial institution for almost a century and co-founded the community's first newspaper, as well as making time to serve on the local school board and in the Texas Legislature.

In 1912, Dr. L.D. Anderson became pastor. During Dr. Anderson's 49-year ministry, First Christian Church thrived with membership reaching 3,000. First Christian's historic church was restored and updated in the course of a seven-year renovation project that was completed in 1993.

Not only has First Christian Church withstood the test of time as a Fort Worth institution, it also has endured Mother Nature. First Christian is in the heart of the Downtown Fort Worth area that was struck by a devastating tornado in 2000. While neighboring buildings suffered extensive destruction, First Christian escaped with damage only to the rear of its sanctuary and the church dome. The dome had been restored only a few years earlier. Through hard work and dedication, the sanctuary and dome were again restored by 2001, while the church continued to service its members and to give strength to the community in trying times.

Mr. Speaker, it is my honor to recognize First Christian Church as a church that began in the early days of Fort Worth and that, like the city which it calls home, has grown and evolved into a great institution. It is my honor to praise the past and the present leadership of this outstanding and companionate institution for serving their members well and for their role in making Fort Worth a truly great place in which not only to live, but also to work.

#### TRIBUTE TO CLIFFORD D. LINK

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to honor Naval Criminal Investigative Service (NCIS) Special Agent Clifford D. Link, Assistant Director for Financial Management, who will retire after 30 years of federal service on October 1, 2005.

Assistant Director Link started his federal career in June 1975 as a GS-2 clerk with the Federal Bureau of Investigation (FBI) in New York. Working full-time during the day and attending classes at night, Assistant Director Link graduated from the distinguished John Jay College of Criminal Justice in New York. Subsequently, he was promoted in grade and joined the FBI Special Support Group (SSG) conducting counterintelligence surveillances.

In 1978, Assistant Director Link was introduced to the (then) Naval Investigative Service (NIS) during a joint NIS/FBI proactive counterintelligence operation "Operation Lemonade". As a member of the FBI SSG, then Investigative Assistant Link was providing surveillance support to the joint operation. Through that relationship, Assistant Director Link was convinced that NIS was a growing, dynamic and progressive worldwide organization and that a NIS career would be challenging and rewarding.

In October 1979, Assistant Director Link was offered a NIS Special Agent position with his initial assignment to NIS Resident Agency (NISRA) Washington, DC. Since then, Assistant Director Link has served as a Special Agent at NIS Resident Unit (NISRU) Bethesda, MD; NISRA Yokohama, Japan; and NISRA New York. Assistant Director Link also served in assignments as the Assistant Special Agent in Charge (ASAC) NISRA Point Loma, CA; ASAC NCIS Fraud Unit, San Diego, CA; SAC NCIS Fraud Unit, San Francisco, CA; ASAC (FCI) NCIS San Diego Field Office; RAC NCISRA Camp Pendleton, CA and DSAC San Diego Field Office. Assistant Director Link's NCIS Headquarters assignments included Program Manager for Defense Counterintelligence Integrated Information Systems, Executive Assistant to the Director for Planning and Strategy, Executive Assistant to the Director for Modernization, Executive Assistant to the Director for Transformation, and his current position as Assistant Director for Financial Management.

During the 26 years of his NCIS career, Assistant Director Link has engaged in practically every aspect of NCIS operations, including criminal investigations, special and undercover operations, counterintelligence investigations and operations, fraud, counterterrorism, antiterrorism, force protection, hostage negotiations and overseas deployments. He also participated in and led protective service operations that put him in the presence of Presidents, Vice Presidents, Cabinet Secretaries, Members of Congress, Ambassadors, Foreign Dignitaries, Flag and General Officers, and various other federal, state and local leaders. Assistant Director Link had the opportunity to travel all over the globe, to include Europe, the Far East, Middle East and Iraq.

After the bombing of the USS *Cole*, Assistant Director Link served as leader of the Sec-

retary of the Navy's Situational Awareness and Intelligence Working Group and as a member of the Department of Defense Counterintelligence Working Group. He continued as a member of these task forces after the 9/11 attacks.

Transitioning to his NCISHQ assignment, Assistant Director Link was a co-leader in the NCIS Zero Based Review, was a member of the NCIS Strategic Management Council, led the development of the new NCIS Management and Administration Office, participated in the NCIS Modernization effort and, for the past year, has led the Financial Management Directorate. Mr. Speaker, Assistant Director Link has served this nation honorably for 30 years and deserves the recognition of this body, his community and the United States of America.

#### WELCOMING PRESIDENT CHEN OF THE REPUBLIC OF CHINA

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. GINGREY. Mr. Speaker, on behalf of my constituents in the state of Georgia, it is a privilege to welcome President Chen of the Republic of China to the United States. As you know, the United States has a rich history of personal liberty, democracy, and republican government. It has been over 26 years since Congress passed the Taiwan Relations Act recognizing our nation's friendship. It is my hope that all of China will one day live in a peaceful Democratic society, enjoying free enterprise and personal freedom.

Our shared goals of democracy, increasing standards of living, peaceful association, and economic development are vital to the growth and security of our nations. The Republic of China is a strong example of the achievement of these goals. Mr. Speaker, Taiwan enjoys a democratic government that fully upholds human rights, where its citizens enjoy the freedom to assemble and practice their religion of choice. These attributes allow the Republic of China to benefit from the world's 14th largest economy and one of the world's highest standards of living.

I personally cherish the close relationship between the Republic of China and the United States. Thousands of Taiwanese students study at U.S. colleges and universities while Taiwanese tourists choose the United States as their number one overseas destination outside of Asia. Moreover, Taiwanese consumers make the Republic of China one of our nation's closest trade allies.

I would like to thank President Chen for the support and friendship of the Republic of China. I believe he deserves a great deal of credit and thanks for his leadership in successfully maintaining the peace and stability in the Taiwan Strait. Mr. Speaker, I ask that you will join me in once again welcoming President Chen to the United States as our nation looks forward to working with his administration to promote peace, explore new economic frontiers, and expand our friendship.

KATRINA EMERGENCY TAX  
RELIEF ACT OF 2005

SPEECH OF

**HON. WILLIAM M. THOMAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. THOMAS. Madam Speaker, I submit the following correspondence for the RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, September 15, 2005.

Hon. JIM NUSSLE,  
Chairman, Committee on the Budget, Cannon  
House Office Building, Washington, DC.

DEAR CHAIRMAN NUSSLE: I am writing concerning H.R. 3768, the "Katrina Emergency Tax Relief Act of 2005," which is scheduled for floor consideration today. Section 2 of the bill designates that any provision affecting receipts, budget authority, or outlays in the bill will be for emergency purposes pursuant to H. Con. Res. 95, the budget resolution for fiscal year 2006. Thus, the Committee on Ways and Means shares jurisdiction with the Committee on the Budget on this provision.

I recognize the Committee on the Budget's jurisdictional interest in Section 2 of the bill, but ask that you allow H.R. 3768 to go forward. I agree that by allowing the bill to be considered, the Committee on the Budget does not relinquish any jurisdiction over H.R. 3768 or similar legislation. I would also support your request to be represented on a conference on H.R. 3768, if one should become necessary.

Finally, I will include my letter and your response in the Congressional Record during floor consideration of the measure.

Best regards,

BILL THOMAS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, September 15, 2005.

Hon. BILL THOMAS,  
Chairman, Committee on Ways and Means,  
Longworth House Office Building, Washington,  
DC.

DEAR CHAIRMAN THOMAS: In recognition of the desire to expedite floor consideration of H.R. 3768, the Katrina Emergency Tax Relief Act of 2005, the Committee on the Budget agrees to waive its right to consider this legislation. H.R. 3768, as introduced on September 14, 2005, contains subject matter that falls within the legislative jurisdiction of the Committee on the Budget pursuant to rule X of the Rules of the House of Representatives. Section 2 of the bill, relating to the designation of provisions of the bill as emergency requirements pursuant to section 402 of H. Con. Res. 95, is of jurisdictional and substantive interest to this Committee.

The Committee on the Budget appreciates the Ways and Means Committee's recognition of our jurisdictional interest in section 2. The Budget Committee also appreciates your offer to support any request we might make to be represented on the conference for H.R. 3768. Finally, the Committee on the Budget recognizes that the Committee on Ways and Means retains sole jurisdiction over all provisions of H.R. 3768 other than section 2.

I will include our letters in the Congressional Record during floor consideration of the measure.

Sincerely,

JIM NUSSLE,  
Chairman.

A PROCLAMATION HONORING  
MARY EDITH STONEBURNER ON  
HER 100TH BIRTHDAY

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Mary Edith Stoneburner was born on September 29th, 1905; and

Whereas, Mary Edith Stoneburner is celebrating her 100th birthday today; and

Whereas, Mary Edith Stoneburner, is a long-time active participant in the social and civic life of her community; and

Whereas, Mary Edith Stoneburner has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Mary Edith Stoneburner a very happy 100th birthday.

TRIBUTE TO DR. I. KING JORDAN

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. WOOLSEY. Mr. Speaker, I rise to honor Dr. I. King Jordan upon his retirement as President of Gallaudet University on December 31, 2005. Dr. Jordan is an accomplished, respected leader and someone I consider a personal friend.

Dr. Jordan became the Nation's first deaf university President when appointed in 1988 and the first deaf President to preside over Gallaudet University. During his tenure there he has proven to be an able, caring leader propelling the University forward as well as becoming a strong advocate for deaf students on the federal level.

Among his accomplishments, he led the University's first ever capital campaign, raising nearly \$40 million, which supported the construction of the state-of-the-art Student Academic Center and contributed to the extraordinary increase in the University's endowment, which paved the way for an increase in scholarships and more academic programs. He also established a fellows program to provide support for deaf college graduates to complete their terminal degrees and become faculty members.

Dr. Jordan was not only a strong advocate for the Gallaudet community, but for individuals with disabilities across this Nation. Another proud accomplishment of Dr. Jordan's is the work he did to assist with the passage of the American's with Disabilities Act (ADA) in 1990. He was a lead witness in support of the ADA during a joint session of Congress and delivered significant testimony in Congress and across the country during the deliberations of this bill.

Before coming to Gallaudet Dr. Jordan's life was filled with many other accomplishments. A native of Glen Riddle, Pennsylvania, a small town near Philadelphia, Dr. Jordan earned a B.A. in psychology from Gallaudet University and M.A. and Ph.D. degrees in Psychology from the University of Tennessee.

Upon receiving his doctorate, Dr. Jordan joined the faculty of Gallaudet's Department of Psychology. Before his appointment as President, Dr. Jordan served as chair of Gallaudet's Psychology Department and as Dean of the College of Arts and Sciences. He has been a research fellow at Donaldson's School for the Deaf in Edinburgh Scotland and an exchange scholar at Jagiellonian University in Krakow, Poland.

Dr. Jordan holds eleven honorary degrees and is the recipient of numerous awards, among them: The Presidential Citizen's Medal, presented by Bill Clinton in 2001; the Washingtonian of the Year Award; the James L. Fisher Award from the Council for Advancement and Support of Education (CASE); the Larry Stewart Award from the American Psychological Association and the Distinguished Leadership Award from the National Association for Community Leadership. President George H.W. Bush appointed Dr. Jordan Vice Chair of the President's Committee on Employment of People with Disabilities (PCEPD) in 1990, and President Clinton reappointed Dr. Jordan to that role in 1993. In the summer of 2005, Dr. Jordan was presented the George Bush Medal for the Empowerment of People with Disabilities from President George H.W. Bush.

Mr. Speaker, I wish Dr. Jordan much happiness in his retirement as he looks forward to traveling with his wife Lynda and spending more time with his family. His compassion and service will be greatly missed. I am proud to have had a chance to work with him these past years.

TRIBUTE TO EDWARD LEO COYLE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. ESHOO. Mr. Speaker, I rise today to honor Edward Leo Coyle as he celebrates the centennial of his life on September 27, 2005.

Edward Leo Coyle, known to his friends as Ed, was born on September 27, 1905, on Mount Pleasant Avenue in Columbus, Ohio. He was the youngest of five children born to William and Anne Bradley Coyle.

Ed Coyle attended Catholic schools and after graduating from high school he attended Ohio State University. After graduation from Ohio State, he followed in his older brother's footsteps, attending the University of Cincinnati Law School. He passed the Bar in 1930 and entered the legal profession at the start of the Great Depression. He joined his brother William in the practice of law, and served as Special Counsel to the Ohio Attorney General.

Ed Coyle married Winifred S. "Teddy" Johnson in 1936. The couple had two children, a son Ed and their daughter Nancy, now Mrs. Joseph Huber, a resident of the 14th Congressional District. He now has four grandsons, Michael and Jim Coyle and David and Matthew Huber, as well as three great grandsons, Jacob, Justin and Ryan Coyle.

Ed Coyle was employed as a lawyer for the Curtiss-Wright Company during the war, and then practiced law in his own office until 1950 when he and his family moved to southern California. He joined Bank of America and

served as a Trust Officer in charge of the Glendale District Trust Department until his retirement in 1970.

In 1976, Ed and Teddy moved to Palo Alto where Ed became a member of the Senior Group at the Palo Alto Golf Course, playing until he was 90. He gave generously of his time and talents as a volunteer at the Senior Center, counseling others on financial issues. Today although he suffers from neuropathy, he keeps up with his grandsons and walks each day at the Stanford University Track.

Mr. Speaker, I ask my colleagues to join me in honoring Edward Coyle on his 100th birthday and recognizing his countless contributions to our community and our country.

IN RECOGNITION OF THE 62ND ANNIVERSARY OF THE USS "ELOKOMIN" (AO)

**HON. STEPHEN F. LYNCH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. LYNCH. Mr. Speaker, I rise today in recognition of the plaque dedication for the USS *Elokomina*, AO, an auxiliary oiler of the United States Navy whose keel was laid on March 9, 1943 and—served our Nation with honor until its decommission in March of 1970. I am here to honor the men who served on the *Elokomina* and to celebrate the 62nd anniversary of this extraordinary vessel.

The USS *Elokomina* served with distinction and received numerous Naval commendations for her service. During World War II, the *Elokomina* was more heavily armed than a destroyer-escort, having one 5-inch 38 caliber dual-purpose gun, four 3-inch 50 caliber dual-purpose guns, four 40-millimeter twin-mount guns and eight 20-millimeter guns.

However, the story of the *Elokomina* is really the story of the men who served aboard her. The USS *Elokomina*, AO-50 Crewmembers Association was established in the 1980s and it is my understanding that since its first reunion in 1986, the Association has met regularly to keep the memory of this ship and her crew alive. These men and their families should be proud of their commitment not only to our country but also to each other. Their dedication and loyalty is commendable.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with the veterans, their family and friends who will gather later this month for a celebration and dedication of the USS *Elokomina* at the Navy Memorial here in Washington, DC. I hope my colleagues will join me in celebrating this distinguished ship and the men who so ably served aboard her to defend this Nation.

COMMEMORATING 100 YEARS OF CHEESMAN DAM

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the century of service the Cheesman Dam has provided Coloradans. The dam is an engineering marvel that has

provided water to the Denver metropolitan area for the past century.

The dam was constructed with the goal of providing the natural resources necessary to Denver area expansion. The dam has provided effective water management that has brought both environmental stability and economic growth to Denver.

Chief Engineer C.P. Allen executed the construction of Cheesman Dam with speed, precision, and creativity. The dam contains three million cubic feet of masonry, 21,000 tons of concrete and weighs an impressive 300,000 tons. The world's largest dam at the time of its completion, Cheesman was hailed by many as an engineering marvel. Though it didn't remain the largest dam in the world, it has continued to garner engineering acclaim. In 1975 it was proclaimed a National Historic Civil Engineering Landmark by the American Society of Civil Engineers.

Cheesman's engineering prowess and historical significance are not its only qualities worthy of praise. The dam is, in many ways, a unique reflection of the Colorado spirit. Built to emulate the surrounding natural area, Cheesman's granite construction attempts to assimilate modern engineering advancement with the beauty of Colorado's open space. Its spillway follows the same pattern as it was intentionally developed in the formation of a natural cliff rather than a typical dam.

The American Society of Civil Engineers explains that the, "Cheesman Dam is . . . of such historical significance and contemporary importance that it should never be forgotten, but placed side-by-side with other national and historical landmarks of the engineering profession."

Its 100th anniversary is an accomplishment for the hundreds of workers that laid the stone in its construction and its talented engineers. Special recognition is also owed Denver Water and all of its employees—past and present—who have maintained this critical feature of Denver's water supply system. Through the efforts of Denver Water and the foresight of those who built this facility 100 years ago, Denver has been able to thrive and prosper.

A PROCLAMATION RECOGNIZING DR. KALLA

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. NEY. Mr. Speaker:

Whereas Dr. Kalla is an exceptional individual worthy of merit and recognition; and

Whereas, Dr. Kalla has proven himself to be a man of strong will and character; and

Whereas Dr. Kalla shall be lauded for his strength, tenacity, and perseverance in his battle with cancer;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Dr. Kalla for his outstanding accomplishment.

CONGRATULATING STEVE McCULLOUGH

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. SESSIONS. Mr. Speaker, I rise today to offer congratulations to my good friend Steve McCullough upon his retirement from employment as the city manager for the city of Irving, Texas. He has dedicated himself to the betterment of his community and neighbors and his tireless commitment and service should be commended.

Steve began his 30-year career with the City of Irving in June 1975 when he was employed as an administrative assistant in the Finance Department. He joined the City Manager's Office in 1978 and was named deputy city manager in 1986. He has held the position of city manager in Irving since December 1993. Additionally, Steve was appointed by the governor of Texas to the Texas Municipal Retirement System Board of Trustees in 1990 and served as chairman in 1992 and 1995.

During his tenure as city manager, Steve served under five mayors and 26 council members. He was essential in developing and implementing many key initiatives including the Texas Transportation Summit and TEX-21, the Transportation Excellence for the 21st Century and a new Comprehensive Plan for the City of Irving. Under his direction, the Lake Chapman Water Supply project, the Family Advocacy Center, the North Police Substation, the Heritage Senior Center, Campion Trails and the Valley View Municipal Complex were constructed. In addition, Steve was instrumental in the planning of a DART light rail line through Las Colinas to DFW International Airport and achieving and maintaining the city's AAA bond ratings.

I want to thank Steve McCullough for all that he has done to make Irving a better place to live, work and raise a family. He leaves behind a vision of pride, progress and continued success for the City of Irving, and I wish him all the best upon his retirement.

IN HONOR OF SIMON WIESENTHAL

**HON. MIKE FERGUSON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. FERGUSON. Mr. Speaker, I rise today to recognize and honor Simon Wiesenthal, who died today at the age of 96.

Simon Wiesenthal, a concentration camp survivor, worked tirelessly to bring Nazi war criminals to justice. By compiling testimonial evidence at his Jewish Documentation Center in Vienna, Austria, Wiesenthal provided trial material and evidence to the lawyers who prosecuted the Nazis for their crimes. Through his lifetime, Wiesenthal helped to bring as many as 1,100 Nazis, including Adolf Eichmann, to justice.

For Wiesenthal—who lived by a standard of justice, not vengeance—trying the Nazis for their war crimes brought moral restitution to the Jewish people who suffered so severely under the Nazi regime. Wiesenthal dedicated his life to preserving the memory of all those



who lost their lives in the Holocaust, even when many in the world wanted to forget.

The Holocaust was an act of brutal genocide and unprecedented evil. But those such as Simon Wiesenthal remind us that the cause of justice is never lost.

**NATIONAL ADDICTION  
COUNSELORS DAY**

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am pleased to offer my support for National Addiction Counselors Day, today, September 20, 2005. As we recognize the tremendous success of treatment for addiction disorders during the entire month of September, we must also acknowledge the great work of addiction counselors.

A staggering 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives. Recovery Month, sponsored by the Substance Abuse and Mental Health Services Administration, SAMHSA, focuses on helping individuals with addiction problems access treatment and support services, as well as promotes measures that make treatment more affordable, equitable, and available. As a co-sponsor of the Paul Wellstone Mental Health Equitable Treatment Act, I am working to end discrimination within the health insurance system against those with mental illness and addiction disorders. Unfortunately, lack of insurance coverage is only one of several barriers that prevent individuals from seeking treatment. In fact, of the 22.2 million individuals needing treatment for substance abuse disorders, 20.3 million have not received it.

No one is immune from addiction; it afflicts people of all ages, races, classes, and professions. The impact is felt not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. The professionals who treat this destructive disease are a dedicated, knowledgeable group which has committed themselves to this serious health crisis. Today there are hundreds of thousands of clean and sober individuals living productive lives only because, in a moment-of-truth, a counselor was there and made the difference.

I urge my colleagues to join me in recognizing the valuable contributions of addiction counselors by honoring National Addiction Counselors Day.

**THE DENNISON FAMILY OF  
FAIRBORN, OHIO**

**HON. DAVID L. HOBSON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the Dennison family of Fairborn, Ohio. The Dennison's are a wonderful family that has made many contributions to the community over the years.

Originally from West Virginia, Steve Dennison joined the Air Force in 1983 as a Munitions Systems Specialist. He served for 22 years and retired from the service on May 31, 2005 to go to work as a Conventional Munitions Specialist at the Headquarters of the Air Force Materiel Command, at Wright-Patterson Air Force Base in Ohio.

Steve and his wife, Tammy, had two children, Megan and Jacob. Unfortunately, these children were born with the lethal genetic childhood disease, ataxia-telangiectasia, or A-T for short. This disease causes the progressive loss of muscle control, cancer and immune system problems. Generally, the lifespan for children with A-T is 20 years. Unfortunately for the Dennison family, both of their children were born with severe symptoms of this already brutal disease.

In 2004, the Dennisons lost Megan at the age of 16, even as they worked night and day to keep her healthy and were greatly supported by the community. Jacob, age 16, whose mental capacity is sharp, like most children with A-T, misses his sister and is fully aware of what the future may hold for him.

In closing, the Dennison family's courage and strength and Steve's distinguished service to the country are an inspiration to us all. I wish the Dennison family the best in the future. For the Dennison family and all the other families with children suffering from this devastating disease, I wish for a cure.

**A PROCLAMATION IN MEMORY OF  
G. DAVID TOZZI**

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of G. David Tozzi; and

Whereas, G. David Tozzi will be remembered by his mother, Irene, his sisters Nancy and Jennie, his brothers-in-law Raymond and Thomas, and his beloved nephews Tommy and David; and

Whereas, G. David Tozzi was born in Bellaire, Ohio, and resided in St. Clairsville, Ohio; and

Whereas, G. David Tozzi was a dedicated employee of the First Energy Corporation, a devout member of the St. Mary's Catholic Church in St. Clairsville and a loyal member of the Bellaire Elks; and

Whereas, G. David Tozzi will certainly be remembered by all those who knew him because of his upright character.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of G. David Tozzi.

HONORING THE 100TH ANNIVERSARY OF THE SOLVAY PUBLIC LIBRARY, CELEBRATED ON SEPTEMBER 25, 2005

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. WALSH. Mr. Speaker, I rise today to recognize the 100th Anniversary of the Solvay Public Library located in the Village of Solvay, New York. The history of the Solvay Public Library actually began on January 14, 1903, with an endowment by steel magnate Andrew Carnegie. Along with this endowment, the assistance of Frederick Hazard, President of the Solvay Process Company, and the Village of Solvay led to the creation of the public library. In May of 1903, the University of the State of New York granted an official charter to the Solvay Public Library.

The Solvay Public Library officially opened its doors on September 25, 1905, with a collection of 2,042 books. Since then, the library has served as an integral part of the Village of Solvay and its community. Since 1906, the library has offered weekly story hours, which continue to this day. During World War I, the Solvay Public Library converted its Community Room into a lounge for soldiers camped at the State Fair Grounds. In 2001, the Solvay Public Library Board of Trustees initiated a "Preservation and Expansion" Campaign to make the building handicapped accessible and to out reach even further into the community.

On behalf of all who have benefited from the services of the Solvay Public Library, the citizens of the Village of Solvay, and the people of Central New York, I would like to extend my best wishes for many more successful years of service to this outstanding public library.

**HONORING DR. MARIE V.  
MCDEMMOND**

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. MORAN of Virginia. Mr. Speaker, today I rise in honor of Dr. Marie V. McDemmond, immediate past president of Norfolk State University and the 2005 Forever Upward award designee for her service and dedication to the cause of higher education in the Commonwealth of Virginia.

Dr. McDemmond retired from Norfolk State University as president earlier this year, and while her indelible leadership skills will be sorely missed by all, I am pleased that Marie has chosen to continue to serve NSU by teaching.

Dr. Marie McDemmond made great strides in 1997 when she began her presidency at Norfolk State University by not only being the first woman to lead the university, but also the first African-American woman to head a public, 4-year institution of higher education in the Commonwealth of Virginia. Under her leadership, Norfolk State University has developed into a vibrant institution with cutting edge programs and operations, and is poised to be a leader in information technologies and other

fields that significantly contribute to our Nation's economy.

Under Dr. McDemmond's leadership, Norfolk State University's reputation as a leading minority-serving institution has soared. Dr. McDemmond's vision has also helped to bridge both the digital divide and opportunity divide at several Historically Black colleges and other universities. Her innovative style, while working with other leading educators and government officials, contributed to these great successes will benefit the entire higher education community for many years to come.

I am pleased to rise in honor Dr. Marie McDemmond, a true education leader who embodies Norfolk State University's creed of "Achieving with Excellence."

#### 100TH ANNIVERSARY OF THE PANGERE CORPORATION

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of the Pangere Corporation throughout its 100 years of service in Northwest Indiana. To commemorate this special occasion, the Pangere Corporation will be holding an anniversary celebration on September 24, 2005, at the Center for Visual and Performing Arts in Munster, Indiana.

John T. Pangere established The Pangere Corporation in 1905 as an industrial painting contracting company. He built the framework of a company that today offers a complete line of construction services. Because their roots are in Gary and they wanted to give back to the community what it had given them over the years, the Pangere family built its headquarters in the center of Gary, Indiana. Northwest Indiana has certainly been rewarded by the true service and uncompromising dedication this company has displayed to the community.

Throughout its growth and expansion, the officers and owners of the Pangere Corporation have strived to maintain the corporate culture and values of being a family business. The Pangere family recognizes the need and importance of community involvement. The company contributes financially to many charitable and community organizations and its employees are encouraged to participate in community events. Steve Pangere has given his time and efforts selflessly to the people of Northwest Indiana. He serves as a board member of several charitable organizations and he has taught his employees the true meaning of service.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Pangere Corporation on their 100th Anniversary. This company has contributed to the growth and development of the economy of the First Congressional District. Their service and devotion deserves the highest commendation, and I am proud to represent them in Congress.

#### MEETING OF THE IRANIAN HUMAN RIGHTS AND DEMOCRACY CAUCUS

**HON. THOMAS G. TANCREDO**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. TANCREDO. Mr. Speaker, please submit the following transcript from the June 25, 2005 meeting of the Iranian Human Rights and Democracy Caucus for the RECORD.

Congressman Tom Tancredo: We are going to be talking about the election in Iran and the aftermath of the election. According to reports the mullahs employed a variety of methods to get Mahmood Ahmadinejad elected and including the use of 5 million national ID cards of the deceased, voting with unofficial ID cards, voting with both passports and birth certificates outside of Iran to allow the mullahs men to write in their votes twice, paying \$15.5 million 300,000 members of the parliamentary Basij force in support of a particular candidate, buying votes for \$35.00 each in many provinces, furthermore in recent years we have learned critical information about the mullahs of nuclear program. Since then the international community has come to better appreciate the extent of Iran's involvement in terrorist activity abroad, nuclear ambitions and interference in Iraq, Lebanon and Palestine. It would be a monumental error if we assume that the mullahs are reformable, can tolerate intellectually progress and regional or international peace. I look forward to the testimony of today's witnesses and I hope they can illuminate for us Iran's recent elections and their implications for the U.S. and the world.

Dr. Kenneth Katzman (Excerpt): Congressional Research Service—The twists and turns of the Iranian presidential election in 2005 might indicate that Iranian politics are more vibrant and less scripted than some experts, and some Administration officials appear to believe. On the other hand, Bush Administration criticism of the Council of Guardians' heavy hand in candidate selection—and eliminating of all women candidates from the competition—is accurate. . . . Although Iranian voters apparently did not vote for him because of his foreign policy positions, his victory has now ensured a hardliner lock on virtually all major institutions—the Supreme Leadership, the Council of Guardians, 6 clerics appointed by Khamenei plus 6 jurists appointed by the judiciary, the Majles, the Expediency Council, and now the presidency and government ministries. The 86-seat Assembly of Experts is elected. Reformists are now virtually shut out. . . . Potential alterations to Tehran's bargaining strategies at the nuclear talks with the so-called "EU-3", Britain, France, and Germany, are perhaps harder to judge. During his second round campaign, Ahmadinejad pointedly criticized the Foreign Ministry negotiators as too willing to make dramatic concessions in order to reach a deal with the EU-3. Those penalties will likely be the subject of discussion between the United States and its European allies.

Professor Raymond Tanter (Excerpt): Iran Policy Committee—With regard to the turnout in the June 2005 Iranian elections, a Council on Foreign Relations analyst referenced Iran's notorious Ministry of Intelligence and Security to validate the regime's announced turnout numbers. . . . I think if disinformation means anything it means that you don't go to the Ministry of Intelligence and Security to find out what the turnout is! I've heard reports from some of the smaller cities in Iran that the opposi-

tion-led boycott was very effective. The turnout was between 10 percent and 20 percent not the regime's inflated figure of over 50 percent. It doesn't take a rocket scientist to figure out that the lower the turnout rate, the less the legitimacy of that government. . . . In addition, the so-called election was actually a "selection" because the Supreme Leader Khamenei handpicked candidates in advance of the vote. He started nearly two years ago to have the revolutionary guards take control over all organs of the regime. This power play did not begin a month before the June elections. There was some internal dissent, and Khamenei thought it was important for him to control all organs of power. . . . President Bush deserves credit for condemning the "sham selections" and hence de-legitimizing them in advance.

Here is a three-point plan of the Iran Policy Committee to facilitate regime change in Iran. First, remove the Mujaheddin-e Khalq from the Foreign Terrorist Organizations list. Secondly, expand U.S. funding for Iranian opposition groups and nongovernmental organizations committed to democratic change in Iran, including the Mujaheddin-e Khalq and related groups. Thirdly, invite Iranian opposition leaders to the White House and to the Congress; these leaders would include leaders of the Mujaheddin-e Khalq and members of the National Council of Resistance of Iran.

Congressman Tom Tancredo: It does seem, listening to you, there is a ray of sunshine and you both have just let shine on this because, would we be Pollyannaish to think and that it is good that he is going to disavow any foreign investment and therefore any internationalization of the economy, those oil revenues will be less effective perhaps and the mischief making, then they otherwise would be if the economy were to thrive under a more expansive or more open arrangement.

Congressman Tom Tancredo: I would like to recognize a member who has joined us, congressman Clay.

Congressman William Lacy Clay: I appreciate hearing from Dr. Tanter and the other witnesses here, defined out their take on the recent elections in Iran. Let me also say that it's OK to mention Florida, you can also mention Ohio. This is a bipartisan committee [laughter] I'm delighted to be here, it's a pleasure, thank you.

Ilan Berman (Excerpt): American Foreign Policy Council—. . . A great deal of think has been spilt in recent weeks in an attempt to game the Iranian elections. The art of predicting have the next president is going to be has been elevated to high drama, certainly on the editorial pages that we've all read. Also I think it's important to note that most of this analysis has been spectacularly wrong, not just wrong but spectacularly wrong. . . . The power centers within the Islamic Republic are fully consolidated under the leadership of the Supreme Leader Ali Khamenei. In the past, the outgoing President Mohammad Khatami had succeeded on a very notable but very few and far between occasions on breaking with the clerical leadership and doing so publicly. With the rise of Mr. Ahmadinejad such descent is more than likely going to become a thing of the past. Given his political leanings and his revolutionary credentials he is likely to steer the Iranian presidency into the out right rubber stamp of the clerical leadership. That is the first implication. . . . Second is that Mr. Ahmadinejad's ascendance to power actually mirrors a deeper political shift that has taken place within that the Iranian politics

over the last couple of years. The reformists we now all see are in retreat and internal political changes have shifted power and shifted power dramatically to a cadre of clerical hardliners who are committed to revitalizing and even expanding the Islamic revolution. . . . Iran in short, constitutes a mounting strategic challenge to the United States and also to U.S. objectives and the broader Middle East and the war on terror. Unfortunately, and I use the same caviar and the Dr. Katzman did, that these are my views alone, the White House seems to have failed to articulate a comprehensive strategy towards addressing, not only the nuclear program but also the broader strategic threat from the Iranian regime and I think I'd like to conclude by saying that this is a high time in a good benchmark for us to urge to change that policy and to actually adopt a proactive approach.

Question from VOA: I'm wondering what the future relations between Iran and the United States and I see it as stage that there is a divergence between the European in the U.S. concerns. The EU is welcoming the elections and the Americans are denouncing the elections. What do you see as the future of Iran, U.S. EU relations and negotiations on the nuclear issue?

Congressman Tom Tancredo: I think we will have quite a tussle over the possibility of sanctions we mentioned earlier that if they do have an effect and I would imagine that will be arguing with our friends in Europe about things like that. Is not surprising to me that we see this divergence of opinion between Europe and the United States with regard to Iran but I have to admit myself that I have a hard time understanding the opinions that are being expressed about the president. I think to some degree our State Department is a reflection of Europe. We're going to be very pragmatic about this, we may not like it but that's the way it is and we'll make the best of it. That's the pragmatic view and I think that Europe takes that and I would say the more realistic view is that we have to change the situation. The status quo is not acceptable, it's far too dangerous. But I don't know that my opinion will be the one taken by the administration.

#### CONGRATULATIONS TO THE EDEN LODGE NO. 46

#### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. PRICE of Georgia. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the Eden Lodge No. 46 as they join together to celebrate their 110th birthday along with their sister chapter King Solomon Chapter No. 42 celebrating their 103rd anniversary.

Located in the city of Marietta, the Eden Lodge and King Solomon Chapter have a rich heritage and continue to serve the Cobb Community and beyond.

The Eden Lodge began in 1894 and the lodge proceeded to grow in the years that followed. After the Great Depression and the hard times that followed during World War II the Eden Lodge was reactivated and grew its strength when in 1961 Eden Lodge built its Masonic Hall.

I would especially like to commend the following members for their leadership and active

participation in the Eden Lodge: Emanuel Wil-son, Charles Ferguson, Sr., Charles E. Bartlett, Sr., Reginald H. Kemp, Joseph L. Collins, and Mario L. Eury.

With pride, I recognize the Eden Lodge for its 110 years and the King Solomon Chapter for its 103 years of offering a place of fellowship and friendship to the people of Marietta, Georgia and beyond.

Mr. Speaker, I ask all Members to join me in honoring and congratulating the membership for their remarkable achievements.

#### HONORING THE LIFE AND ACCOMPLISHMENTS OF PUBLISHING PIONEER JOHN H. JOHNSON

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the life of innovator and publishing pioneer John H. Johnson. After living a remarkably accomplished life that spanned 87 years, John H. Johnson passed on Monday, August 8, 2005.

By embracing positive portrayals of African-Americans, John Johnson's vision and innovation forever shaped the way African-Americans are portrayed in the media and advertising. At a time when media representations of blacks were mostly damaging and stereotypical, Mr. Johnson produced publications that highlighted African-American accomplishments and success.

This innovation and foresight brought together the African-American community. By giving African-Americans something to rally around, he instilled a sense of unity among the black community and created a positive identity. In addition, John Johnson successfully guided the mainstream media and corporations to expand outreach to blacks.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. John H. Johnson's work has forever shaped the African-American community. His contributions will always be remembered. We were all greatly saddened to learn of the passing of John H. Johnson.

#### A PROCLAMATION IN MEMORY OF WALTER ZALESNY

#### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Walter Zalesny; and

Whereas, Walter Zalesny will be remembered by his son Barry, his daughters Sharon and Fran, his four grandchildren and seven great granddaughters; and

Whereas, Walter Zalesny was born in Wegee, OH, and resided in Bellaire, OH; and

Whereas, Walter Zalesny served in the Belmont County Engineer's Office and was a

loyal member of the VFW and American Legion and a devout Presbyterian; and

Whereas, Walter Zalesny will be remembered for his service in the U.S. Navy and for his ability to touch so many lives;

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Walter Zalesny.

#### NATIONAL BACKPACK AWARENESS DAY

#### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. ROGERS of Michigan. Mr. Speaker, as September 21, 2005 is National School Backpack Awareness Day, I would like to recognize the many occupational therapists that live and work in my district. Each September, the American Occupational Therapy Association's (AOTA) members, students, and other health professionals join forces to alert the public, particularly teachers, parents, and children about the dangers of overweight backpacks and improper use.

Occupational therapy is a health, wellness, and rehabilitation service provided by qualified professionals whose expertise includes anatomy, physiology, psychology and other disciplines. Thousands of occupational therapists work with children in school systems, pediatric hospitals, and other health care facilities everyday to improve skills that will help them perform daily tasks at home, at school, and at play.

The AOTA is sponsoring its fourth annual National School Backpack Awareness Day to promote healthy backpack use among students. The goal of the National School Backpack Awareness Day is to reduce the load being carried to fifteen percent or less of a child's weight, to educate them on the risks of carrying too much weight and the proper ways to pack and wear their backpacks.

Over 700 participants in schools, stores, health fairs, and other areas from all fifty states will take part to "weigh-in" over 200,000 children and ensure their backpacks are fifteen percent or less of their weight. As part of the 2005 Healthy Families Community Fair in Clinton, MI in October, children and their families will be able to learn about the importance of loading and wearing backpacks the right way to avoid back and shoulder pain or strain, stooped posture, musculoskeletal pain, and aching heads.

In schools, occupational therapists use their unique expertise to help children to be prepared for and perform important learning and school-related activities and to fulfill their role as students. Additionally, they play a critical role in training parents, other staff members, and caregivers regarding the education, health, and success of students with diverse learning needs.

Please join me in support of all the school children, occupational therapists, and participants of the 2005 National School Backpack Awareness Day.

THANKS TO THE PEOPLE OF  
SOUTH CAROLINA

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. CLYBURN. Mr. Speaker, I rise to say thanks to the people of South Carolina, most especially those in the midlands area, for the tremendous outpouring of love and respect shown to victims of Katrina. And, I want to pay particular thanks to the Mayor of Columbia, Bob Coble; Columbia businessman, Sam Tenenbaum; Columbia Chamber of Commerce President, Ike McLeese; and the President of the University of South Carolina, Andrew Sorensen. This dynamic quartet decided that they would be guided from the beginning by the Golden Rule: "Do unto others as we would have them do unto us." Consequently, they decided that nobody coming to Columbia would be placed in a shelter. Everybody would be put in motel rooms or in individual homes. We have just received word that we will be receiving additional evacuees tomorrow morning and I now call upon the people who will be manning our one-stop reception center to continue putting the Golden Rule into practice.

TRIBUTE TO MAJOR GENERAL  
DANIEL G. MONGEON

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor a lifetime commitment of service to the United States of America. On October 14th, 2005, Major General Daniel G. Mongeon of Alexandria, Virginia will retire after 34 years of dedicated service in the United States Army.

General Mongeon was commissioned as a Second Lieutenant in the Quartermaster Corps through the Reserve Officers Training Corps program at the University of Arizona, where he earned his Bachelor of Science degree in Public Administration and was designated a Distinguished Military Graduate. Thereafter he received his Master's degree in Logistics Management from the University of Arkansas. His military education includes the Quartermaster Officer Basic and Advanced Courses, the Command and General Staff College, and the Army War College.

After commissioning and initial training, his initial assignments included a posting as Logistics Officer for the United States Army Security Agency's Communication Unit at Camp Drake, Japan. From there he transferred in December 1972 to Camp Zama, Japan where he was Executive Officer for the U.S. Army Garrison and subsequently as Welfare/Sundry Funds Division Chief and Installation Club Manager.

From 1978 to 1984 he served as the Division Services Officer, Property Book Officer and finally Commander, Headquarters and Headquarters Company, of the 4th Infantry Division (Mechanized) at Fort Carson, Colorado. After completing graduate school he was transferred to the Office of the Deputy Chief of Staff for Logistics, United States Army. There

he served initially as a Logistics Staff Officer and then as Assistant Executive Officer. He ended his tour on the Army Staff with an appointment as Military Assistant to the Deputy Chief of Staff, Logistics.

In 1985 he was transferred to United States Army Europe and 7th Army where he was the S-3 (Operations) and later Executive Officer of the 203rd Forward Support Battalion. In July 1987 he was transferred to Headquarters 3rd Infantry Division (Mechanized) to be the Deputy G-4 (Logistics). In January 1988 he was selected for the position as Aide-de-Camp to the Supreme Allied Commander Europe (SACEUR).

In February of 1990 he assumed command of the Support Squadron, 3rd Armored Cavalry Regiment at Fort Bliss, Texas. From there he deployed with his unit to Operation Desert Shield and the first Gulf War—Operation Desert Storm.

Following a year of study at the Army War College, he again transferred overseas to United States Army South and assumed command of the 41st Area Support Group in Panama. In July 1995 he returned to Washington and joined the Joint Staff, initially as Deputy Director for Logistics, Readiness, and Requirements and then as Executive Officer to the Director of Logistics J-4. In September of 1997 he was designated Special Assistant to the Director for Logistics, J-4.

He was promoted to rank of Brigadier General and assumed command of the Defense Logistics Agency's Defense Supply Center Philadelphia in 1998. From there he again returned to the Army Staff to be the Director of Sustainment in the Office of the Deputy Chief of Staff for Logistics. He was then transferred to Headquarters United States Army Forces Command at Fort McPherson, Georgia to become the Deputy Chief of Staff, G-4. Major General Mongeon entered into his current assignment Director of Logistics Operation J-3, Defense Logistics Agency in October of 2003 where he has been able to bring his wealth of experience and singular talents to bear on solving some of the most intricate sustainment challenges faced by our nation's military establishment.

His tireless and selfless dedication to serving his country is represented by the many decorations he has earned including the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal with Oak Leaf Cluster, the Legion of Merit with 2 Oak Leaf Clusters, the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with 2 Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal with Oak Leaf Cluster, two awards of the Joint Meritorious Unit Award, the Joint Chiefs of Staff Identification Badge, and the Army Staff Identification Badge.

In closing I wish to commend General Mongeon for his many years of distinguished service to our nation, protecting our freedoms of life, liberty and the pursuit of happiness. I wish him and his wife, Schele, Godspeed in his retirement.

TRIBUTE TO CLARA BARTON NA-  
TIONAL HISTORIC SITE IN GLEN  
ECHO

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to the Clara Barton National Historic Site in my Congressional District for being awarded accreditation by the American Association of Museums.

This honor is a national recognition of the museum's dedication to excellence in education and its high standards for public service and accountability. Out of the nearly 16,000 museums in the United States, only about 750, or 5 percent, are accredited.

Clara Barton is a responsible steward of public and private resources—cultural, physical, and financial—and is fulfilling its public trust responsibilities. It also plays a critical civic role as a center of learning and an educational resource for school children, teachers, and individuals of all ages.

Accredited status will increase Clara Barton's visibility—at the local and national levels—adding to the vibrancy of our community and improving our quality of life.

Mr. Speaker, please join me in celebrating the Clara Barton National Historic Site's noteworthy achievement.

YANKEE FRUGALITY: ALTER-  
NATIVE ENERGY WORKS—AND  
SAVES MONEY

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to bring to your attention, to the attention of the House, and to the attention of the Nation, the remarkable step forward made by the Washington Electric Co-operative in Vermont. This week they opened a new facility which produces electricity from methane, a gas formerly burned as a useless byproduct of the landfill in Coventry, VT. It is a wonderful example of Yankee inventiveness—and Yankee frugality.

The new facility, which costs a relatively modest \$8.5 million, will produce enough electricity for one-third of the Washington co-op's customers, a percentage expected to rise to half when the plant is fully operational and tuned to take advantage of all the methane produced by decomposition in the landfill.

In a time of soaring energy and electricity prices, the co-op has not raised electricity prices for 5 years. Rates are not expected to rise in the next 5 years either, because the new powerplant operates economically and the electric utility makes good use of renewable energy certificates.

This is a wonderful lesson for the Nation, which is increasingly pressed by both shortages of fossil fuel and by soaring prices for energy of all sorts.

We need to find sources of alternative energy which can meet our needs for power. Contrary to what the large oil companies tell us, not only are such alternatives available

now, those alternatives are often far more economical than using fossil fuels.

Whether it is methane power, wind power, solar power, geothermal power, or the use of hydrogen fuel cells as an alternative to gasoline in cars, we must cut out dependence on foreign oil now. We will be better off environmentally, our national security will be enhanced, and—as the Washington co-op has so boldly demonstrated—we may well be better off economically as well.

In short, we need an energy revolution by breaking our dependence on fossil fuels. I am very, very confident our small State of Vermont will lead this. We will be noticed by not only the country but the world.

My congratulations to the Washington Electric Co-Op for showing America, with its new facility in Coventry, what can and should be done to make our energy sources secure and sustainable.

#### PERSONAL EXPLANATION

#### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mrs. MUSGRAVE. Mr. Speaker, due to meetings during the series of votes on Thursday, September 15, I did not make it back to the House floor in time for the last vote (roll-call vote No. 475).

H. Res. 473 was to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

Mr. Speaker, had I been present, I would have voted "yes" to establish the hurricane commission.

#### PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

#### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. MILLENDER-McDONALD. Mr. Chairman, as a Member on the Coast Guard Subcommittee, I want to thank you and Ranking Member FILNER for your continued leadership in bringing this bill to the House floor today.

Year after year a select group of Members come to the Floor and sing the praises of the Coast Guard on how this agency continues to do more with less.

Recently, our Nation has witnessed what we have been addressing each year.

This month we witnessed just how vital the Coast Guard is to the safety and security of our country.

The Coast Guard was the only Federal agency that responded in the Gulf Coast States in a timely and efficient manner.

Here are the Search and Rescue numbers for the Coast Guard in response to Katrina: 24,132 lives saved to date; 33,537 lives saved or evacuated to date; 12,534 Cumulative lives saved by air resources; 11,598 Cumulative lives saved by surface resources; 9,405 Cumulative hospital evacuations.

Where would we be without the Coast Guard during the devastation of Hurricane Katrina?

As we speak here today—the Coast Guard continues to save lives. We must support them! We need more agencies like the Coast Guard.

The Coast Guard and Maritime Transportation Act of 2005 authorizes \$8.7 billion for the Coast Guard and authorizes \$1.6 billion for the Coast Guard's Deepwater program to replace aging ships and aircraft, and requires a new implementation plan.

This bill before us today is important—now more than ever. It is our obligation to provide the Coast Guard with the tools to heighten their service.

I will argue that we need to go further as a Congress and increase the appropriated funding for the Deepwater program. I hope that with the Coast Guard's strong showing in the gulf States during Katrina validates why the appropriations committee and the Administration should make a greater commitment to the Coast Guard and the Deepwater program this year by increasing funding for the program.

Finally, I want to take this opportunity to reiterate a request for a joint port security hearing with the Coast Guard subcommittee and the Full Homeland Security Committee.

In the aftermath of Katrina, we are reminded just how much work needs to be done in coordinating with Federal and local agencies and emergency responders.

Our approach to port security is no different. The Coast Guard is responsible for securing the 95,000 coast lines that includes Great Lakes and inland waterways. This is our longest border. Given the miscommunication surrounding FEMA, the Department of Homeland Security and local and State emergency responders, a joint port security hearing is an excellent opportunity to make sure we are all on the same page—if there were to be a catastrophe at one of our ports—terrorist or natural—we will be able to respond and save lives.

In closing, I urge my colleagues to vote for this important bill that provides for the Coast Guard to continue to do its extraordinary job.

Mr. Chairman, I look forward to continuing to work with you on these and other vital issues that face our country.

#### RECOGNIZING RITA BALIAN

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the exceptional contributions of Rita Balian, a humanitarian activist and community leader who has worked tirelessly on behalf of women and children in the United States and Armenia.

Ever since the earthquake in Armenia in 1988, Ms. Balian has dedicated her time, talent and expertise to help the people of Armenia. She has realized many projects in support of women, schools, and universities. Since 1996, she has concentrated her efforts on women's health, taking American technology, management skills and medical expertise to Armenia.

She is the founder, president and chief executive officer of the Armenian American Cultural Association (AACA), a non-profit charitable organization incorporated in 1995 in Ar-

lington, Virginia. Through AACA, Ms. Balian established the Armenian American Wellness Center in Yerevan, a humanitarian project dedicated to saving, prolonging, and improving the lives of women through the early and accurate detection of breast and cervical cancer and to providing primary health care services to ensure the good health and well-being of families in Armenia. To facilitate the Wellness Center's work, Ms. Balian partnered the Center with seven major U.S. medical institutions. Since the Wellness Center's establishment in 1997, it has screened over 60,000 women and saved the lives of over 1,500 through the early detection of life-threatening illnesses.

Ms. Balian has dedicated herself to expanding the services offered at the Wellness Center and providing increased access to those services. The Center has added protocols in gynecology, family medicine, and pathology and reaches out to Armenians living in rural areas through monthly outreach missions and the establishment of two satellite clinics.

Along with her work on behalf of the Wellness Center, Ms. Balian's accomplishments also include the establishment of a sister-city program between the cities of Gyumri, Armenia and Alexandria, Virginia. She co-chaired the Alexandria/Gyumri Sister City Committee for six years, organized several municipal, cultural and educational exchanges and established the Alexandria Armenian Day Festival, which is now an annual celebration.

Through her work with the Armenian General Benevolence Union (AGBU), the largest and oldest Armenian philanthropic organization in the world, Mrs. Balian and her husband cofounded the AGBU New York Summer Intern Program for Armenian college students from around the world. She continues to manage the intern program, which is now in its nineteenth year.

She has received many awards in recognition of her work with the Wellness Center; most notably the "Spirit of Life Cancer Advocacy Award" in September 2003 from the International Spirit of Life Foundation and the Washington Cancer Institute, the "Outstanding Citizen Achievement Award" from the United States Agency for International Development in January 2003, and the Armenian Church's highest medal of honor, the St. Nersess Shnorhali Medal, bestowed upon her through a Pontifical Encyclical by His Holiness, the Catholicos Karekin II, in October 2001.

The Armenian people have acknowledged Ms. Balian's humanitarian work as well. She has received honorary doctoral degrees from three different universities in Armenia, and in April 1996, Rita and her husband, Vartkess Balian, became honorary citizens of the Republic of Armenia through a special presidential decree presented to them at the Armenian Embassy in Washington, DC.

She has also been honored by the United Nations for her advocacy on behalf of women's and children's rights and by the American Red Cross for her leadership in obtaining humanitarian assistance for the victims of the 1988 earthquake in Armenia.

Since March of 2004, Ms. Balian has served as a member of Governor Warner's Virginia/Armenia Advisory Commission.

Mr. Speaker, I am proud to recognize the numerous accomplishments of Rita Balian. Her dedication to the people of Armenia and her efforts to increase international understanding reflect a deep sense of purpose and

remarkable ability to achieve difficult and worthy goals. Her work serves as an inspiration to us all.

ON THE PASSING OF SIMON  
WIESENTHAL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor Simon Wiesenthal, a man who survived the atrocities of the Holocaust and dedicated his life to ensuring that the world never forgets the more than six million Jews who perished during one of the darkest periods in human history.

Mr. Wiesenthal brought to justice more than 1,000 Nazi war criminals. He will be remembered for his fight against ignorance and anti-Semitism through a dedication to teaching others about the origins and realities of the Holocaust. He spent his life working to ensure that the unfathomable savagery of the Holocaust would not be repeated.

Today as we mourn the loss of Mr. Wiesenthal, we celebrate his spirit and honor his life and work by vowing to carry on his mission of eradicating intolerance and injustice.

A TRIBUTE TO BLM DESERT DISTRICT  
MANAGER LINDA HANSEN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to Bureau of Land Management California Desert District Manager Linda Hansen, a dedicated public servant who has been a leader in balancing the protection of our vast public lands in the California desert with the needs of our public to use those lands in the most beneficial way.

Throughout my years here in the House of Representatives, I have had the honor and pleasure of representing much of the Southern California desert lands, which range from the Sierra Nevada on the north to the Mexican border. The land itself is some of our nation's most unique and unspoiled, and the people who live, work and recreate there are very unique in their own ways. Many desert peaks provide vistas of hundreds of miles in every direction with no sign of civilization. But often a short drive down a canyon road can reveal a group of homes, a working ranch or rare mineral mine that are every bit as vital to the desert experience.

It takes a special leader to balance the needs of the desert lands and their users. For the past 3½ years those needs have been very well balanced by the capable hands of Linda Hansen, the manager of the 10.5 million-acre California Desert District of the BLM. She has found ways to protect desert dunes and grant access to off-road vehicle riders. She has helped preserve desert wildlife like the Bighorn Sheep and met the needs of the thousands of hunters who know those arid lands so well.

Linda Hansen joined the BLM by chance 28 years ago, taking a job as a receptionist in the Carson City office after her family moved there. She worked her way up through the ranks over the years, serving in both the state and national offices, and was finally named in 2002 to be the first female director of the Desert District.

During her three years, the BLM has completed regional land use plans to guide management of public lands in the Northern and Eastern Colorado Desert, Northern and Eastern Mojave Desert, Coachella Valley, and the Imperial Sand Dunes. She also oversaw the final stages of development of the largest Habitat Conservation Plan in the United States in the West Mojave Desert, slated for completion by the end of 2005.

She has improved the working relationship with her federal management partners, including the Forest Service, National Park Service, Department of Defense, and Fish and Wildlife Service. An Imperial Valley native, she has helped forge a compromise that allowed off-road enthusiasts to use the Imperial Dunes, while at the same time protecting much of the Dunes' fragile eco-system. At the same time, she has forged the United Desert Gateway, helping communities like El Centro and Brawley reap the benefits of the increased visitation there. Along the way, she has gained a reputation for being fair and patient in dealing with everyone who is dedicated to the protection and enjoyment of the desert.

Mr. Speaker, after 31 years of federal service and 28 years with the BLM, Linda Hansen will soon be retiring. Please join me in thanking her for her dedication, patience and perseverance, and wishing her well in her future endeavors.

IMPLEMENTING THE MICROENTERPRISE  
RESULTS AND ACCOUNTABILITY ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, today I chaired a hearing examining the implementation of PL 108-484, the Microenterprise Results and Accountability Act of 2004.

Earlier this year, I traveled to coastal areas of Indonesia, Thailand, and Sri Lanka which had been devastated by the tsunami. The destruction from those 50-foot-high waves was almost total, and the vast majority of individuals affected were fisherman and other working poor whose boats and nets and livelihoods had been completely swept away. While they gratefully received the emergency food, aid and shelter which our military and our USAID disaster relief teams so efficiently provided, in the medium term, what these folks really needed and wanted was a small loan to enable them to rebuild their businesses and become self-sufficient again.

The same could be said of areas in our own country which have been devastated by Hurricane Katrina. While I am not aware of any microloan programs operating in New Orleans, having read Dr. Morduch's testimony which he will give later today, I do know that a microcredit group, Accion New York, serves over 6,000 customers in the New York metropolitan area.

Whether here or abroad, I have long been a fan of microcredit programs because I have seen them work. The term "foreign aid" often has a bad connotation—and there are some good reasons why, too. Many times in the past, foreign aid was delivered in a topdown manner to corrupt governments and organizations, where it never really reached the intended recipients.

Microenterprise, on the other hand, takes a totally different approach. It's a "trickle-up" approach that focuses on helping the poorest people on the planet build themselves up, little by little, into self-sufficiency by giving them access to financing. The success of microenterprise lending programs to empower entrepreneurs and borrowers in the developing world cannot be overstated.

Over two million clients are currently benefiting from USAID-assisted programs that provide the necessary capital through small loans, usually of a few hundred dollars or less, for entrepreneurs to start and expand their own small businesses. It is estimated that 97 percent of microenterprise loans are successfully repaid and 70 percent go to women, who are often very vulnerable, subjected to abuse, and in need of economic opportunities in the developing world. Microenterprise is a key vehicle to assist victims of trafficking and to raise the social and economic status of women around the world.

Microenterprise also complements the principles President Bush has outlined for more effective foreign aid through the Millennium Challenge Account, and is a key component for fulfilling the UN's Millennium Development Goals to eradicate world poverty by the year 2015. Business owners assisted by micro-lending are not only able to increase their own incomes, but through their own efforts, they create jobs and help economies grow.

Success stories from the beneficiaries of microenterprise are quite numerous. Take for example, Dorothy Eyiah from Ghana. Dorothy was resourceful, but she had no idea how she was going to support her AIDS-stricken sister and family when she brought them into her home in Ghana. She used to support herself selling ice, but that wasn't going to pay for the food and medicines she now needed. She started praying. All doors seemed shut until Dorothy met some women within her village who were part of an Opportunity International Trust Bank. The Trust Bank could help her grow a small business—providing her with financing, training, support. Five loans later, Dorothy is the secretary of her Trust Bank and runs three businesses, employing nine people from her village. She is content. Her sister is comfortable, all the children are in school, and their needs are being met. "God has been so good to me," she says.

Success stories such as this are what microfinance and the Microenterprise Results and Accountability Act of 2004 are all about. By building the best possible microenterprise program, we will be able to reach the greatest possible number of poor people with services that truly have an impact on their lives. As we compare the effectiveness of various methods of implementing microcredit programs, success will be measured by the ability to reach very poor people and other underserved populations, including women, and by the kind of impact these programs have on poor families. We are concerned not only with the efficient delivery of financial services, but also with the



well-being of those who receive those services. We want to see poor people work their way out of poverty, increase their income, build their assets, and grow their businesses, and we also want to see them educate their children, achieve greater self-esteem, strengthen their families, and improve the quality of their lives.

I introduced the Microenterprise Results and Accountability Act of 2004 at the beginning of the 108th Congress, and the final product represents the culmination of months of hard work and discussion by Republicans and Democrats in both the House and Senate, members of the microenterprise community, and USAID, to build upon one of our most progressive and successful foreign aid programs.

This legislation is primarily about ensuring better results, not authorizing additional money. A comprehensive GAO report completed in November 2003 revealed that oversight and accountability of microenterprise programs administered by USAID is weak, and that programs are not having the desired effect of reaching the very poor—those earning less than the equivalent of \$1/day—to the greatest extent possible.

In response to those concerns, PL 108–484 builds-in accountability through a focus on cost-effectiveness and efficiency. The law establishes a dedicated Microenterprise Office within USAID which will approve strategic plans of field missions, establish a monitoring system in order to maximize the impact of programs and measure results, and coordinate preparation of a yearly report to Congress. The legislation also ensures that more funds go to the “very poor” through the development and implementation of easy-to-use, cost-effective poverty assessment techniques. Identifying and targeting the poorest potential clients who would stand to benefit most from microenterprise loans has proven to be more difficult than originally anticipated. I am hopeful that once developed, these poverty assessment techniques may prove useful not only for microenterprise but also in other areas of our foreign aid.

PL 108–484 also stipulates that USAID should emphasize the use of global microfinance networks and other non-profit private voluntary organizations in the implementation of microenterprise and microfinance programs. In the last two years, I am concerned that USAID has been shifting its focus away from non-profit organizations and networks to contractors in the implementation of the Agency’s microenterprise program.

While for-profit entities such as consulting firms are making excellent contributions in the areas of technical assistance, research and policy reform, global microfinance networks and non-profit private voluntary organizations have the operational experience and track record in microenterprise and microfinance service delivery to poor people. These organizations are able to get resources directly to clients, and are well positioned to reach the very poorest economically active entrepreneurs in the countries where they work. Further, such networks have built self-sustaining microfinance institutions that now cover, on average, almost all of their operating costs. More than \$150 million in earned revenue was captured by these institutions in

2002 to cover their operating costs, in addition to private donations that have added significant leverage to USAID’s investments. These networks have excelled in rapidly developing microfinance institutions in volatile and risky situations, including during the early stages of a country’s transition from war to peace.

When we provide microloans for the developing world, we export values upon which our nation is based upon, including the ideal that if you work hard and dream big, you can succeed.

#### ACKNOWLEDGING THE SERVICE OF RAY CHRISTENSEN

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge and honor the important contributions Ray C. Christensen has made to Colorado and the country’s agricultural community. Ray has served as the executive vice president of the Colorado Farm Bureau for the last 20 years and with his retirement, Colorado will lose a powerful advocate for agriculture.

Shortly after I was elected to the State legislature in 1996, I came to know Ray and was often reminded of how highly regarded he was at the State capitol. I was aware of agricultural issues, but hardly an expert—and I knew other legislators in both parties who took a somewhat disdainful attitude toward farm issues. Others felt that agricultural matters were best left to State legislators from rural areas. But as Lew Entz—now a State Senator—reminded me, “If you eat, you are in agriculture.”

I took that to heart then, and I take it to heart as a Member of Congress. From the farm to the table, nothing is plainer or more important, and no one embodies this truth better than Ray Christensen.

Ray’s professional biography makes this abundantly clear. He graduated from South Dakota University with a B.S. and graduate degrees in geography and agriculture. He has held positions at the South Dakota Department of Agriculture, the Missouri River Basin Commission, and the office of Public Affairs for the Farm Bureau. He has also served on the Colorado Agricultural Council, Denver Agricultural and Livestock Club, Colorado Public Expenditures Council, Colorado Medical Society Foundation, CSU Cooperative Extension Advisory Council and Colorado Commission on Taxation.

As executive vice president of the Colorado Farm Bureau, Ray cultivated valuable relationships with Colorado businesses, environmental organizations, and social advocacy groups, ensuring long-term progress that spans beyond the agricultural community. Uniquely dedicated to cooperation and driven by the concerns of the family farm, Ray has provided invaluable service to Colorado agriculture.

Ray and I come from different walks of life and different political leanings, but I have always respected his depth of experience and his steadfast commitment to rural America.

Mr. Speaker, I ask my colleagues to join me in honoring Ray Christensen and in wishing

him success in all his future endeavors. It has been a privilege to work with him on a number of issues, and as a friend from Colorado once remarked to me, “It’s a whole lot better to have Ray on your side than the other way around.”

I couldn’t say it any better.

#### TRIBUTE TO MAJOR GENERAL MARY L. SAUNDERS

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the career of MG Mary L. Saunders. General Saunders has served her country for more than 34 years and will retire from the United States Air Force on October 1, 2005.

General Saunders was born in Nacogdoches, TX, and grew up in Houston. She was commissioned as an officer in the Air Force after earning a bachelor’s degree from Texas Woman’s University in 1970, and served in a variety of assignments during her military career, excelling in key logistical positions. The general made her mark on Air Force logistics in a variety of transportation squadron, air terminal operations, and contingency plans staff positions. In August 1996, General Saunders was selected as the director of Transportation, Office of the Deputy Chief of Staff for Installations and Logistics, Headquarters U.S. Air Force, Washington, DC. In 2004, the Department of Defense, in recognition of her superb organizational skills, appointed the general as the vice director of the Defense Logistics Agency, DLA, Fort Belvoir, VA.

From early in her career, General Saunders’ exceptional leadership abilities were evident to both superiors and subordinates as she repeatedly proved herself in select command positions. These include serving as deputy commander and commander, Military Air Traffic Coordinating Office, Military Traffic Management Command, McGuire AFB, NJ; commander, 475th Transportation Squadron, Yokota Air Base, Japan; and commander, Defense Supply Center, Columbus, OH.

During her long service as a logistics expert, General Saunders was a crucial voice for critical Air Force policy and programs, always providing clear, concise and timely counsel to her service’s senior leaders. Her later role in the joint service arena proved invaluable to the Department of Defense as she led a variety of logistics, acquisition, and technical services for DLA in times of peace and conflict. Always, the general put a human face to the Air Force’s core values of integrity first, service before self and excellence in all we do. Her increasingly responsible positions and public recognition bear this out.

I am especially pleased to note that upon her retirement, General Saunders plans to return to her home State of Texas to continue

her life of service at her alma mater. In January 2006, she will become the executive director of the Leadership Institute at Texas Woman's University at Denton.

As General Saunders transitions from her role as a military leader to a community leader, we wish her great health and happiness. I know I speak for all of my colleagues in expressing my heartfelt appreciation for her many years of service. I am confident in the years ahead, Mary Saunders will continue to leave her indelible mark on our country.

#### THE MILITARY VICTIMS OF VIOLENCE CONFIDENTIALITY ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. SLAUGHTER. Mr. Speaker, today, I am proud to introduce the Military Victims of Violence Confidentiality Act. This important piece of legislation will ensure greater protections for women in the military who are victims of violence by keeping their medical and counseling records confidential and allowing them to obtain valuable treatment services without further victimization.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of service women victimized by sexual assault and domestic violence. Yet, our Armed Forces have failed to enforce the most basic protections to ensure these victims can receive necessary counseling and treatment. Counseling and treatment is essential to begin the healing process, and service members should be able to seek access to these services without fear of exposure or public humiliation.

Recently, the issue of protecting confidential communications was brought to light in the case of *U.S. v. Harding*. Ms. Jessica Brakey was allegedly sexually assaulted in 2000 while serving as a cadet at the Air Force Academy. Following the assault, Ms. Brakey sought counseling by victim advocate, Ms. Jennifer Bier—a civilian who was contracted by the military. Under Colorado's rape shield law, the disclosure of a victim's counseling records is prohibited. However, the military court issued an extremely broad subpoena for Ms. Brakey's treatment records with Ms. Bier, as well as her complete 10-year medical history. When Ms. Bier refused to turn over these records to the military court, the judge suspended the case against the alleged assailant.

Unfortunately, this precedent setting case sent a clear message to the thousands of women in the military who are victims of sexual assault and domestic violence each year that the Armed Forces will not protect you. It is critical that we take appropriate action to ensure that victims of these crimes are able to seek treatment and counseling without repercussion.

Although this bill is supported by many organizations that work to prevent and respond to sexual assault and domestic violence, the need for this legislation is also recognized within the military. The Department of Defense's, DoD, own Task Force on Sexual Harassment and Violence at the Military Service Academies issued a report in June 2005 which recommended that "Congress should

create a statutory privilege protecting communications made by victims of sexual assault to health care providers and victim advocates. This privilege should extend to both medical health care providers and to those victim advocates designated and trained to perform that duty in a manner prescribed by DoD regulation."

This is exactly what my bill will do. The Military Victims of Violence Confidentiality Act will establish comprehensive confidentiality protocols to protect the rights of victims within military law. Under my bill, communications made to secure advice, counseling, treatment or assistance concerning a victim's mental, physical, or emotional state will remain confidential. Moreover, a victim will be able to refuse to disclose and prevent any other person from disclosing a confidential communication.

If a victim's doctor and advocate cannot protect the confidentiality of treatment sessions, sexual assault and domestic violence victims will be unlikely to seek essential care for fear of stigma, public embarrassment, or threats to their career. Consequently, the military will continue to lose valuable women soldiers. These women put themselves in harm's way to protect us and our Nation from threats at home and abroad. The military should work as hard to ensure they are protected when dealing with a horrible tragedy.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the lack of appropriate, compassionate, and confidential care. Mr. Speaker, I encourage all Members to join me in cosponsoring the Military Victims of Violence Confidentiality Act.

#### REMEMBERING THE LIFE OF SIMON WIESENTHAL

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of one of the great figures in Jewish and world history, the late Simon Wiesenthal. Mr. Wiesenthal, a Holocaust survivor who crusaded to ensure that those responsible for the Holocaust were brought to justice, passed away earlier today in his home in Vienna, Austria. Simon Wiesenthal followed his creed of "justice, not vengeance" and oversaw the arrest, capture and conviction of many Nazi war criminals.

Simon Wiesenthal was imprisoned at five German Concentration camps during the Nazi Holocaust, narrowly escaping execution on numerous occasions. After he was liberated, Mr. Wiesenthal went to work for the United States Army and began gathering information to be used in the Nazi war crimes trials. After the Nuremberg trials, while the governments of the United States and the Soviet Union were no longer interested in pursuing Nazi war criminals, Wiesenthal continued the charge to arrest and convict those responsible for the genocide of more than eleven million innocent people, including six million Jews and 89 of Wiesenthal's personal relatives.

Wiesenthal's most celebrated capture was that of Adolf Eichmann, one of Hitler's main engineers of his final solution. While Eichmann's wife claimed that he was dead,

Wiesenthal was able to prove that the evidence for his death was insufficient. Wiesenthal then assisted Israeli efforts to track down Eichmann. Eventually, the war criminal was caught and executed thanks in large part to Wiesenthal's efforts.

After the extremely high profile capture of Eichmann, Wiesenthal was able to gather enough support to continue in his efforts. He continued his mission and was able to secure the arrests and convictions of other important Nazis. His work led to the capture of Karl Silberbauer, a member of the German Gestapo who arrested Anne Frank. Silberbauer's confessions disproved the claims that The Diary of Anne Frank was a forgery. Wiesenthal was also instrumental in the capture and conviction of Franz Stangl who was in charge of running the Treblinka and Sobibor concentration camps. Wiesenthal also is credited with locating Hermine Braunsteiner-Ryan, a housewife living in New York who had supervised the murder of hundreds of children during the war.

Simon Wiesenthal believed that it was his mission to ensure that the victims of the Holocaust were not forgotten and that the type of atrocities that occurred during the Second World War do not happen to anyone anywhere ever again. Personally, I was honored to have made his acquaintance and was humbled by his presence.

Thanks to Simon Wiesenthal's lifelong dedication to the cause and organizations such as the Simon Wiesenthal Center, neither he nor the victims of the Nazi atrocities will ever be forgotten. It is now our responsibility to continue the vision of Simon Wiesenthal. We can not allow the horror of what occurred at Auschwitz and Treblinka and the other concentration camps to be erased from our memory; we can not allow racism and hatred to fester to the point where genocide becomes an option; and we can not allow those who commit acts of genocide to walk away without having to answer for the horrific crimes they have committed. The world has lost a champion for compassion and humanity in the death of Simon Wiesenthal. May his memory always be a blessing unto all of us.

#### COMMEMORATING THE LIFE OF SIMON WIESENTHAL

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. BERMAN. Mr. Speaker, I am deeply saddened today to learn of the death of Simon Wiesenthal, one of the world's great humanitarians. Over the past 50 years he tirelessly fought to preserve the memory of those who perished in the Holocaust and dared the world to learn from their mistakes.

Wiesenthal, along with his wife Cyla, survived the Holocaust determined to bring those responsible to justice, for this, the most monstrous event in the history of the modern world. Though he weighed only 100 lbs when he was liberated from the notorious Mauthausen concentration camp, Wiesenthal soon began the enormous task of compiling evidence against Nazi war criminals.

Even before the war ended, Wiesenthal was working with the U.S. Army to gather evidence

to be used in future war crimes trials. Wiesenthal also came to the aid of refugees who survived the war by serving as the head of the Jewish Central Committee of the United States Zone in Austria. This marked the beginning of a long career dedicated to pursuing those who helped perpetrate the Holocaust.

While the world tried to forget the tragedy that had unfolded through much of Europe, Wiesenthal was determined to keep alive the memory of its victims. He soon abandoned his previous life as an architect when the Allies lost interest in prosecuting war criminals. Wiesenthal himself led the campaign for justice from his own apartment in Vienna, tracking down Nazis around the globe attempting to escape prosecution. Over 1,100 war criminals were brought to justice with Wiesenthal's help, including the architect of the "Final Solution," Adolf Eichmann.

Wiesenthal's tireless hunt for Nazi war criminals stemmed from his belief that the world must never forget the scope of human suffering endured during the Holocaust, lest such a conflagration take place again in the future. He declared:

The history of man is the history of crimes, and history can repeat. So information is a defense. Through this we can build, we must build a defense against repetition.

And so he managed to transform the most tragic event into a learning experience for all of humanity. The Simon Wiesenthal Center based in Los Angeles was established to—through interactive workshops, exhibits, and videos—explore issues of prejudice, diversity, tolerance, and cooperation in the workplace and in the community. His idea was that teaching respect for people of different race, religion, color would be a way of preventing history from repeating itself.

Though Wiesenthal is no longer with us, his legacy will be felt for generations to come. In addition to fighting racism, anti-Semitism, and genocide, the center that bears his name continues to investigate hundreds of surviving war criminals who have escaped justice. And of course, he reminded us to never forget.

#### NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

#### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. SHAYS. Mr. Speaker, as September is National Alcohol and Drug Addiction Recovery Month, I would like to share the story of a resident of the Fourth Congressional District, Walter Ginter, who is recovering from a drug addiction.

I recently met with Mr. Ginter and heard of his struggle to overcome his addiction. In addition to wanting to call attention to the plight of recovering addicts, he was particularly concerned that as we consider the plight of many victims of Hurricane Katrina, we ensure that we pay particular attention to those recovering from dependency. Since many are in treatment programs, interruption from these programs can result in setbacks. This is one of the many, many things that we need to consider as we go forward in rebuilding the lives of those affected in Louisiana, Mississippi and Alabama.

Our country has improved greatly, but we still have work to do in providing access to treatment and eliminating the stigma surrounding chemical dependency. I hope this month of awareness will help us accomplish this worthy goal.

The following is Mr. Ginter's story:

My name is Walter Ginter. I am 56 years old. I own a house in Westport CT. I participate in civic activities, have a subscription to the Westport Country Playhouse, and I am a registered Republican. Most days, along with hundreds of other Westport residents, I commute on Metro North Railroad to NYC. I am indistinguishable from the other commuters and completely typical in every way but one. Each day I take medication for a chronic medical condition. Taking a maintenance medication is hardly atypical, I am sure that other commuters take maintenance medications. The difference is that I take a medication to treat my opiate dependence.

I first became opiate dependent in 1971, when I was in the army. I spent much of the next 20 years in and out of various treatment programs in my effort to stop using heroin. For me, the only treatment that was effective was methadone maintenance. While on methadone I got my life together and attained the goal promised by the SAMSHA matrix, "a life in the community for everyone."

However, every few years, no matter how well my life was going I felt pressured to leave methadone treatment. Sometimes the pressure came from well meaning friends but mostly from myself. I felt inadequate, weak; even cowardly. . . . I tried again and again . . . but each time I left methadone treatment I relapsed.

Eventually, through advocacy, I learned that opiate addiction wasn't a moral issue or a matter of strength or weakness but primarily a brain disorder. The reason I did well on methadone was because it restored my normal brain function.

Today, I am Director of Training for the National Alliance of Methadone Advocates. Through training and education we are trying to end the stigma experienced by patients on medication. Some methadone advocates like to say, "Methadone is Recovery." They are wrong! Methadone is not Recovery. Recovery has nothing to do with taking medication or not taking medication. Recovery is living a sober, happy, productive lifestyle. However, thousands of methadone patients are living that life and haven't been taught anything about recovery.

That is what recovery advocacy is for me. Teaching and training so that my brothers and sisters who take medications can start enjoying life as recovering persons.

#### PERSONAL EXPLANATION

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. GALLEGLY. Mr. Speaker, on Thursday, September 15, 2005, I was unable to vote on agreeing to H. Res. 437, to Establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (rollcall vote 475). Had I been present, I would have voted "yea."

OUR RESPONSIBILITY TO DESTROY OUR NATION'S STOCKPILE OF DEADLY CHEMICAL WEAPONS BY APRIL 2007

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. ANDREWS. Mr. Speaker, I rise today to speak about our responsibility to destroy our Nation's stockpile of deadly chemical weapons by April 2007, while also being forthright about the costs and time required to comply with this obligation. This is a commitment that we made to both the American people and the world when the Senate ratified the Chemical Weapons Convention (CWC) in 1997. As outlined by statute, Congress retains a continuing oversight role in the CWC's implementation.

So far, we've destroyed 37 percent of our total stockpile of chemical weapons. Without a doubt, the destruction of these chemical weapons is a complicated and costly process. No one is under the illusion that we will meet the 2007 deadline for complete destruction. Unfortunately, civilian officials in the Department of Defense have managed, and continue to manage, much of this program in a way that has guaranteed that we will not meet our treaty obligations by the deadline. In fact, we will be hard pressed to meet the five-year extension that we will be forced to apply for in April of 2006. More importantly, the Department of Defense continues to mislead Congress and the public about the true financial cost of, and time requirements for, complete destruction of the remaining two-thirds of our chemical weapons.

I have become intimately involved with this issue because the Army has proposed to send four million gallons of VX hydrolysate from Newport, Indiana to a DuPont facility in New Jersey where it would be treated and then dumped into the Delaware River. I've joined with many of my colleagues from New Jersey and Delaware to shine a brighter light on this illogical proposal. I believe that our involvement has provided people who live near the Delaware River and people in Newport with much more information about this proposal than they would have received otherwise. But we have a long way to go.

At our urging, the Centers for Disease Control and Prevention and the U.S. Environmental Protection Agency are taking a much closer look at this proposal. In April of this year they issued a report that could not recommend proceeding with the treatment and disposal at the DuPont facility until EPA's noted deficiencies are addressed. EPA's ecologic analysis indicated that there are too many unknowns to determine whether the ecologic risk from the discharge of treated VX hydrolysate to the Delaware River is acceptable.

As decisions are being made about how to deal with hydrolysate at other chemical weapon sites, specifically the Blue Grass Depot in Kentucky and the Pueblo Depot in Colorado, I find it insightful to juxtapose findings by the Department of Defense related to those sites with proposals made regarding the hydrolysate at Newport. The Department of Defense agency responsible for destroying the weapons at Blue Grass has determined that shipping hydrolysate off-site isn't worth the trouble. While

under perfect conditions, off-site treatment could potentially offer cost and time savings, the conditions involved with the destruction of chemical weapons are far from perfect.

With respect to Newport, the battle over off-site disposal has added at least three years and an indeterminable amount of taxpayer money to the final completion and cost of destruction of the 1,200 tons of VX stored there. I have repeatedly called for the release of a detailed cost-benefit analysis of various destruction options for the VX hydrolysate at Newport, but the Department of Defense refuses to provide this information. Recently the Department of Defense stated that one option for treating the VX hydrolysate, supercritical water oxidation, would add \$300 million and an additional two years. But they provide absolutely no supporting evidence of this claim. In fact, some say that this method would cost \$30 to \$35 million and could be up and running in a year. Another key fact going unmentioned is that VX would continue to be neutralized while an on-site hydrolysate treatment facility is built. After all isn't neutralization of the VX the most important thing we want to accomplish? I call on the Department of Defense to provide a detailed justification of this \$300 million dollar claim in addition to why they think it would add two years to final destruction.

For too long the decision making process for the destruction of our chemical weapons has been a closed process that hasn't adequately considered the opinions of affected communities. I call on Congress to tighten its oversight of this program and demand a detailed justification of all possible ways to destroy chemical weapon hydrolysate at Newport, Blue Grass and Pueblo. Those communities have suffered long enough with the presence of these deadly weapons. We must demand a much better justification of why we should expose new communities to this risk. As seen by the frustrating and problematic path that the Department of Defense has followed in Newport since September 11, 2001, the stubborn pursuit of off-site disposal of hydrolysate has resulted in longer exposure to the threat of chemical weapons in our country while preventing us from meeting our treaty obligations. It is past due for Congress to take a much more active role in exercising its Constitutional responsibility of oversight of this effort.

#### TRIBUTE TO SIMON WIESENTHAL

##### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to commemorate Simon Wiesenthal, who passed away last night at the age of 96. Wiesenthal, a Holocaust survivor, was responsible for bringing over 1,100 Nazi war criminals to justice. Equally as important, he played a major roll in the founding of the Simon Wiesenthal Center in Los Angeles and the world renowned Museum of Tolerance, which works diligently for the defense of human rights and the Jewish people.

The work of Mr. Wiesenthal is especially important to my district which is home to one of the largest concentrations of Holocaust sur-

vivors in the United States. Just this past weekend I stood with many of those survivors and several of their liberators in Skokie, Illinois to celebrate the 60th anniversary of the liberation of the Nazi concentration camps. As the conscience and voice for not only the Holocaust's 6,000,000 Jewish victims but for the millions of others who were murdered by the Nazis as well, Wiesenthal was and will always remain a hero to our community.

When Simon Wiesenthal was asked why he chose to pursue the Nazi criminals and, bring them to justice, Wiesenthal responded, "You believe in God and life after death. I also believe. When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?', there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I have smuggled coffee and American cigarettes.' Another will say, 'I built houses.' But I will say, 'I didn't forget you.'"

When the Holocaust came to an end, Simon Wiesenthal never forgot. And because he became the leading representative of the victims, determined to bring the perpetrators of history's greatest crime to justice, we will never forget Simon Wiesenthal. Many have noted that the heinous acts of the Holocaust, for their scale and brutality, make real justice for victims and survivors impossible. No punishment, even death for those Nazi criminals who were later apprehended, could match the horrific misery suffered by Hitler's victims. But, nonetheless, Simon Wiesenthal's work, his tireless pursuit of the last century's most abhorrent criminals, brought a measure of justice and a measure of peace to the Jewish community. Most importantly, he was a reminder that "Never Forget" is not a guarantee, but a pledge, one for which we all share responsibility. Mr. Wiesenthal's work reminded the world that crimes against humanity left unpunished, will be repeated. With the passing of Simon Wiesenthal, the world now has an additional responsibility to embrace the lessons of the Holocaust and fight hatred and intolerance wherever it exists.

#### REMEMBERING THE LIFE AND HONORING THE LEGACY OF SIMON WIESENTHAL

##### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. HOLT. Mr. Speaker, today we mourn the passing of Simon Wiesenthal, a man who dedicated his life to the search of fugitive Nazi war criminals. The ideals of truth and justice guided his effort to fight anti-Semitism and as we mourn, we are reminded of our commitment to these ideals as part of our duty to humanity.

Simon Wiesenthal was born on December 31, 1908 in Buczac, Galicia, then part of the Austro-Hungarian Empire and now part of Ukraine. He received a degree in architectural engineering in 1932 from the Technical University of Prague, and in 1936 he began working at an architectural office in Lvov; he did not, however, continue his career in architecture. Three years later, with the partition of Poland and the flood of the Red Army in Lvov, Simon Wiesenthal began losing family mem-

bers to German brutality. After escaping several near-death situations himself, in 1945 Simon Wiesenthal was liberated by American forces from the concentration camp of Mauthausen in Austria.

After almost giving up, Simon Wiesenthal regained his strength and redefined his life's task as a quest for justice. He did not vow to fight for vengeance. Instead, the goal of his noble cause was to create a historical memory that would prevent any repetition of the horrible atrocities committed during the Holocaust.

He was instrumental in tracking down fugitive Nazis, and a significant component of his mission was to pressure governments around the world to continue their pursuit and persecution of war criminals. The Simon Wiesenthal Center, an international Jewish human rights organization dedicated to preserving the memory of the Holocaust carries on his legacy.

Simon Wiesenthal was committed to the remembrance of those who he feared would be forgotten, and today we become committed to remembering him. While in Vienna in 1993, Simon Wiesenthal said, "To young people here, I am the last. I'm the one who can still speak. After me, it's history." To continue his mission, we must not forget this history. We must continue to fight for the same principles that defined Simon Wiesenthal's objective. It is troubling that even today one of the most notorious sentiments of the Second World War—anti-Semitism—has yet to be eradicated. It is our duty to combat anti-Semitism and all religious bigotry whenever and wherever it arises.

When asked why he chose to search for Nazi war criminals instead of continuing a career in architecture, Simon Wiesenthal responded: "You're a religious man. You believe in God and life after death. I also believe. When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?' there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I smuggled coffee and American cigarettes.' Still another will say, 'I built houses,' but I will say, 'I didn't forget you.'"

And today, we must unite to say that we will not forget Simon Wiesenthal and we, as strong and responsible human beings, will carry forth his mission.

#### SOUTH CAROLINA ENDURES TRAGIC LOSSES

##### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, September 14, 2005, the people of South Carolina endured a tragic loss in an auto accident killing Circuit Judge Marc Westbrook and his law clerk, Randall Davis, Jr. The following obituaries are from The State newspaper of Columbia, South Carolina, on September 16, 2005. South Carolina will always cherish their memories.

JUDGE MARC H. WESTBROOK

Services for Judge Marc H. Westbrook, 58, of West Columbia, South Carolina, will be held at 3 p.m. Sunday, September 18, 2005, at Springdale Baptist Church, officiated by

Rev. Tommy McGill. Burial will follow in Southland Memorial Gardens. Former law clerks who served with Judge Westbrook will act as pallbearers including Kelly Shull Cannon, Sara Cobb, Eric Dell, John Frick, Cary Goings, Tasha Stringer Grinnell, Carson M. Henderson, Candace Jackson, Brian Jeffcoat, Lynn Seithel Jekel, Michelle Lupton, Ervin Maye, Daun Steigner, Jane Waters and Alan Wilson. Members of the South Carolina Judiciary will serve as honorary pallbearers. The family will receive friends from 6–8 p.m. Saturday, September 17, at Lexington County Judicial Center, 205 E. Main St., Lexington. Thompson Funeral Home of Lexington is handling arrangements.

Memorials may be made to Springdale Baptist Church, 357 Watling Road, West Columbia, SC 29169.

Judge Westbrook died Wednesday, September 14, 2005. He was born on October 3, 1946, in Charleston, South Carolina, to T.H. Westbrook and the late Margaret Virginia Wynn Westbrook. Judge Westbrook was graduated from T.L. Hanna High School in Anderson in 1964, Anderson Junior College in 1966, the University of South Carolina in 1969, and the University of South Carolina School of Law in 1973. He was active in numerous activities in undergraduate school, and in law school he participated in the National Moot Court Competition.

He was in private practice from 1973–1983. During that time, he was active in local community affairs. He served as President of the Heart Association; P.T.A. President and Executive Committeeman; Director for the Council on Child Abuse and Neglect; and President and coach for Dixie Youth and Dixie Boys Baseball.

Judge Westbrook was a charter member of the West Metro Rotary Club, and former member of the Jaycees, Lions' Club, Sertoma, Woodmen of the World, and the Masons. He also served on the Central Midlands Regional Planning Council; the Governor's Advisory Committee on Intergovernmental Relations; the Lexington County Hospital Advisory Board; the Anderson College Board of Directors; and was an Anderson College Distinguished Young Alumnus.

Judge Westbrook was chairman of the Chief Justice's Committee on Circuit Court Technology and the High School Mock Trial sub-committee for the South Carolina Bar. He was a member of the Joint Commission on ADR (1997–2003), presided over Lexington County Drug Court, and served as chairman of the Planning Committee for the Lexington County Judicial Center Building Project.

Judge Westbrook was a member of Springdale Baptist Church since 1973. During that time he had served as a Deacon and was currently serving as the church's interim Music Director. Judge Westbrook also served as Music Director for several other local churches. He participated with the Lexington Baptist Association as Music Director and as a member of the Executive Committee, and was a former member of the Palmetto Mastersingers.

Prior to taking the bench, Judge Westbrook was elected in 1976 as the youngest member of Lexington County Council, and is still the youngest person to serve as Chairman of that body. In 1978, he was elected to the South Carolina House of Representatives from Lexington County, where he served until his appointment as a Family Court Judge in 1983. Judge Westbrook was elected to the Circuit Court in 1994. On February 22, 2005, the main courtroom in the

newly constructed Lexington County Judicial Center was named in honor of Judge Westbrook.

Surviving, in addition to his father, T.H. Westbrook of Cayce, are his wife, Linda Lawhon Westbrook of West Columbia; sons and daughter-in-law, Thad H. and Christy Westbrook of Irmo, Richard N. Westbrook of Hilton Head Island; sisters and brothers-in-law, Dottie W. and Mark Luyster of Lexington, Anna W. and Cotton McLeod of West Columbia; brothers and sisters-in-law, The Rev. Dr. Charles Norris and Jane Westbrook, currently of Thailand, Neal Randal and Laura Westbrook of Asheville, NC; granddaughter, Abigail Caroline Westbrook; a number of nieces and nephews; and several great nieces and nephews. Judge Westbrook was predeceased by a brother, James Timothy Westbrook.

RANDALL DAVIS, JR.

Services for James Randall Davis, Jr., 27, of Lexington, SC, will be held at 10:00 a.m. Saturday, September 17, 2005, at St. Peter's Catholic Church, officiated by Msgr. Leigh A. Lehocky. Burial will follow in Woodridge Memorial Park. Pallbearers will be James E. Barfield, Nikki G. Setzler, Timothy G. Driggers, Erik Hoffman, Matt McMahon and Eric Shell. Honorary pallbearers will be George S. Nicholson, Jr., Patrick J. Frawley, Jeff M. Anderson, Carey M. Ayer, John F. Fisher, Judith Callison Fisher, Lisa Lee Smith and John J. McCauley. The family will receive friends from 6–8 p.m. Friday at Thompson Funeral Home of Lexington. Memorials may be made to St. Peter's Catholic Church Parish Life Center; the American Heart Association; or to the University of South Carolina Law School Scholarship Fund.

Mr. Davis died Wednesday, September 14, 2005. Born in Columbia, SC, he was the son of James Randall Davis, Sr. and the late Anita Eleanor Kozlowski Davis. He was a graduate of Lexington High School and the University of South Carolina. Mr. Davis was a third year law student at Thomas Cooley Law School in Michigan. He was a law clerk for Circuit Judge Marc Westbrook, the Nicholson Law Firm in Lexington, and the Nexsen-Pruett Law Firm in Charleston. Mr. Davis served as a page for four years in the S.C. Senate for Senator Nikki Setzler. He also worked for the National Advocacy Center in Columbia. Mr. Davis was a member of St. Peter's Catholic Church.

Randall loved his family and was especially devoted to his grandparents. He enjoyed the beach and dearly loved his animals. He always had a smile for everyone he met.

Surviving, in addition to his father, Randy Davis of Lexington, are his sister, Julie Davis of Lexington; maternal grandmother, Louise Kozlowski of Springdale; uncles and aunts, Terry and Susan Darby, Kenneth and Chris Davis; cousins, Claire Darby, Elizabeth and Kenny Davis; and numerous relatives in South Carolina, New York, and Germany. Mr. Davis was preceded in death by his paternal grandparents, Kenneth L. and Mildred C. Davis; and his maternal grandfather, Stanley V. Kozlowski.

HONORING EDWARDSVILLE POLICE OFFICER CHARLES KOHLBERG

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 2005*

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Edwardsville Police Officer Charles Kohlberg.

Officer Kohlberg recently took heroic actions to save the life of 18-year-old Megan Few. Miss Few's airway became obstructed as she was eating lunch at Edwardsville High School. Officer Kohlberg applied the Heimlich maneuver and saved Miss Few's life.

Along with the Few family and the City of Edwardsville, I am pleased to extend my gratitude and appreciation to Officer Kohlberg for his heroic efforts. May God bless.

PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

SPEECH OF

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BISHOP of New York. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) requiring the U.S. Coast Guard to conduct a comprehensive risk assessment of waterfront facilities transferring liquefied gas, LNG, and proposed shipping routes for LNG tankers. I appreciate Mr. MARKEY's leadership and advocacy for the safety and welfare of Americans potentially affected by "siting" or expanding floating and shore-based LNG terminals.

Importantly, the Markey amendment does not refute the need for more LNG terminals or a greater supply of natural gas. Rather, the amendment simply requires an assessment of whether terminals are safely located and sufficiently remote from city centers and highly populated areas. It also directs terminal owners and operators how to best mitigate risks.

The Coast Guard is a firm pillar of our homeland security and national security defenses. It is therefore uniquely prepared to assess the risk of siting LNG terminals upon our Nation's waterways and shorelines. Well-versed in the safety and security needs of our local ports and harbors, we must build upon the Coast Guard's success as the trusted steward of our shores.

Accordingly, Mr. Chairman, the Markey amendment gives the Coast Guard the right to challenge the safety of an LNG proposal during the siting or expansion process. To that end, I strongly encourage my colleagues to vote for the Markey amendment in order to give the Coast Guard the last word in terminal siting and thereby maximize Federal preparedness against possible accidents or terrorist attacks upon LNG terminals.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S10203–10246*

**Measures Introduced:** Twelve bills and one resolution were introduced, as follows: S. 1726–1737, and S. Con. Res. 53. **Pages S10233–34**

**Agriculture Appropriations:** Senate continued consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:

**Pages S10210–14, S10215–27**

Adopted:

Allard Amendment No. 1738, to express the sense of the Senate on the importation into the United States of beef from Japan. **Pages S10212–14**

By 72 yeas to 26 nays (Vote No. 236), Reid (for Nelson (NE)) Amendment No. 1732, to prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan. **Pages S10210–14**

Allard Modified Amendment No. 1737, to allow the Secretary to lease certain land to the Board of Governors of the Colorado State University System for its Shortgrass Steppe Biological Field Station. **Page S10214**

Durbin (for Reid) Amendment No. 1747, to provide for minimum prices for milk handlers. **Pages S10215–16**

Durbin (for Inouye) Amendment No. 1748, to limit the use of funds made available to the Animal and Plant Health Inspection Service. **Page S10216**

Durbin Amendment No. 1749, to insert provisions related to conflicts of interest among members of advisory panels of the Food and Drug Administration. **Pages S10216–17**

Bennett Amendment No. 1750, to provide for the conveyance of land to the Mississippi State University, Starkville. **Page S10217**

Bennett Amendment No. 1751, to provide for a comprehensive report on the economic development and current status of the sheep industry in the United States. **Page S10218**

Bennett Amendment No. 1752, to establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Choctaw Nation. **Page S10218**

Akaka Amendment No. 1729, to prohibit Federal funding of research facilities that purchase animals from Class-B dealers. **Pages S10220, S10221–23**

Akaka Amendment No. 1730, to ensure the humane slaughter of nonambulatory livestock. **Page S10221**

Bennett/Kohl Amendment No. 1726, to amend the Rural Electrification Act of 1936. **Page S10223**

Talent/Pryor Amendment No. 1763, to prohibit the use of funds to close or relocate certain local offices of the Farm Service Agency. **Page S10224**

By 68 yeas to 29 nays (Vote No. 237), Ensign Modified Amendment No. 1753, to prohibit the use of appropriated funds to pay the salaries or expenses of personnel to inspect horses under certain authority or guidelines. **Pages S10224–25**

Roberts Amendment No. 1742, to modify the conditions under which the Federal Crop Insurance Corporation may offer crop insurance to single producers. **Page S10225**

Kohl (for Harkin) Amendment No. 1765, to require the Secretary of Agriculture to provide notice to Congress before initiating any structural change in a mission area of the Department. **Page S10225**

Kohl (for Pryor) Amendment No. 1766, to provide a technical correction for the community eligibility for rural utilities programs in Arkansas. **Pages S10225–27**

A unanimous-consent agreement was reached providing that all first-degree amendments, except those cleared by the managers of the bill, be filed by 4 p.m. on Wednesday, September 21, 2005. **Page S10227**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Wednesday, September 21, 2005. **Page S10246**

**Messages From the House:** **Page S10232**

**Measures Placed on Calendar:** **Page S10232**

**Executive Communications:** **Pages S10232–33**



Additional Cosponsors:	Pages S10234–35
Statements on Introduced Bills/Resolutions:	Pages S10235–41
Additional Statements:	Pages S10231–32
Amendments Submitted:	Pages S10241–45
Notices of Hearings/Meetings:	Page S10245
Authority for Committees to Meet:	Pages S10245–46

**Record Votes:** Two record votes were taken today. (Total—237) **Pages S10213–14, S10224–25**

**Adjournment:** Senate convened at 9:45 a.m., and adjourned at 6:36 p.m., until 9:30 a.m., on Wednesday, September 21, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10246.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, who was introduced by Representative Kelly, and Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, who was introduced by Senator Hatch, both of the Department of the Treasury, after the nominees testified and answered questions in their own behalf.

### HURRICANE PREDICTION AND PREPARATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Disaster Prevention and Prediction concluded a hearing to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center, focusing on the role in forecasting, warning the public about hurricanes, and the essential role and activities following landfall, after receiving testimony from Max Mayfield, Director, Tropical Prediction Center/National Hurricane Center, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce; Windell Curole, South Lafourche Levee District, Galliano, Louisiana; Marc L. Levitan, Louisiana State University Hurricane Center, Baton Rouge; Keith G. Blackwell, University of South Alabama Coastal Weather Research Center, Mobile; and C. Patrick Roberts, Florida Association of Broadcasters, Tallahassee.

### CLIMATE CHANGE

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions, after receiving testimony from Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; Anne E. Smith, CRA International, Boston, Massachusetts; and Jason S. Grumet, National Commission on Energy Policy, and Richard D. Morgenstern, Resources for the Future, both of Washington, D.C.

### LATIN AMERICA

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded a hearing to examine the diplomatic, political, and economic consequences of the emergence of China in Latin America and the Caribbean, including military-to-military contacts, and national security implications for the United States, after receiving testimony from Charles S. Shapiro, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, and Robert Forden, Deputy Director for China and Mongolian Affairs, Bureau of East Asian and Pacific Affairs, both of the Department of State; Rogelio Pardo-Maurer IV, Deputy Assistant Secretary of Defense for Western Hemisphere Affairs; and Stephen C. Johnson, The Heritage Foundation, David M. Lampton, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, and Gal Luft, Institute for the Analysis of Global Security, all of Washington, D.C.

### EMINENT DOMAIN

*Committee on the Judiciary:* Committee concluded a hearing to examine the impact of the Supreme Court's decision in *Kelo v. City of New London* on the use of eminent domain for economic development purposes, including a related measure S. 1313, to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain, after receiving testimony from Senator Cornyn; Mayor Eddie A. Perez, Hartford, Connecticut, on behalf of the National League of Cities; Fred Jenkins, St. Luke's Pentecostal Church, North Hempstead, New York; Hilary O. Shelton, NAACP, Washington, D.C.; Thomas W. Merrill, Columbia University Law School, New York, New York; Steven J. Eagle, George Mason University School of

Law, Arlington, Virginia; and Susette Kelo, New London, Connecticut.

## AMERICAN LEGION

*Joint Hearings:* Senate Committee on Veterans' Affairs concluded a joint hearing with the House Com-

mittee on Veterans' Affairs to receive the legislative priorities of the American Legion, focusing on budgetary recommendations for the Department of Veterans Affairs for FY 2006, after receiving testimony from Thomas L. Bock, American Legion, Aurora, Colorado.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 14 public bills, H.R. 3826–3839; 1 private bill, H.R. 3840; and 7 resolutions, H.J. Res. 64–65 ; H. Con. Res. 246–248; and H. Res. 452–453 were introduced. **Pages H8161–62**

**Additional Cosponsors:** **Pages H8162–64**

**Reports Filed:** Reports were filed today as follows:

A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 109–226); and H. Res. 451, providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers (H. Rept. 109–227). **Page H8128**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Marchant to act as Speaker pro tempore for today. **Page H8103**

**Recess:** The House recessed at 12:46 p.m. and reconvened at 2 p.m. **Page H8105**

**Chaplain:** The prayer was offered today by Rev. Donald J. Young, Pastor, 12th Street Baptist Church, Gadsden, Alabama. **Page H8105**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Flexibility for Displaced Workers Act:* H.R. 3761, amended, to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina, by a yea-and-nay vote of 400 yeas with none voting "nay", Roll No. 476;

**Pages H8108–10, H8126–27**

*Extending the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency:* H.R. 2132, to extend the

waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency;

**Pages H8111–12**

*Higher Education Extension Act of 2005:* H.R. 3784, amended, to temporarily extend the programs under the Higher Education Act of 1965;

**Pages H8112–15**

*Extending through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits:* H.R. 3765, to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits;

**Pages H8115–16**

*Sportfishing and Recreational Boating Safety Amendments Act of 2005:* Agree to the Senate amendment to H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005; clearing the measure for the President;

**Pages H8116–17**

*Sierra National Forest Land Exchange Act of 2005:* H.R. 409, to provide for the exchange of land within the Sierra National Forest of California;

**Pages H8117–18**

*Directing the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park:* H.R. 394, amended, to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park;

**Pages H8118–19**

*Amending the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment:* S. 1340, a bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment; clearing the measure for the President;

Pages H8119–20

*Recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle Discovery on STS–114:* H. Res. 450, amended, recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle *Discovery* on STS–114; and

Pages H8120–23

*Congratulating the National Aeronautics and Space Administration and the Discovery crew:* H. Res. 441, to congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14-day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age, by a yea-and-nay vote of 441 yeas with none voting “nay”, Roll No. 477. Pages H8123–26, H8127–28

Agreed to amend the title so as to read “to congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14-day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005, which historical mission represented a great step forward into the new beginning of the Second Space Age”. Page H8128

**Recess:** The House recessed at 4:29 p.m. and reconvened at 6:30 p.m.

Page H8126

**Senate Message:** Message received from the Senate today appears on page H8105.

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H8127, H8127–28. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:58 p.m.

## Committee Meetings

### RESOLUTION—DIRECTING DEFENSE SECRETARY TO TRANSIT TO THE HOUSE DOCUMENTS RELATING TO DISCLOSURE OF THE IDENTITY OF VALERIE PLAME

*Committee on Armed Services:* Ordered adversely reported H. Res. 417, Directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame.

### MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT IMPLEMENTATION

*Committee on International Relations:* Subcommittee on Africa, Global Human Rights and International Operations held a hearing entitled “Implementing the Microenterprise Results and Accountability Act of 2004.” Testimony was heard from James T. Smith, Acting Assistant Administrator, U.S. Agency for International Development, Department of State; and public witnesses.

### MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

*Committee on Rules:* granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 250, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report

accompanying the resolution. The rule provides that the amendments printed in the report may be 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 a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

### SCHOOL READINESS ACT OF 2005

*Committee on Rules:* Testimony was heard from Chairman Boehner and Representatives Castle, Souder, Musgrave, Boustany, Davis of Illinois, McCollum, Van Hollen, Waters and Jones of Ohio, but action was deferred on H.R. 2123, School Readiness Act of 2005.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 900)

H.R. 804, to exclude from consideration as income certain payments under the national flood insurance program. Signed on September 20, 2005. (Public Law 109-64)

H.R. 3669, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program. Signed on September 20, 2005. (Public Law 109-65)

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### COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 21, 2005

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine the status of the World Trade Organization negotiations on agriculture, 9 a.m., SR-328A.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine energy prices, 9:30 a.m., SD-562.

Full Committee, to hold hearings to examine energy prices, 2:30 p.m., SD-562.

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments, 9:30 a.m., SD-406.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs, Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras, Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica, and Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica, 2:30 p.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks, 10 a.m., SD-342.

*Committee on Indian Affairs:* to hold an oversight hearing to examine Indian gaming, 9:30 a.m., SR-325.

*Committee on the Judiciary:* to hold hearings to examine able danger and intelligence information sharing, 9:30 a.m., SD-226.

#### House

*Committee on Armed Services,* Threat Panel, hearing on threats in Latin America, 10 a.m., 2118 Rayburn.

*Committee on Government Reform,* Subcommittee on Government Management, Finance, and Accountability, hearing entitled "Implementing Cost Accounting at the Department of Veterans Affairs and the Department of Labor," 2 p.m., 2247 Rayburn.

*Committee on International Relations,* Subcommittee on Asia and the Pacific, hearing entitled "The United States and Southeast Asia: Developments, Trends, and Policy Choices, 10:30 a.m., 2172 Rayburn.

Subcommittee on Middle East and Central Asia, hearing entitled "The Middle East Peace Process and U.S. Strategic Priorities Post-Disengagement," 2 p.m., 2172 Rayburn.

*Committee on Resources,* hearing on H.R. 3824, Threatened and Endangered Species Recovery Act of 2005, 10:30 a.m., 1324 Longworth.

*Committee on Small Business,* hearing entitled "Reforming the Tax Code to Assist Small Businesses," 2 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Railroads, oversight hearing on Amtrak Reform Proposals, 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* Subcommittee on Technical and Tactical Intelligence, and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, joint hearing on Global Missile Threats, 1 p.m., H-405 Capitol.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, September 21

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2744, Agriculture Appropriations.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, September 21

## House Chamber

**Program for Wednesday:** Consideration of Suspensions: (1) H. Con. Res. 242, to provide for acceptance of a statute of Po'Pay, presented by the State of New Mexico, for

placement in National Statuary Hall; (2) S. 1368, United States Parole Commission Extension and Sentencing Commission Authority Act of 2005; (3) H.R. 3667, to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; (4) H.R. 3767, to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building"; (5) H. Res. 429, congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series; and (6) H.J. Res. 61, supporting the goals and ideals of Gold Star Mothers Day. Consideration of H.R. 250, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers; and H. Res. 451, providing for consideration of H.R. 250.

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